

1 AN ACT concerning criminal law.

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

4 Article 1.

5 Statewide Use of Force Standardization

6 Section 1-1. Short title. This Article may be cited as the
7 Statewide Use of Force Standardization Act. References in this
8 Article to "this Act" mean this Article.

9 Section 1-5. Statement of purpose. It is the intent of the
10 General Assembly to establish statewide use of force standards
11 for law enforcement agencies effective January 1, 2022.

12 Article 2.

13 No Representation Without Population Act

14 Section 2-1. Short title. This Act may be cited as the No
15 Representation Without Population Act. References in this
16 Article to "this Act" mean this Article.

17 Section 2-3. Definition. As used in this Act, "Department"
18 means the Department of Corrections.

1 Section 2-5. Electronic records. The Department shall
2 collect and maintain an electronic record of the legal
3 residence, outside of any correctional facility, and other
4 demographic data for each person in custody or entering custody
5 on or after the effective date of this Act. At a minimum, this
6 record shall contain the person's last known complete street
7 address prior to incarceration, the person's race, whether the
8 person is of Hispanic or Latino origin, and whether the person
9 is 18 years of age or older. To the degree possible, the
10 Department shall also allow the legal residence to be updated
11 as appropriate.

12 Section 2-10. Reports to the State Board of Elections.

13 (a) Within 30 days after the effective date of this Act,
14 and thereafter, on or before May 1 of each year where the
15 federal decennial census is taken but in which the United
16 States Bureau of the Census allocates incarcerated persons as
17 residents of correctional facilities, the Department shall
18 deliver to the State Board of Elections the following
19 information:

20 (1) A unique identifier, not including the name or
21 Department-assigned inmate number, for each incarcerated
22 person subject to the jurisdiction of the Department on the
23 date for which the decennial census reports population. The
24 unique identifier shall enable the State Board of Elections
25 to address inquiries about specific address records to the

1 Department, without making it possible for anyone outside
2 of the Department to identify the inmate to whom the
3 address record pertains.

4 (2) The street address of the correctional facility
5 where the person was incarcerated at the time of the
6 report.

7 (3) The last known address of the person prior to
8 incarceration or other legal residence, if known.

9 (4) The person's race, whether the person is of
10 Hispanic or Latino origin, and whether the person is age 18
11 or older, if known.

12 (5) Any additional information as the State Board of
13 Elections may request pursuant to law.

14 (b) The Department shall provide the information specified
15 in subsection (a) in the form that the State Board of Elections
16 shall specify.

17 (c) Notwithstanding any other provision of law, the
18 information required to be provided to the State Board of
19 Elections pursuant to this Section shall not include the name
20 of any incarcerated person and shall not allow for the
21 identification of any person therefrom, except to the
22 Department. The information shall be treated as confidential
23 and shall not be disclosed by the State Board of Elections
24 except as redistricting data aggregated by census block for
25 purposes specified in Section 2-20.

1 Section 2-15. Federal facilities. The State Board of
2 Elections shall request each agency that operates a federal
3 facility in this State that incarcerates persons convicted of a
4 criminal offense to provide the State Board of Elections with a
5 report that includes the information listed in subsection (a)
6 of Section 2-10.

7 Section 2-20. State Board of Elections; redistricting
8 data. The State Board of Elections shall prepare redistricting
9 population data to reflect incarcerated persons at their
10 residential address, pursuant to Section 2-25. The data
11 prepared by the State Board of Elections shall be the basis of
12 the Legislative and Representative Districts required to be
13 created pursuant to Section 3 of Article IV of the Illinois
14 Constitution of 1970. Incarcerated populations residing at
15 unknown geographic locations within the State, as determined
16 under paragraph (2) of subsection (c) of Section 2-25, shall
17 not be used to determine the ideal population of any set of
18 districts, wards, or precincts.

19 Section 2-25. Determinations and data publication by the
20 State Board of Elections.

21 (a) For each person included in a report received under
22 Sections 2-10 and 2-15, the State Board of Elections shall
23 determine the geographic units for which population counts are
24 reported in the federal decennial census that contain the

1 facility of incarceration and the legal residence as listed
2 according to the report.

3 (b) For each person included in a report received under
4 Sections 2-10 and 2-15, if the legal residence is known and in
5 this State, the State Board of Elections shall:

6 (1) ensure that the person is not represented in any
7 population counts reported by the State Board of Elections
8 for the geographic units that include the facility where
9 the person was incarcerated, unless that geographic unit
10 also includes the person's legal residence; and

11 (2) ensure that any population counts reported by the
12 State Board of Elections reflect the person's residential
13 address as reported under Sections 2-10 and 2-15.

14 (c) For each person included in a report received under
15 Sections 2-10 and 2-15 for whom a legal residence is unknown or
16 not in this State and for all persons reported in the census as
17 residing in a federal correctional facility for whom a report
18 was not provided, the State Board of Elections shall:

19 (1) ensure that the person is not represented in any
20 population counts reported by the State Board of Elections
21 for the geographic units that include the facility where
22 the person was incarcerated; and

23 (2) allocate the person to a State unit not tied to a
24 specific determined geographic location, as other State
25 residents with unknown State addresses are allocated.

26 (d) The data prepared by the State Board of Elections

1 pursuant to this Section shall be completed and published no
2 later than 30 days after the date that federal decennial census
3 data required to be published by Public Law 94-171 is published
4 for the State of Illinois.

5 Section 2-30. Data; Legislative and Representative
6 Districts. The data prepared by the State Board of Elections in
7 Section 2-25 shall be used only as the basis for determining
8 Legislative and Representative Districts. Residences at
9 unknown geographic locations within the State under subsection
10 (c) of Section 2-25 shall not be used to determine the ideal
11 population of any set of districts, wards, or precincts. The
12 data prepared by the State Board of Elections in Section 2-25
13 shall not be used in the distribution of any State or federal
14 aid.

15 Article 3.

16 Deaths in Custody

17 Section 3-1. Short title. This Article may be cited as the
18 Reporting of Deaths in Custody Act. References in this Article
19 to "this Act" mean this Article.

20 Section 3-5. Report of deaths of persons in custody in
21 correctional institutions.

22 (a) In this Act, "law enforcement agency" includes each law

1 enforcement entity within this State having the authority to
2 arrest and detain persons suspected of, or charged with,
3 committing a criminal offense, and each law enforcement entity
4 that operates a lock up, jail, prison, or any other facility
5 used to detain persons for legitimate law enforcement purposes.

6 (b) In any case in which a person dies:

7 (1) while in the custody of:

8 (A) a law enforcement agency;

9 (B) a local or State correctional facility in this
10 State; or

11 (C) a peace officer; or

12 (2) as a result of the peace officer's use of force,
13 the law enforcement agency shall investigate and report the
14 death in writing to the Illinois Criminal Justice
15 Information Authority, no later than 30 days after the date
16 on which the person in custody or incarcerated died. The
17 written report shall contain the following information:

18 (A) facts concerning the death that are in the
19 possession of the law enforcement agency in charge of
20 the investigation and the correctional facility where
21 the death occurred including, but not limited to, race,
22 age, and gender of the decedent, and a brief
23 description of the circumstances surrounding the
24 death;

25 (B) if the death occurred in the custody of the
26 Illinois Department of Corrections, the report shall

1 also include the jurisdiction, the law enforcement
2 agency providing the investigation, and the local or
3 State facility where the death occurred;

4 (C) if the death occurred in the custody of the
5 Illinois Department of Corrections, the report shall
6 also include if emergency care was requested by the law
7 enforcement agency in response to any illness, injury,
8 self-inflicted or otherwise, or other issue related to
9 rapid deterioration of physical wellness or human
10 subsistence, and details concerning emergency care
11 that were provided to the decedent if emergency care
12 was provided.

13 (c) The law enforcement agency and the involved
14 correctional administrators shall make a good faith effort to
15 obtain all relevant facts and circumstances relevant to the
16 death and include those in the report.

17 (d) The Illinois Criminal Justice Information Authority
18 shall create a standardized form to be used for the purpose of
19 collecting information as described in subsection (b).

20 (e) Law enforcement agencies shall use the form described
21 in subsection (d) to report all cases in which a person dies:

22 (1) while in the custody of:

23 (A) a law enforcement agency;

24 (B) a local or State correctional facility in this
25 State; or

26 (C) a peace officer; or

1 (2) as a result of the peace officer's use of force.

2 (f) The Illinois Criminal Justice Information Authority
3 may determine the manner in which the form is transmitted from
4 a law enforcement agency to the Illinois Criminal Justice
5 Information Authority.

6 (g) The reports shall be public records within the meaning
7 of subsection (c) of Section 2 of the Freedom of Information
8 Act and are open to public inspection, with the exception of
9 any portion of the report that the Illinois Criminal Justice
10 Information Authority determines is privileged or protected
11 under Illinois or federal law.

12 (h) The Illinois Criminal Justice Information Authority
13 shall make available to the public information of all
14 individual reports relating to deaths in custody through the
15 Illinois Criminal Justice Information Authority's website to
16 be updated on a quarterly basis.

17 (i) The Illinois Criminal Justice Information Authority
18 shall issue a public annual report tabulating and evaluating
19 trends and information on deaths in custody, including, but not
20 limited to:

21 (1) information regarding the race, gender, sexual
22 orientation, and gender identity of the decedent; and a
23 brief description of the circumstances surrounding the
24 death;

25 (2) if the death occurred in the custody of the
26 Illinois Department of Corrections, the report shall also

1 include the jurisdiction, law enforcement agency providing
2 the investigation, and local or State facility where the
3 death occurred; and

4 (3) recommendations and State and local efforts
5 underway to reduce deaths in custody.

6 The report shall be submitted to the Governor and General
7 Assembly and made available to the public on the Illinois
8 Criminal Justice Information Authority's website the first
9 week of February of each year.

10 (j) So that the State may oversee the healthcare provided
11 to any person in the custody of each law enforcement agency
12 within this State, provision of medical services to these
13 persons, general care and treatment, and any other factors that
14 may contribute to the death of any of these persons, the
15 following information shall be made available to the public on
16 the Illinois Criminal Justice Information Authority's website:

17 (1) the number of deaths that occurred during the
18 preceding calendar year;

19 (2) the known, or discoverable upon reasonable
20 inquiry, causes and contributing factors of each of the
21 in-custody deaths as defined in subsection (b); and

22 (3) the law enforcement agency's policies, procedures,
23 and protocols related to:

24 (A) treatment of a person experiencing withdrawal
25 from alcohol or substance use;

26 (B) the facility's provision, or lack of

1 provision, of medications used to treat, mitigate, or
2 address a person's symptoms; and

3 (C) notifying an inmate's next of kin after the
4 inmate's in-custody death.

5 (k) The family, next of kin, or any other person reasonably
6 nominated by the decedent as an emergency contact shall be
7 notified as soon as possible in a suitable manner giving an
8 accurate factual account of the cause of death and
9 circumstances surrounding the death in custody in accordance
10 with State and federal law.

11 (l) The law enforcement agency or correctional facility
12 shall name a staff person to act as dedicated family liaison
13 officer to be a point of contact for the family, to make and
14 maintain contact with the family, to report ongoing
15 developments and findings of investigations, and to provide
16 information and practical support. If requested by the
17 deceased's next of kin, the law enforcement agency or
18 correctional facility shall arrange for a chaplain, counselor,
19 or other suitable staff member to meet with the family and
20 discuss any faith considerations or concerns. The family has a
21 right to the medical records of a family member who has died in
22 custody and these records shall be disclosed to them in
23 accordance with State and federal law.

24 (m) It is unlawful for a person who is required under this
25 Section to investigate a death or file a report to fail to
26 include in the report facts known or discovered in the

1 investigation to the Illinois Criminal Justice Information
2 Authority. A violation of this Section is a petty offense, with
3 fine not to exceed \$500.

4 Article 4.

5 Constitutional Rights and Remedies

6 Section 4-1. Short title. This Article may be cited as the
7 Task Force on Constitutional Rights and Remedies Act.
8 References in this Article to "this Act" mean this Article.

9 Section 4-5. Task Force on Constitutional Rights and
10 Remedies. The Task Force on Constitutional Rights and Remedies
11 is created. The purpose of the Task Force on Constitutional
12 Rights and Remedies is to develop and propose policies and
13 procedures to review and reform constitutional rights and
14 remedies, including qualified immunity for peace officers.

15 Section 4-10. Task Force Members.

16 (a) The Task Force on Constitutional Rights and Remedies
17 shall be comprised of the following members:

18 (1) The president of statewide association
19 representing trial lawyers or his or her designee, the
20 executive director of a statewide association advocating
21 for the advancement of civil liberties or his or her
22 designee, a representative representing statewide labor,

1 all appointed by the Governor.

2 (2) Four members of the public appointed, one appointed
3 by each the Speaker of the House of Representatives,
4 Minority Leader of the House of Representatives, Minority
5 Leader of the House of Representatives, President of the
6 Senate, Minority Leader of the Senate.

7 (3) The president of a statewide bar association or his
8 or her designee, the executive director of a statewide
9 association representing county sheriffs or his or her
10 designee, the executive director of a statewide
11 association representing chiefs of police, a
12 representative of the Chicago Police Department, all
13 appointed by the Governor.

14 (4) The Director of the Illinois State Police or his or
15 her designee.

16 (5) The Attorney General, or his or her designee.

17 (6) A retired judge appointed by the Governor.

18 (7) one State Representative, appointed by the Speaker
19 of the House of Representatives; one State Representative,
20 appointed by the Minority Leader of the House of
21 Representatives; one State Senator, appointed by the
22 President of the Senate; one State Senator, appointed by
23 the Minority Leader of the Senate.

24 (b) The members of the Task Force shall serve without
25 compensation.

26 (c) The Illinois Criminal Justice Information Authority

1 shall provide administrative and technical support to the Task
2 Force and be responsible for administering its operations,
3 appointing a chairperson, and ensuring that the requirements of
4 the Task Force are met. The President of the Senate and the
5 Speaker of the House of Representatives shall appoint
6 co-chairpersons for the Task Force. The Task Force shall have
7 all appointments made within 30 days of the effective date of
8 this amendatory Act of the 101st General Assembly.

9 Section 4-15. Meetings; report.

10 (a) The Task Force shall meet at least 3 times with the
11 first meeting occurring within 60 days after the effective date
12 of this amendatory Act of the 101st General Assembly.

13 (b) The Task Force shall review available research, best
14 practices, and effective interventions to formulate
15 recommendations.

16 (c) The Task Force shall produce a report detailing the
17 Task Force's findings and recommendations and needed
18 resources. The Task Force shall submit a report of its findings
19 and recommendations to the General Assembly and the Governor by
20 May 1, 2021.

21 Section 4-20. Repeal. This Act is repealed on January 1,
22 2022.

23 Article 10.

1 Amendatory Provisions

2 Section 10-105. The Statute on Statutes is amended by
3 adding Section 1.43 as follows:

4 (5 ILCS 70/1.43 new)

5 Sec. 1.43. Reference to bail, bail bond, or conditions of
6 bail. Whenever there is a reference in any Act to "bail", "bail
7 bond", or "conditions of bail", these terms shall be construed
8 as "pretrial release" or "conditions of pretrial release".

9 Section 10-110. The Freedom of Information Act is amended
10 by changing Section 2.15 as follows:

11 (5 ILCS 140/2.15)

12 Sec. 2.15. Arrest reports and criminal history records.

13 (a) Arrest reports. The following chronologically
14 maintained arrest and criminal history information maintained
15 by State or local criminal justice agencies shall be furnished
16 as soon as practical, but in no event later than 72 hours after
17 the arrest, notwithstanding the time limits otherwise provided
18 for in Section 3 of this Act: (i) information that identifies
19 the individual, including the name, age, address, and
20 photograph, when and if available; (ii) information detailing
21 any charges relating to the arrest; (iii) the time and location
22 of the arrest; (iv) the name of the investigating or arresting

1 law enforcement agency; (v) if the individual is incarcerated,
2 the conditions of pretrial release ~~amount of any bail or bond~~;
3 and (vi) if the individual is incarcerated, the time and date
4 that the individual was received into, discharged from, or
5 transferred from the arresting agency's custody.

6 (b) Criminal history records. The following documents
7 maintained by a public body pertaining to criminal history
8 record information are public records subject to inspection and
9 copying by the public pursuant to this Act: (i) court records
10 that are public; (ii) records that are otherwise available
11 under State or local law; and (iii) records in which the
12 requesting party is the individual identified, except as
13 provided under Section 7(1)(d)(vi).

14 (c) Information described in items (iii) through (vi) of
15 subsection (a) may be withheld if it is determined that
16 disclosure would: (i) interfere with pending or actually and
17 reasonably contemplated law enforcement proceedings conducted
18 by any law enforcement agency; (ii) endanger the life or
19 physical safety of law enforcement or correctional personnel or
20 any other person; or (iii) compromise the security of any
21 correctional facility.

22 (d) The provisions of this Section do not supersede the
23 confidentiality provisions for law enforcement or arrest
24 records of the Juvenile Court Act of 1987.

25 (e) Notwithstanding the requirements of subsection (a), a
26 law enforcement agency may not publish booking photographs,

1 commonly known as "mugshots", on its social networking website
2 in connection with civil offenses, petty offenses, business
3 offenses, Class C misdemeanors, and Class B misdemeanors unless
4 the booking photograph is posted to the social networking
5 website to assist in the search for a missing person or to
6 assist in the search for a fugitive, person of interest, or
7 individual wanted in relation to a crime other than a petty
8 offense, business offense, Class C misdemeanor, or Class B
9 misdemeanor. As used in this subsection, "social networking
10 website" has the meaning provided in Section 10 of the Right to
11 Privacy in the Workplace Act.

12 (Source: P.A. 100-927, eff. 1-1-19; 101-433, eff. 8-20-19.)

13 Section 10-115. The State Records Act is amended by
14 changing Section 4a as follows:

15 (5 ILCS 160/4a)

16 Sec. 4a. Arrest records and reports.

17 (a) When an individual is arrested, the following
18 information must be made available to the news media for
19 inspection and copying:

20 (1) Information that identifies the individual,
21 including the name, age, address, and photograph, when and
22 if available.

23 (2) Information detailing any charges relating to the
24 arrest.

1 (3) The time and location of the arrest.

2 (4) The name of the investigating or arresting law
3 enforcement agency.

4 (5) If the individual is incarcerated, the conditions
5 of pretrial release ~~amount of any bail or bond~~.

6 (6) If the individual is incarcerated, the time and
7 date that the individual was received, discharged, or
8 transferred from the arresting agency's custody.

9 (b) The information required by this Section must be made
10 available to the news media for inspection and copying as soon
11 as practicable, but in no event shall the time period exceed 72
12 hours from the arrest. The information described in paragraphs
13 (3), (4), (5), and (6) of subsection (a), however, may be
14 withheld if it is determined that disclosure would:

15 (1) interfere with pending or actually and reasonably
16 contemplated law enforcement proceedings conducted by any
17 law enforcement or correctional agency;

18 (2) endanger the life or physical safety of law
19 enforcement or correctional personnel or any other person;
20 or

21 (3) compromise the security of any correctional
22 facility.

23 (c) For the purposes of this Section, the term "news media"
24 means personnel of a newspaper or other periodical issued at
25 regular intervals whether in print or electronic format, a news
26 service whether in print or electronic format, a radio station,

1 a television station, a television network, a community antenna
2 television service, or a person or corporation engaged in
3 making news reels or other motion picture news for public
4 showing.

5 (d) Each law enforcement or correctional agency may charge
6 fees for arrest records, but in no instance may the fee exceed
7 the actual cost of copying and reproduction. The fees may not
8 include the cost of the labor used to reproduce the arrest
9 record.

10 (e) The provisions of this Section do not supersede the
11 confidentiality provisions for arrest records of the Juvenile
12 Court Act of 1987.

13 (f) All information, including photographs, made available
14 under this Section is subject to the provisions of Section 2000
15 of the Consumer Fraud and Deceptive Business Practices Act.

16 (g) Notwithstanding the requirements of subsection (a), a
17 law enforcement agency may not publish booking photographs,
18 commonly known as "mugshots", on its social networking website
19 in connection with civil offenses, petty offenses, business
20 offenses, Class C misdemeanors, and Class B misdemeanors unless
21 the booking photograph is posted to the social networking
22 website to assist in the search for a missing person or to
23 assist in the search for a fugitive, person of interest, or
24 individual wanted in relation to a crime other than a petty
25 offense, business offense, Class C misdemeanor, or Class B
26 misdemeanor. As used in this subsection, "social networking

1 website" has the meaning provided in Section 10 of the Right to
2 Privacy in the Workplace Act.

3 (Source: P.A. 101-433, eff. 8-20-19.)

4 Section 10-116. The Illinois Public Labor Relations Act is
5 amended by changing Section 14 as follows:

6 (5 ILCS 315/14) (from Ch. 48, par. 1614)

7 Sec. 14. Security employee, peace officer and fire fighter
8 disputes.

9 (a) In the case of collective bargaining agreements
10 involving units of security employees of a public employer,
11 Peace Officer Units, or units of fire fighters or paramedics,
12 and in the case of disputes under Section 18, unless the
13 parties mutually agree to some other time limit, mediation
14 shall commence 30 days prior to the expiration date of such
15 agreement or at such later time as the mediation services
16 chosen under subsection (b) of Section 12 can be provided to
17 the parties. In the case of negotiations for an initial
18 collective bargaining agreement, mediation shall commence upon
19 15 days notice from either party or at such later time as the
20 mediation services chosen pursuant to subsection (b) of Section
21 12 can be provided to the parties. In mediation under this
22 Section, if either party requests the use of mediation services
23 from the Federal Mediation and Conciliation Service, the other
24 party shall either join in such request or bear the additional

1 cost of mediation services from another source. The mediator
2 shall have a duty to keep the Board informed on the progress of
3 the mediation. If any dispute has not been resolved within 15
4 days after the first meeting of the parties and the mediator,
5 or within such other time limit as may be mutually agreed upon
6 by the parties, either the exclusive representative or employer
7 may request of the other, in writing, arbitration, and shall
8 submit a copy of the request to the Board.

9 (b) Within 10 days after such a request for arbitration has
10 been made, the employer shall choose a delegate and the
11 employees' exclusive representative shall choose a delegate to
12 a panel of arbitration as provided in this Section. The
13 employer and employees shall forthwith advise the other and the
14 Board of their selections.

15 (c) Within 7 days after the request of either party, the
16 parties shall request a panel of impartial arbitrators from
17 which they shall select the neutral chairman according to the
18 procedures provided in this Section. If the parties have agreed
19 to a contract that contains a grievance resolution procedure as
20 provided in Section 8, the chairman shall be selected using
21 their agreed contract procedure unless they mutually agree to
22 another procedure. If the parties fail to notify the Board of
23 their selection of neutral chairman within 7 days after receipt
24 of the list of impartial arbitrators, the Board shall appoint,
25 at random, a neutral chairman from the list. In the absence of
26 an agreed contract procedure for selecting an impartial

1 arbitrator, either party may request a panel from the Board.
2 Within 7 days of the request of either party, the Board shall
3 select from the Public Employees Labor Mediation Roster 7
4 persons who are on the labor arbitration panels of either the
5 American Arbitration Association or the Federal Mediation and
6 Conciliation Service, or who are members of the National
7 Academy of Arbitrators, as nominees for impartial arbitrator of
8 the arbitration panel. The parties may select an individual on
9 the list provided by the Board or any other individual mutually
10 agreed upon by the parties. Within 7 days following the receipt
11 of the list, the parties shall notify the Board of the person
12 they have selected. Unless the parties agree on an alternate
13 selection procedure, they shall alternatively strike one name
14 from the list provided by the Board until only one name
15 remains. A coin toss shall determine which party shall strike
16 the first name. If the parties fail to notify the Board in a
17 timely manner of their selection for neutral chairman, the
18 Board shall appoint a neutral chairman from the Illinois Public
19 Employees Mediation/Arbitration Roster.

20 (d) The chairman shall call a hearing to begin within 15
21 days and give reasonable notice of the time and place of the
22 hearing. The hearing shall be held at the offices of the Board
23 or at such other location as the Board deems appropriate. The
24 chairman shall preside over the hearing and shall take
25 testimony. Any oral or documentary evidence and other data
26 deemed relevant by the arbitration panel may be received in

1 evidence. The proceedings shall be informal. Technical rules of
2 evidence shall not apply and the competency of the evidence
3 shall not thereby be deemed impaired. A verbatim record of the
4 proceedings shall be made and the arbitrator shall arrange for
5 the necessary recording service. Transcripts may be ordered at
6 the expense of the party ordering them, but the transcripts
7 shall not be necessary for a decision by the arbitration panel.
8 The expense of the proceedings, including a fee for the
9 chairman, shall be borne equally by each of the parties to the
10 dispute. The delegates, if public officers or employees, shall
11 continue on the payroll of the public employer without loss of
12 pay. The hearing conducted by the arbitration panel may be
13 adjourned from time to time, but unless otherwise agreed by the
14 parties, shall be concluded within 30 days of the time of its
15 commencement. Majority actions and rulings shall constitute
16 the actions and rulings of the arbitration panel. Arbitration
17 proceedings under this Section shall not be interrupted or
18 terminated by reason of any unfair labor practice charge filed
19 by either party at any time.

20 (e) The arbitration panel may administer oaths, require the
21 attendance of witnesses, and the production of such books,
22 papers, contracts, agreements and documents as may be deemed by
23 it material to a just determination of the issues in dispute,
24 and for such purpose may issue subpoenas. If any person refuses
25 to obey a subpoena, or refuses to be sworn or to testify, or if
26 any witness, party or attorney is guilty of any contempt while

1 in attendance at any hearing, the arbitration panel may, or the
2 attorney general if requested shall, invoke the aid of any
3 circuit court within the jurisdiction in which the hearing is
4 being held, which court shall issue an appropriate order. Any
5 failure to obey the order may be punished by the court as
6 contempt.

7 (f) At any time before the rendering of an award, the
8 chairman of the arbitration panel, if he is of the opinion that
9 it would be useful or beneficial to do so, may remand the
10 dispute to the parties for further collective bargaining for a
11 period not to exceed 2 weeks. If the dispute is remanded for
12 further collective bargaining the time provisions of this Act
13 shall be extended for a time period equal to that of the
14 remand. The chairman of the panel of arbitration shall notify
15 the Board of the remand.

16 (g) At or before the conclusion of the hearing held
17 pursuant to subsection (d), the arbitration panel shall
18 identify the economic issues in dispute, and direct each of the
19 parties to submit, within such time limit as the panel shall
20 prescribe, to the arbitration panel and to each other its last
21 offer of settlement on each economic issue. The determination
22 of the arbitration panel as to the issues in dispute and as to
23 which of these issues are economic shall be conclusive. The
24 arbitration panel, within 30 days after the conclusion of the
25 hearing, or such further additional periods to which the
26 parties may agree, shall make written findings of fact and

1 promulgate a written opinion and shall mail or otherwise
2 deliver a true copy thereof to the parties and their
3 representatives and to the Board. As to each economic issue,
4 the arbitration panel shall adopt the last offer of settlement
5 which, in the opinion of the arbitration panel, more nearly
6 complies with the applicable factors prescribed in subsection
7 (h). The findings, opinions and order as to all other issues
8 shall be based upon the applicable factors prescribed in
9 subsection (h).

10 (h) Where there is no agreement between the parties, or
11 where there is an agreement but the parties have begun
12 negotiations or discussions looking to a new agreement or
13 amendment of the existing agreement, and wage rates or other
14 conditions of employment under the proposed new or amended
15 agreement are in dispute, the arbitration panel shall base its
16 findings, opinions and order upon the following factors, as
17 applicable:

18 (1) The lawful authority of the employer.

19 (2) Stipulations of the parties.

20 (3) The interests and welfare of the public and the
21 financial ability of the unit of government to meet those
22 costs.

23 (4) Comparison of the wages, hours and conditions of
24 employment of the employees involved in the arbitration
25 proceeding with the wages, hours and conditions of
26 employment of other employees performing similar services

1 and with other employees generally:

2 (A) In public employment in comparable
3 communities.

4 (B) In private employment in comparable
5 communities.

6 (5) The average consumer prices for goods and services,
7 commonly known as the cost of living.

8 (6) The overall compensation presently received by the
9 employees, including direct wage compensation, vacations,
10 holidays and other excused time, insurance and pensions,
11 medical and hospitalization benefits, the continuity and
12 stability of employment and all other benefits received.

13 (7) Changes in any of the foregoing circumstances
14 during the pendency of the arbitration proceedings.

15 (8) Such other factors, not confined to the foregoing,
16 which are normally or traditionally taken into
17 consideration in the determination of wages, hours and
18 conditions of employment through voluntary collective
19 bargaining, mediation, fact-finding, arbitration or
20 otherwise between the parties, in the public service or in
21 private employment.

22 (i) In the case of peace officers, the arbitration decision
23 shall be limited to wages, hours, and conditions of employment
24 (which may include residency requirements in municipalities
25 with a population under 100,000 ~~1,000,000~~, but those residency
26 requirements shall not allow residency outside of Illinois) and

1 shall not include the following: i) residency requirements in
2 municipalities with a population of at least 100,000 ~~1,000,000~~;
3 ii) the type of equipment, other than uniforms, issued or used;
4 iii) manning; iv) the total number of employees employed by the
5 department; v) mutual aid and assistance agreements to other
6 units of government; and vi) the criterion pursuant to which
7 force, including deadly force, can be used; provided, nothing
8 herein shall preclude an arbitration decision regarding
9 equipment or manning levels if such decision is based on a
10 finding that the equipment or manning considerations in a
11 specific work assignment involve a serious risk to the safety
12 of a peace officer beyond that which is inherent in the normal
13 performance of police duties. Limitation of the terms of the
14 arbitration decision pursuant to this subsection shall not be
15 construed to limit the factors upon which the decision may be
16 based, as set forth in subsection (h).

17 In the case of fire fighter, and fire department or fire
18 district paramedic matters, the arbitration decision shall be
19 limited to wages, hours, and conditions of employment
20 (including manning and also including residency requirements
21 in municipalities with a population under 1,000,000, but those
22 residency requirements shall not allow residency outside of
23 Illinois) and shall not include the following matters: i)
24 residency requirements in municipalities with a population of
25 at least 1,000,000; ii) the type of equipment (other than
26 uniforms and fire fighter turnout gear) issued or used; iii)

1 the total number of employees employed by the department; iv)
2 mutual aid and assistance agreements to other units of
3 government; and v) the criterion pursuant to which force,
4 including deadly force, can be used; provided, however, nothing
5 herein shall preclude an arbitration decision regarding
6 equipment levels if such decision is based on a finding that
7 the equipment considerations in a specific work assignment
8 involve a serious risk to the safety of a fire fighter beyond
9 that which is inherent in the normal performance of fire
10 fighter duties. Limitation of the terms of the arbitration
11 decision pursuant to this subsection shall not be construed to
12 limit the facts upon which the decision may be based, as set
13 forth in subsection (h).

14 The changes to this subsection (i) made by Public Act
15 90-385 (relating to residency requirements) do not apply to
16 persons who are employed by a combined department that performs
17 both police and firefighting services; these persons shall be
18 governed by the provisions of this subsection (i) relating to
19 peace officers, as they existed before the amendment by Public
20 Act 90-385.

21 To preserve historical bargaining rights, this subsection
22 shall not apply to any provision of a fire fighter collective
23 bargaining agreement in effect and applicable on the effective
24 date of this Act; provided, however, nothing herein shall
25 preclude arbitration with respect to any such provision.

26 (j) Arbitration procedures shall be deemed to be initiated

1 by the filing of a letter requesting mediation as required
2 under subsection (a) of this Section. The commencement of a new
3 municipal fiscal year after the initiation of arbitration
4 procedures under this Act, but before the arbitration decision,
5 or its enforcement, shall not be deemed to render a dispute
6 moot, or to otherwise impair the jurisdiction or authority of
7 the arbitration panel or its decision. Increases in rates of
8 compensation awarded by the arbitration panel may be effective
9 only at the start of the fiscal year next commencing after the
10 date of the arbitration award. If a new fiscal year has
11 commenced either since the initiation of arbitration
12 procedures under this Act or since any mutually agreed
13 extension of the statutorily required period of mediation under
14 this Act by the parties to the labor dispute causing a delay in
15 the initiation of arbitration, the foregoing limitations shall
16 be inapplicable, and such awarded increases may be retroactive
17 to the commencement of the fiscal year, any other statute or
18 charter provisions to the contrary, notwithstanding. At any
19 time the parties, by stipulation, may amend or modify an award
20 of arbitration.

21 (k) Orders of the arbitration panel shall be reviewable,
22 upon appropriate petition by either the public employer or the
23 exclusive bargaining representative, by the circuit court for
24 the county in which the dispute arose or in which a majority of
25 the affected employees reside, but only for reasons that the
26 arbitration panel was without or exceeded its statutory

1 authority; the order is arbitrary, or capricious; or the order
2 was procured by fraud, collusion or other similar and unlawful
3 means. Such petitions for review must be filed with the
4 appropriate circuit court within 90 days following the issuance
5 of the arbitration order. The pendency of such proceeding for
6 review shall not automatically stay the order of the
7 arbitration panel. The party against whom the final decision of
8 any such court shall be adverse, if such court finds such
9 appeal or petition to be frivolous, shall pay reasonable
10 attorneys' fees and costs to the successful party as determined
11 by said court in its discretion. If said court's decision
12 affirms the award of money, such award, if retroactive, shall
13 bear interest at the rate of 12 percent per annum from the
14 effective retroactive date.

15 (l) During the pendency of proceedings before the
16 arbitration panel, existing wages, hours, and other conditions
17 of employment shall not be changed by action of either party
18 without the consent of the other but a party may so consent
19 without prejudice to his rights or position under this Act. The
20 proceedings are deemed to be pending before the arbitration
21 panel upon the initiation of arbitration procedures under this
22 Act.

23 (m) Security officers of public employers, and Peace
24 Officers, Fire Fighters and fire department and fire protection
25 district paramedics, covered by this Section may not withhold
26 services, nor may public employers lock out or prevent such

1 employees from performing services at any time.

2 (n) All of the terms decided upon by the arbitration panel
3 shall be included in an agreement to be submitted to the public
4 employer's governing body for ratification and adoption by law,
5 ordinance or the equivalent appropriate means.

6 The governing body shall review each term decided by the
7 arbitration panel. If the governing body fails to reject one or
8 more terms of the arbitration panel's decision by a 3/5 vote of
9 those duly elected and qualified members of the governing body,
10 within 20 days of issuance, or in the case of firefighters
11 employed by a state university, at the next regularly scheduled
12 meeting of the governing body after issuance, such term or
13 terms shall become a part of the collective bargaining
14 agreement of the parties. If the governing body affirmatively
15 rejects one or more terms of the arbitration panel's decision,
16 it must provide reasons for such rejection with respect to each
17 term so rejected, within 20 days of such rejection and the
18 parties shall return to the arbitration panel for further
19 proceedings and issuance of a supplemental decision with
20 respect to the rejected terms. Any supplemental decision by an
21 arbitration panel or other decision maker agreed to by the
22 parties shall be submitted to the governing body for
23 ratification and adoption in accordance with the procedures and
24 voting requirements set forth in this Section. The voting
25 requirements of this subsection shall apply to all disputes
26 submitted to arbitration pursuant to this Section

1 notwithstanding any contrary voting requirements contained in
2 any existing collective bargaining agreement between the
3 parties.

4 (o) If the governing body of the employer votes to reject
5 the panel's decision, the parties shall return to the panel
6 within 30 days from the issuance of the reasons for rejection
7 for further proceedings and issuance of a supplemental
8 decision. All reasonable costs of such supplemental proceeding
9 including the exclusive representative's reasonable attorney's
10 fees, as established by the Board, shall be paid by the
11 employer.

12 (p) Notwithstanding the provisions of this Section the
13 employer and exclusive representative may agree to submit
14 unresolved disputes concerning wages, hours, terms and
15 conditions of employment to an alternative form of impasse
16 resolution.

17 (Source: P.A. 98-535, eff. 1-1-14; 98-1151, eff. 1-7-15.)

18 Section 10-116.5. The Community-Law Enforcement
19 Partnership for Deflection and Substance Use Disorder
20 Treatment Act is amended by changing Sections 1, 5, 10, 15, 20,
21 30, and 35 and by adding Section 21 as follows:

22 (5 ILCS 820/1)

23 Sec. 1. Short title. This Act may be cited as the
24 Community-Law Enforcement and Other First Responder

1 Partnership for Deflection and Substance Use Disorder
2 Treatment Act.

3 (Source: P.A. 100-1025, eff. 1-1-19.)

4 (5 ILCS 820/5)

5 Sec. 5. Purposes. The General Assembly hereby acknowledges
6 that opioid use disorders, overdoses, and deaths in Illinois
7 are persistent and growing concerns for Illinois communities.
8 These concerns compound existing challenges to adequately
9 address and manage substance use and mental health disorders.
10 Law enforcement officers, other first responders, and
11 co-responders have a unique opportunity to facilitate
12 connections to community-based behavioral health interventions
13 that provide substance use treatment and can help save and
14 restore lives; help reduce drug use, overdose incidence,
15 criminal offending, and recidivism; and help prevent arrest and
16 conviction records that destabilize health, families, and
17 opportunities for community citizenship and self-sufficiency.
18 These efforts are bolstered when pursued in partnership with
19 licensed behavioral health treatment providers and community
20 members or organizations. It is the intent of the General
21 Assembly to authorize law enforcement and other first
22 responders to develop and implement collaborative deflection
23 programs in Illinois that offer immediate pathways to substance
24 use treatment and other services as an alternative to
25 traditional case processing and involvement in the criminal

1 justice system, and to unnecessary admission to emergency
2 departments.

3 (Source: P.A. 100-1025, eff. 1-1-19.)

4 (5 ILCS 820/10)

5 Sec. 10. Definitions. In this Act:

6 "Case management" means those services which will assist
7 persons in gaining access to needed social, educational,
8 medical, substance use and mental health treatment, and other
9 services.

10 "Community member or organization" means an individual
11 volunteer, resident, public office, or a not-for-profit
12 organization, religious institution, charitable organization,
13 or other public body committed to the improvement of individual
14 and family mental and physical well-being and the overall
15 social welfare of the community, and may include persons with
16 lived experience in recovery from substance use disorder,
17 either themselves or as family members.

18 "Other first responder" means and includes emergency
19 medical services providers that are public units of government,
20 fire departments and districts, and officials and responders
21 representing and employed by these entities.

22 "Deflection program" means a program in which a peace
23 officer or member of a law enforcement agency or other first
24 responder facilitates contact between an individual and a
25 licensed substance use treatment provider or clinician for

1 assessment and coordination of treatment planning, including
2 co-responder approaches that incorporate behavioral health,
3 peer, or social work professionals with law enforcement or
4 other first responders at the scene. This facilitation includes
5 defined criteria for eligibility and communication protocols
6 agreed to by the law enforcement agency or other first
7 responder entity and the licensed treatment provider for the
8 purpose of providing substance use treatment to those persons
9 in lieu of arrest or further justice system involvement, or
10 unnecessary admissions to the emergency department. Deflection
11 programs may include, but are not limited to, the following
12 types of responses:

13 (1) a post-overdose deflection response initiated by a
14 peace officer or law enforcement agency subsequent to
15 emergency administration of medication to reverse an
16 overdose, or in cases of severe substance use disorder with
17 acute risk for overdose;

18 (2) a self-referral deflection response initiated by
19 an individual by contacting a peace officer or law
20 enforcement agency or other first responder in the
21 acknowledgment of their substance use or disorder;

22 (3) an active outreach deflection response initiated
23 by a peace officer or law enforcement agency or other first
24 responder as a result of proactive identification of
25 persons thought likely to have a substance use disorder;

26 (4) an officer or other first responder prevention

1 deflection response initiated by a peace officer or law
2 enforcement agency in response to a community call when no
3 criminal charges are present; and

4 (5) an officer intervention deflection response when
5 criminal charges are present but held in abeyance pending
6 engagement with treatment.

7 "Law enforcement agency" means a municipal police
8 department or county sheriff's office of this State, the
9 Department of State Police, or other law enforcement agency
10 whose officers, by statute, are granted and authorized to
11 exercise powers similar to those conferred upon any peace
12 officer employed by a law enforcement agency of this State.

13 "Licensed treatment provider" means an organization
14 licensed by the Department of Human Services to perform an
15 activity or service, or a coordinated range of those activities
16 or services, as the Department of Human Services may establish
17 by rule, such as the broad range of emergency, outpatient,
18 intensive outpatient, and residential services and care,
19 including assessment, diagnosis, case management, medical,
20 psychiatric, psychological and social services,
21 medication-assisted treatment, care and counseling, and
22 recovery support, which may be extended to persons to assess or
23 treat substance use disorder or to families of those persons.

24 "Peace officer" means any peace officer or member of any
25 duly organized State, county, or municipal peace officer unit,
26 any police force of another State, or any police force whose

1 members, by statute, are granted and authorized to exercise
2 powers similar to those conferred upon any peace officer
3 employed by a law enforcement agency of this State.

4 "Substance use disorder" means a pattern of use of alcohol
5 or other drugs leading to clinical or functional impairment, in
6 accordance with the definition in the Diagnostic and
7 Statistical Manual of Mental Disorders (DSM-5), or in any
8 subsequent editions.

9 "Treatment" means the broad range of emergency,
10 outpatient, intensive outpatient, and residential services and
11 care (including assessment, diagnosis, case management,
12 medical, psychiatric, psychological and social services,
13 medication-assisted treatment, care and counseling, and
14 recovery support) which may be extended to persons who have
15 substance use disorders, persons with mental illness, or
16 families of those persons.

17 (Source: P.A. 100-1025, eff. 1-1-19.)

18 (5 ILCS 820/15)

19 Sec. 15. Authorization.

20 (a) Any law enforcement agency or other first responder
21 entity may establish a deflection program subject to the
22 provisions of this Act in partnership with one or more licensed
23 providers of substance use disorder treatment services and one
24 or more community members or organizations. Programs
25 established by another first responder entity shall also

1 include a law enforcement agency.

2 (b) The deflection program may involve a post-overdose
3 deflection response, a self-referral deflection response, an
4 active outreach deflection response, an officer or other first
5 responder prevention deflection response, or an officer
6 intervention deflection response, or any combination of those.

7 (c) Nothing shall preclude the General Assembly from adding
8 other responses to a deflection program, or preclude a law
9 enforcement agency or other first responder entity from
10 developing a deflection program response based on a model
11 unique and responsive to local issues, substance use or mental
12 health needs, and partnerships, using sound and promising or
13 evidence-based practices.

14 (c-5) Whenever appropriate and available, case management
15 should be provided by a licensed treatment provider or other
16 appropriate provider and may include peer recovery support
17 approaches.

18 (d) To receive funding for activities as described in
19 Section 35 of this Act, planning for the deflection program
20 shall include:

21 (1) the involvement of one or more licensed treatment
22 programs and one or more community members or
23 organizations; and

24 (2) an agreement with the Illinois Criminal Justice
25 Information Authority to collect and evaluate relevant
26 statistical data related to the program, as established by

1 the Illinois Criminal Justice Information Authority in
2 paragraph (2) of subsection (a) of Section 25 of this Act.

3 (3) an agreement with participating licensed treatment
4 providers authorizing the release of statistical data to
5 the Illinois Criminal Justice Information Authority, in
6 compliance with State and Federal law, as established by
7 the Illinois Criminal Justice Information Authority in
8 paragraph (2) of subsection (a) of Section 25 of this Act.

9 (Source: P.A. 100-1025, eff. 1-1-19; 101-81, eff. 7-12-19.)

10 (5 ILCS 820/20)

11 Sec. 20. Procedure. The law enforcement agency or other
12 first responder entity, licensed treatment providers, and
13 community members or organizations shall establish a local
14 deflection program plan that includes protocols and procedures
15 for participant identification, screening or assessment,
16 treatment facilitation, reporting, and ongoing involvement of
17 the law enforcement agency. Licensed substance use disorder
18 treatment organizations shall adhere to 42 CFR Part 2 regarding
19 confidentiality regulations for information exchange or
20 release. Substance use disorder treatment services shall
21 adhere to all regulations specified in Department of Human
22 Services Administrative Rules, Parts 2060 and 2090.

23 (Source: P.A. 100-1025, eff. 1-1-19.)

24 (5 ILCS 820/21 new)

1 Sec. 21. Training. The law enforcement agency or other
2 first responder entity in programs that receive funding for
3 services under Section 35 of this Act shall and that receive
4 training under subsection (a.1) of Section 35 shall be trained
5 in:

6 (a)Neuroscience of Addiction for Law Enforcement;

7 (b)Medication-Assisted Treatment;

8 (c)Criminogenic Risk-Need for Health and Safety;

9 (d)Why Drug Treatment Works?;

10 (e)Eliminating Stigma for People with Substance-Use
11 Disorders and Mental Health;

12 (f)Avoiding Racial Bias in Deflection Program;

13 (g)Promotion Racial and Gender Equity in Deflection;

14 (h)Working With Community Partnerships; and

15 (i)Deflection in Rural Communities.

16 (5 ILCS 820/30)

17 Sec. 30. Exemption from civil liability. The law
18 enforcement agency or peace officer or other first responder
19 acting in good faith shall not, as the result of acts or
20 omissions in providing services under Section 15 of this Act,
21 be liable for civil damages, unless the acts or omissions
22 constitute willful and wanton misconduct.

23 (Source: P.A. 100-1025, eff. 1-1-19.)

24 (5 ILCS 820/35)

1 Sec. 35. Funding.

2 (a) The General Assembly may appropriate funds to the
3 Illinois Criminal Justice Information Authority for the
4 purpose of funding law enforcement agencies or other first
5 responder entities for services provided by deflection program
6 partners as part of deflection programs subject to subsection
7 (d) of Section 15 of this Act.

8 (a.1) Up to 10 percent of appropriated funds may be
9 expended on activities related to knowledge dissemination,
10 training, technical assistance, or other similar activities
11 intended to increase practitioner and public awareness of
12 deflection and/or to support its implementation. The Illinois
13 Criminal Justice Information Authority may adopt guidelines
14 and requirements to direct the distribution of funds for these
15 activities.

16 (b) For all appropriated funds not distributed under
17 subsection a.1, the ~~The~~ Illinois Criminal Justice Information
18 Authority may adopt guidelines and requirements to direct the
19 distribution of funds for expenses related to deflection
20 programs. Funding shall be made available to support both new
21 and existing deflection programs in a broad spectrum of
22 geographic regions in this State, including urban, suburban,
23 and rural communities. Funding for deflection programs shall be
24 prioritized for communities that have been impacted by the war
25 on drugs, communities that have a police/community relations
26 issue, and communities that have a disproportionate lack of

1 access to mental health and drug treatment. Activities eligible
2 for funding under this Act may include, but are not limited to,
3 the following:

4 (1) activities related to program administration,
5 coordination, or management, including, but not limited
6 to, the development of collaborative partnerships with
7 licensed treatment providers and community members or
8 organizations; collection of program data; or monitoring
9 of compliance with a local deflection program plan;

10 (2) case management including case management provided
11 prior to assessment, diagnosis, and engagement in
12 treatment, as well as assistance navigating and gaining
13 access to various treatment modalities and support
14 services;

15 (3) peer recovery or recovery support services that
16 include the perspectives of persons with the experience of
17 recovering from a substance use disorder, either
18 themselves or as family members;

19 (4) transportation to a licensed treatment provider or
20 other program partner location;

21 (5) program evaluation activities.

22 (6) naloxone and related supplies necessary for
23 carrying out overdose reversal for purposes of
24 distribution to program participants or for use by law
25 enforcement or other first responders; and

26 (7) treatment necessary to prevent gaps in service

1 delivery between linkage and coverage by other funding
2 sources when otherwise non-reimbursable.

3 (c) Specific linkage agreements with recovery support
4 services or self-help entities may be a requirement of the
5 program services protocols. All deflection programs shall
6 encourage the involvement of key family members and significant
7 others as a part of a family-based approach to treatment. All
8 deflection programs are encouraged to use evidence-based
9 practices and outcome measures in the provision of substance
10 use disorder treatment and medication-assisted treatment for
11 persons with opioid use disorders.

12 (Source: P.A. 100-1025, eff. 1-1-19; 101-81, eff. 7-12-19.)

13 Section 10-116.7. The Attorney General Act is amended by
14 adding Section 10 as follows:

15 (15 ILCS 205/10 new)

16 Sec. 10. Executive officers.

17 (a) As used in this Section:

18 (1) "Governmental authority" means any local
19 governmental unit in this State, any municipal corporation
20 in this State, or any governmental unit of the State of
21 Illinois. This includes any office, officer, department,
22 division, bureau, board, commission, or agency of the
23 State.

24 (2) "Officer" means any probationary law enforcement

1 officer, probationary part-time law enforcement officer,
2 permanent law enforcement officer, part-time law
3 enforcement officer, law enforcement officer, recruit,
4 probationary county corrections officer, permanent county
5 corrections officer, county corrections officer,
6 probationary court security officer, permanent court
7 security officer, or court security officer as defined in
8 Section 2 of the Police Training Act.

9 (b) No governmental authority, or agent of a governmental
10 authority, or person acting on behalf of a governmental
11 authority, shall engage in a pattern or practice of conduct by
12 officers that deprives any person of rights, privileges, or
13 immunities secured or protected by the Constitution or laws of
14 the United States or by the Constitution or laws of Illinois.

15 (c) Whenever the Illinois Attorney General has reasonable
16 cause to believe that a violation of subsection (b) has
17 occurred, the Illinois Attorney General may commence a civil
18 action in the name of the People of the State to obtain
19 appropriate equitable and declaratory relief to eliminate the
20 pattern or practice. Venue for this civil action shall be
21 Sangamon County or Cook County. Such actions shall be commenced
22 no later than 5 years after the occurrence or the termination
23 of an alleged violation, whichever occurs last.

24 (d) Prior to initiating a civil action, the Attorney
25 General may conduct a preliminary investigation to determine
26 whether there is reasonable cause to believe that a violation

1 of subsection (b) has occurred. In conducting this
2 investigation, the Attorney General may:

3 (1) require the individual or entity to file a
4 statement or report in writing under oath or otherwise, as
5 to all information the Attorney General may consider
6 necessary;

7 (2) examine under oath any person alleged to have
8 participated in or with knowledge of the alleged pattern
9 and practice violation; or

10 (3) issue subpoenas or conduct hearings in aid of any
11 investigation.

12 (e) Service by the Attorney General of any notice requiring
13 a person to file a statement or report, or of a subpoena upon
14 any person, shall be made:

15 (1) personally by delivery of a duly executed copy
16 thereof to the person to be served or, if a person is not a
17 natural person, in the manner provided in the Code of Civil
18 Procedure when a complaint is filed; or

19 (2) by mailing by certified mail a duly executed copy
20 thereof to the person to be served at his or her last known
21 abode or principal place of business within this State or,
22 if a person is not a natural person, in the manner provided
23 in the Code of Civil Procedure when a complaint is filed.

24 (3) The Attorney General may compel compliance with
25 investigative demands under this Section through an order
26 by any court of competent jurisdiction.

1 (f) (1) In any civil action brought pursuant to subsection
2 (c) of this Section, the Attorney General may obtain as a
3 remedy equitable and declaratory relief (including any
4 permanent or preliminary injunction, temporary restraining
5 order, or other order, including an order enjoining the
6 defendant from engaging in such violation or ordering any
7 action as may be appropriate). In addition, the Attorney
8 General may request and the Court may impose a civil penalty to
9 vindicate the public interest in an amount not exceeding
10 \$25,000 per violation, or if the defendant has been adjudged to
11 have committed one other civil rights violation under this
12 Section within 5 years of the occurrence of the violation that
13 is the basis of the complaint, in an amount not exceeding
14 \$50,000.

15 (2) A civil penalty imposed under this subsection shall be
16 deposited into the Attorney General Court Ordered and Voluntary
17 Compliance Payment Projects Fund, which is a special fund in
18 the State Treasury. Moneys in the Fund shall be used, subject
19 to appropriation, for the performance of any function
20 pertaining to the exercise of the duties of the Attorney
21 General including but not limited to enforcement of any law of
22 this State and conducting public education programs; however,
23 any moneys in the Fund that are required by the court or by an
24 agreement to be used for a particular purpose shall be used for
25 that purpose.

1 Section 10-120. The Department of State Police Law of the
2 Civil Administrative Code of Illinois is amended by changing
3 Section 2605-302 as follows:

4 (20 ILCS 2605/2605-302) (was 20 ILCS 2605/55a in part)
5 Sec. 2605-302. Arrest reports.

6 (a) When an individual is arrested, the following
7 information must be made available to the news media for
8 inspection and copying:

9 (1) Information that identifies the individual,
10 including the name, age, address, and photograph, when and
11 if available.

12 (2) Information detailing any charges relating to the
13 arrest.

14 (3) The time and location of the arrest.

15 (4) The name of the investigating or arresting law
16 enforcement agency.

17 (5) If the individual is incarcerated, the conditions
18 of pretrial release ~~amount of any bail or bond~~.

19 (6) If the individual is incarcerated, the time and
20 date that the individual was received, discharged, or
21 transferred from the arresting agency's custody.

22 (b) The information required by this Section must be made
23 available to the news media for inspection and copying as soon
24 as practicable, but in no event shall the time period exceed 72
25 hours from the arrest. The information described in items (3),

1 (4), (5), and (6) of subsection (a), however, may be withheld
2 if it is determined that disclosure would (i) interfere with
3 pending or actually and reasonably contemplated law
4 enforcement proceedings conducted by any law enforcement or
5 correctional agency; (ii) endanger the life or physical safety
6 of law enforcement or correctional personnel or any other
7 person; or (iii) compromise the security of any correctional
8 facility.

9 (c) For the purposes of this Section, the term "news media"
10 means personnel of a newspaper or other periodical issued at
11 regular intervals whether in print or electronic format, a news
12 service whether in print or electronic format, a radio station,
13 a television station, a television network, a community antenna
14 television service, or a person or corporation engaged in
15 making news reels or other motion picture news for public
16 showing.

17 (d) Each law enforcement or correctional agency may charge
18 fees for arrest records, but in no instance may the fee exceed
19 the actual cost of copying and reproduction. The fees may not
20 include the cost of the labor used to reproduce the arrest
21 record.

22 (e) The provisions of this Section do not supersede the
23 confidentiality provisions for arrest records of the Juvenile
24 Court Act of 1987.

25 (Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01;
26 incorporates 92-335, eff. 8-10-01; 92-651, eff. 7-11-02.)

1 Section 10-125. The State Police Act is amended by changing
2 Section 14 and by adding Section 17c as follows:

3 (20 ILCS 2610/14) (from Ch. 121, par. 307.14)

4 Sec. 14. Except as is otherwise provided in this Act, no
5 Department of State Police officer shall be removed, demoted or
6 suspended except for cause, upon written charges filed with the
7 Board by the Director and a hearing before the Board thereon
8 upon not less than 10 days' notice at a place to be designated
9 by the chairman thereof. At such hearing, the accused shall be
10 afforded full opportunity to be heard in his or her own defense
11 and to produce proof in his or her defense. It shall not be a
12 requirement of a person ~~Anyone~~ filing a complaint against a
13 State Police Officer ~~to~~ must have a ~~the~~ complaint supported by
14 a sworn affidavit or any other legal documentation. This ban on
15 an affidavit requirement shall apply to any collective
16 bargaining agreements entered after the effective date of this
17 provision. ~~Any such complaint, having been supported by a sworn~~
18 ~~affidavit, and having been found, in total or in part, to~~
19 ~~contain false information, shall be presented to the~~
20 ~~appropriate State's Attorney for a determination of~~
21 ~~prosecution.~~

22 Before any such officer may be interrogated or examined by
23 or before the Board, or by a departmental agent or investigator
24 specifically assigned to conduct an internal investigation,

1 the results of which hearing, interrogation or examination may
2 be the basis for filing charges seeking his or her suspension
3 for more than 15 days or his or her removal or discharge, he or
4 she shall be advised in writing as to what specific improper or
5 illegal act he or she is alleged to have committed; he or she
6 shall be advised in writing that his or her admissions made in
7 the course of the hearing, interrogation or examination may be
8 used as the basis for charges seeking his or her suspension,
9 removal or discharge; and he or she shall be advised in writing
10 that he or she has a right to counsel of his or her choosing,
11 who may be present to advise him or her at any hearing,
12 interrogation or examination. A complete record of any hearing,
13 interrogation or examination shall be made, and a complete
14 transcript or electronic recording thereof shall be made
15 available to such officer without charge and without delay.

16 The Board shall have the power to secure by its subpoena
17 both the attendance and testimony of witnesses and the
18 production of books and papers in support of the charges and
19 for the defense. Each member of the Board or a designated
20 hearing officer shall have the power to administer oaths or
21 affirmations. If the charges against an accused are established
22 by a preponderance of evidence, the Board shall make a finding
23 of guilty and order either removal, demotion, suspension for a
24 period of not more than 180 days, or such other disciplinary
25 punishment as may be prescribed by the rules and regulations of
26 the Board which, in the opinion of the members thereof, the

1 offense merits. Thereupon the Director shall direct such
2 removal or other punishment as ordered by the Board and if the
3 accused refuses to abide by any such disciplinary order, the
4 Director shall remove him or her forthwith.

5 If the accused is found not guilty or has served a period
6 of suspension greater than prescribed by the Board, the Board
7 shall order that the officer receive compensation for the
8 period involved. The award of compensation shall include
9 interest at the rate of 7% per annum.

10 The Board may include in its order appropriate sanctions
11 based upon the Board's rules and regulations. If the Board
12 finds that a party has made allegations or denials without
13 reasonable cause or has engaged in frivolous litigation for the
14 purpose of delay or needless increase in the cost of
15 litigation, it may order that party to pay the other party's
16 reasonable expenses, including costs and reasonable attorney's
17 fees. The State of Illinois and the Department shall be subject
18 to these sanctions in the same manner as other parties.

19 In case of the neglect or refusal of any person to obey a
20 subpoena issued by the Board, any circuit court, upon
21 application of any member of the Board, may order such person
22 to appear before the Board and give testimony or produce
23 evidence, and any failure to obey such order is punishable by
24 the court as a contempt thereof.

25 The provisions of the Administrative Review Law, and all
26 amendments and modifications thereof, and the rules adopted

1 pursuant thereto, shall apply to and govern all proceedings for
2 the judicial review of any order of the Board rendered pursuant
3 to the provisions of this Section.

4 Notwithstanding the provisions of this Section, a policy
5 making officer, as defined in the Employee Rights Violation
6 Act, of the Department of State Police shall be discharged from
7 the Department of State Police as provided in the Employee
8 Rights Violation Act, enacted by the 85th General Assembly.

9 (Source: P.A. 96-891, eff. 5-10-10.)

10 (20 ILCS 2610/17c new)

11 Sec. 17c. Military equipment surplus program.

12 (a) For purposes of this Section:

13 "Bayonet" means a large knife designed to be attached to
14 the muzzle of a rifle, shotgun, or long gun for the purpose of
15 hand-to-hand combat.

16 "Grenade launcher" means a firearm or firearm accessory
17 designed to launch small explosive projectiles.

18 "Military equipment surplus program" means any federal or
19 State program allowing a law enforcement agency to obtain
20 surplus military equipment including, but not limit to, any
21 program organized under Section 1122 of the National Defense
22 Authorization Act for Fiscal Year 1994 (Pub. L. 103-160) or
23 Section 1033 of the National Defense Authorization Act for
24 Fiscal Year 1997 (Pub. L. 104-201), or any program established
25 under 10 U.S.C. 2576a.

1 "Tracked armored vehicle" means a vehicle that provides
2 ballistic protection to its occupants and utilizes a tracked
3 system installed of wheels for forward motion.

4 "Weaponized aircraft, vessel, or vehicle" means any
5 aircraft, vessel, or vehicle with weapons installed.

6 (b) The Illinois State Police shall not request or receive
7 from any military equipment surplus program nor purchase or
8 otherwise utilize the following equipment:

9 (1) tracked armored vehicles;

10 (2) weaponized aircraft, vessels, or vehicles;

11 (3) firearms of .50-caliber or higher;

12 (4) ammunition of .50-caliber or higher;

13 (5) grenade launchers; or

14 (6) bayonets.

15 (c) If the Illinois State Police request other property not
16 prohibited by this Section from a military equipment surplus
17 program, the Illinois State Police shall publish notice of the
18 request on a publicly accessible website maintained by the
19 Illinois State Police within 14 days after the request.

20 Section 10-130. The Illinois Criminal Justice Information
21 Act is amended by adding Sections 7.7 and 7.8 as follows:

22 (20 ILCS 3930/7.7 new)

23 Sec. 7.7. Pretrial data collection.

24 (a) The Administrative Director of the Administrative

1 Officer of the Illinois Courts shall convene an oversight board
2 to be known as the Pretrial Practices Data Oversight Board to
3 oversee the collection and analysis of data regarding pretrial
4 practices in circuit court systems. The Board shall include,
5 but is not limited to, designees from the Administrative Office
6 of the Illinois Courts, the Illinois Criminal Justice
7 Information Authority, and other entities that possess
8 knowledge of pretrial practices and data collection issues.
9 Members of the Board shall serve without compensation.

10 (b) The Oversight Board shall:

11 (1) identify existing pretrial data collection
12 processes in local jurisdictions;

13 (2) define, gather and maintain records of pretrial
14 data relating to the topics listed in subsection (c) from
15 circuit clerks' offices, sheriff's departments, law
16 enforcement agencies, jails, pretrial departments,
17 probation department, State's Attorneys' offices, public
18 defenders' offices and other applicable criminal justice
19 system agencies;

20 (3) identify resources necessary to systematically
21 collect and report data related to the topics listed in
22 subsections (c); and

23 (4) develop a plan to implement data collection
24 processes sufficient to collect data on the topics listed
25 in subsection (c) no later than one year after the
26 effective date of this amendatory Act of the 101st General

1 Assembly. The plan and, once implemented, the reports and
2 analysis shall be published and made publicly available on
3 the Administrative Office of the Illinois Courts (AOIC)
4 website.

5 (c) The Pretrial Practices Data Oversight Board shall
6 develop a strategy to collect quarterly, county-level data on
7 the following topics; which collection of data shall begin
8 starting one year after the effective date of this amendatory
9 Act of the 101st General Assembly:

10 (1) information on all persons arrested and charged
11 with misdemeanor or felony charges, or both, including
12 information on persons released directly from law
13 enforcement custody;

14 (2) information on the outcomes of pretrial conditions
15 and pretrial detention hearings in the county courts,
16 including but not limited to the number of hearings held,
17 the number of defendants detained, the number of defendants
18 released, and the number of defendants released with
19 electronic monitoring;

20 (3) information regarding persons detained in the
21 county jail pretrial, including, but not limited to, the
22 number of persons detained in the jail pretrial and the
23 number detained in the jail for other reasons, the
24 demographics of the pretrial jail population, race, sex,
25 sexual orientation, gender identity, age, and ethnicity,
26 the charges including on which pretrial defendants are

1 detained, the average length of stay of pretrial
2 defendants;

3 (4) information regarding persons placed on electronic
4 monitoring programs pretrial, including, but not limited
5 to, the number of participants, the demographics of the
6 participant population, including race, sex, sexual
7 orientation, gender identity, age, and ethnicity, the
8 charges on which participants are ordered to the program,
9 and the average length of participation in the program;

10 (5) discharge data regarding persons detained pretrial
11 in the county jail, including, but not limited to, the
12 number who are sentenced to the Illinois Department of
13 Corrections, the number released after being sentenced to
14 time served, the number who are released on probation,
15 conditional discharge, or other community supervision, the
16 number found not guilty, the number whose cases are
17 dismissed, the number whose cases are dismissed as part of
18 diversion or deferred prosecution program, and the number
19 who are released pretrial after a hearing re-examining
20 their pretrial detention;

21 (6) information on the pretrial rearrest of
22 individuals released pretrial, including the number
23 arrested and charged with a new misdemeanor offense while
24 released, the number arrested and charged with a new felony
25 offense while released, and the number arrested and charged
26 with a new forcible felony offense while released, and how

1 long after release these arrests occurred;

2 (7) information on the pretrial failure to appear rates
3 of individuals released pretrial, including the number who
4 missed one or more court dates, how many warrants for
5 failures to appear were issued, and how many individuals
6 were detained pretrial or placed on electronic monitoring
7 pretrial after a failure to appear in court;

8 (8) what, if any, validated pretrial risk assessment
9 tools are in use in each jurisdiction, and comparisons of
10 the pretrial release and pretrial detention decisions of
11 judges as compared to and the risk assessment scores of
12 individuals; and

13 (9) any other information the Pretrial Practices Data
14 Oversight Board considers important and probative of the
15 effectiveness of pretrial practices in the state of
16 Illinois. d) Circuit clerks' offices, sheriff's
17 departments, law enforcement agencies, jails, pretrial
18 departments, probation department, State's Attorneys'
19 offices, public defenders' offices and other applicable
20 criminal justice system agencies are mandated to provide
21 data to the Administrative Office of the Illinois Courts as
22 described in subsection (c).

23 (20 ILCS 3930/7.8 new)

24 Sec. 7.8. Domestic Violence Pretrial Practices Working
25 Group.

1 (a) The Executive Director of the Illinois Criminal Justice
2 Information Authority shall convene a working group to research
3 and issue a report on current practices in pretrial domestic
4 violence courts throughout the state of Illinois.

5 (b) The working group shall include, but is not limited to,
6 designees from the Administrative Office of the Illinois
7 Courts, the Illinois Criminal Justice Information Authority,
8 Domestic Violence victims' advocates, formerly incarcerated
9 victims of violence, legal practitioners, and other entities
10 that possess knowledge of evidence-based practices surrounding
11 domestic violence and current pretrial practices in Illinois.

12 (c) The group shall meet quarterly and no later than 15
13 months after the effective date of this amendatory Act of the
14 101st General Assembly issue a preliminary report on the state
15 of current practice across the state in regards to pretrial
16 practices and domestic violence and no later than 15 months
17 after the release of the preliminary report, issue a final
18 report issuing recommendations for evidence-based improvements
19 to court procedures.

20 (d) Members of the working group shall serve without
21 compensation.

22 Section 10-135. The Public Officer Prohibited Activities
23 Act is amended by adding Section 4.1 as follows:

24 (50 ILCS 105/4.1 new)

1 Sec. 4.1. Retaliation against a whistleblower.

2 (a) It is prohibited for a unit of local government, any
3 agent or representative of a unit of local government, or
4 another employee to retaliate against an employee or contractor
5 who:

6 (1) reports an improper governmental action under this
7 Section;

8 (2) cooperates with an investigation by an auditing
9 official related to a report of improper governmental
10 action; or

11 (3) testifies in a proceeding or prosecution arising
12 out of an improper governmental action.

13 (b) To invoke the protections of this Section, an employee
14 shall make a written report of improper governmental action to
15 the appropriate auditing official. An employee who believes he
16 or she has been retaliated against in violation of this Section
17 must submit a written report to the auditing official within 60
18 days of gaining knowledge of the retaliatory action. If the
19 auditing official is the individual doing the improper
20 governmental action, then a report under this subsection may be
21 submitted to any State's Attorney.

22 (c) Each auditing official shall establish written
23 processes and procedures for managing complaints filed under
24 this Section, and each auditing official shall investigate and
25 dispose of reports of improper governmental action in
26 accordance with these processes and procedures. If an auditing

1 official concludes that an improper governmental action has
2 taken place or concludes that the relevant unit of local
3 government, department, agency, or supervisory officials have
4 hindered the auditing official's investigation into the
5 report, the auditing official shall notify in writing the chief
6 executive of the unit of local government and any other
7 individual or entity the auditing official deems necessary in
8 the circumstances.

9 (d) An auditing official may transfer a report of improper
10 governmental action to another auditing official for
11 investigation if an auditing official deems it appropriate,
12 including, but not limited to, the appropriate State's
13 Attorney.

14 (e) To the extent allowed by law, the identity of an
15 employee reporting information about an improper governmental
16 action shall be kept confidential unless the employee waives
17 confidentiality in writing. Auditing officials may take
18 reasonable measures to protect employees who reasonably
19 believe they may be subject to bodily harm for reporting
20 improper government action.

21 (f) The following remedies are available to employees
22 subjected to adverse actions for reporting improper government
23 action:

24 (1) Auditing officials may reinstate, reimburse for
25 lost wages or expenses incurred, promote, or provide some
26 other form of restitution.

1 (2) In instances where an auditing official determines
2 that restitution will not suffice, the auditing official
3 may make his or her investigation findings available for
4 the purposes of aiding in that employee or the employee's
5 attorney's effort to make the employee whole.

6 (g) A person who engages in prohibited retaliatory action
7 under subsection (a) is subject to the following penalties: a
8 fine of no less than \$500 and no more than \$5,000, suspension
9 without pay, demotion, discharge, civil or criminal
10 prosecution, or any combination of these penalties, as
11 appropriate.

12 (h) Every employee shall receive a written summary or a
13 complete copy of this Section upon commencement of employment
14 and at least once each year of employment. At the same time,
15 the employee shall also receive a copy of the written processes
16 and procedures for reporting improper governmental actions
17 from the applicable auditing official.

18 (i) As used in this Section:

19 "Auditing official" means any elected, appointed, or hired
20 individual, by whatever name, in a unit of local government
21 whose duties are similar to, but not limited to, receiving,
22 registering, and investigating complaints and information
23 concerning misconduct, inefficiency, and waste within the unit
24 of local government; investigating the performance of
25 officers, employees, functions, and programs; and promoting
26 economy, efficiency, effectiveness and integrity in the

1 administration of the programs and operations of the
2 municipality. If a unit of local government does not have an
3 "auditing official", the "auditing official" shall be a State's
4 Attorney of the county in which the unit of local government is
5 located within.

6 "Employee" means anyone employed by a unit of local
7 government, whether in a permanent or temporary position,
8 including full-time, part-time, and intermittent workers.

9 "Employee" also includes members of appointed boards or
10 commissions, whether or not paid. "Employee" also includes
11 persons who have been terminated because of any report or
12 complaint submitted under this Section.

13 "Improper governmental action" means any action by a unit
14 of local government employee, an appointed member of a board,
15 commission, or committee, or an elected official of the unit of
16 local government that is undertaken in violation of a federal,
17 State, or unit of local government law or rule; is an abuse of
18 authority; violates the public's trust or expectation of his or
19 her conduct; is of substantial and specific danger to the
20 public's health or safety; or is a gross waste of public funds.
21 The action need not be within the scope of the employee's,
22 elected official's, board member's, commission member's, or
23 committee member's official duties to be subject to a claim of
24 "improper governmental action". "Improper governmental action"
25 does not include a unit of local government personnel actions,
26 including, but not limited to employee grievances, complaints,

1 appointments, promotions, transfers, assignments,
2 reassignments, reinstatements, restorations, reemployment,
3 performance evaluations, reductions in pay, dismissals,
4 suspensions, demotions, reprimands, or violations of
5 collective bargaining agreements, except to the extent that the
6 action amounts to retaliation.

7 "Retaliate", "retaliation", or "retaliatory action" means
8 any adverse change in an employee's employment status or the
9 terms and conditions of employment that results from an
10 employee's protected activity under this Section. "Retaliatory
11 action" includes, but is not limited to, denial of adequate
12 staff to perform duties; frequent staff changes; frequent and
13 undesirable office changes; refusal to assign meaningful work;
14 unsubstantiated letters of reprimand or unsatisfactory
15 performance evaluations; demotion; reduction in pay; denial of
16 promotion; transfer or reassignment; suspension or dismissal;
17 or other disciplinary action made because of an employee's
18 protected activity under this Section.

19 Section 10-140. The Local Records Act is amended by
20 changing Section 3b as follows:

21 (50 ILCS 205/3b)

22 Sec. 3b. Arrest records and reports.

23 (a) When an individual is arrested, the following
24 information must be made available to the news media for

1 inspection and copying:

2 (1) Information that identifies the individual,
3 including the name, age, address, and photograph, when and
4 if available.

5 (2) Information detailing any charges relating to the
6 arrest.

7 (3) The time and location of the arrest.

8 (4) The name of the investigating or arresting law
9 enforcement agency.

10 (5) If the individual is incarcerated, the conditions
11 of pretrial release ~~amount of any bail or bond~~.

12 (6) If the individual is incarcerated, the time and
13 date that the individual was received, discharged, or
14 transferred from the arresting agency's custody.

15 (b) The information required by this Section must be made
16 available to the news media for inspection and copying as soon
17 as practicable, but in no event shall the time period exceed 72
18 hours from the arrest. The information described in paragraphs
19 (3), (4), (5), and (6) of subsection (a), however, may be
20 withheld if it is determined that disclosure would:

21 (1) interfere with pending or actually and reasonably
22 contemplated law enforcement proceedings conducted by any
23 law enforcement or correctional agency;

24 (2) endanger the life or physical safety of law
25 enforcement or correctional personnel or any other person;
26 or

1 (3) compromise the security of any correctional
2 facility.

3 (c) For the purposes of this Section the term "news media"
4 means personnel of a newspaper or other periodical issued at
5 regular intervals whether in print or electronic format, a news
6 service whether in print or electronic format, a radio station,
7 a television station, a television network, a community antenna
8 television service, or a person or corporation engaged in
9 making news reels or other motion picture news for public
10 showing.

11 (d) Each law enforcement or correctional agency may charge
12 fees for arrest records, but in no instance may the fee exceed
13 the actual cost of copying and reproduction. The fees may not
14 include the cost of the labor used to reproduce the arrest
15 record.

16 (e) The provisions of this Section do not supersede the
17 confidentiality provisions for arrest records of the Juvenile
18 Court Act of 1987.

19 (f) All information, including photographs, made available
20 under this Section is subject to the provisions of Section 2000
21 of the Consumer Fraud and Deceptive Business Practices Act.

22 (Source: P.A. 98-555, eff. 1-1-14; 99-363, eff. 1-1-16.)

23 Section 10-141. The Local Records Act is amended by adding
24 Section 25 as follows:

1 (50 ILCS 205/25 new)

2 Sec. 25. Police misconduct records. Notwithstanding any
3 other provision of law to the contrary, all public records and
4 nonpublic records related to complaints, investigations, and
5 adjudications of police misconduct shall be permanently
6 retained and may not be destroyed.

7 Section 10-143. The Illinois Police Training Act is amended
8 by changing Sections 6, 6.2, 7, and 10.17 and by adding Section
9 10.6 as follows:

10 (50 ILCS 705/6) (from Ch. 85, par. 506)

11 Sec. 6. Powers and duties of the Board; selection and
12 certification of schools. The Board shall select and certify
13 schools within the State of Illinois for the purpose of
14 providing basic training for probationary police officers,
15 probationary county corrections officers, and court security
16 officers and of providing advanced or in-service training for
17 permanent police officers or permanent county corrections
18 officers, which schools may be either publicly or privately
19 owned and operated. In addition, the Board has the following
20 power and duties:

21 a. To require local governmental units to furnish such
22 reports and information as the Board deems necessary to
23 fully implement this Act.

24 b. To establish appropriate mandatory minimum

1 standards relating to the training of probationary local
2 law enforcement officers or probationary county
3 corrections officers, and in-service training of permanent
4 police officers.

5 c. To provide appropriate certification to those
6 probationary officers who successfully complete the
7 prescribed minimum standard basic training course.

8 d. To review and approve annual training curriculum for
9 county sheriffs.

10 e. To review and approve applicants to ensure that no
11 applicant is admitted to a certified academy unless the
12 applicant is a person of good character and has not been
13 convicted of, or entered a plea of guilty to, a felony
14 offense, any of the misdemeanors in Sections 11-1.50, 11-6,
15 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2,
16 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the
17 Criminal Code of 1961 or the Criminal Code of 2012,
18 subdivision (a)(1) or (a)(2)(C) of Section 11-14.3 of the
19 Criminal Code of 1961 or the Criminal Code of 2012, or
20 subsection (a) of Section 17-32 of the Criminal Code of
21 1961 or the Criminal Code of 2012, or Section 5 or 5.2 of
22 the Cannabis Control Act, or a crime involving moral
23 turpitude under the laws of this State or any other state
24 which if committed in this State would be punishable as a
25 felony or a crime of moral turpitude. The Board may appoint
26 investigators who shall enforce the duties conferred upon

1 the Board by this Act.

2 f. To establish statewide standards for minimum
3 standards regarding regular mental health screenings for
4 probationary and permanent police officers, ensuring that
5 counseling sessions and screenings remain confidential.

6 (Source: P.A. 101-187, eff. 1-1-20.)

7 (50 ILCS 705/6.2)

8 Sec. 6.2. Officer professional conduct database.

9 (a) All law enforcement agencies shall notify the Board of
10 any final determination of willful violation of department or
11 agency policy, official misconduct, or violation of law when:

12 (1) the officer is discharged or dismissed as a result
13 of the violation; or

14 (2) the officer resigns during the course of an
15 investigation and after the officer has been served notice
16 that he or she is under investigation that is based on the
17 commission of any ~~a Class 2 or greater felony~~ or sex
18 offense.

19 The agency shall report to the Board within 30 days of a
20 final decision of discharge or dismissal and final exhaustion
21 of any appeal, or resignation, and shall provide information
22 regarding the nature of the violation.

23 (b) Upon receiving notification from a law enforcement
24 agency, the Board must notify the law enforcement officer of
25 the report and his or her right to provide a statement

1 regarding the reported violation.

2 (c) The Board shall maintain a database readily available
3 to any chief administrative officer, or his or her designee, of
4 a law enforcement agency or any State's Attorney that shall
5 show each reported instance, including the name of the officer,
6 the nature of the violation, reason for the final decision of
7 discharge or dismissal, and any statement provided by the
8 officer.

9 (Source: P.A. 99-352, eff. 1-1-16.)

10 (50 ILCS 705/7) (from Ch. 85, par. 507)

11 Sec. 7. Rules and standards for schools. The Board shall
12 adopt rules and minimum standards for such schools which shall
13 include, but not be limited to, the following:

14 a. The curriculum for probationary police officers
15 which shall be offered by all certified schools shall
16 include, but not be limited to, courses of procedural
17 justice, arrest and use and control tactics, search and
18 seizure, including temporary questioning, civil rights,
19 human rights, human relations, cultural competency,
20 including implicit bias and racial and ethnic sensitivity,
21 criminal law, law of criminal procedure, constitutional
22 and proper use of law enforcement authority, crisis
23 intervention training, vehicle and traffic law including
24 uniform and non-discriminatory enforcement of the Illinois
25 Vehicle Code, traffic control and accident investigation,

1 techniques of obtaining physical evidence, court
2 testimonies, statements, reports, firearms training,
3 training in the use of electronic control devices,
4 including the psychological and physiological effects of
5 the use of those devices on humans, first-aid (including
6 cardiopulmonary resuscitation), training in the
7 administration of opioid antagonists as defined in
8 paragraph (1) of subsection (e) of Section 5-23 of the
9 Substance Use Disorder Act, handling of juvenile
10 offenders, recognition of mental conditions and crises,
11 including, but not limited to, the disease of addiction,
12 which require immediate assistance and response and
13 methods to safeguard and provide assistance to a person in
14 need of mental treatment, recognition of abuse, neglect,
15 financial exploitation, and self-neglect of adults with
16 disabilities and older adults, as defined in Section 2 of
17 the Adult Protective Services Act, crimes against the
18 elderly, law of evidence, the hazards of high-speed police
19 vehicle chases with an emphasis on alternatives to the
20 high-speed chase, and physical training. The curriculum
21 shall include specific training in techniques for
22 immediate response to and investigation of cases of
23 domestic violence and of sexual assault of adults and
24 children, including cultural perceptions and common myths
25 of sexual assault and sexual abuse as well as interview
26 techniques that are age sensitive and are trauma informed,

1 victim centered, and victim sensitive. The curriculum
2 shall include training in techniques designed to promote
3 effective communication at the initial contact with crime
4 victims and ways to comprehensively explain to victims and
5 witnesses their rights under the Rights of Crime Victims
6 and Witnesses Act and the Crime Victims Compensation Act.
7 The curriculum shall also include training in effective
8 recognition of and responses to stress, trauma, and
9 post-traumatic stress experienced by police officers that
10 is consistent with Section 25 of the Illinois Mental Health
11 First Aid Training Act in a peer setting, including
12 recognizing signs and symptoms of work-related cumulative
13 stress, issues that may lead to suicide, and solutions for
14 intervention with peer support resources. The curriculum
15 shall include a block of instruction addressing the
16 mandatory reporting requirements under the Abused and
17 Neglected Child Reporting Act. The curriculum shall also
18 include a block of instruction aimed at identifying and
19 interacting with persons with autism and other
20 developmental or physical disabilities, reducing barriers
21 to reporting crimes against persons with autism, and
22 addressing the unique challenges presented by cases
23 involving victims or witnesses with autism and other
24 developmental disabilities. The curriculum shall include
25 training in the detection and investigation of all forms of
26 human trafficking. The curriculum shall also include

1 instruction in trauma-informed responses designed to
2 ensure the physical safety and well-being of a child of an
3 arrested parent or immediate family member; this
4 instruction must include, but is not limited to: (1)
5 understanding the trauma experienced by the child while
6 maintaining the integrity of the arrest and safety of
7 officers, suspects, and other involved individuals; (2)
8 de-escalation tactics that would include the use of force
9 when reasonably necessary; and (3) inquiring whether a
10 child will require supervision and care. The curriculum for
11 probationary police officers shall include: (1) at least 12
12 hours of hands-on, scenario-based role-playing; (2) at
13 least 6 hours of instruction on use of force techniques,
14 including the use of de-escalation techniques to prevent or
15 reduce the need for force whenever safe and feasible; (3)
16 specific training on officer safety techniques, including
17 cover, concealment, and time; and (4) at least 6 hours of
18 training focused on high-risk traffic stops. The
19 curriculum for permanent police officers shall include,
20 but not be limited to: (1) refresher and in-service
21 training in any of the courses listed above in this
22 subparagraph, (2) advanced courses in any of the subjects
23 listed above in this subparagraph, (3) training for
24 supervisory personnel, and (4) specialized training in
25 subjects and fields to be selected by the board. The
26 training in the use of electronic control devices shall be

1 conducted for probationary police officers, including
2 University police officers.

3 b. Minimum courses of study, attendance requirements
4 and equipment requirements.

5 c. Minimum requirements for instructors.

6 d. Minimum basic training requirements, which a
7 probationary police officer must satisfactorily complete
8 before being eligible for permanent employment as a local
9 law enforcement officer for a participating local
10 governmental agency. Those requirements shall include
11 training in first aid (including cardiopulmonary
12 resuscitation).

13 e. Minimum basic training requirements, which a
14 probationary county corrections officer must
15 satisfactorily complete before being eligible for
16 permanent employment as a county corrections officer for a
17 participating local governmental agency.

18 f. Minimum basic training requirements which a
19 probationary court security officer must satisfactorily
20 complete before being eligible for permanent employment as
21 a court security officer for a participating local
22 governmental agency. The Board shall establish those
23 training requirements which it considers appropriate for
24 court security officers and shall certify schools to
25 conduct that training.

26 A person hired to serve as a court security officer

1 must obtain from the Board a certificate (i) attesting to
2 his or her successful completion of the training course;
3 (ii) attesting to his or her satisfactory completion of a
4 training program of similar content and number of hours
5 that has been found acceptable by the Board under the
6 provisions of this Act; or (iii) attesting to the Board's
7 determination that the training course is unnecessary
8 because of the person's extensive prior law enforcement
9 experience.

10 Individuals who currently serve as court security
11 officers shall be deemed qualified to continue to serve in
12 that capacity so long as they are certified as provided by
13 this Act within 24 months of June 1, 1997 (the effective
14 date of Public Act 89-685). Failure to be so certified,
15 absent a waiver from the Board, shall cause the officer to
16 forfeit his or her position.

17 All individuals hired as court security officers on or
18 after June 1, 1997 (the effective date of Public Act
19 89-685) shall be certified within 12 months of the date of
20 their hire, unless a waiver has been obtained by the Board,
21 or they shall forfeit their positions.

22 The Sheriff's Merit Commission, if one exists, or the
23 Sheriff's Office if there is no Sheriff's Merit Commission,
24 shall maintain a list of all individuals who have filed
25 applications to become court security officers and who meet
26 the eligibility requirements established under this Act.

1 Either the Sheriff's Merit Commission, or the Sheriff's
2 Office if no Sheriff's Merit Commission exists, shall
3 establish a schedule of reasonable intervals for
4 verification of the applicants' qualifications under this
5 Act and as established by the Board.

6 g. Minimum in-service training requirements, which a
7 police officer must satisfactorily complete every 3 years.
8 Those requirements shall include constitutional and proper
9 use of law enforcement authority, procedural justice,
10 civil rights, human rights, ~~mental health awareness and~~
11 ~~response, officer wellness,~~ reporting child abuse and
12 neglect, and cultural competency, including implicit bias
13 and racial and ethnic sensitivity.

14 h. Minimum in-service training requirements, which a
15 police officer must satisfactorily complete at least
16 annually. Those requirements shall include law updates,
17 emergency medical response training and certification,
18 crisis intervention training, and officer wellness and
19 mental health and ~~use of force training which shall include~~
20 ~~scenario based training, or similar training approved by~~
21 ~~the Board.~~

22 i. Minimum in-service training requirements as set
23 forth in Section 10.6.

24 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;
25 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.
26 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,

1 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;
2 101-564, eff. 1-1-20; revised 9-10-19.)

3 (50 ILCS 705/10.6 new)

4 Sec. 10.6. Mandatory training to be completed every 3
5 years. The Board shall adopt rules and minimum standards for
6 in-service training requirements as set forth in this Section.
7 The training shall provide officers with knowledge of policies
8 and laws regulating the use of force; equip officers with
9 tactics and skills, including de-escalation techniques, to
10 prevent or reduce the need to use force or, when force must be
11 used, to use force that is objectively reasonable, necessary,
12 and proportional under the totality of the circumstances; and
13 ensure appropriate supervision and accountability. The
14 training shall consist of at least 30 hours of training every 3
15 years and shall include:

16 (1) At least 12 hours of hands-on, scenario-based
17 role-playing.

18 (2) At least 6 hours of instruction on use of force
19 techniques, including the use of de-escalation techniques to
20 prevent or reduce the need for force whenever safe and
21 feasible.

22 (3) Specific training on the law concerning stops,
23 searches, and the use of force under the Fourth Amendment to
24 the United States Constitution.

25 (4) Specific training on officer safety techniques,

1 including cover, concealment, and time.

2 (5) At least 6 hours of training focused on high-risk
3 traffic stops.

4 (50 ILCS 705/10.17)

5 Sec. 10.17. Crisis intervention team training; mental
6 health awareness training.

7 (a) The Illinois Law Enforcement Training Standards Board
8 shall develop and approve a standard curriculum for certified
9 training programs in crisis intervention of at least 40 hours
10 addressing specialized policing responses to people with
11 mental illnesses. The Board shall conduct Crisis Intervention
12 Team (CIT) training programs that train officers to identify
13 signs and symptoms of mental illness, to de-escalate situations
14 involving individuals who appear to have a mental illness, and
15 connect that person in crisis to treatment. Crisis Intervention
16 Team (CIT) training programs shall be a collaboration between
17 law enforcement professionals, mental health providers,
18 families, and consumer advocates and must minimally include the
19 following components: (1) basic information about mental
20 illnesses and how to recognize them; (2) information about
21 mental health laws and resources; (3) learning from family
22 members of individuals with mental illness and their
23 experiences; and (4) verbal de-escalation training and
24 role-plays. Officers who have successfully completed this
25 program shall be issued a certificate attesting to their

1 attendance of a Crisis Intervention Team (CIT) training
2 program.

3 (b) The Board shall create an introductory course
4 incorporating adult learning models that provides law
5 enforcement officers with an awareness of mental health issues
6 including a history of the mental health system, types of
7 mental health illness including signs and symptoms of mental
8 illness and common treatments and medications, and the
9 potential interactions law enforcement officers may have on a
10 regular basis with these individuals, their families, and
11 service providers including de-escalating a potential crisis
12 situation. This course, in addition to other traditional
13 learning settings, may be made available in an electronic
14 format.

15 (Source: P.A. 99-261, eff. 1-1-16; 99-642, eff. 7-28-16;
16 100-247, eff. 1-1-18.)

17 Section 10-145. The Law Enforcement Officer-Worn Body
18 Camera Act is amended by changing Sections 10-15, 10-20, and
19 10-25 as follows:

20 (50 ILCS 706/10-15)

21 Sec. 10-15. Applicability.

22 (a) All ~~Any~~ law enforcement agencies must employ the use of
23 agency which employs the use of officer-worn body cameras in
24 accordance with ~~is subject to~~ the provisions of this Act,

1 whether or not the agency receives or has received monies from
2 the Law Enforcement Camera Grant Fund.

3 (b) All law enforcement agencies must implement the use of
4 body cameras for all law enforcement officers, according to the
5 following schedule:

6 (1) for municipalities and counties with populations
7 of 500,000 or more, body cameras shall be implemented by
8 January 1, 2022;

9 (2) for municipalities and counties with populations
10 of 100,000 or more but under 500,000, body cameras shall be
11 implemented by January 1, 2023;

12 (3) for municipalities and counties with populations
13 of 50,000 or more but under 100,000, body cameras shall be
14 implemented by January 1, 2024;

15 (4) for municipalities and counties under 50,000, body
16 cameras shall be implemented by January 1, 2025; and

17 (5) for the Department of State Police, body cameras
18 shall be implemented by January 1, 2025.

19 (c) A law enforcement agency's compliance with the
20 requirements under this Section shall receive preference by the
21 Illinois Law Enforcement Training Standards Board in awarding
22 grant funding under the Law Enforcement Camera Grant Act.

23 (Source: P.A. 99-352, eff. 1-1-16.)

24 (50 ILCS 706/10-20)

25 Sec. 10-20. Requirements.

1 (a) The Board shall develop basic guidelines for the use of
2 officer-worn body cameras by law enforcement agencies. The
3 guidelines developed by the Board shall be the basis for the
4 written policy which must be adopted by each law enforcement
5 agency which employs the use of officer-worn body cameras. The
6 written policy adopted by the law enforcement agency must
7 include, at a minimum, all of the following:

8 (1) Cameras must be equipped with pre-event recording,
9 capable of recording at least the 30 seconds prior to
10 camera activation, unless the officer-worn body camera was
11 purchased and acquired by the law enforcement agency prior
12 to July 1, 2015.

13 (2) Cameras must be capable of recording for a period
14 of 10 hours or more, unless the officer-worn body camera
15 was purchased and acquired by the law enforcement agency
16 prior to July 1, 2015.

17 (3) Cameras must be turned on at all times when the
18 officer is in uniform and is responding to calls for
19 service or engaged in any law enforcement-related
20 encounter or activity, that occurs while the officer is on
21 duty.

22 (A) If exigent circumstances exist which prevent
23 the camera from being turned on, the camera must be
24 turned on as soon as practicable.

25 (B) Officer-worn body cameras may be turned off
26 when the officer is inside of a patrol car which is

1 equipped with a functioning in-car camera; however,
2 the officer must turn on the camera upon exiting the
3 patrol vehicle for law enforcement-related encounters.

4 (C) Officer-worn body cameras may be turned off
5 when the officer is inside a correctional facility
6 which is equipped with a functioning camera system.

7 (4) Cameras must be turned off when:

8 (A) the victim of a crime requests that the camera
9 be turned off, and unless impractical or impossible,
10 that request is made on the recording;

11 (B) a witness of a crime or a community member who
12 wishes to report a crime requests that the camera be
13 turned off, and unless impractical or impossible that
14 request is made on the recording; or

15 (C) the officer is interacting with a confidential
16 informant used by the law enforcement agency.

17 However, an officer may continue to record or resume
18 recording a victim or a witness, if exigent circumstances
19 exist, or if the officer has reasonable articulable
20 suspicion that a victim or witness, or confidential
21 informant has committed or is in the process of committing
22 a crime. Under these circumstances, and unless impractical
23 or impossible, the officer must indicate on the recording
24 the reason for continuing to record despite the request of
25 the victim or witness.

26 (4.5) Cameras may be turned off when the officer is

1 engaged in community caretaking functions. However, the
2 camera must be turned on when the officer has reason to
3 believe that the person on whose behalf the officer is
4 performing a community caretaking function has committed
5 or is in the process of committing a crime. If exigent
6 circumstances exist which prevent the camera from being
7 turned on, the camera must be turned on as soon as
8 practicable.

9 (5) The officer must provide notice of recording to any
10 person if the person has a reasonable expectation of
11 privacy and proof of notice must be evident in the
12 recording. If exigent circumstances exist which prevent
13 the officer from providing notice, notice must be provided
14 as soon as practicable.

15 (6) (A) For the purposes of redaction, labeling, or
16 duplicating recordings, access to camera recordings shall
17 be restricted to only those personnel responsible for those
18 purposes. The ~~recording officer and his or her~~ supervisor
19 of the recording officer may access and review recordings
20 prior to completing incident reports or other
21 documentation, provided that the ~~officer or his or her~~
22 supervisor discloses that fact in the report or
23 documentation.

24 (B) The recording officer's assigned field
25 training officer may access and review recordings for
26 training purposes. Any detective or investigator

1 directly involved in the investigation of a matter may
2 access and review recordings which pertain to that
3 investigation but may not have access to delete or
4 alter such recordings.

5 (7) Recordings made on officer-worn cameras must be
6 retained by the law enforcement agency or by the camera
7 vendor used by the agency, on a recording medium for a
8 period of 90 days.

9 (A) Under no circumstances shall any recording
10 made with an officer-worn body camera be altered,
11 erased, or destroyed prior to the expiration of the
12 90-day storage period.

13 (B) Following the 90-day storage period, any and
14 all recordings made with an officer-worn body camera
15 must be destroyed, unless any encounter captured on the
16 recording has been flagged. An encounter is deemed to
17 be flagged when:

18 (i) a formal or informal complaint has been
19 filed;

20 (ii) the officer discharged his or her firearm
21 or used force during the encounter;

22 (iii) death or great bodily harm occurred to
23 any person in the recording;

24 (iv) the encounter resulted in a detention or
25 an arrest, excluding traffic stops which resulted
26 in only a minor traffic offense or business

1 offense;

2 (v) the officer is the subject of an internal
3 investigation or otherwise being investigated for
4 possible misconduct;

5 (vi) the supervisor of the officer,
6 prosecutor, defendant, or court determines that
7 the encounter has evidentiary value in a criminal
8 prosecution; or

9 (vii) the recording officer requests that the
10 video be flagged for official purposes related to
11 his or her official duties.

12 (C) Under no circumstances shall any recording
13 made with an officer-worn body camera relating to a
14 flagged encounter be altered or destroyed prior to 2
15 years after the recording was flagged. If the flagged
16 recording was used in a criminal, civil, or
17 administrative proceeding, the recording shall not be
18 destroyed except upon a final disposition and order
19 from the court.

20 (8) Following the 90-day storage period, recordings
21 may be retained if a supervisor at the law enforcement
22 agency designates the recording for training purposes. If
23 the recording is designated for training purposes, the
24 recordings may be viewed by officers, in the presence of a
25 supervisor or training instructor, for the purposes of
26 instruction, training, or ensuring compliance with agency

1 policies.

2 (9) Recordings shall not be used to discipline law
3 enforcement officers unless:

4 (A) a formal or informal complaint of misconduct
5 has been made;

6 (B) a use of force incident has occurred;

7 (C) the encounter on the recording could result in
8 a formal investigation under the Uniform Peace
9 Officers' Disciplinary Act; or

10 (D) as corroboration of other evidence of
11 misconduct.

12 Nothing in this paragraph (9) shall be construed to
13 limit or prohibit a law enforcement officer from being
14 subject to an action that does not amount to discipline.

15 (10) The law enforcement agency shall ensure proper
16 care and maintenance of officer-worn body cameras. Upon
17 becoming aware, officers must as soon as practical document
18 and notify the appropriate supervisor of any technical
19 difficulties, failures, or problems with the officer-worn
20 body camera or associated equipment. Upon receiving
21 notice, the appropriate supervisor shall make every
22 reasonable effort to correct and repair any of the
23 officer-worn body camera equipment.

24 (11) No officer may hinder or prohibit any person, not
25 a law enforcement officer, from recording a law enforcement
26 officer in the performance of his or her duties in a public

1 place or when the officer has no reasonable expectation of
2 privacy. The law enforcement agency's written policy shall
3 indicate the potential criminal penalties, as well as any
4 departmental discipline, which may result from unlawful
5 confiscation or destruction of the recording medium of a
6 person who is not a law enforcement officer. However, an
7 officer may take reasonable action to maintain safety and
8 control, secure crime scenes and accident sites, protect
9 the integrity and confidentiality of investigations, and
10 protect the public safety and order.

11 (b) Recordings made with the use of an officer-worn body
12 camera are not subject to disclosure under the Freedom of
13 Information Act, except that:

14 (1) if the subject of the encounter has a reasonable
15 expectation of privacy, at the time of the recording, any
16 recording which is flagged, due to the filing of a
17 complaint, discharge of a firearm, use of force, arrest or
18 detention, or resulting death or bodily harm, shall be
19 disclosed in accordance with the Freedom of Information Act
20 if:

21 (A) the subject of the encounter captured on the
22 recording is a victim or witness; and

23 (B) the law enforcement agency obtains written
24 permission of the subject or the subject's legal
25 representative;

26 (2) except as provided in paragraph (1) of this

1 subsection (b), any recording which is flagged due to the
2 filing of a complaint, discharge of a firearm, use of
3 force, arrest or detention, or resulting death or bodily
4 harm shall be disclosed in accordance with the Freedom of
5 Information Act; and

6 (3) upon request, the law enforcement agency shall
7 disclose, in accordance with the Freedom of Information
8 Act, the recording to the subject of the encounter captured
9 on the recording or to the subject's attorney, or the
10 officer or his or her legal representative.

11 For the purposes of paragraph (1) of this subsection (b),
12 the subject of the encounter does not have a reasonable
13 expectation of privacy if the subject was arrested as a result
14 of the encounter. For purposes of subparagraph (A) of paragraph
15 (1) of this subsection (b), "witness" does not include a person
16 who is a victim or who was arrested as a result of the
17 encounter.

18 Only recordings or portions of recordings responsive to the
19 request shall be available for inspection or reproduction. Any
20 recording disclosed under the Freedom of Information Act shall
21 be redacted to remove identification of any person that appears
22 on the recording and is not the officer, a subject of the
23 encounter, or directly involved in the encounter. Nothing in
24 this subsection (b) shall require the disclosure of any
25 recording or portion of any recording which would be exempt
26 from disclosure under the Freedom of Information Act.

1 (c) Nothing in this Section shall limit access to a camera
2 recording for the purposes of complying with Supreme Court
3 rules or the rules of evidence.

4 (Source: P.A. 99-352, eff. 1-1-16; 99-642, eff. 7-28-16.)

5 (50 ILCS 706/10-25)

6 Sec. 10-25. Reporting.

7 (a) Each law enforcement agency ~~which employs the use of~~
8 ~~officer worn body cameras~~ must provide an annual report on the
9 use of officer-worn body cameras to the Board, on or before May
10 1 of the year. The report shall include:

11 (1) a brief overview of the makeup of the agency,
12 including the number of officers utilizing officer-worn
13 body cameras;

14 (2) the number of officer-worn body cameras utilized by
15 the law enforcement agency;

16 (3) any technical issues with the equipment and how
17 those issues were remedied;

18 (4) a brief description of the review process used by
19 supervisors within the law enforcement agency;

20 (5) for each recording used in prosecutions of
21 conservation, criminal, or traffic offenses or municipal
22 ordinance violations:

23 (A) the time, date, location, and precinct of the
24 incident;

25 (B) the offense charged and the date charges were

1 filed; and

2 (6) any other information relevant to the
3 administration of the program.

4 (b) On or before July 30 of each year, the Board must
5 analyze the law enforcement agency reports and provide an
6 annual report to the General Assembly and the Governor.

7 (Source: P.A. 99-352, eff. 1-1-16.)

8 Section 10-147. The Uniform Crime Reporting Act is amended
9 by changing Sections 5-10, 5-12, and 5-20 and by adding Section
10 5-11 as follows:

11 (50 ILCS 709/5-10)

12 Sec. 5-10. Central repository of crime statistics. The
13 Department of State Police shall be a central repository and
14 custodian of crime statistics for the State and shall have all
15 the power necessary to carry out the purposes of this Act,
16 including the power to demand and receive cooperation in the
17 submission of crime statistics from all law enforcement
18 agencies. All data and information provided to the Department
19 under this Act must be provided in a manner and form prescribed
20 by the Department. On an annual basis, the Department shall
21 make available compilations of crime statistics and monthly
22 reporting required to be reported by each law enforcement
23 agency.

24 (Source: P.A. 99-352, eff. 1-1-16.)

1 (50 ILCS 709/5-11 new)

2 Sec. 5-11. FBI National Use of Force Database.The
3 Department shall participate in and regularly submit use of
4 force information to the Federal Bureau of Investigation (FBI)
5 National Use of Force Database. Within 90 days of the effective
6 date of this amendatory act, the Department shall promulgate
7 rules outlining the use of force information required for
8 submission to the Database, which shall be submitted monthly by
9 law enforcement agencies under Section 5-12.

10 (50 ILCS 709/5-12)

11 Sec. 5-12. Monthly reporting. All law enforcement agencies
12 shall submit to the Department of State Police on a monthly
13 basis the following:

14 (1) beginning January 1, 2016, a report on any
15 arrest-related death that shall include information
16 regarding the deceased, the officer, any weapon used by the
17 officer or the deceased, and the circumstances of the
18 incident. The Department shall submit on a quarterly basis
19 all information collected under this paragraph (1) to the
20 Illinois Criminal Justice Information Authority,
21 contingent upon updated federal guidelines regarding the
22 Uniform Crime Reporting Program;

23 (2) beginning January 1, 2017, a report on any instance
24 when a law enforcement officer discharges his or her

1 firearm causing a non-fatal injury to a person, during the
2 performance of his or her official duties or in the line of
3 duty;

4 (3) a report of incident-based information on hate
5 crimes including information describing the offense,
6 location of the offense, type of victim, offender, and bias
7 motivation. If no hate crime incidents occurred during a
8 reporting month, the law enforcement agency must submit a
9 no incident record, as required by the Department;

10 (4) a report on any incident of an alleged commission
11 of a domestic crime, that shall include information
12 regarding the victim, offender, date and time of the
13 incident, any injury inflicted, any weapons involved in the
14 commission of the offense, and the relationship between the
15 victim and the offender;

16 (5) data on an index of offenses selected by the
17 Department based on the seriousness of the offense,
18 frequency of occurrence of the offense, and likelihood of
19 being reported to law enforcement. The data shall include
20 the number of index crime offenses committed and number of
21 associated arrests; ~~and~~

22 (6) data on offenses and incidents reported by schools
23 to local law enforcement. The data shall include offenses
24 defined as an attack against school personnel,
25 intimidation offenses, drug incidents, and incidents
26 involving weapons; ~~and~~

1 (7) beginning on July 1, 2021, a report on any incident
2 where a law enforcement officer was dispatched to deal with
3 a person experiencing a mental health crisis or incident.
4 The report shall include the number of incidents, the level
5 of law enforcement response and the outcome of each
6 incident;

7 (8) beginning on July 1, 2021, a report on use of
8 force, including any action that resulted in the death or
9 serious bodily injury of a person or the discharge of a
10 firearm at or in the direction of a person. The report
11 shall include information required by the Department,
12 pursuant to Section 5-11 of this Act.

13 (Source: P.A. 99-352, eff. 1-1-16.)

14 (50 ILCS 709/5-20)

15 Sec. 5-20. Reporting compliance. The Department of State
16 Police shall annually report to the Illinois Law Enforcement
17 Training Standards Board and the Department of Revenue any law
18 enforcement agency not in compliance with the reporting
19 requirements under this Act. A law enforcement agency's
20 compliance with the reporting requirements under this Act shall
21 be a factor considered by the Illinois Law Enforcement Training
22 Standards Board in awarding grant funding under the Law
23 Enforcement Camera Grant Act, with preference to law
24 enforcement agencies which are in compliance with reporting
25 requirements under this Act.

1 (Source: P.A. 99-352, eff. 1-1-16.)

2 Section 10-150. The Uniform Peace Officers' Disciplinary
3 Act is amended by changing Sections 3.2, 3.4, and 3.8 as
4 follows:

5 (50 ILCS 725/3.2) (from Ch. 85, par. 2555)

6 Sec. 3.2. No officer shall be subjected to interrogation
7 without first being informed in writing of the nature of the
8 investigation. ~~If an administrative proceeding is instituted,~~
9 ~~the officer shall be informed beforehand of the names of all~~
10 ~~complainants.~~ The information shall be sufficient as to
11 reasonably apprise the officer of the nature of the
12 investigation.

13 (Source: P.A. 83-981.)

14 (50 ILCS 725/3.4) (from Ch. 85, par. 2557)

15 Sec. 3.4. The officer under investigation shall be informed
16 in writing of the ~~name, rank and unit or command of the officer~~
17 ~~in charge of the investigation,~~ the interrogators, and all
18 persons who will be present on the behalf of the employer
19 during any interrogation except at a public administrative
20 proceeding. The officer under investigation shall inform the
21 employer of any person who will be present on his or her behalf
22 during any interrogation except at a public administrative
23 hearing.

1 (Source: P.A. 94-344, eff. 1-1-06.)

2 (50 ILCS 725/3.8) (from Ch. 85, par. 2561)

3 Sec. 3.8. Admissions; counsel; verified complaint.

4 (a) No officer shall be interrogated without first being
5 advised in writing that admissions made in the course of the
6 interrogation may be used as evidence of misconduct or as the
7 basis for charges seeking suspension, removal, or discharge;
8 and without first being advised in writing that he or she has
9 the right to counsel of his or her choosing who may be present
10 to advise him or her at any stage of any interrogation.

11 (b) It shall not be a requirement for a person ~~Anyone~~
12 filing a complaint against a sworn peace officer to ~~must~~ have
13 the complaint supported by a sworn affidavit or any other legal
14 documentation. This ban on an affidavit requirement shall apply
15 to any collective bargaining agreements entered after the
16 effective date of this provision. ~~Any complaint, having been~~
17 ~~supported by a sworn affidavit, and having been found, in total~~
18 ~~or in part, to contain knowingly false material information,~~
19 ~~shall be presented to the appropriate State's Attorney for a~~
20 ~~determination of prosecution.~~

21 (Source: P.A. 97-472, eff. 8-22-11.)

22 (50 ILCS 725/6 rep.)

23 Section 10-151. The Uniform Peace Officers' Disciplinary
24 Act is amended by repealing Section 6.

1 Section 10-155. The Police and Community Relations
2 Improvement Act is amended by adding Section 1-35 as follows:

3 (50 ILCS 727/1-35 new)

4 Sec. 1-35. Anonymous complaint policy.

5 (a)Any person may file notice of an anonymous complaint to
6 the Illinois Law Enforcement Training Standards Board of any
7 conduct the person believes a law enforcement officer has
8 committed as described in subsection (b) of Section 6.3 of the
9 Illinois Police Training Act. Notwithstanding any other
10 provision in state law or any collective bargaining agreement,
11 the Board shall accept notice and investigate any allegations
12 from individuals who remain anonymous.

13 (b)The Board shall complete a preliminary review of the
14 allegations to determine whether further investigation is
15 warranted. During the preliminary review, the Board will take
16 all reasonable steps to discover any and all objective
17 verifiable evidence relevant to the alleged violation through
18 the identification, retention, review, and analysis of all
19 available evidence, including, but not limited to: all
20 time-sensitive evidence, audio and video evidence, physical
21 evidence, arrest reports, photographic evidence, GPS records,
22 computer data, lab reports, medical documents, and witness
23 interviews. All reasonable steps will be taken to preserve
24 relevant evidence identified during the preliminary

1 investigation.

2 (c)If the Board determines that for an anonymous notice
3 there is objective verifiable evidence to support the
4 allegation or allegations, the Board shall complete a sworn
5 affidavit override to comply with subsection (b) of Section 3.8
6 of the Uniform Peace Officers' Disciplinary Act. The sworn
7 affidavit override shall be specified on a form to be
8 determined by the Board, including what evidence has been
9 reviewed and, in reliance upon that evidence, it shall be
10 affirmed that it is necessary and appropriate for the
11 investigation to continue. It shall forward that form and the
12 alleged violation in accordance with subsection (f) of Section
13 6.3 of the Illinois Police Training Act.

14 Section 10-160. The Counties Code is amended by changing
15 Sections 4-5001, 4-12001, and 4-12001.1 as follows:

16 (55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

17 Sec. 4-5001. Sheriffs; counties of first and second class.
18 The fees of sheriffs in counties of the first and second class,
19 except when increased by county ordinance under this Section,
20 shall be as follows:

21 For serving or attempting to serve summons on each
22 defendant in each county, \$10.

23 For serving or attempting to serve an order or judgment
24 granting injunctive relief in each county, \$10.

1 For serving or attempting to serve each garnishee in each
2 county, \$10.

3 For serving or attempting to serve an order for replevin in
4 each county, \$10.

5 For serving or attempting to serve an order for attachment
6 on each defendant in each county, \$10.

7 For serving or attempting to serve a warrant of arrest, \$8,
8 to be paid upon conviction.

9 For returning a defendant from outside the State of
10 Illinois, upon conviction, the court shall assess, as court
11 costs, the cost of returning a defendant to the jurisdiction.

12 ~~For taking special bail, \$1 in each county.~~

13 For serving or attempting to serve a subpoena on each
14 witness, in each county, \$10.

15 For advertising property for sale, \$5.

16 For returning each process, in each county, \$5.

17 Mileage for each mile of necessary travel to serve any such
18 process as Stated above, calculating from the place of holding
19 court to the place of residence of the defendant, or witness,
20 50¢ each way.

21 For summoning each juror, \$3 with 30¢ mileage each way in
22 all counties.

23 For serving or attempting to serve notice of judgments or
24 levying to enforce a judgment, \$3 with 50¢ mileage each way in
25 all counties.

26 For taking possession of and removing property levied on,

1 the officer shall be allowed to tax the actual cost of such
2 possession or removal.

3 For feeding each prisoner, such compensation to cover the
4 actual cost as may be fixed by the county board, but such
5 compensation shall not be considered a part of the fees of the
6 office.

7 For attending before a court with prisoner, on an order for
8 habeas corpus, in each county, \$10 per day.

9 For attending before a court with a prisoner in any
10 criminal proceeding, in each county, \$10 per day.

11 For each mile of necessary travel in taking such prisoner
12 before the court as stated above, 15¢ a mile each way.

13 For serving or attempting to serve an order or judgment for
14 the possession of real estate in an action of ejectment or in
15 any other action, or for restitution in an eviction action
16 without aid, \$10 and when aid is necessary, the sheriff shall
17 be allowed to tax in addition the actual costs thereof, and for
18 each mile of necessary travel, 50¢ each way.

19 For executing and acknowledging a deed of sale of real
20 estate, in counties of first class, \$4; second class, \$4.

21 For preparing, executing and acknowledging a deed on
22 redemption from a court sale of real estate in counties of
23 first class, \$5; second class, \$5.

24 For making certificates of sale, and making and filing
25 duplicate, in counties of first class, \$3; in counties of the
26 second class, \$3.

1 For making certificate of redemption, \$3.

2 For certificate of levy and filing, \$3, and the fee for
3 recording shall be advanced by the judgment creditor and
4 charged as costs.

5 For taking all civil bonds on legal process, ~~civil and~~
6 ~~criminal~~, in counties of first class, \$1; in second class, \$1.

7 For executing copies in criminal cases, \$4 and mileage for
8 each mile of necessary travel, 20¢ each way.

9 For executing requisitions from other states, \$5.

10 For conveying each prisoner from the prisoner's own county
11 to the jail of another county, or from another county to the
12 jail of the prisoner's county, per mile, for going, only, 30¢.

13 For conveying persons to the penitentiary, reformatories,
14 Illinois State Training School for Boys, Illinois State
15 Training School for Girls and Reception Centers, the following
16 fees, payable out of the State treasury. For each person who is
17 conveyed, 35¢ per mile in going only to the penitentiary,
18 reformatory, Illinois State Training School for Boys, Illinois
19 State Training School for Girls and Reception Centers, from the
20 place of conviction.

21 The fees provided for transporting persons to the
22 penitentiary, reformatories, Illinois State Training School
23 for Boys, Illinois State Training School for Girls and
24 Reception Centers shall be paid for each trip so made. Mileage
25 as used in this Section means the shortest practical route,
26 between the place from which the person is to be transported,

1 to the penitentiary, reformatories, Illinois State Training
2 School for Boys, Illinois State Training School for Girls and
3 Reception Centers and all fees per mile shall be computed on
4 such basis.

5 For conveying any person to or from any of the charitable
6 institutions of the State, when properly committed by competent
7 authority, when one person is conveyed, 35¢ per mile; when two
8 persons are conveyed at the same time, 35¢ per mile for the
9 first person and 20¢ per mile for the second person; and 10¢
10 per mile for each additional person.

11 For conveying a person from the penitentiary to the county
12 jail when required by law, 35¢ per mile.

13 For attending Supreme Court, \$10 per day.

14 In addition to the above fees there shall be allowed to the
15 sheriff a fee of \$600 for the sale of real estate which is made
16 by virtue of any judgment of a court, except that in the case
17 of a sale of unimproved real estate which sells for \$10,000 or
18 less, the fee shall be \$150. In addition to this fee and all
19 other fees provided by this Section, there shall be allowed to
20 the sheriff a fee in accordance with the following schedule for
21 the sale of personal estate which is made by virtue of any
22 judgment of a court:

23 For judgments up to \$1,000, \$75;

24 For judgments from \$1,001 to \$15,000, \$150;

25 For judgments over \$15,000, \$300.

26 The foregoing fees allowed by this Section are the maximum

1 fees that may be collected from any officer, agency, department
2 or other instrumentality of the State. The county board may,
3 however, by ordinance, increase the fees allowed by this
4 Section and collect those increased fees from all persons and
5 entities other than officers, agencies, departments and other
6 instrumentalities of the State if the increase is justified by
7 an acceptable cost study showing that the fees allowed by this
8 Section are not sufficient to cover the costs of providing the
9 service. A statement of the costs of providing each service,
10 program and activity shall be prepared by the county board. All
11 supporting documents shall be public records and subject to
12 public examination and audit. All direct and indirect costs, as
13 defined in the United States Office of Management and Budget
14 Circular A-87, may be included in the determination of the
15 costs of each service, program and activity.

16 In all cases where the judgment is settled by the parties,
17 replevied, stopped by injunction or paid, or where the property
18 levied upon is not actually sold, the sheriff shall be allowed
19 his fee for levying and mileage, together with half the fee for
20 all money collected by him which he would be entitled to if the
21 same was made by sale to enforce the judgment. In no case shall
22 the fee exceed the amount of money arising from the sale.

23 The fee requirements of this Section do not apply to police
24 departments or other law enforcement agencies. For the purposes
25 of this Section, "law enforcement agency" means an agency of
26 the State or unit of local government which is vested by law or

1 ordinance with the duty to maintain public order and to enforce
2 criminal laws.

3 (Source: P.A. 100-173, eff. 1-1-18; 100-863, eff. 8-14-18.)

4 (55 ILCS 5/4-12001) (from Ch. 34, par. 4-12001)

5 Sec. 4-12001. Fees of sheriff in third class counties. The
6 officers herein named, in counties of the third class, shall be
7 entitled to receive the fees herein specified, for the services
8 mentioned and such other fees as may be provided by law for
9 such other services not herein designated.

10 Fees for Sheriff

11 For serving or attempting to serve any summons on each
12 defendant, \$35.

13 For serving or attempting to serve each alias summons or
14 other process mileage will be charged as hereinafter provided
15 when the address for service differs from the address for
16 service on the original summons or other process.

17 For serving or attempting to serve all other process, on
18 each defendant, \$35.

19 For serving or attempting to serve a subpoena on each
20 witness, \$35.

21 For serving or attempting to serve each warrant, \$35.

22 For serving or attempting to serve each garnishee, \$35.

23 For summoning each juror, \$10.

24 For serving or attempting to serve each order or judgment
25 for replevin, \$35.

1 For serving or attempting to serve an order for attachment,
2 on each defendant, \$35.

3 For serving or attempting to serve an order or judgment for
4 the possession of real estate in an action of ejectment or in
5 any other action, or for restitution in an eviction action,
6 without aid, \$35, and when aid is necessary, the sheriff shall
7 be allowed to tax in addition the actual costs thereof.

8 For serving or attempting to serve notice of judgment, \$35.

9 For levying to satisfy an order in an action for
10 attachment, \$25.

11 For executing order of court to seize personal property,
12 \$25.

13 For making certificate of levy on real estate and filing or
14 recording same, \$8, and the fee for filing or recording shall
15 be advanced by the plaintiff in attachment or by the judgment
16 creditor and taxed as costs. For taking possession of or
17 removing property levied on, the sheriff shall be allowed to
18 tax the necessary actual costs of such possession or removal.

19 For advertising property for sale, \$20.

20 For making certificate of sale and making and filing
21 duplicate for record, \$15, and the fee for recording same shall
22 be advanced by the judgment creditor and taxed as costs.

23 For preparing, executing and acknowledging deed on
24 redemption from a court sale of real estate, \$15; for
25 preparing, executing and acknowledging all other deeds on sale
26 of real estate, \$10.

1 For making and filing certificate of redemption, \$15, and
2 the fee for recording same shall be advanced by party making
3 the redemption and taxed as costs.

4 For making and filing certificate of redemption from a
5 court sale, \$11, and the fee for recording same shall be
6 advanced by the party making the redemption and taxed as costs.

7 For taking all bonds on legal process, \$10.

8 ~~For taking special bail, \$5.~~

9 For returning each process, \$15.

10 Mileage for service or attempted service of all process is
11 a \$10 flat fee.

12 For attending before a court with a prisoner on an order
13 for habeas corpus, \$9 per day.

14 For executing requisitions from other States, \$13.

15 For conveying each prisoner from the prisoner's county to
16 the jail of another county, per mile for going only, 25¢.

17 For committing to or discharging each prisoner from jail,
18 \$3.

19 For feeding each prisoner, such compensation to cover
20 actual costs as may be fixed by the county board, but such
21 compensation shall not be considered a part of the fees of the
22 office.

23 For committing each prisoner to jail under the laws of the
24 United States, to be paid by the marshal or other person
25 requiring his confinement, \$3.

26 For feeding such prisoners per day, \$3, to be paid by the

1 marshal or other person requiring the prisoner's confinement.

2 For discharging such prisoners, \$3.

3 For conveying persons to the penitentiary, reformatories,
4 Illinois State Training School for Boys, Illinois State
5 Training School for Girls, Reception Centers and Illinois
6 Security Hospital, the following fees, payable out of the State
7 Treasury. When one person is conveyed, 20¢ per mile in going to
8 the penitentiary, reformatories, Illinois State Training
9 School for Boys, Illinois State Training School for Girls,
10 Reception Centers and Illinois Security Hospital from the place
11 of conviction; when 2 persons are conveyed at the same time,
12 20¢ per mile for the first and 15¢ per mile for the second
13 person; when more than 2 persons are conveyed at the same time
14 as Stated above, the sheriff shall be allowed 20¢ per mile for
15 the first, 15¢ per mile for the second and 10¢ per mile for
16 each additional person.

17 The fees provided for herein for transporting persons to
18 the penitentiary, reformatories, Illinois State Training
19 School for Boys, Illinois State Training School for Girls,
20 Reception Centers and Illinois Security Hospital, shall be paid
21 for each trip so made. Mileage as used in this Section means
22 the shortest route on a hard surfaced road, (either State Bond
23 Issue Route or Federal highways) or railroad, whichever is
24 shorter, between the place from which the person is to be
25 transported, to the penitentiary, reformatories, Illinois
26 State Training School for Boys, Illinois State Training School

1 for Girls, Reception Centers and Illinois Security Hospital,
2 and all fees per mile shall be computed on such basis.

3 In addition to the above fees, there shall be allowed to
4 the sheriff a fee of \$900 for the sale of real estate which
5 shall be made by virtue of any judgment of a court. In addition
6 to this fee and all other fees provided by this Section, there
7 shall be allowed to the sheriff a fee in accordance with the
8 following schedule for the sale of personal estate which is
9 made by virtue of any judgment of a court:

10 For judgments up to \$1,000, \$100;

11 For judgments over \$1,000 to \$15,000, \$300;

12 For judgments over \$15,000, \$500.

13 In all cases where the judgment is settled by the parties,
14 replevied, stopped by injunction or paid, or where the property
15 levied upon is not actually sold, the sheriff shall be allowed
16 the fee for levying and mileage, together with half the fee for
17 all money collected by him or her which he or she would be
18 entitled to if the same were made by sale in the enforcement of
19 a judgment. In no case shall the fee exceed the amount of money
20 arising from the sale.

21 The fee requirements of this Section do not apply to police
22 departments or other law enforcement agencies. For the purposes
23 of this Section, "law enforcement agency" means an agency of
24 the State or unit of local government which is vested by law or
25 ordinance with the duty to maintain public order and to enforce
26 criminal laws or ordinances.

1 The fee requirements of this Section do not apply to units
2 of local government or school districts.

3 (Source: P.A. 100-173, eff. 1-1-18.)

4 (55 ILCS 5/4-12001.1) (from Ch. 34, par. 4-12001.1)

5 Sec. 4-12001.1. Fees of sheriff in third class counties;
6 local governments and school districts. The officers herein
7 named, in counties of the third class, shall be entitled to
8 receive the fees herein specified from all units of local
9 government and school districts, for the services mentioned and
10 such other fees as may be provided by law for such other
11 services not herein designated.

12 Fees for Sheriff

13 For serving or attempting to serve any summons on each
14 defendant, \$25.

15 For serving or attempting to serve each alias summons or
16 other process mileage will be charged as hereinafter provided
17 when the address for service differs from the address for
18 service on the original summons or other process.

19 For serving or attempting to serve all other process, on
20 each defendant, \$25.

21 For serving or attempting to serve a subpoena on each
22 witness, \$25.

23 For serving or attempting to serve each warrant, \$25.

24 For serving or attempting to serve each garnishee, \$25.

25 For summoning each juror, \$4.

1 For serving or attempting to serve each order or judgment
2 for replevin, \$25.

3 For serving or attempting to serve an order for attachment,
4 on each defendant, \$25.

5 For serving or attempting to serve an order or judgment for
6 the possession of real estate in an action of ejectment or in
7 any other action, or for restitution in an eviction action,
8 without aid, \$9, and when aid is necessary, the sheriff shall
9 be allowed to tax in addition the actual costs thereof.

10 For serving or attempting to serve notice of judgment, \$25.

11 For levying to satisfy an order in an action for
12 attachment, \$25.

13 For executing order of court to seize personal property,
14 \$25.

15 For making certificate of levy on real estate and filing or
16 recording same, \$3, and the fee for filing or recording shall
17 be advanced by the plaintiff in attachment or by the judgment
18 creditor and taxed as costs. For taking possession of or
19 removing property levied on, the sheriff shall be allowed to
20 tax the necessary actual costs of such possession or removal.

21 For advertising property for sale, \$3.

22 For making certificate of sale and making and filing
23 duplicate for record, \$3, and the fee for recording same shall
24 be advanced by the judgment creditor and taxed as costs.

25 For preparing, executing and acknowledging deed on
26 redemption from a court sale of real estate, \$6; for preparing,

1 executing and acknowledging all other deeds on sale of real
2 estate, \$4.

3 For making and filing certificate of redemption, \$3.50, and
4 the fee for recording same shall be advanced by party making
5 the redemption and taxed as costs.

6 For making and filing certificate of redemption from a
7 court sale, \$4.50, and the fee for recording same shall be
8 advanced by the party making the redemption and taxed as costs.

9 For taking all bonds on legal process, \$2.

10 ~~For taking special bail, \$2.~~

11 For returning each process, \$5.

12 Mileage for service or attempted service of all process is
13 a \$10 flat fee.

14 For attending before a court with a prisoner on an order
15 for habeas corpus, \$3.50 per day.

16 For executing requisitions from other States, \$5.

17 For conveying each prisoner from the prisoner's county to
18 the jail of another county, per mile for going only, 25¢.

19 For committing to or discharging each prisoner from jail,
20 \$1.

21 For feeding each prisoner, such compensation to cover
22 actual costs as may be fixed by the county board, but such
23 compensation shall not be considered a part of the fees of the
24 office.

25 For committing each prisoner to jail under the laws of the
26 United States, to be paid by the marshal or other person

1 requiring his confinement, \$1.

2 For feeding such prisoners per day, \$1, to be paid by the
3 marshal or other person requiring the prisoner's confinement.

4 For discharging such prisoners, \$1.

5 For conveying persons to the penitentiary, reformatories,
6 Illinois State Training School for Boys, Illinois State
7 Training School for Girls, Reception Centers and Illinois
8 Security Hospital, the following fees, payable out of the State
9 Treasury. When one person is conveyed, 15¢ per mile in going to
10 the penitentiary, reformatories, Illinois State Training
11 School for Boys, Illinois State Training School for Girls,
12 Reception Centers and Illinois Security Hospital from the place
13 of conviction; when 2 persons are conveyed at the same time,
14 15¢ per mile for the first and 10¢ per mile for the second
15 person; when more than 2 persons are conveyed at the same time
16 as stated above, the sheriff shall be allowed 15¢ per mile for
17 the first, 10¢ per mile for the second and 5¢ per mile for each
18 additional person.

19 The fees provided for herein for transporting persons to
20 the penitentiary, reformatories, Illinois State Training
21 School for Boys, Illinois State Training School for Girls,
22 Reception Centers and Illinois Security Hospital, shall be paid
23 for each trip so made. Mileage as used in this Section means
24 the shortest route on a hard surfaced road, (either State Bond
25 Issue Route or Federal highways) or railroad, whichever is
26 shorter, between the place from which the person is to be

1 transported, to the penitentiary, reformatories, Illinois
2 State Training School for Boys, Illinois State Training School
3 for Girls, Reception Centers and Illinois Security Hospital,
4 and all fees per mile shall be computed on such basis.

5 In addition to the above fees, there shall be allowed to
6 the sheriff a fee of \$600 for the sale of real estate which
7 shall be made by virtue of any judgment of a court. In addition
8 to this fee and all other fees provided by this Section, there
9 shall be allowed to the sheriff a fee in accordance with the
10 following schedule for the sale of personal estate which is
11 made by virtue of any judgment of a court:

12 For judgments up to \$1,000, \$90;

13 For judgments over \$1,000 to \$15,000, \$275;

14 For judgments over \$15,000, \$400.

15 In all cases where the judgment is settled by the parties,
16 replevied, stopped by injunction or paid, or where the property
17 levied upon is not actually sold, the sheriff shall be allowed
18 the fee for levying and mileage, together with half the fee for
19 all money collected by him or her which he or she would be
20 entitled to if the same were made by sale in the enforcement of
21 a judgment. In no case shall the fee exceed the amount of money
22 arising from the sale.

23 All fees collected under Sections 4-12001 and 4-12001.1
24 must be used for public safety purposes only.

25 (Source: P.A. 100-173, eff. 1-1-18.)

1 Section 10-161. The Counties Code is amended by adding
2 Section 3-6041 as follows:

3 (55 ILCS 5/3-6041 new)

4 Sec. 3-6041. Military equipment surplus program.

5 (a) For purposes of this Section:

6 "Bayonet" means a large knife designed to be attached to
7 the muzzle of a rifle, shotgun, or long gun for the purpose of
8 hand-to-hand combat.

9 "Grenade launcher" means a firearm or firearm accessory
10 designed to launch small explosive projectiles.

11 "Military equipment surplus program" means any federal or
12 State program allowing a law enforcement agency to obtain
13 surplus military equipment including, but not limited to, any
14 program organized under Section 1122 of the National Defense
15 Authorization Act for Fiscal Year 1994 (Pub. L. 103-160) or
16 Section 1033 of the National Defense Authorization Act for
17 Fiscal Year 1997 (Pub. L. 104-201) or any program established
18 under 10 U.S.C. 2576a.

19 "Tracked armored vehicle" means a vehicle that provides
20 ballistic protection to its occupants and utilizes a tracked
21 system installed of wheels for forward motion.

22 "Weaponized aircraft, vessel, or vehicle" means any
23 aircraft, vessel, or vehicle with weapons installed.

24 (b) A sheriff's department shall not request or receive
25 from any military equipment surplus program nor purchase or

1 otherwise utilize the following equipment:

2 (1) tracked armored vehicles;

3 (2) weaponized aircraft, vessels, or vehicles;

4 (3) firearms of .50-caliber or higher;

5 (4) ammunition of .50-caliber or higher;

6 (5) grenade launchers; or

7 (6) bayonets.

8 (c) A home rule county may not regulate the acquisition of
9 equipment in a manner inconsistent with this Section. This
10 Section is a limitation under subsection (i) of Section 6 of
11 Article VII of the Illinois Constitution on the concurrent
12 exercise by home rule counties of powers and functions
13 exercised by the State.

14 (d) If the sheriff requests property from a military
15 equipment surplus program, the sheriff shall publish notice of
16 the request on a publicly accessible website maintained by the
17 sheriff or the county within 14 days after the request.

18 Section 10-165. The Illinois Municipal Code is amended by
19 adding Section 11-5.1-2 as follows:

20 (65 ILCS 5/11-5.1-2 new)

21 Sec. 11-5.1-2. Military equipment surplus program.

22 (a) For purposes of this Section:

23 "Bayonet" means large knives designed to be attached to the
24 muzzle of a rifle, shotgun, or long gun for the purposes of

1 hand-to-hand combat.

2 "Grenade launcher" means a firearm or firearm accessory
3 designed to launch small explosive projectiles.

4 "Military equipment surplus program" means any federal or
5 state program allowing a law enforcement agency to obtain
6 surplus military equipment including, but not limit to, any
7 program organized under Section 1122 of the National Defense
8 Authorization Act for Fiscal Year 1994 (Pub. L. 103-160) or
9 Section 1033 of the National Defense Authorization Act for
10 Fiscal Year 1997 (Pub. L. 104-201) or any program established
11 by the United States Department of Defense under 10 U.S.C.
12 2576a.

13 "Tracked armored vehicle" means a vehicle that provides
14 ballistic protection to its occupants and utilizes a tracked
15 system installed of wheels for forward motion.

16 "Weaponized aircraft, vessels, or vehicles" means any
17 aircraft, vessel, or vehicle with weapons installed.

18 (b) A police department shall not request or receive from
19 any military equipment surplus program nor purchase or
20 otherwise utilize the following equipment:

21 (1) tracked armored vehicles;

22 (2) weaponized aircraft, vessels, or vehicles;

23 (3) firearms of .50-caliber or higher;

24 (4) ammunition of .50-caliber or higher;

25 (5) grenade launchers, grenades, or similar
26 explosives; or

1 (6) bayonets.

2 (c) A home rule municipality may not regulate the
3 acquisition of equipment in a manner inconsistent with this
4 Section. This Section is a limitation under subsection (i) of
5 Section 6 of Article VII of the Illinois Constitution on the
6 concurrent exercise by home rule municipalities of powers and
7 functions exercised by the State.

8 (d) If a police department requests other property not
9 prohibited from a military equipment surplus program, the
10 police department shall publish notice of the request on a
11 publicly accessible website maintained by the police
12 department or the municipality within 14 days after the
13 request.

14 (65 ILCS 5/1-2-12.1 rep.)

15 Section 10-170. The Illinois Municipal Code is amended by
16 repealing Section 1-2-12.1.

17 Section 10-175. The Campus Security Enhancement Act of 2008
18 is amended by changing Section 15 as follows:

19 (110 ILCS 12/15)

20 Sec. 15. Arrest reports.

21 (a) When an individual is arrested, the following
22 information must be made available to the news media for
23 inspection and copying:

1 (1) Information that identifies the individual,
2 including the name, age, address, and photograph, when and
3 if available.

4 (2) Information detailing any charges relating to the
5 arrest.

6 (3) The time and location of the arrest.

7 (4) The name of the investigating or arresting law
8 enforcement agency.

9 (5) If the individual is incarcerated, the conditions
10 of pretrial release ~~amount of any bail or bond~~.

11 (6) If the individual is incarcerated, the time and
12 date that the individual was received, discharged, or
13 transferred from the arresting agency's custody.

14 (b) The information required by this Section must be made
15 available to the news media for inspection and copying as soon
16 as practicable, but in no event shall the time period exceed 72
17 hours from the arrest. The information described in paragraphs
18 (3), (4), (5), and (6) of subsection (a), however, may be
19 withheld if it is determined that disclosure would:

20 (1) interfere with pending or actually and reasonably
21 contemplated law enforcement proceedings conducted by any
22 law enforcement or correctional agency;

23 (2) endanger the life or physical safety of law
24 enforcement or correctional personnel or any other person;
25 or

26 (3) compromise the security of any correctional

1 facility.

2 (c) For the purposes of this Section the term "news media"
3 means personnel of a newspaper or other periodical issued at
4 regular intervals whether in print or electronic format, a news
5 service whether in print or electronic format, a radio station,
6 a television station, a television network, a community antenna
7 television service, or a person or corporation engaged in
8 making news reels or other motion picture news for public
9 showing.

10 (d) Each law enforcement or correctional agency may charge
11 fees for arrest records, but in no instance may the fee exceed
12 the actual cost of copying and reproduction. The fees may not
13 include the cost of the labor used to reproduce the arrest
14 record.

15 (e) The provisions of this Section do not supersede the
16 confidentiality provisions for arrest records of the Juvenile
17 Court Act of 1987.

18 (Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01;
19 92-335, eff. 8-10-01.)

20 Section 10-180. The Illinois Insurance Code is amended by
21 changing Sections 143.19, 143.19.1, and 205 as follows:

22 (215 ILCS 5/143.19) (from Ch. 73, par. 755.19)

23 Sec. 143.19. Cancellation of automobile insurance policy;
24 grounds. After a policy of automobile insurance as defined in

1 Section 143.13(a) has been effective for 60 days, or if such
2 policy is a renewal policy, the insurer shall not exercise its
3 option to cancel such policy except for one or more of the
4 following reasons:

5 a. Nonpayment of premium;

6 b. The policy was obtained through a material
7 misrepresentation;

8 c. Any insured violated any of the terms and conditions
9 of the policy;

10 d. The named insured failed to disclose fully his motor
11 vehicle accidents and moving traffic violations for the
12 preceding 36 months if called for in the application;

13 e. Any insured made a false or fraudulent claim or
14 knowingly aided or abetted another in the presentation of
15 such a claim;

16 f. The named insured or any other operator who either
17 resides in the same household or customarily operates an
18 automobile insured under such policy:

19 1. has, within the 12 months prior to the notice of
20 cancellation, had his driver's license under
21 suspension or revocation;

22 2. is or becomes subject to epilepsy or heart
23 attacks, and such individual does not produce a
24 certificate from a physician testifying to his
25 unqualified ability to operate a motor vehicle safely;

26 3. has an accident record, conviction record

1 (criminal or traffic), physical, or mental condition
2 which is such that his operation of an automobile might
3 endanger the public safety;

4 4. has, within the 36 months prior to the notice of
5 cancellation, been addicted to the use of narcotics or
6 other drugs; or

7 5. has been convicted, or violated conditions of
8 pretrial release ~~forfeited bail~~, during the 36 months
9 immediately preceding the notice of cancellation, for
10 any felony, criminal negligence resulting in death,
11 homicide or assault arising out of the operation of a
12 motor vehicle, operating a motor vehicle while in an
13 intoxicated condition or while under the influence of
14 drugs, being intoxicated while in, or about, an
15 automobile or while having custody of an automobile,
16 leaving the scene of an accident without stopping to
17 report, theft or unlawful taking of a motor vehicle,
18 making false statements in an application for an
19 operator's or chauffeur's license or has been
20 convicted or pretrial release has been revoked
21 ~~forfeited bail~~ for 3 or more violations within the 12
22 months immediately preceding the notice of
23 cancellation, of any law, ordinance, or regulation
24 limiting the speed of motor vehicles or any of the
25 provisions of the motor vehicle laws of any state,
26 violation of which constitutes a misdemeanor, whether

1 or not the violations were repetitions of the same
2 offense or different offenses;

3 g. The insured automobile is:

4 1. so mechanically defective that its operation
5 might endanger public safety;

6 2. used in carrying passengers for hire or
7 compensation (the use of an automobile for a car pool
8 shall not be considered use of an automobile for hire
9 or compensation);

10 3. used in the business of transportation of
11 flammables or explosives;

12 4. an authorized emergency vehicle;

13 5. changed in shape or condition during the policy
14 period so as to increase the risk substantially; or

15 6. subject to an inspection law and has not been
16 inspected or, if inspected, has failed to qualify.

17 Nothing in this Section shall apply to nonrenewal.

18 (Source: P.A. 100-201, eff. 8-18-17.)

19 (215 ILCS 5/143.19.1) (from Ch. 73, par. 755.19.1)

20 Sec. 143.19.1. Limits on exercise of right of nonrenewal.
21 After a policy of automobile insurance, as defined in Section
22 143.13, has been effective or renewed for 5 or more years, the
23 company shall not exercise its right of non-renewal unless:

24 a. The policy was obtained through a material
25 misrepresentation; or

1 b. Any insured violated any of the terms and conditions of
2 the policy; or

3 c. The named insured failed to disclose fully his motor
4 vehicle accidents and moving traffic violations for the
5 preceding 36 months, if such information is called for in the
6 application; or

7 d. Any insured made a false or fraudulent claim or
8 knowingly aided or abetted another in the presentation of such
9 a claim; or

10 e. The named insured or any other operator who either
11 resides in the same household or customarily operates an
12 automobile insured under such a policy:

13 1. Has, within the 12 months prior to the notice of
14 non-renewal had his drivers license under suspension or
15 revocation; or

16 2. Is or becomes subject to epilepsy or heart attacks,
17 and such individual does not produce a certificate from a
18 physician testifying to his unqualified ability to operate
19 a motor vehicle safely; or

20 3. Has an accident record, conviction record (criminal
21 or traffic), or a physical or mental condition which is
22 such that his operation of an automobile might endanger the
23 public safety; or

24 4. Has, within the 36 months prior to the notice of
25 non-renewal, been addicted to the use of narcotics or other
26 drugs; or

1 5. Has been convicted or pretrial release has been
2 revoked ~~forfeited bail~~, during the 36 months immediately
3 preceding the notice of non-renewal, for any felony,
4 criminal negligence resulting in death, homicide or
5 assault arising out of the operation of a motor vehicle,
6 operating a motor vehicle while in an intoxicated condition
7 or while under the influence of drugs, being intoxicated
8 while in or about an automobile or while having custody of
9 an automobile, leaving the scene of an accident without
10 stopping to report, theft or unlawful taking of a motor
11 vehicle, making false statements in an application for an
12 operators or chauffeurs license, or has been convicted or
13 pretrial release has been revoked ~~forfeited bail~~ for 3 or
14 more violations within the 12 months immediately preceding
15 the notice of non-renewal, of any law, ordinance or
16 regulation limiting the speed of motor vehicles or any of
17 the provisions of the motor vehicle laws of any state,
18 violation of which constitutes a misdemeanor, whether or
19 not the violations were repetitions of the same offense or
20 different offenses; or

21 f. The insured automobile is:

22 1. So mechanically defective that its operation might
23 endanger public safety; or

24 2. Used in carrying passengers for hire or compensation
25 (the use of an automobile for a car pool shall not be
26 considered use of an automobile for hire or compensation);

1 or

2 3. Used in the business of transportation of flammables
3 or explosives; or

4 4. An authorized emergency vehicle; or

5 5. Changed in shape or condition during the policy
6 period so as to increase the risk substantially; or

7 6. Subject to an inspection law and it has not been
8 inspected or, if inspected, has failed to qualify; or

9 g. The notice of the intention not to renew is mailed to
10 the insured at least 60 days before the date of nonrenewal as
11 provided in Section 143.17.

12 (Source: P.A. 89-669, eff. 1-1-97.)

13 (215 ILCS 5/205) (from Ch. 73, par. 817)

14 Sec. 205. Priority of distribution of general assets.

15 (1) The priorities of distribution of general assets from
16 the company's estate is to be as follows:

17 (a) The costs and expenses of administration,
18 including, but not limited to, the following:

19 (i) The reasonable expenses of the Illinois
20 Insurance Guaranty Fund, the Illinois Life and Health
21 Insurance Guaranty Association, and the Illinois
22 Health Maintenance Organization Guaranty Association
23 and of any similar organization in any other state,
24 including overhead, salaries, and other general
25 administrative expenses allocable to the receivership

1 (administrative and claims handling expenses and
2 expenses in connection with arrangements for ongoing
3 coverage), but excluding expenses incurred in the
4 performance of duties under Section 547 or similar
5 duties under the statute governing a similar
6 organization in another state. For property and
7 casualty insurance guaranty associations that guaranty
8 certain obligations of any member company as defined by
9 Section 534.5, expenses shall include, but not be
10 limited to, loss adjustment expenses, which shall
11 include adjusting and other expenses and defense and
12 cost containment expenses. The expenses of such
13 property and casualty guaranty associations, including
14 the Illinois Insurance Guaranty Fund, shall be
15 reimbursed as prescribed by Section 545, but shall be
16 subordinate to all other costs and expenses of
17 administration, including the expenses reimbursed
18 pursuant to subparagraph (ii) of this paragraph (a).

19 (ii) The expenses expressly approved or ratified
20 by the Director as liquidator or rehabilitator,
21 including, but not limited to, the following:

22 (1) the actual and necessary costs of
23 preserving or recovering the property of the
24 insurer;

25 (2) reasonable compensation for all services
26 rendered on behalf of the administrative

1 supervisor or receiver;
2 (3) any necessary filing fees;
3 (4) the fees and mileage payable to witnesses;
4 (5) unsecured loans obtained by the receiver;
5 and
6 (6) expenses approved by the conservator or
7 rehabilitator of the insurer, if any, incurred in the
8 course of the conservation or rehabilitation that are
9 unpaid at the time of the entry of the order of
10 liquidation.

11 Any unsecured loan falling under item (5) of
12 subparagraph (ii) of this paragraph (a) shall have priority
13 over all other costs and expenses of administration, unless
14 the lender agrees otherwise. Absent agreement to the
15 contrary, all other costs and expenses of administration
16 shall be shared on a pro-rata basis, except for the
17 expenses of property and casualty guaranty associations,
18 which shall have a lower priority pursuant to subparagraph
19 (i) of this paragraph (a).

20 (b) Secured claims, including claims for taxes and
21 debts due the federal or any state or local government,
22 that are secured by liens perfected prior to the filing of
23 the complaint.

24 (c) Claims for wages actually owing to employees for
25 services rendered within 3 months prior to the date of the
26 filing of the complaint, not exceeding \$1,000 to each

1 employee unless there are claims due the federal government
2 under paragraph (f), then the claims for wages shall have a
3 priority of distribution immediately following that of
4 federal claims under paragraph (f) and immediately
5 preceding claims of general creditors under paragraph (g).

6 (d) Claims by policyholders, beneficiaries, and
7 insureds, under insurance policies, annuity contracts, and
8 funding agreements, liability claims against insureds
9 covered under insurance policies and insurance contracts
10 issued by the company, claims of obligees (and, subject to
11 the discretion of the receiver, completion contractors)
12 under surety bonds and surety undertakings (not to include
13 ~~bail bonds~~, mortgage or financial guaranty, or other forms
14 of insurance offering protection against investment risk),
15 claims by principals under surety bonds and surety
16 undertakings for wrongful dissipation of collateral by the
17 insurer or its agents, and claims incurred during any
18 extension of coverage provided under subsection (5) of
19 Section 193, and claims of the Illinois Insurance Guaranty
20 Fund, the Illinois Life and Health Insurance Guaranty
21 Association, the Illinois Health Maintenance Organization
22 Guaranty Association, and any similar organization in
23 another state as prescribed in Section 545. For purposes of
24 this Section, "funding agreement" means an agreement
25 whereby an insurer authorized to write business under Class
26 1 of Section 4 of this Code may accept and accumulate funds

1 and make one or more payments at future dates in amounts
2 that are not based upon mortality or morbidity
3 contingencies.

4 (e) Claims by policyholders, beneficiaries, and
5 insureds, the allowed values of which were determined by
6 estimation under paragraph (b) of subsection (4) of Section
7 209.

8 (f) Any other claims due the federal government.

9 (g) All other claims of general creditors not falling
10 within any other priority under this Section including
11 claims for taxes and debts due any state or local
12 government which are not secured claims and claims for
13 attorneys' fees incurred by the company in contesting its
14 conservation, rehabilitation, or liquidation.

15 (h) Claims of guaranty fund certificate holders,
16 guaranty capital shareholders, capital note holders, and
17 surplus note holders.

18 (i) Proprietary claims of shareholders, members, or
19 other owners.

20 Every claim under a written agreement, statute, or rule
21 providing that the assets in a separate account are not
22 chargeable with the liabilities arising out of any other
23 business of the insurer shall be satisfied out of the funded
24 assets in the separate account equal to, but not to exceed, the
25 reserves maintained in the separate account under the separate
26 account agreement, and to the extent, if any, the claim is not

1 fully discharged thereby, the remainder of the claim shall be
2 treated as a priority level (d) claim under paragraph (d) of
3 this subsection to the extent that reserves have been
4 established in the insurer's general account pursuant to
5 statute, rule, or the separate account agreement.

6 For purposes of this provision, "separate account
7 policies, contracts, or agreements" means any policies,
8 contracts, or agreements that provide for separate accounts as
9 contemplated by Section 245.21.

10 To the extent that any assets of an insurer, other than
11 those assets properly allocated to and maintained in a separate
12 account, have been used to fund or pay any expenses, taxes, or
13 policyholder benefits that are attributable to a separate
14 account policy, contract, or agreement that should have been
15 paid by a separate account prior to the commencement of
16 receivership proceedings, then upon the commencement of
17 receivership proceedings, the separate accounts that benefited
18 from this payment or funding shall first be used to repay or
19 reimburse the company's general assets or account for any
20 unreimbursed net sums due at the commencement of receivership
21 proceedings prior to the application of the separate account
22 assets to the satisfaction of liabilities or the corresponding
23 separate account policies, contracts, and agreements.

24 To the extent, if any, reserves or assets maintained in the
25 separate account are in excess of the amounts needed to satisfy
26 claims under the separate account contracts, the excess shall

1 be treated as part of the general assets of the insurer's
2 estate.

3 (2) Within 120 days after the issuance of an Order of
4 Liquidation with a finding of insolvency against a domestic
5 company, the Director shall make application to the court
6 requesting authority to disburse funds to the Illinois
7 Insurance Guaranty Fund, the Illinois Life and Health Insurance
8 Guaranty Association, the Illinois Health Maintenance
9 Organization Guaranty Association, and similar organizations
10 in other states from time to time out of the company's
11 marshaled assets as funds become available in amounts equal to
12 disbursements made by the Illinois Insurance Guaranty Fund, the
13 Illinois Life and Health Insurance Guaranty Association, the
14 Illinois Health Maintenance Organization Guaranty Association,
15 and similar organizations in other states for covered claims
16 obligations on the presentation of evidence that such
17 disbursements have been made by the Illinois Insurance Guaranty
18 Fund, the Illinois Life and Health Insurance Guaranty
19 Association, the Illinois Health Maintenance Organization
20 Guaranty Association, and similar organizations in other
21 states.

22 The Director shall establish procedures for the ratable
23 allocation and distribution of disbursements to the Illinois
24 Insurance Guaranty Fund, the Illinois Life and Health Insurance
25 Guaranty Association, the Illinois Health Maintenance
26 Organization Guaranty Association, and similar organizations

1 in other states. In determining the amounts available for
2 disbursement, the Director shall reserve sufficient assets for
3 the payment of the expenses of administration described in
4 paragraph (1)(a) of this Section. All funds available for
5 disbursement after the establishment of the prescribed reserve
6 shall be promptly distributed. As a condition to receipt of
7 funds in reimbursement of covered claims obligations, the
8 Director shall secure from the Illinois Insurance Guaranty
9 Fund, the Illinois Life and Health Insurance Guaranty
10 Association, the Illinois Health Maintenance Organization
11 Guaranty Association, and each similar organization in other
12 states, an agreement to return to the Director on demand funds
13 previously received as may be required to pay claims of secured
14 creditors and claims falling within the priorities established
15 in paragraphs (a), (b), (c), and (d) of subsection (1) of this
16 Section in accordance with such priorities.

17 (3) The changes made in this Section by this amendatory Act
18 of the 100th General Assembly apply to all liquidation,
19 rehabilitation, or conservation proceedings that are pending
20 on the effective date of this amendatory Act of the 100th
21 General Assembly and to all future liquidation,
22 rehabilitation, or conservation proceedings.

23 (4) The provisions of this Section are severable under
24 Section 1.31 of the Statute on Statutes.

25 (Source: P.A. 100-410, eff. 8-25-17.)

1 Section 10-185. The Illinois Gambling Act is amended by
2 changing Section 5.1 as follows:

3 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

4 Sec. 5.1. Disclosure of records.

5 (a) Notwithstanding any applicable statutory provision to
6 the contrary, the Board shall, on written request from any
7 person, provide information furnished by an applicant or
8 licensee concerning the applicant or licensee, his products,
9 services or gambling enterprises and his business holdings, as
10 follows:

11 (1) The name, business address and business telephone
12 number of any applicant or licensee.

13 (2) An identification of any applicant or licensee
14 including, if an applicant or licensee is not an
15 individual, the names and addresses of all stockholders and
16 directors, if the entity is a corporation; the names and
17 addresses of all members, if the entity is a limited
18 liability company; the names and addresses of all partners,
19 both general and limited, if the entity is a partnership;
20 and the names and addresses of all beneficiaries, if the
21 entity is a trust. If an applicant or licensee has a
22 pending registration statement filed with the Securities
23 and Exchange Commission, only the names of those persons or
24 entities holding interest of 5% or more must be provided.

25 (3) An identification of any business, including, if

1 applicable, the state of incorporation or registration, in
2 which an applicant or licensee or an applicant's or
3 licensee's spouse or children has an equity interest of
4 more than 1%. If an applicant or licensee is a corporation,
5 partnership or other business entity, the applicant or
6 licensee shall identify any other corporation, partnership
7 or business entity in which it has an equity interest of 1%
8 or more, including, if applicable, the state of
9 incorporation or registration. This information need not
10 be provided by a corporation, partnership or other business
11 entity that has a pending registration statement filed with
12 the Securities and Exchange Commission.

13 (4) Whether an applicant or licensee has been indicted,
14 convicted, pleaded guilty or nolo contendere, or pretrial
15 release has been revoked ~~forfeited bail~~ concerning any
16 criminal offense under the laws of any jurisdiction, either
17 felony or misdemeanor (except for traffic violations),
18 including the date, the name and location of the court,
19 arresting agency and prosecuting agency, the case number,
20 the offense, the disposition and the location and length of
21 incarceration.

22 (5) Whether an applicant or licensee has had any
23 license or certificate issued by a licensing authority in
24 Illinois or any other jurisdiction denied, restricted,
25 suspended, revoked or not renewed and a statement
26 describing the facts and circumstances concerning the

1 denial, restriction, suspension, revocation or
2 non-renewal, including the licensing authority, the date
3 each such action was taken, and the reason for each such
4 action.

5 (6) Whether an applicant or licensee has ever filed or
6 had filed against it a proceeding in bankruptcy or has ever
7 been involved in any formal process to adjust, defer,
8 suspend or otherwise work out the payment of any debt
9 including the date of filing, the name and location of the
10 court, the case and number of the disposition.

11 (7) Whether an applicant or licensee has filed, or been
12 served with a complaint or other notice filed with any
13 public body, regarding the delinquency in the payment of,
14 or a dispute over the filings concerning the payment of,
15 any tax required under federal, State or local law,
16 including the amount, type of tax, the taxing agency and
17 time periods involved.

18 (8) A statement listing the names and titles of all
19 public officials or officers of any unit of government, and
20 relatives of said public officials or officers who,
21 directly or indirectly, own any financial interest in, have
22 any beneficial interest in, are the creditors of or hold
23 any debt instrument issued by, or hold or have any interest
24 in any contractual or service relationship with, an
25 applicant or licensee.

26 (9) Whether an applicant or licensee has made, directly

1 or indirectly, any political contribution, or any loans,
2 donations or other payments, to any candidate or office
3 holder, within 5 years from the date of filing the
4 application, including the amount and the method of
5 payment.

6 (10) The name and business telephone number of the
7 counsel representing an applicant or licensee in matters
8 before the Board.

9 (11) A description of any proposed or approved gambling
10 operation, including the type of boat, home dock, or casino
11 or gaming location, expected economic benefit to the
12 community, anticipated or actual number of employees, any
13 statement from an applicant or licensee regarding
14 compliance with federal and State affirmative action
15 guidelines, projected or actual admissions and projected
16 or actual adjusted gross gaming receipts.

17 (12) A description of the product or service to be
18 supplied by an applicant for a supplier's license.

19 (b) Notwithstanding any applicable statutory provision to
20 the contrary, the Board shall, on written request from any
21 person, also provide the following information:

22 (1) The amount of the wagering tax and admission tax
23 paid daily to the State of Illinois by the holder of an
24 owner's license.

25 (2) Whenever the Board finds an applicant for an
26 owner's license unsuitable for licensing, a copy of the

1 written letter outlining the reasons for the denial.

2 (3) Whenever the Board has refused to grant leave for
3 an applicant to withdraw his application, a copy of the
4 letter outlining the reasons for the refusal.

5 (c) Subject to the above provisions, the Board shall not
6 disclose any information which would be barred by:

7 (1) Section 7 of the Freedom of Information Act; or

8 (2) The statutes, rules, regulations or
9 intergovernmental agreements of any jurisdiction.

10 (d) The Board may assess fees for the copying of
11 information in accordance with Section 6 of the Freedom of
12 Information Act.

13 (Source: P.A. 101-31, eff. 6-28-19.)

14 Section 10-187. The Sexual Assault Survivors Emergency
15 Treatment Act is amended by changing Section 7.5 as follows:

16 (410 ILCS 70/7.5)

17 Sec. 7.5. Prohibition on billing sexual assault survivors
18 directly for certain services; written notice; billing
19 protocols.

20 (a) A hospital, approved pediatric health care facility,
21 health care professional, ambulance provider, laboratory, or
22 pharmacy furnishing medical forensic services, transportation,
23 follow-up healthcare, or medication to a sexual assault
24 survivor shall not:

1 (1) charge or submit a bill for any portion of the
2 costs of the services, transportation, or medications to
3 the sexual assault survivor, including any insurance
4 deductible, co-pay, co-insurance, denial of claim by an
5 insurer, spenddown, or any other out-of-pocket expense;

6 (2) communicate with, harass, or intimidate the sexual
7 assault survivor for payment of services, including, but
8 not limited to, repeatedly calling or writing to the sexual
9 assault survivor and threatening to refer the matter to a
10 debt collection agency or to an attorney for collection,
11 enforcement, or filing of other process;

12 (3) refer a bill to a collection agency or attorney for
13 collection action against the sexual assault survivor;

14 (4) contact or distribute information to affect the
15 sexual assault survivor's credit rating; or

16 (5) take any other action adverse to the sexual assault
17 survivor or his or her family on account of providing
18 services to the sexual assault survivor.

19 (b) Nothing in this Section precludes a hospital, health
20 care provider, ambulance provider, laboratory, or pharmacy
21 from billing the sexual assault survivor or any applicable
22 health insurance or coverage for inpatient services.

23 (c) Every hospital and approved pediatric health care
24 facility providing treatment services to sexual assault
25 survivors in accordance with a plan approved under Section 2 of
26 this Act shall provide a written notice to a sexual assault

1 survivor. The written notice must include, but is not limited
2 to, the following:

3 (1) a statement that the sexual assault survivor should
4 not be directly billed by any ambulance provider providing
5 transportation services, or by any hospital, approved
6 pediatric health care facility, health care professional,
7 laboratory, or pharmacy for the services the sexual assault
8 survivor received as an outpatient at the hospital or
9 approved pediatric health care facility;

10 (2) a statement that a sexual assault survivor who is
11 admitted to a hospital may be billed for inpatient services
12 provided by a hospital, health care professional,
13 laboratory, or pharmacy;

14 (3) a statement that prior to leaving the hospital or
15 approved pediatric health care facility, the hospital or
16 approved pediatric health care facility will give the
17 sexual assault survivor a sexual assault services voucher
18 for follow-up healthcare if the sexual assault survivor is
19 eligible to receive a sexual assault services voucher;

20 (4) the definition of "follow-up healthcare" as set
21 forth in Section 1a of this Act;

22 (5) a phone number the sexual assault survivor may call
23 should the sexual assault survivor receive a bill from the
24 hospital or approved pediatric health care facility for
25 medical forensic services;

26 (6) the toll-free phone number of the Office of the

1 Illinois Attorney General, ~~Crime Victim Services Division,~~
2 which the sexual assault survivor may call should the
3 sexual assault survivor receive a bill from an ambulance
4 provider, approved pediatric health care facility, a
5 health care professional, a laboratory, or a pharmacy.

6 This subsection (c) shall not apply to hospitals that
7 provide transfer services as defined under Section 1a of this
8 Act.

9 (d) Within 60 days after the effective date of this
10 amendatory Act of the 99th General Assembly, every health care
11 professional, except for those employed by a hospital or
12 hospital affiliate, as defined in the Hospital Licensing Act,
13 or those employed by a hospital operated under the University
14 of Illinois Hospital Act, who bills separately for medical or
15 forensic services must develop a billing protocol that ensures
16 that no survivor of sexual assault will be sent a bill for any
17 medical forensic services and submit the billing protocol to
18 the ~~Crime Victim Services Division~~ of the Office of the
19 Attorney General for approval. Within 60 days after the
20 commencement of the provision of medical forensic services,
21 every health care professional, except for those employed by a
22 hospital or hospital affiliate, as defined in the Hospital
23 Licensing Act, or those employed by a hospital operated under
24 the University of Illinois Hospital Act, who bills separately
25 for medical or forensic services must develop a billing
26 protocol that ensures that no survivor of sexual assault is

1 sent a bill for any medical forensic services and submit the
2 billing protocol to the ~~Crime Victim Services Division of the~~
3 ~~Office of the~~ Attorney General for approval. Health care
4 professionals who bill as a legal entity may submit a single
5 billing protocol for the billing entity.

6 Within 60 days after the Department's approval of a
7 treatment plan, an approved pediatric health care facility and
8 any health care professional employed by an approved pediatric
9 health care facility must develop a billing protocol that
10 ensures that no survivor of sexual assault is sent a bill for
11 any medical forensic services and submit the billing protocol
12 to the ~~Crime Victim Services Division of the~~ Office of the
13 Attorney General for approval.

14 The billing protocol must include at a minimum:

15 (1) a description of training for persons who prepare
16 bills for medical and forensic services;

17 (2) a written acknowledgement signed by a person who
18 has completed the training that the person will not bill
19 survivors of sexual assault;

20 (3) prohibitions on submitting any bill for any portion
21 of medical forensic services provided to a survivor of
22 sexual assault to a collection agency;

23 (4) prohibitions on taking any action that would
24 adversely affect the credit of the survivor of sexual
25 assault;

26 (5) the termination of all collection activities if the

1 protocol is violated; and

2 (6) the actions to be taken if a bill is sent to a
3 collection agency or the failure to pay is reported to any
4 credit reporting agency.

5 The ~~Crime Victim Services Division of the~~ Office of the
6 Attorney General may provide a sample acceptable billing
7 protocol upon request.

8 The Office of the Attorney General shall approve a proposed
9 protocol if it finds that the implementation of the protocol
10 would result in no survivor of sexual assault being billed or
11 sent a bill for medical forensic services.

12 If the Office of the Attorney General determines that
13 implementation of the protocol could result in the billing of a
14 survivor of sexual assault for medical forensic services, the
15 Office of the Attorney General shall provide the health care
16 professional or approved pediatric health care facility with a
17 written statement of the deficiencies in the protocol. The
18 health care professional or approved pediatric health care
19 facility shall have 30 days to submit a revised billing
20 protocol addressing the deficiencies to the Office of the
21 Attorney General. The health care professional or approved
22 pediatric health care facility shall implement the protocol
23 upon approval by the ~~Crime Victim Services Division of the~~
24 Office of the Attorney General.

25 The health care professional or approved pediatric health
26 care facility shall submit any proposed revision to or

1 modification of an approved billing protocol to the ~~Crime~~
2 ~~Victim Services Division of the~~ Office of the Attorney General
3 for approval. The health care professional or approved
4 pediatric health care facility shall implement the revised or
5 modified billing protocol upon approval by the ~~Crime Victim~~
6 ~~Services Division of the~~ Office of the Illinois Attorney
7 General.

8 (e) This Section is effective on and after July 1, 2021.

9 (Source: P.A. 100-775, eff. 1-1-19; 101-634, eff. 6-5-20.)

10 Section 10-190. The Illinois Vehicle Code is amended by
11 changing Sections 6-204, 6-206, 6-308, 6-500, 6-601, and 16-103
12 as follows:

13 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

14 Sec. 6-204. When court to forward license and reports.

15 (a) For the purpose of providing to the Secretary of State
16 the records essential to the performance of the Secretary's
17 duties under this Code to cancel, revoke or suspend the
18 driver's license and privilege to drive motor vehicles of
19 certain minors and of persons found guilty of the criminal
20 offenses or traffic violations which this Code recognizes as
21 evidence relating to unfitness to safely operate motor
22 vehicles, the following duties are imposed upon public
23 officials:

24 (1) Whenever any person is convicted of any offense for

1 which this Code makes mandatory the cancellation or
2 revocation of the driver's license or permit of such person
3 by the Secretary of State, the judge of the court in which
4 such conviction is had shall require the surrender to the
5 clerk of the court of all driver's licenses or permits then
6 held by the person so convicted, and the clerk of the court
7 shall, within 5 days thereafter, forward the same, together
8 with a report of such conviction, to the Secretary.

9 (2) Whenever any person is convicted of any offense
10 under this Code or similar offenses under a municipal
11 ordinance, other than regulations governing standing,
12 parking or weights of vehicles, and excepting the following
13 enumerated Sections of this Code: Sections 11-1406
14 (obstruction to driver's view or control), 11-1407
15 (improper opening of door into traffic), 11-1410 (coasting
16 on downgrade), 11-1411 (following fire apparatus),
17 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
18 vehicle which is in unsafe condition or improperly
19 equipped), 12-201(a) (daytime lights on motorcycles),
20 12-202 (clearance, identification and side marker lamps),
21 12-204 (lamp or flag on projecting load), 12-205 (failure
22 to display the safety lights required), 12-401
23 (restrictions as to tire equipment), 12-502 (mirrors),
24 12-503 (windshields must be unobstructed and equipped with
25 wipers), 12-601 (horns and warning devices), 12-602
26 (mufflers, prevention of noise or smoke), 12-603 (seat

1 safety belts), 12-702 (certain vehicles to carry flares or
2 other warning devices), 12-703 (vehicles for oiling roads
3 operated on highways), 12-710 (splash guards and
4 replacements), 13-101 (safety tests), 15-101 (size, weight
5 and load), 15-102 (width), 15-103 (height), 15-104 (name
6 and address on second division vehicles), 15-107 (length of
7 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),
8 15-112 (weights), 15-301 (weights), 15-316 (weights),
9 15-318 (weights), and also excepting the following
10 enumerated Sections of the Chicago Municipal Code:
11 Sections 27-245 (following fire apparatus), 27-254
12 (obstruction of traffic), 27-258 (driving vehicle which is
13 in unsafe condition), 27-259 (coasting on downgrade),
14 27-264 (use of horns and signal devices), 27-265
15 (obstruction to driver's view or driver mechanism), 27-267
16 (dimming of headlights), 27-268 (unattended motor
17 vehicle), 27-272 (illegal funeral procession), 27-273
18 (funeral procession on boulevard), 27-275 (driving freight
19 hauling vehicles on boulevard), 27-276 (stopping and
20 standing of buses or taxicabs), 27-277 (cruising of public
21 passenger vehicles), 27-305 (parallel parking), 27-306
22 (diagonal parking), 27-307 (parking not to obstruct
23 traffic), 27-308 (stopping, standing or parking
24 regulated), 27-311 (parking regulations), 27-312 (parking
25 regulations), 27-313 (parking regulations), 27-314
26 (parking regulations), 27-315 (parking regulations),

1 27-316 (parking regulations), 27-317 (parking
2 regulations), 27-318 (parking regulations), 27-319
3 (parking regulations), 27-320 (parking regulations),
4 27-321 (parking regulations), 27-322 (parking
5 regulations), 27-324 (loading and unloading at an angle),
6 27-333 (wheel and axle loads), 27-334 (load restrictions in
7 the downtown district), 27-335 (load restrictions in
8 residential areas), 27-338 (width of vehicles), 27-339
9 (height of vehicles), 27-340 (length of vehicles), 27-352
10 (reflectors on trailers), 27-353 (mufflers), 27-354
11 (display of plates), 27-355 (display of city vehicle tax
12 sticker), 27-357 (identification of vehicles), 27-358
13 (projecting of loads), and also excepting the following
14 enumerated paragraphs of Section 2-201 of the Rules and
15 Regulations of the Illinois State Toll Highway Authority:
16 (l) (driving unsafe vehicle on tollway), (m) (vehicles
17 transporting dangerous cargo not properly indicated), it
18 shall be the duty of the clerk of the court in which such
19 conviction is had within 5 days thereafter to forward to
20 the Secretary of State a report of the conviction and the
21 court may recommend the suspension of the driver's license
22 or permit of the person so convicted.

23 The reporting requirements of this subsection shall
24 apply to all violations stated in paragraphs (1) and (2) of
25 this subsection when the individual has been adjudicated
26 under the Juvenile Court Act or the Juvenile Court Act of

1 1987. Such reporting requirements shall also apply to
2 individuals adjudicated under the Juvenile Court Act or the
3 Juvenile Court Act of 1987 who have committed a violation
4 of Section 11-501 of this Code, or similar provision of a
5 local ordinance, or Section 9-3 of the Criminal Code of
6 1961 or the Criminal Code of 2012, relating to the offense
7 of reckless homicide, or Section 5-7 of the Snowmobile
8 Registration and Safety Act or Section 5-16 of the Boat
9 Registration and Safety Act, relating to the offense of
10 operating a snowmobile or a watercraft while under the
11 influence of alcohol, other drug or drugs, intoxicating
12 compound or compounds, or combination thereof. These
13 reporting requirements also apply to individuals
14 adjudicated under the Juvenile Court Act of 1987 based on
15 any offense determined to have been committed in
16 furtherance of the criminal activities of an organized
17 gang, as provided in Section 5-710 of that Act, if those
18 activities involved the operation or use of a motor
19 vehicle. It shall be the duty of the clerk of the court in
20 which adjudication is had within 5 days thereafter to
21 forward to the Secretary of State a report of the
22 adjudication and the court order requiring the Secretary of
23 State to suspend the minor's driver's license and driving
24 privilege for such time as determined by the court, but
25 only until he or she attains the age of 18 years. All
26 juvenile court dispositions reported to the Secretary of

1 State under this provision shall be processed by the
2 Secretary of State as if the cases had been adjudicated in
3 traffic or criminal court. However, information reported
4 relative to the offense of reckless homicide, or Section
5 11-501 of this Code, or a similar provision of a local
6 ordinance, shall be privileged and available only to the
7 Secretary of State, courts, and police officers.

8 The reporting requirements of this subsection (a)
9 apply to all violations listed in paragraphs (1) and (2) of
10 this subsection (a), excluding parking violations, when
11 the driver holds a CLP or CDL, regardless of the type of
12 vehicle in which the violation occurred, or when any driver
13 committed the violation in a commercial motor vehicle as
14 defined in Section 6-500 of this Code.

15 (3) Whenever an order is entered vacating the
16 conditions of pretrial release ~~forfeiture of any bail,~~
17 ~~security or bond~~ given to secure appearance for any offense
18 under this Code or similar offenses under municipal
19 ordinance, it shall be the duty of the clerk of the court
20 in which such vacation was had or the judge of such court
21 if such court has no clerk, within 5 days thereafter to
22 forward to the Secretary of State a report of the vacation.

23 (4) A report of any disposition of court supervision
24 for a violation of Sections 6-303, 11-401, 11-501 or a
25 similar provision of a local ordinance, 11-503, 11-504, and
26 11-506 of this Code, Section 5-7 of the Snowmobile

1 Registration and Safety Act, and Section 5-16 of the Boat
2 Registration and Safety Act shall be forwarded to the
3 Secretary of State. A report of any disposition of court
4 supervision for a violation of an offense defined as a
5 serious traffic violation in this Code or a similar
6 provision of a local ordinance committed by a person under
7 the age of 21 years shall be forwarded to the Secretary of
8 State.

9 (5) Reports of conviction under this Code and
10 sentencing hearings under the Juvenile Court Act of 1987 in
11 an electronic format or a computer processible medium shall
12 be forwarded to the Secretary of State via the Supreme
13 Court in the form and format required by the Illinois
14 Supreme Court and established by a written agreement
15 between the Supreme Court and the Secretary of State. In
16 counties with a population over 300,000, instead of
17 forwarding reports to the Supreme Court, reports of
18 conviction under this Code and sentencing hearings under
19 the Juvenile Court Act of 1987 in an electronic format or a
20 computer processible medium may be forwarded to the
21 Secretary of State by the Circuit Court Clerk in a form and
22 format required by the Secretary of State and established
23 by written agreement between the Circuit Court Clerk and
24 the Secretary of State. Failure to forward the reports of
25 conviction or sentencing hearing under the Juvenile Court
26 Act of 1987 as required by this Section shall be deemed an

1 omission of duty and it shall be the duty of the several
2 State's Attorneys to enforce the requirements of this
3 Section.

4 (b) Whenever a restricted driving permit is forwarded to a
5 court, as a result of confiscation by a police officer pursuant
6 to the authority in Section 6-113(f), it shall be the duty of
7 the clerk, or judge, if the court has no clerk, to forward such
8 restricted driving permit and a facsimile of the officer's
9 citation to the Secretary of State as expeditiously as
10 practicable.

11 (c) For the purposes of this Code, a violation of the
12 conditions of pretrial release ~~forfeiture of bail or collateral~~
13 ~~deposited to secure a defendant's appearance in court~~ when the
14 conditions of pretrial release have ~~forfeiture has~~ not been
15 vacated, or the failure of a defendant to appear for trial
16 after depositing his driver's license in lieu of other bail,
17 shall be equivalent to a conviction.

18 (d) For the purpose of providing the Secretary of State
19 with records necessary to properly monitor and assess driver
20 performance and assist the courts in the proper disposition of
21 repeat traffic law offenders, the clerk of the court shall
22 forward to the Secretary of State, on a form prescribed by the
23 Secretary, records of a driver's participation in a driver
24 remedial or rehabilitative program which was required, through
25 a court order or court supervision, in relation to the driver's
26 arrest for a violation of Section 11-501 of this Code or a

1 similar provision of a local ordinance. The clerk of the court
2 shall also forward to the Secretary, either on paper or in an
3 electronic format or a computer processible medium as required
4 under paragraph (5) of subsection (a) of this Section, any
5 disposition of court supervision for any traffic violation,
6 excluding those offenses listed in paragraph (2) of subsection
7 (a) of this Section. These reports shall be sent within 5 days
8 after disposition, or, if the driver is referred to a driver
9 remedial or rehabilitative program, within 5 days of the
10 driver's referral to that program. These reports received by
11 the Secretary of State, including those required to be
12 forwarded under paragraph (a)(4), shall be privileged
13 information, available only (i) to the affected driver, (ii) to
14 the parent or guardian of a person under the age of 18 years
15 holding an instruction permit or a graduated driver's license,
16 and (iii) for use by the courts, police officers, prosecuting
17 authorities, the Secretary of State, and the driver licensing
18 administrator of any other state. In accordance with 49 C.F.R.
19 Part 384, all reports of court supervision, except violations
20 related to parking, shall be forwarded to the Secretary of
21 State for all holders of a CLP or CDL or any driver who commits
22 an offense while driving a commercial motor vehicle. These
23 reports shall be recorded to the driver's record as a
24 conviction for use in the disqualification of the driver's
25 commercial motor vehicle privileges and shall not be privileged
26 information.

1 (Source: P.A. 100-74, eff. 8-11-17; 101-623, eff. 7-1-20.)

2 (625 ILCS 5/6-206)

3 Sec. 6-206. Discretionary authority to suspend or revoke
4 license or permit; right to a hearing.

5 (a) The Secretary of State is authorized to suspend or
6 revoke the driving privileges of any person without preliminary
7 hearing upon a showing of the person's records or other
8 sufficient evidence that the person:

9 1. Has committed an offense for which mandatory
10 revocation of a driver's license or permit is required upon
11 conviction;

12 2. Has been convicted of not less than 3 offenses
13 against traffic regulations governing the movement of
14 vehicles committed within any 12-month ~~12-month~~ period. No
15 revocation or suspension shall be entered more than 6
16 months after the date of last conviction;

17 3. Has been repeatedly involved as a driver in motor
18 vehicle collisions or has been repeatedly convicted of
19 offenses against laws and ordinances regulating the
20 movement of traffic, to a degree that indicates lack of
21 ability to exercise ordinary and reasonable care in the
22 safe operation of a motor vehicle or disrespect for the
23 traffic laws and the safety of other persons upon the
24 highway;

25 4. Has by the unlawful operation of a motor vehicle

1 caused or contributed to an accident resulting in injury
2 requiring immediate professional treatment in a medical
3 facility or doctor's office to any person, except that any
4 suspension or revocation imposed by the Secretary of State
5 under the provisions of this subsection shall start no
6 later than 6 months after being convicted of violating a
7 law or ordinance regulating the movement of traffic, which
8 violation is related to the accident, or shall start not
9 more than one year after the date of the accident,
10 whichever date occurs later;

11 5. Has permitted an unlawful or fraudulent use of a
12 driver's license, identification card, or permit;

13 6. Has been lawfully convicted of an offense or
14 offenses in another state, including the authorization
15 contained in Section 6-203.1, which if committed within
16 this State would be grounds for suspension or revocation;

17 7. Has refused or failed to submit to an examination
18 provided for by Section 6-207 or has failed to pass the
19 examination;

20 8. Is ineligible for a driver's license or permit under
21 the provisions of Section 6-103;

22 9. Has made a false statement or knowingly concealed a
23 material fact or has used false information or
24 identification in any application for a license,
25 identification card, or permit;

26 10. Has possessed, displayed, or attempted to

1 fraudulently use any license, identification card, or
2 permit not issued to the person;

3 11. Has operated a motor vehicle upon a highway of this
4 State when the person's driving privilege or privilege to
5 obtain a driver's license or permit was revoked or
6 suspended unless the operation was authorized by a
7 monitoring device driving permit, judicial driving permit
8 issued prior to January 1, 2009, probationary license to
9 drive, or a restricted driving permit issued under this
10 Code;

11 12. Has submitted to any portion of the application
12 process for another person or has obtained the services of
13 another person to submit to any portion of the application
14 process for the purpose of obtaining a license,
15 identification card, or permit for some other person;

16 13. Has operated a motor vehicle upon a highway of this
17 State when the person's driver's license or permit was
18 invalid under the provisions of Sections 6-107.1 and 6-110;

19 14. Has committed a violation of Section 6-301,
20 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
21 14B of the Illinois Identification Card Act;

22 15. Has been convicted of violating Section 21-2 of the
23 Criminal Code of 1961 or the Criminal Code of 2012 relating
24 to criminal trespass to vehicles if the person exercised
25 actual physical control over the vehicle during the
26 commission of the offense, in which case the suspension

1 shall be for one year;

2 16. Has been convicted of violating Section 11-204 of
3 this Code relating to fleeing from a peace officer;

4 17. Has refused to submit to a test, or tests, as
5 required under Section 11-501.1 of this Code and the person
6 has not sought a hearing as provided for in Section
7 11-501.1;

8 18. (Blank);

9 19. Has committed a violation of paragraph (a) or (b)
10 of Section 6-101 relating to driving without a driver's
11 license;

12 20. Has been convicted of violating Section 6-104
13 relating to classification of driver's license;

14 21. Has been convicted of violating Section 11-402 of
15 this Code relating to leaving the scene of an accident
16 resulting in damage to a vehicle in excess of \$1,000, in
17 which case the suspension shall be for one year;

18 22. Has used a motor vehicle in violating paragraph
19 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
20 the Criminal Code of 1961 or the Criminal Code of 2012
21 relating to unlawful use of weapons, in which case the
22 suspension shall be for one year;

23 23. Has, as a driver, been convicted of committing a
24 violation of paragraph (a) of Section 11-502 of this Code
25 for a second or subsequent time within one year of a
26 similar violation;

1 24. Has been convicted by a court-martial or punished
2 by non-judicial punishment by military authorities of the
3 United States at a military installation in Illinois or in
4 another state of or for a traffic-related ~~traffic-related~~
5 offense that is the same as or similar to an offense
6 specified under Section 6-205 or 6-206 of this Code;

7 25. Has permitted any form of identification to be used
8 by another in the application process in order to obtain or
9 attempt to obtain a license, identification card, or
10 permit;

11 26. Has altered or attempted to alter a license or has
12 possessed an altered license, identification card, or
13 permit;

14 27. (Blank);

15 28. Has been convicted for a first time of the illegal
16 possession, while operating or in actual physical control,
17 as a driver, of a motor vehicle, of any controlled
18 substance prohibited under the Illinois Controlled
19 Substances Act, any cannabis prohibited under the Cannabis
20 Control Act, or any methamphetamine prohibited under the
21 Methamphetamine Control and Community Protection Act, in
22 which case the person's driving privileges shall be
23 suspended for one year. Any defendant found guilty of this
24 offense while operating a motor vehicle, shall have an
25 entry made in the court record by the presiding judge that
26 this offense did occur while the defendant was operating a

1 motor vehicle and order the clerk of the court to report
2 the violation to the Secretary of State;

3 29. Has been convicted of the following offenses that
4 were committed while the person was operating or in actual
5 physical control, as a driver, of a motor vehicle: criminal
6 sexual assault, predatory criminal sexual assault of a
7 child, aggravated criminal sexual assault, criminal sexual
8 abuse, aggravated criminal sexual abuse, juvenile pimping,
9 soliciting for a juvenile prostitute, promoting juvenile
10 prostitution as described in subdivision (a) (1), (a) (2),
11 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961
12 or the Criminal Code of 2012, and the manufacture, sale or
13 delivery of controlled substances or instruments used for
14 illegal drug use or abuse in which case the driver's
15 driving privileges shall be suspended for one year;

16 30. Has been convicted a second or subsequent time for
17 any combination of the offenses named in paragraph 29 of
18 this subsection, in which case the person's driving
19 privileges shall be suspended for 5 years;

20 31. Has refused to submit to a test as required by
21 Section 11-501.6 of this Code or Section 5-16c of the Boat
22 Registration and Safety Act or has submitted to a test
23 resulting in an alcohol concentration of 0.08 or more or
24 any amount of a drug, substance, or compound resulting from
25 the unlawful use or consumption of cannabis as listed in
26 the Cannabis Control Act, a controlled substance as listed

1 in the Illinois Controlled Substances Act, an intoxicating
2 compound as listed in the Use of Intoxicating Compounds
3 Act, or methamphetamine as listed in the Methamphetamine
4 Control and Community Protection Act, in which case the
5 penalty shall be as prescribed in Section 6-208.1;

6 32. Has been convicted of Section 24-1.2 of the
7 Criminal Code of 1961 or the Criminal Code of 2012 relating
8 to the aggravated discharge of a firearm if the offender
9 was located in a motor vehicle at the time the firearm was
10 discharged, in which case the suspension shall be for 3
11 years;

12 33. Has as a driver, who was less than 21 years of age
13 on the date of the offense, been convicted a first time of
14 a violation of paragraph (a) of Section 11-502 of this Code
15 or a similar provision of a local ordinance;

16 34. Has committed a violation of Section 11-1301.5 of
17 this Code or a similar provision of a local ordinance;

18 35. Has committed a violation of Section 11-1301.6 of
19 this Code or a similar provision of a local ordinance;

20 36. Is under the age of 21 years at the time of arrest
21 and has been convicted of not less than 2 offenses against
22 traffic regulations governing the movement of vehicles
23 committed within any 24-month ~~24-month~~ period. No
24 revocation or suspension shall be entered more than 6
25 months after the date of last conviction;

26 37. Has committed a violation of subsection (c) of

1 Section 11-907 of this Code that resulted in damage to the
2 property of another or the death or injury of another;

3 38. Has been convicted of a violation of Section 6-20
4 of the Liquor Control Act of 1934 or a similar provision of
5 a local ordinance and the person was an occupant of a motor
6 vehicle at the time of the violation;

7 39. Has committed a second or subsequent violation of
8 Section 11-1201 of this Code;

9 40. Has committed a violation of subsection (a-1) of
10 Section 11-908 of this Code;

11 41. Has committed a second or subsequent violation of
12 Section 11-605.1 of this Code, a similar provision of a
13 local ordinance, or a similar violation in any other state
14 within 2 years of the date of the previous violation, in
15 which case the suspension shall be for 90 days;

16 42. Has committed a violation of subsection (a-1) of
17 Section 11-1301.3 of this Code or a similar provision of a
18 local ordinance;

19 43. Has received a disposition of court supervision for
20 a violation of subsection (a), (d), or (e) of Section 6-20
21 of the Liquor Control Act of 1934 or a similar provision of
22 a local ordinance and the person was an occupant of a motor
23 vehicle at the time of the violation, in which case the
24 suspension shall be for a period of 3 months;

25 44. Is under the age of 21 years at the time of arrest
26 and has been convicted of an offense against traffic

1 regulations governing the movement of vehicles after
2 having previously had his or her driving privileges
3 suspended or revoked pursuant to subparagraph 36 of this
4 Section;

5 45. Has, in connection with or during the course of a
6 formal hearing conducted under Section 2-118 of this Code:
7 (i) committed perjury; (ii) submitted fraudulent or
8 falsified documents; (iii) submitted documents that have
9 been materially altered; or (iv) submitted, as his or her
10 own, documents that were in fact prepared or composed for
11 another person;

12 46. Has committed a violation of subsection (j) of
13 Section 3-413 of this Code;

14 47. Has committed a violation of subsection (a) of
15 Section 11-502.1 of this Code;

16 48. Has submitted a falsified or altered medical
17 examiner's certificate to the Secretary of State or
18 provided false information to obtain a medical examiner's
19 certificate; ~~or~~

20 49. Has committed a violation of subsection (b-5) of
21 Section 12-610.2 that resulted in great bodily harm,
22 permanent disability, or disfigurement, in which case the
23 driving privileges shall be suspended for 12 months; or

24 50. ~~49.~~ Has been convicted of a violation of Section
25 11-1002 or 11-1002.5 that resulted in a Type A injury to
26 another, in which case the person's driving privileges

1 shall be suspended for 12 months.

2 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
3 and 27 of this subsection, license means any driver's license,
4 any traffic ticket issued when the person's driver's license is
5 deposited in lieu of bail, a suspension notice issued by the
6 Secretary of State, a duplicate or corrected driver's license,
7 a probationary driver's license, or a temporary driver's
8 license.

9 (b) If any conviction forming the basis of a suspension or
10 revocation authorized under this Section is appealed, the
11 Secretary of State may rescind or withhold the entry of the
12 order of suspension or revocation, as the case may be, provided
13 that a certified copy of a stay order of a court is filed with
14 the Secretary of State. If the conviction is affirmed on
15 appeal, the date of the conviction shall relate back to the
16 time the original judgment of conviction was entered and the
17 6-month ~~6-month~~ limitation prescribed shall not apply.

18 (c) 1. Upon suspending or revoking the driver's license or
19 permit of any person as authorized in this Section, the
20 Secretary of State shall immediately notify the person in
21 writing of the revocation or suspension. The notice to be
22 deposited in the United States mail, postage prepaid, to the
23 last known address of the person.

24 2. If the Secretary of State suspends the driver's license
25 of a person under subsection 2 of paragraph (a) of this
26 Section, a person's privilege to operate a vehicle as an

1 occupation shall not be suspended, provided an affidavit is
2 properly completed, the appropriate fee received, and a permit
3 issued prior to the effective date of the suspension, unless 5
4 offenses were committed, at least 2 of which occurred while
5 operating a commercial vehicle in connection with the driver's
6 regular occupation. All other driving privileges shall be
7 suspended by the Secretary of State. Any driver prior to
8 operating a vehicle for occupational purposes only must submit
9 the affidavit on forms to be provided by the Secretary of State
10 setting forth the facts of the person's occupation. The
11 affidavit shall also state the number of offenses committed
12 while operating a vehicle in connection with the driver's
13 regular occupation. The affidavit shall be accompanied by the
14 driver's license. Upon receipt of a properly completed
15 affidavit, the Secretary of State shall issue the driver a
16 permit to operate a vehicle in connection with the driver's
17 regular occupation only. Unless the permit is issued by the
18 Secretary of State prior to the date of suspension, the
19 privilege to drive any motor vehicle shall be suspended as set
20 forth in the notice that was mailed under this Section. If an
21 affidavit is received subsequent to the effective date of this
22 suspension, a permit may be issued for the remainder of the
23 suspension period.

24 The provisions of this subparagraph shall not apply to any
25 driver required to possess a CDL for the purpose of operating a
26 commercial motor vehicle.

1 Any person who falsely states any fact in the affidavit
2 required herein shall be guilty of perjury under Section 6-302
3 and upon conviction thereof shall have all driving privileges
4 revoked without further rights.

5 3. At the conclusion of a hearing under Section 2-118 of
6 this Code, the Secretary of State shall either rescind or
7 continue an order of revocation or shall substitute an order of
8 suspension; or, good cause appearing therefor, rescind,
9 continue, change, or extend the order of suspension. If the
10 Secretary of State does not rescind the order, the Secretary
11 may upon application, to relieve undue hardship (as defined by
12 the rules of the Secretary of State), issue a restricted
13 driving permit granting the privilege of driving a motor
14 vehicle between the petitioner's residence and petitioner's
15 place of employment or within the scope of the petitioner's
16 employment-related ~~employment-related~~ duties, or to allow the
17 petitioner to transport himself or herself, or a family member
18 of the petitioner's household to a medical facility, to receive
19 necessary medical care, to allow the petitioner to transport
20 himself or herself to and from alcohol or drug remedial or
21 rehabilitative activity recommended by a licensed service
22 provider, or to allow the petitioner to transport himself or
23 herself or a family member of the petitioner's household to
24 classes, as a student, at an accredited educational
25 institution, or to allow the petitioner to transport children,
26 elderly persons, or persons with disabilities who do not hold

1 driving privileges and are living in the petitioner's household
2 to and from daycare. The petitioner must demonstrate that no
3 alternative means of transportation is reasonably available
4 and that the petitioner will not endanger the public safety or
5 welfare.

6 (A) If a person's license or permit is revoked or
7 suspended due to 2 or more convictions of violating Section
8 11-501 of this Code or a similar provision of a local
9 ordinance or a similar out-of-state offense, or Section 9-3
10 of the Criminal Code of 1961 or the Criminal Code of 2012,
11 where the use of alcohol or other drugs is recited as an
12 element of the offense, or a similar out-of-state offense,
13 or a combination of these offenses, arising out of separate
14 occurrences, that person, if issued a restricted driving
15 permit, may not operate a vehicle unless it has been
16 equipped with an ignition interlock device as defined in
17 Section 1-129.1.

18 (B) If a person's license or permit is revoked or
19 suspended 2 or more times due to any combination of:

20 (i) a single conviction of violating Section
21 11-501 of this Code or a similar provision of a local
22 ordinance or a similar out-of-state offense or Section
23 9-3 of the Criminal Code of 1961 or the Criminal Code
24 of 2012, where the use of alcohol or other drugs is
25 recited as an element of the offense, or a similar
26 out-of-state offense; or

1 (ii) a statutory summary suspension or revocation
2 under Section 11-501.1; or

3 (iii) a suspension under Section 6-203.1;
4 arising out of separate occurrences; that person, if issued
5 a restricted driving permit, may not operate a vehicle
6 unless it has been equipped with an ignition interlock
7 device as defined in Section 1-129.1.

8 (B-5) If a person's license or permit is revoked or
9 suspended due to a conviction for a violation of
10 subparagraph (C) or (F) of paragraph (1) of subsection (d)
11 of Section 11-501 of this Code, or a similar provision of a
12 local ordinance or similar out-of-state offense, that
13 person, if issued a restricted driving permit, may not
14 operate a vehicle unless it has been equipped with an
15 ignition interlock device as defined in Section 1-129.1.

16 (C) The person issued a permit conditioned upon the use
17 of an ignition interlock device must pay to the Secretary
18 of State DUI Administration Fund an amount not to exceed
19 \$30 per month. The Secretary shall establish by rule the
20 amount and the procedures, terms, and conditions relating
21 to these fees.

22 (D) If the restricted driving permit is issued for
23 employment purposes, then the prohibition against
24 operating a motor vehicle that is not equipped with an
25 ignition interlock device does not apply to the operation
26 of an occupational vehicle owned or leased by that person's

1 employer when used solely for employment purposes. For any
2 person who, within a 5-year period, is convicted of a
3 second or subsequent offense under Section 11-501 of this
4 Code, or a similar provision of a local ordinance or
5 similar out-of-state offense, this employment exemption
6 does not apply until either a one-year period has elapsed
7 during which that person had his or her driving privileges
8 revoked or a one-year period has elapsed during which that
9 person had a restricted driving permit which required the
10 use of an ignition interlock device on every motor vehicle
11 owned or operated by that person.

12 (E) In each case the Secretary may issue a restricted
13 driving permit for a period deemed appropriate, except that
14 all permits shall expire no later than 2 years from the
15 date of issuance. A restricted driving permit issued under
16 this Section shall be subject to cancellation, revocation,
17 and suspension by the Secretary of State in like manner and
18 for like cause as a driver's license issued under this Code
19 may be cancelled, revoked, or suspended; except that a
20 conviction upon one or more offenses against laws or
21 ordinances regulating the movement of traffic shall be
22 deemed sufficient cause for the revocation, suspension, or
23 cancellation of a restricted driving permit. The Secretary
24 of State may, as a condition to the issuance of a
25 restricted driving permit, require the applicant to
26 participate in a designated driver remedial or

1 rehabilitative program. The Secretary of State is
2 authorized to cancel a restricted driving permit if the
3 permit holder does not successfully complete the program.

4 (F) A person subject to the provisions of paragraph 4
5 of subsection (b) of Section 6-208 of this Code may make
6 application for a restricted driving permit at a hearing
7 conducted under Section 2-118 of this Code after the
8 expiration of 5 years from the effective date of the most
9 recent revocation or after 5 years from the date of release
10 from a period of imprisonment resulting from a conviction
11 of the most recent offense, whichever is later, provided
12 the person, in addition to all other requirements of the
13 Secretary, shows by clear and convincing evidence:

14 (i) a minimum of 3 years of uninterrupted
15 abstinence from alcohol and the unlawful use or
16 consumption of cannabis under the Cannabis Control
17 Act, a controlled substance under the Illinois
18 Controlled Substances Act, an intoxicating compound
19 under the Use of Intoxicating Compounds Act, or
20 methamphetamine under the Methamphetamine Control and
21 Community Protection Act; and

22 (ii) the successful completion of any
23 rehabilitative treatment and involvement in any
24 ongoing rehabilitative activity that may be
25 recommended by a properly licensed service provider
26 according to an assessment of the person's alcohol or

1 drug use under Section 11-501.01 of this Code.

2 In determining whether an applicant is eligible for a
3 restricted driving permit under this subparagraph (F), the
4 Secretary may consider any relevant evidence, including,
5 but not limited to, testimony, affidavits, records, and the
6 results of regular alcohol or drug tests. Persons subject
7 to the provisions of paragraph 4 of subsection (b) of
8 Section 6-208 of this Code and who have been convicted of
9 more than one violation of paragraph (3), paragraph (4), or
10 paragraph (5) of subsection (a) of Section 11-501 of this
11 Code shall not be eligible to apply for a restricted
12 driving permit under this subparagraph (F).

13 A restricted driving permit issued under this
14 subparagraph (F) shall provide that the holder may only
15 operate motor vehicles equipped with an ignition interlock
16 device as required under paragraph (2) of subsection (c) of
17 Section 6-205 of this Code and subparagraph (A) of
18 paragraph 3 of subsection (c) of this Section. The
19 Secretary may revoke a restricted driving permit or amend
20 the conditions of a restricted driving permit issued under
21 this subparagraph (F) if the holder operates a vehicle that
22 is not equipped with an ignition interlock device, or for
23 any other reason authorized under this Code.

24 A restricted driving permit issued under this
25 subparagraph (F) shall be revoked, and the holder barred
26 from applying for or being issued a restricted driving

1 permit in the future, if the holder is convicted of a
2 violation of Section 11-501 of this Code, a similar
3 provision of a local ordinance, or a similar offense in
4 another state.

5 (c-3) In the case of a suspension under paragraph 43 of
6 subsection (a), reports received by the Secretary of State
7 under this Section shall, except during the actual time the
8 suspension is in effect, be privileged information and for use
9 only by the courts, police officers, prosecuting authorities,
10 the driver licensing administrator of any other state, the
11 Secretary of State, or the parent or legal guardian of a driver
12 under the age of 18. However, beginning January 1, 2008, if the
13 person is a CDL holder, the suspension shall also be made
14 available to the driver licensing administrator of any other
15 state, the U.S. Department of Transportation, and the affected
16 driver or motor carrier or prospective motor carrier upon
17 request.

18 (c-4) In the case of a suspension under paragraph 43 of
19 subsection (a), the Secretary of State shall notify the person
20 by mail that his or her driving privileges and driver's license
21 will be suspended one month after the date of the mailing of
22 the notice.

23 (c-5) The Secretary of State may, as a condition of the
24 reissuance of a driver's license or permit to an applicant
25 whose driver's license or permit has been suspended before he
26 or she reached the age of 21 years pursuant to any of the

1 provisions of this Section, require the applicant to
2 participate in a driver remedial education course and be
3 retested under Section 6-109 of this Code.

4 (d) This Section is subject to the provisions of the Driver
5 ~~Drivers~~ License Compact.

6 (e) The Secretary of State shall not issue a restricted
7 driving permit to a person under the age of 16 years whose
8 driving privileges have been suspended or revoked under any
9 provisions of this Code.

10 (f) In accordance with 49 C.F.R. 384, the Secretary of
11 State may not issue a restricted driving permit for the
12 operation of a commercial motor vehicle to a person holding a
13 CDL whose driving privileges have been suspended, revoked,
14 cancelled, or disqualified under any provisions of this Code.

15 (Source: P.A. 100-803, eff. 1-1-19; 101-90, eff. 7-1-20;
16 101-470, eff. 7-1-20; 101-623, eff. 7-1-20; revised 1-4-21.)

17 (625 ILCS 5/6-308)

18 Sec. 6-308. Procedures for traffic violations.

19 (a) Any person cited for violating this Code or a similar
20 provision of a local ordinance for which a violation is a petty
21 offense as defined by Section 5-1-17 of the Unified Code of
22 Corrections, excluding business offenses as defined by Section
23 5-1-2 of the Unified Code of Corrections or a violation of
24 Section 15-111 or subsection (d) of Section 3-401 of this Code,
25 shall not be required to sign the citation ~~or post bond to~~

1 ~~secure bail~~ for his or her release. All other provisions of
2 this Code or similar provisions of local ordinances shall be
3 governed by the pretrial release ~~bail~~ provisions of the
4 Illinois Supreme Court Rules when it is not practical or
5 feasible to take the person before a judge to have conditions
6 of pretrial release ~~bail~~ set or to avoid undue delay because of
7 the hour or circumstances.

8 (b) Whenever a person fails to appear in court, the court
9 may continue the case for a minimum of 30 days and the clerk of
10 the court shall send notice of the continued court date to the
11 person's last known address. If the person does not appear in
12 court on or before the continued court date or satisfy the
13 court that the person's appearance in and surrender to the
14 court is impossible for no fault of the person, the court shall
15 enter an order of failure to appear. The clerk of the court
16 shall notify the Secretary of State, on a report prescribed by
17 the Secretary, of the court's order. The Secretary, when
18 notified by the clerk of the court that an order of failure to
19 appear has been entered, shall immediately suspend the person's
20 driver's license, which shall be designated by the Secretary as
21 a Failure to Appear suspension. The Secretary shall not remove
22 the suspension, nor issue any permit or privileges to the
23 person whose license has been suspended, until notified by the
24 ordering court that the person has appeared and resolved the
25 violation. Upon compliance, the clerk of the court shall
26 present the person with a notice of compliance containing the

1 seal of the court, and shall notify the Secretary that the
2 person has appeared and resolved the violation.

3 (c) Illinois Supreme Court Rules shall govern pretrial
4 release ~~bail~~ and appearance procedures when a person who is a
5 resident of another state that is not a member of the
6 Nonresident Violator Compact of 1977 is cited for violating
7 this Code or a similar provision of a local ordinance.

8 (Source: P.A. 100-674, eff. 1-1-19.)

9 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

10 Sec. 6-500. Definitions of words and phrases.
11 Notwithstanding the definitions set forth elsewhere in this
12 Code, for purposes of the Uniform Commercial Driver's License
13 Act (UCDLA), the words and phrases listed below have the
14 meanings ascribed to them as follows:

15 (1) Alcohol. "Alcohol" means any substance containing any
16 form of alcohol, including but not limited to ethanol,
17 methanol, propanol, and isopropanol.

18 (2) Alcohol concentration. "Alcohol concentration" means:

19 (A) the number of grams of alcohol per 210 liters of
20 breath; or

21 (B) the number of grams of alcohol per 100 milliliters
22 of blood; or

23 (C) the number of grams of alcohol per 67 milliliters
24 of urine.

25 Alcohol tests administered within 2 hours of the driver

1 being "stopped or detained" shall be considered that driver's
2 "alcohol concentration" for the purposes of enforcing this
3 UCCLA.

4 (3) (Blank).

5 (4) (Blank).

6 (5) (Blank).

7 (5.3) CDLIS driver record. "CDLIS driver record" means the
8 electronic record of the individual CDL driver's status and
9 history stored by the State-of-Record as part of the Commercial
10 Driver's License Information System, or CDLIS, established
11 under 49 U.S.C. 31309.

12 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle
13 record" or "CDLIS MVR" means a report generated from the CDLIS
14 driver record meeting the requirements for access to CDLIS
15 information and provided by states to users authorized in 49
16 C.F.R. 384.225(e) (3) and (4), subject to the provisions of the
17 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

18 (5.7) Commercial driver's license downgrade. "Commercial
19 driver's license downgrade" or "CDL downgrade" means either:

20 (A) a state allows the driver to change his or her
21 self-certification to interstate, but operating
22 exclusively in transportation or operation excepted from
23 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
24 391.2, 391.68, or 398.3;

25 (B) a state allows the driver to change his or her
26 self-certification to intrastate only, if the driver

1 qualifies under that state's physical qualification
2 requirements for intrastate only;

3 (C) a state allows the driver to change his or her
4 certification to intrastate, but operating exclusively in
5 transportation or operations excepted from all or part of
6 the state driver qualification requirements; or

7 (D) a state removes the CDL privilege from the driver
8 license.

9 (6) Commercial Motor Vehicle.

10 (A) "Commercial motor vehicle" or "CMV" means a motor
11 vehicle or combination of motor vehicles used in commerce,
12 except those referred to in subdivision (B), designed to
13 transport passengers or property if the motor vehicle:

14 (i) has a gross combination weight rating or gross
15 combination weight of 11,794 kilograms or more (26,001
16 pounds or more), whichever is greater, inclusive of any
17 towed unit with a gross vehicle weight rating or gross
18 vehicle weight of more than 4,536 kilograms (10,000
19 pounds), whichever is greater; or

20 (i-5) has a gross vehicle weight rating or gross
21 vehicle weight of 11,794 or more kilograms (26,001
22 pounds or more), whichever is greater; or

23 (ii) is designed to transport 16 or more persons,
24 including the driver; or

25 (iii) is of any size and is used in transporting
26 hazardous materials as defined in 49 C.F.R. 383.5.

1 (B) Pursuant to the interpretation of the Commercial
2 Motor Vehicle Safety Act of 1986 by the Federal Highway
3 Administration, the definition of "commercial motor
4 vehicle" does not include:

5 (i) recreational vehicles, when operated primarily
6 for personal use;

7 (ii) vehicles owned by or operated under the
8 direction of the United States Department of Defense or
9 the United States Coast Guard only when operated by
10 non-civilian personnel. This includes any operator on
11 active military duty; members of the Reserves;
12 National Guard; personnel on part-time training; and
13 National Guard military technicians (civilians who are
14 required to wear military uniforms and are subject to
15 the Code of Military Justice); or

16 (iii) firefighting, police, and other emergency
17 equipment (including, without limitation, equipment
18 owned or operated by a HazMat or technical rescue team
19 authorized by a county board under Section 5-1127 of
20 the Counties Code), with audible and visual signals,
21 owned or operated by or for a governmental entity,
22 which is necessary to the preservation of life or
23 property or the execution of emergency governmental
24 functions which are normally not subject to general
25 traffic rules and regulations.

26 (7) Controlled Substance. "Controlled substance" shall

1 have the same meaning as defined in Section 102 of the Illinois
2 Controlled Substances Act, and shall also include cannabis as
3 defined in Section 3 of the Cannabis Control Act and
4 methamphetamine as defined in Section 10 of the Methamphetamine
5 Control and Community Protection Act.

6 (8) Conviction. "Conviction" means an unvacated
7 adjudication of guilt or a determination that a person has
8 violated or failed to comply with the law in a court of
9 original jurisdiction or by an authorized administrative
10 tribunal; an unvacated revocation of pretrial release or
11 forfeiture of bail or collateral deposited to secure the
12 person's appearance in court; a plea of guilty or nolo
13 contendere accepted by the court; the payment of a fine or
14 court cost regardless of whether the imposition of sentence is
15 deferred and ultimately a judgment dismissing the underlying
16 charge is entered; or a violation of a condition of pretrial
17 release without bail, regardless of whether or not the penalty
18 is rebated, suspended or probated.

19 (8.5) Day. "Day" means calendar day.

20 (9) (Blank).

21 (10) (Blank).

22 (11) (Blank).

23 (12) (Blank).

24 (13) Driver. "Driver" means any person who drives,
25 operates, or is in physical control of a commercial motor
26 vehicle, any person who is required to hold a CDL, or any

1 person who is a holder of a CDL while operating a
2 non-commercial motor vehicle.

3 (13.5) Driver applicant. "Driver applicant" means an
4 individual who applies to a state or other jurisdiction to
5 obtain, transfer, upgrade, or renew a CDL or to obtain or renew
6 a CLP.

7 (13.8) Electronic device. "Electronic device" includes,
8 but is not limited to, a cellular telephone, personal digital
9 assistant, pager, computer, or any other device used to input,
10 write, send, receive, or read text.

11 (14) Employee. "Employee" means a person who is employed as
12 a commercial motor vehicle driver. A person who is
13 self-employed as a commercial motor vehicle driver must comply
14 with the requirements of this UCDLA pertaining to employees. An
15 owner-operator on a long-term lease shall be considered an
16 employee.

17 (15) Employer. "Employer" means a person (including the
18 United States, a State or a local authority) who owns or leases
19 a commercial motor vehicle or assigns employees to operate such
20 a vehicle. A person who is self-employed as a commercial motor
21 vehicle driver must comply with the requirements of this UCDLA.

22 (15.1) Endorsement. "Endorsement" means an authorization
23 to an individual's CLP or CDL required to permit the individual
24 to operate certain types of commercial motor vehicles.

25 (15.2) Entry-level driver training. "Entry-level driver
26 training" means the training an entry-level driver receives

1 from an entity listed on the Federal Motor Carrier Safety
2 Administration's Training Provider Registry prior to: (i)
3 taking the CDL skills test required to receive the Class A or
4 Class B CDL for the first time; (ii) taking the CDL skills test
5 required to upgrade to a Class A or Class B CDL; or (iii)
6 taking the CDL skills test required to obtain a passenger or
7 school bus endorsement for the first time or the CDL knowledge
8 test required to obtain a hazardous materials endorsement for
9 the first time.

10 (15.3) Excepted interstate. "Excepted interstate" means a
11 person who operates or expects to operate in interstate
12 commerce, but engages exclusively in transportation or
13 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or
14 398.3 from all or part of the qualification requirements of 49
15 C.F.R. Part 391 and is not required to obtain a medical
16 examiner's certificate by 49 C.F.R. 391.45.

17 (15.5) Excepted intrastate. "Excepted intrastate" means a
18 person who operates in intrastate commerce but engages
19 exclusively in transportation or operations excepted from all
20 or parts of the state driver qualification requirements.

21 (16) (Blank).

22 (16.5) Fatality. "Fatality" means the death of a person as
23 a result of a motor vehicle accident.

24 (16.7) Foreign commercial driver. "Foreign commercial
25 driver" means a person licensed to operate a commercial motor
26 vehicle by an authority outside the United States, or a citizen

1 of a foreign country who operates a commercial motor vehicle in
2 the United States.

3 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
4 sovereign jurisdiction that does not fall within the definition
5 of "State".

6 (18) (Blank).

7 (19) (Blank).

8 (20) Hazardous materials. "Hazardous material" means any
9 material that has been designated under 49 U.S.C. 5103 and is
10 required to be placarded under subpart F of 49 C.F.R. part 172
11 or any quantity of a material listed as a select agent or toxin
12 in 42 C.F.R. part 73.

13 (20.5) Imminent Hazard. "Imminent hazard" means the
14 existence of any condition of a vehicle, employee, or
15 commercial motor vehicle operations that substantially
16 increases the likelihood of serious injury or death if not
17 discontinued immediately; or a condition relating to hazardous
18 material that presents a substantial likelihood that death,
19 serious illness, severe personal injury, or a substantial
20 endangerment to health, property, or the environment may occur
21 before the reasonably foreseeable completion date of a formal
22 proceeding begun to lessen the risk of that death, illness,
23 injury or endangerment.

24 (20.6) Issuance. "Issuance" means initial issuance,
25 transfer, renewal, or upgrade of a CLP or CDL and non-domiciled
26 CLP or CDL.

1 (20.7) Issue. "Issue" means initial issuance, transfer,
2 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or
3 non-domiciled CDL.

4 (21) Long-term lease. "Long-term lease" means a lease of a
5 commercial motor vehicle by the owner-lessor to a lessee, for a
6 period of more than 29 days.

7 (21.01) Manual transmission. "Manual transmission" means a
8 transmission utilizing a driver-operated clutch that is
9 activated by a pedal or lever and a gear-shift mechanism
10 operated either by hand or foot including those known as a
11 stick shift, stick, straight drive, or standard transmission.
12 All other transmissions, whether semi-automatic or automatic,
13 shall be considered automatic for the purposes of the
14 standardized restriction code.

15 (21.1) Medical examiner. "Medical examiner" means an
16 individual certified by the Federal Motor Carrier Safety
17 Administration and listed on the National Registry of Certified
18 Medical Examiners in accordance with Federal Motor Carrier
19 Safety Regulations, 49 CFR 390.101 et seq.

20 (21.2) Medical examiner's certificate. "Medical examiner's
21 certificate" means either (1) prior to June 22, 2021, a
22 document prescribed or approved by the Secretary of State that
23 is issued by a medical examiner to a driver to medically
24 qualify him or her to drive; or (2) beginning June 22, 2021, an
25 electronic submission of results of an examination conducted by
26 a medical examiner listed on the National Registry of Certified

1 Medical Examiners to the Federal Motor Carrier Safety
2 Administration of a driver to medically qualify him or her to
3 drive.

4 (21.5) Medical variance. "Medical variance" means a driver
5 has received one of the following from the Federal Motor
6 Carrier Safety Administration which allows the driver to be
7 issued a medical certificate: (1) an exemption letter
8 permitting operation of a commercial motor vehicle pursuant to
9 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
10 skill performance evaluation (SPE) certificate permitting
11 operation of a commercial motor vehicle pursuant to 49 C.F.R.
12 391.49.

13 (21.7) Mobile telephone. "Mobile telephone" means a mobile
14 communication device that falls under or uses any commercial
15 mobile radio service, as defined in regulations of the Federal
16 Communications Commission, 47 CFR 20.3. It does not include
17 two-way or citizens band radio services.

18 (22) Motor Vehicle. "Motor vehicle" means every vehicle
19 which is self-propelled, and every vehicle which is propelled
20 by electric power obtained from over head trolley wires but not
21 operated upon rails, except vehicles moved solely by human
22 power and motorized wheel chairs.

23 (22.2) Motor vehicle record. "Motor vehicle record" means a
24 report of the driving status and history of a driver generated
25 from the driver record provided to users, such as drivers or
26 employers, and is subject to the provisions of the Driver

1 Privacy Protection Act, 18 U.S.C. 2721-2725.

2 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
3 combination of motor vehicles not defined by the term
4 "commercial motor vehicle" or "CMV" in this Section.

5 (22.7) Non-excepted interstate. "Non-excepted interstate"
6 means a person who operates or expects to operate in interstate
7 commerce, is subject to and meets the qualification
8 requirements under 49 C.F.R. Part 391, and is required to
9 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

10 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
11 means a person who operates only in intrastate commerce and is
12 subject to State driver qualification requirements.

13 (23) Non-domiciled CLP or Non-domiciled CDL.
14 "Non-domiciled CLP" or "Non-domiciled CDL" means a CLP or CDL,
15 respectively, issued by a state or other jurisdiction under
16 either of the following two conditions:

17 (i) to an individual domiciled in a foreign country
18 meeting the requirements of Part 383.23(b)(1) of 49 C.F.R.
19 of the Federal Motor Carrier Safety Administration.

20 (ii) to an individual domiciled in another state
21 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.
22 of the Federal Motor Carrier Safety Administration.

23 (24) (Blank).

24 (25) (Blank).

25 (25.5) Railroad-Highway Grade Crossing Violation.
26 "Railroad-highway grade crossing violation" means a violation,

1 while operating a commercial motor vehicle, of any of the
2 following:

3 (A) Section 11-1201, 11-1202, or 11-1425 of this Code.

4 (B) Any other similar law or local ordinance of any
5 state relating to railroad-highway grade crossing.

6 (25.7) School Bus. "School bus" means a commercial motor
7 vehicle used to transport pre-primary, primary, or secondary
8 school students from home to school, from school to home, or to
9 and from school-sponsored events. "School bus" does not include
10 a bus used as a common carrier.

11 (26) Serious Traffic Violation. "Serious traffic
12 violation" means:

13 (A) a conviction when operating a commercial motor
14 vehicle, or when operating a non-CMV while holding a CLP or
15 CDL, of:

16 (i) a violation relating to excessive speeding,
17 involving a single speeding charge of 15 miles per hour
18 or more above the legal speed limit; or

19 (ii) a violation relating to reckless driving; or

20 (iii) a violation of any State law or local
21 ordinance relating to motor vehicle traffic control
22 (other than parking violations) arising in connection
23 with a fatal traffic accident; or

24 (iv) a violation of Section 6-501, relating to
25 having multiple driver's licenses; or

26 (v) a violation of paragraph (a) of Section 6-507,

1 relating to the requirement to have a valid CLP or CDL;

2 or

3 (vi) a violation relating to improper or erratic
4 traffic lane changes; or

5 (vii) a violation relating to following another
6 vehicle too closely; or

7 (viii) a violation relating to texting while
8 driving; or

9 (ix) a violation relating to the use of a hand-held
10 mobile telephone while driving; or

11 (B) any other similar violation of a law or local
12 ordinance of any state relating to motor vehicle traffic
13 control, other than a parking violation, which the
14 Secretary of State determines by administrative rule to be
15 serious.

16 (27) State. "State" means a state of the United States, the
17 District of Columbia and any province or territory of Canada.

18 (28) (Blank).

19 (29) (Blank).

20 (30) (Blank).

21 (31) (Blank).

22 (32) Texting. "Texting" means manually entering
23 alphanumeric text into, or reading text from, an electronic
24 device.

25 (1) Texting includes, but is not limited to, short
26 message service, emailing, instant messaging, a command or

1 request to access a World Wide Web page, pressing more than
2 a single button to initiate or terminate a voice
3 communication using a mobile telephone, or engaging in any
4 other form of electronic text retrieval or entry for
5 present or future communication.

6 (2) Texting does not include:

7 (i) inputting, selecting, or reading information
8 on a global positioning system or navigation system; or

9 (ii) pressing a single button to initiate or
10 terminate a voice communication using a mobile
11 telephone; or

12 (iii) using a device capable of performing
13 multiple functions (for example, a fleet management
14 system, dispatching device, smart phone, citizens band
15 radio, or music player) for a purpose that is not
16 otherwise prohibited by Part 392 of the Federal Motor
17 Carrier Safety Regulations.

18 (32.3) Third party skills test examiner. "Third party
19 skills test examiner" means a person employed by a third party
20 tester who is authorized by the State to administer the CDL
21 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

22 (32.5) Third party tester. "Third party tester" means a
23 person (including, but not limited to, another state, a motor
24 carrier, a private driver training facility or other private
25 institution, or a department, agency, or instrumentality of a
26 local government) authorized by the State to employ skills test

1 examiners to administer the CDL skills tests specified in 49
2 C.F.R. Part 383, subparts G and H.

3 (32.7) United States. "United States" means the 50 states
4 and the District of Columbia.

5 (33) Use a hand-held mobile telephone. "Use a hand-held
6 mobile telephone" means:

7 (1) using at least one hand to hold a mobile telephone
8 to conduct a voice communication;

9 (2) dialing or answering a mobile telephone by pressing
10 more than a single button; or

11 (3) reaching for a mobile telephone in a manner that
12 requires a driver to maneuver so that he or she is no
13 longer in a seated driving position, restrained by a seat
14 belt that is installed in accordance with 49 CFR 393.93 and
15 adjusted in accordance with the vehicle manufacturer's
16 instructions.

17 (Source: P.A. 100-223, eff. 8-18-17; 101-185, eff. 1-1-20.)

18 (625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)

19 Sec. 6-601. Penalties.

20 (a) It is a petty offense for any person to violate any of
21 the provisions of this Chapter unless such violation is by this
22 Code or other law of this State declared to be a misdemeanor or
23 a felony.

24 (b) General penalties. Unless another penalty is in this
25 Code or other laws of this State, every person convicted of a

1 petty offense for the violation of any provision of this
2 Chapter shall be punished by a fine of not more than \$500.

3 (c) Unlicensed driving. Except as hereinafter provided a
4 violation of Section 6-101 shall be:

5 1. A Class A misdemeanor if the person failed to obtain
6 a driver's license or permit after expiration of a period
7 of revocation.

8 2. A Class B misdemeanor if the person has been issued
9 a driver's license or permit, which has expired, and if the
10 period of expiration is greater than one year; or if the
11 person has never been issued a driver's license or permit,
12 or is not qualified to obtain a driver's license or permit
13 because of his age.

14 3. A petty offense if the person has been issued a
15 temporary visitor's driver's license or permit and is
16 unable to provide proof of liability insurance as provided
17 in subsection (d-5) of Section 6-105.1.

18 If a licensee under this Code is convicted of violating
19 Section 6-303 for operating a motor vehicle during a time when
20 such licensee's driver's license was suspended under the
21 provisions of Section 6-306.3 or 6-308, then such act shall be
22 a petty offense (provided the licensee has answered the charge
23 which was the basis of the suspension under Section 6-306.3 or
24 6-308), and there shall be imposed no additional like period of
25 suspension as provided in paragraph (b) of Section 6-303.

26 (d) For violations of this Code or a similar provision of a

1 local ordinance for which a violation is a petty offense as
2 defined by Section 5-1-17 of the Unified Code of Corrections,
3 excluding business offenses as defined by Section 5-1-2 of the
4 Unified Code of Corrections or a violation of Section 15-111 or
5 subsection (d) of Section 3-401 of this Code, if the violation
6 may be satisfied without a court appearance, the violator may,
7 pursuant to Supreme Court Rule, satisfy the case with a written
8 plea of guilty and payment of fines, penalties, and costs as
9 ~~equal to the bail amount~~ established by the Supreme Court for
10 the offense.

11 (Source: P.A. 97-1157, eff. 11-28-13; 98-870, eff. 1-1-15;
12 98-1134, eff. 1-1-15.)

13 (625 ILCS 5/16-103) (from Ch. 95 1/2, par. 16-103)

14 Sec. 16-103. Arrest outside county where violation
15 committed.

16 Whenever a defendant is arrested upon a warrant charging a
17 violation of this Act in a county other than that in which such
18 warrant was issued, the arresting officer, immediately upon the
19 request of the defendant, shall take such defendant before a
20 circuit judge or associate circuit judge in the county in which
21 the arrest was made who shall admit the defendant to pretrial
22 release ~~bail~~ for his appearance before the court named in the
23 warrant. On setting the conditions of pretrial release ~~taking~~
24 ~~such bail~~ the circuit judge or associate circuit judge shall
25 certify such fact on the warrant and deliver the warrant and

1 ~~conditions of pretrial release undertaking of bail or other~~
2 ~~security~~, or the drivers license of such defendant if
3 deposited, under the law relating to such licenses, in lieu of
4 such security, to the officer having charge of the defendant.
5 Such officer shall then immediately discharge the defendant
6 from arrest and without delay deliver such warrant and such
7 ~~acknowledgment by the defendant of his or her receiving the~~
8 ~~conditions of pretrial release undertaking of bail, or other~~
9 ~~security~~ or drivers license to the court before which the
10 defendant is required to appear.

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

12 Section 10-191. The Illinois Vehicle Code is amended by
13 changing Sections 6-209.1, 11-208.3, 11-208.6, 11-208.8,
14 11-208.9, and 11-1201.1 as follows:

15 (625 ILCS 5/6-209.1)

16 Sec. 6-209.1. Restoration of driving privileges;
17 revocation; suspension; cancellation.

18 (a) The Secretary shall rescind the suspension or
19 cancellation of a person's driver's license that has been
20 suspended or canceled before July 1, 2020 (the effective date
21 of Public Act 101-623) ~~this amendatory Act of the 101st General~~
22 ~~Assembly~~ due to:

23 (1) the person being convicted of theft of motor fuel
24 under Section ~~Sections~~ 16-25 or 16K-15 of the Criminal Code

1 of 1961 or the Criminal Code of 2012;

2 (2) the person, since the issuance of the driver's
3 license, being adjudged to be afflicted with or suffering
4 from any mental disability or disease;

5 (3) a violation of Section 6-16 of the Liquor Control
6 Act of 1934 or a similar provision of a local ordinance;

7 (4) the person being convicted of a violation of
8 Section 6-20 of the Liquor Control Act of 1934 or a similar
9 provision of a local ordinance, if the person presents a
10 certified copy of a court order that includes a finding
11 that the person was not an occupant of a motor vehicle at
12 the time of the violation;

13 (5) the person receiving a disposition of court
14 supervision for a violation of subsection ~~subsections~~ (a),
15 (d), or (e) of Section 6-20 of the Liquor Control Act of
16 1934 or a similar provision of a local ordinance, if the
17 person presents a certified copy of a court order that
18 includes a finding that the person was not an occupant of a
19 motor vehicle at the time of the violation;

20 (6) the person failing to pay any fine or penalty due
21 or owing as a result of 10 or more violations of a
22 municipality's or county's vehicular standing, parking, or
23 compliance regulations established by ordinance under
24 Section 11-208.3 of this Code;

25 (7) the person failing to satisfy any fine or penalty
26 resulting from a final order issued by the Illinois State

1 Toll Highway Authority relating directly or indirectly to 5
2 or more toll violations, toll evasions, or both;

3 (8) the person being convicted of a violation of
4 Section 4-102 of this Code, if the person presents a
5 certified copy of a court order that includes a finding
6 that the person did not exercise actual physical control of
7 the vehicle at the time of the violation; or

8 (9) the person being convicted of criminal trespass to
9 vehicles under Section 21-2 of the Criminal Code of 2012,
10 if the person presents a certified copy of a court order
11 that includes a finding that the person did not exercise
12 actual physical control of the vehicle at the time of the
13 violation.

14 (b) As soon as practicable and no later than July 1, 2021,
15 the Secretary shall rescind the suspension, cancellation, or
16 prohibition of renewal of a person's driver's license that has
17 been suspended, canceled, or whose renewal has been prohibited
18 before the effective date of this amendatory Act of the 101st
19 General Assembly due to the person having failed to pay any
20 fine or penalty for traffic violations, automated traffic law
21 enforcement system violations as defined in Sections 11-208.6,
22 and 11-208.8, 11-208.9, and 11-1201.1, or abandoned vehicle
23 fees.

24 (Source: P.A. 101-623, eff. 7-1-20; revised 8-18-20.)

25 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

1 Sec. 11-208.3. Administrative adjudication of violations
2 of traffic regulations concerning the standing, parking, or
3 condition of vehicles, automated traffic law violations, and
4 automated speed enforcement system violations.

5 (a) Any municipality or county may provide by ordinance for
6 a system of administrative adjudication of vehicular standing
7 and parking violations and vehicle compliance violations as
8 described in this subsection, automated traffic law violations
9 as defined in Section 11-208.6, 11-208.9, or 11-1201.1, and
10 automated speed enforcement system violations as defined in
11 Section 11-208.8. The administrative system shall have as its
12 purpose the fair and efficient enforcement of municipal or
13 county regulations through the administrative adjudication of
14 automated speed enforcement system or automated traffic law
15 violations and violations of municipal or county ordinances
16 regulating the standing and parking of vehicles, the condition
17 and use of vehicle equipment, and the display of municipal or
18 county wheel tax licenses within the municipality's or county's
19 borders. The administrative system shall only have authority to
20 adjudicate civil offenses carrying fines not in excess of \$500
21 or requiring the completion of a traffic education program, or
22 both, that occur after the effective date of the ordinance
23 adopting such a system under this Section. For purposes of this
24 Section, "compliance violation" means a violation of a
25 municipal or county regulation governing the condition or use
26 of equipment on a vehicle or governing the display of a

1 municipal or county wheel tax license.

2 (b) Any ordinance establishing a system of administrative
3 adjudication under this Section shall provide for:

4 (1) A traffic compliance administrator authorized to
5 adopt, distribute, and process parking, compliance, and
6 automated speed enforcement system or automated traffic
7 law violation notices and other notices required by this
8 Section, collect money paid as fines and penalties for
9 violation of parking and compliance ordinances and
10 automated speed enforcement system or automated traffic
11 law violations, and operate an administrative adjudication
12 system. ~~The traffic compliance administrator also may make~~
13 ~~a certified report to the Secretary of State under Section~~
14 ~~6-306.5.~~

15 (2) A parking, standing, compliance, automated speed
16 enforcement system, or automated traffic law violation
17 notice that shall specify or include the date, time, and
18 place of violation of a parking, standing, compliance,
19 automated speed enforcement system, or automated traffic
20 law regulation; the particular regulation violated; any
21 requirement to complete a traffic education program; the
22 fine and any penalty that may be assessed for late payment
23 or failure to complete a required traffic education
24 program, or both, when so provided by ordinance; the
25 vehicle make or a photograph of the vehicle; the state
26 registration number of the vehicle; and the identification

1 number of the person issuing the notice. With regard to
2 automated speed enforcement system or automated traffic
3 law violations, vehicle make shall be specified on the
4 automated speed enforcement system or automated traffic
5 law violation notice if the notice does not include a
6 photograph of the vehicle and the make is available and
7 readily discernible. With regard to municipalities or
8 counties with a population of 1 million or more, it shall
9 be grounds for dismissal of a parking violation if the
10 state registration number or vehicle make specified is
11 incorrect. The violation notice shall state that the
12 completion of any required traffic education program, the
13 payment of any indicated fine, and the payment of any
14 applicable penalty for late payment or failure to complete
15 a required traffic education program, or both, shall
16 operate as a final disposition of the violation. The notice
17 also shall contain information as to the availability of a
18 hearing in which the violation may be contested on its
19 merits. The violation notice shall specify the time and
20 manner in which a hearing may be had.

21 (3) Service of a parking, standing, or compliance
22 violation notice by: (i) affixing the original or a
23 facsimile of the notice to an unlawfully parked or standing
24 vehicle; (ii) handing the notice to the operator of a
25 vehicle if he or she is present; or (iii) mailing the
26 notice to the address of the registered owner or lessee of

1 the cited vehicle as recorded with the Secretary of State
2 or the lessor of the motor vehicle within 30 days after the
3 Secretary of State or the lessor of the motor vehicle
4 notifies the municipality or county of the identity of the
5 owner or lessee of the vehicle, but not later than 90 days
6 after the date of the violation, except that in the case of
7 a lessee of a motor vehicle, service of a parking,
8 standing, or compliance violation notice may occur no later
9 than 210 days after the violation; and service of an
10 automated speed enforcement system or automated traffic
11 law violation notice by mail to the address of the
12 registered owner or lessee of the cited vehicle as recorded
13 with the Secretary of State or the lessor of the motor
14 vehicle within 30 days after the Secretary of State or the
15 lessor of the motor vehicle notifies the municipality or
16 county of the identity of the owner or lessee of the
17 vehicle, but not later than 90 days after the violation,
18 except that in the case of a lessee of a motor vehicle,
19 service of an automated traffic law violation notice may
20 occur no later than 210 days after the violation. A person
21 authorized by ordinance to issue and serve parking,
22 standing, and compliance violation notices shall certify
23 as to the correctness of the facts entered on the violation
24 notice by signing his or her name to the notice at the time
25 of service or in the case of a notice produced by a
26 computerized device, by signing a single certificate to be

1 kept by the traffic compliance administrator attesting to
2 the correctness of all notices produced by the device while
3 it was under his or her control. In the case of an
4 automated traffic law violation, the ordinance shall
5 require a determination by a technician employed or
6 contracted by the municipality or county that, based on
7 inspection of recorded images, the motor vehicle was being
8 operated in violation of Section 11-208.6, 11-208.9, or
9 11-1201.1 or a local ordinance. If the technician
10 determines that the vehicle entered the intersection as
11 part of a funeral procession or in order to yield the
12 right-of-way to an emergency vehicle, a citation shall not
13 be issued. In municipalities with a population of less than
14 1,000,000 inhabitants and counties with a population of
15 less than 3,000,000 inhabitants, the automated traffic law
16 ordinance shall require that all determinations by a
17 technician that a motor vehicle was being operated in
18 violation of Section 11-208.6, 11-208.9, or 11-1201.1 or a
19 local ordinance must be reviewed and approved by a law
20 enforcement officer or retired law enforcement officer of
21 the municipality or county issuing the violation. In
22 municipalities with a population of 1,000,000 or more
23 inhabitants and counties with a population of 3,000,000 or
24 more inhabitants, the automated traffic law ordinance
25 shall require that all determinations by a technician that
26 a motor vehicle was being operated in violation of Section

1 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance must
2 be reviewed and approved by a law enforcement officer or
3 retired law enforcement officer of the municipality or
4 county issuing the violation or by an additional fully
5 trained ~~fully trained~~ reviewing technician who is not
6 employed by the contractor who employs the technician who
7 made the initial determination. In the case of an automated
8 speed enforcement system violation, the ordinance shall
9 require a determination by a technician employed by the
10 municipality, based upon an inspection of recorded images,
11 video or other documentation, including documentation of
12 the speed limit and automated speed enforcement signage,
13 and documentation of the inspection, calibration, and
14 certification of the speed equipment, that the vehicle was
15 being operated in violation of Article VI of Chapter 11 of
16 this Code or a similar local ordinance. If the technician
17 determines that the vehicle speed was not determined by a
18 calibrated, certified speed equipment device based upon
19 the speed equipment documentation, or if the vehicle was an
20 emergency vehicle, a citation may not be issued. The
21 automated speed enforcement ordinance shall require that
22 all determinations by a technician that a violation
23 occurred be reviewed and approved by a law enforcement
24 officer or retired law enforcement officer of the
25 municipality issuing the violation or by an additional
26 fully trained reviewing technician who is not employed by

1 the contractor who employs the technician who made the
2 initial determination. Routine and independent calibration
3 of the speeds produced by automated speed enforcement
4 systems and equipment shall be conducted annually by a
5 qualified technician. Speeds produced by an automated
6 speed enforcement system shall be compared with speeds
7 produced by lidar or other independent equipment. Radar or
8 lidar equipment shall undergo an internal validation test
9 no less frequently than once each week. Qualified
10 technicians shall test loop-based ~~loop-based~~ equipment no
11 less frequently than once a year. Radar equipment shall be
12 checked for accuracy by a qualified technician when the
13 unit is serviced, when unusual or suspect readings persist,
14 or when deemed necessary by a reviewing technician. Radar
15 equipment shall be checked with the internal frequency
16 generator and the internal circuit test whenever the radar
17 is turned on. Technicians must be alert for any unusual or
18 suspect readings, and if unusual or suspect readings of a
19 radar unit persist, that unit shall immediately be removed
20 from service and not returned to service until it has been
21 checked by a qualified technician and determined to be
22 functioning properly. Documentation of the annual
23 calibration results, including the equipment tested, test
24 date, technician performing the test, and test results,
25 shall be maintained and available for use in the
26 determination of an automated speed enforcement system

1 violation and issuance of a citation. The technician
2 performing the calibration and testing of the automated
3 speed enforcement equipment shall be trained and certified
4 in the use of equipment for speed enforcement purposes.
5 Training on the speed enforcement equipment may be
6 conducted by law enforcement, civilian, or manufacturer's
7 personnel and if applicable may be equivalent to the
8 equipment use and operations training included in the Speed
9 Measuring Device Operator Program developed by the
10 National Highway Traffic Safety Administration (NHTSA).
11 The vendor or technician who performs the work shall keep
12 accurate records on each piece of equipment the technician
13 calibrates and tests. As used in this paragraph, "fully
14 trained ~~fully-trained~~ reviewing technician" means a person
15 who has received at least 40 hours of supervised training
16 in subjects which shall include image inspection and
17 interpretation, the elements necessary to prove a
18 violation, license plate identification, and traffic
19 safety and management. In all municipalities and counties,
20 the automated speed enforcement system or automated
21 traffic law ordinance shall require that no additional fee
22 shall be charged to the alleged violator for exercising his
23 or her right to an administrative hearing, and persons
24 shall be given at least 25 days following an administrative
25 hearing to pay any civil penalty imposed by a finding that
26 Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a

1 similar local ordinance has been violated. The original or
2 a facsimile of the violation notice or, in the case of a
3 notice produced by a computerized device, a printed record
4 generated by the device showing the facts entered on the
5 notice, shall be retained by the traffic compliance
6 administrator, and shall be a record kept in the ordinary
7 course of business. A parking, standing, compliance,
8 automated speed enforcement system, or automated traffic
9 law violation notice issued, signed, and served in
10 accordance with this Section, a copy of the notice, or the
11 computer-generated ~~computer-generated~~ record shall be
12 prima facie correct and shall be prima facie evidence of
13 the correctness of the facts shown on the notice. The
14 notice, copy, or computer-generated ~~computer-generated~~
15 record shall be admissible in any subsequent
16 administrative or legal proceedings.

17 (4) An opportunity for a hearing for the registered
18 owner of the vehicle cited in the parking, standing,
19 compliance, automated speed enforcement system, or
20 automated traffic law violation notice in which the owner
21 may contest the merits of the alleged violation, and during
22 which formal or technical rules of evidence shall not
23 apply; provided, however, that under Section 11-1306 of
24 this Code the lessee of a vehicle cited in the violation
25 notice likewise shall be provided an opportunity for a
26 hearing of the same kind afforded the registered owner. The

1 hearings shall be recorded, and the person conducting the
2 hearing on behalf of the traffic compliance administrator
3 shall be empowered to administer oaths and to secure by
4 subpoena both the attendance and testimony of witnesses and
5 the production of relevant books and papers. Persons
6 appearing at a hearing under this Section may be
7 represented by counsel at their expense. The ordinance may
8 also provide for internal administrative review following
9 the decision of the hearing officer.

10 (5) Service of additional notices, sent by first class
11 United States mail, postage prepaid, to the address of the
12 registered owner of the cited vehicle as recorded with the
13 Secretary of State or, if any notice to that address is
14 returned as undeliverable, to the last known address
15 recorded in a United States Post Office approved database,
16 or, under Section 11-1306 or subsection (p) of Section
17 11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8
18 of this Code, to the lessee of the cited vehicle at the
19 last address known to the lessor of the cited vehicle at
20 the time of lease or, if any notice to that address is
21 returned as undeliverable, to the last known address
22 recorded in a United States Post Office approved database.
23 The service shall be deemed complete as of the date of
24 deposit in the United States mail. The notices shall be in
25 the following sequence and shall include, but not be
26 limited to, the information specified herein:

1 (i) A second notice of parking, standing, or
2 compliance violation if the first notice of the
3 violation was issued by affixing the original or a
4 facsimile of the notice to the unlawfully parked
5 vehicle or by handing the notice to the operator. This
6 notice shall specify or include the date and location
7 of the violation cited in the parking, standing, or
8 compliance violation notice, the particular regulation
9 violated, the vehicle make or a photograph of the
10 vehicle, the state registration number of the vehicle,
11 any requirement to complete a traffic education
12 program, the fine and any penalty that may be assessed
13 for late payment or failure to complete a traffic
14 education program, or both, when so provided by
15 ordinance, the availability of a hearing in which the
16 violation may be contested on its merits, and the time
17 and manner in which the hearing may be had. The notice
18 of violation shall also state that failure to complete
19 a required traffic education program, to pay the
20 indicated fine and any applicable penalty, or to appear
21 at a hearing on the merits in the time and manner
22 specified, will result in a final determination of
23 violation liability for the cited violation in the
24 amount of the fine or penalty indicated, and that, upon
25 the occurrence of a final determination of violation
26 liability for the failure, and the exhaustion of, or

1 failure to exhaust, available administrative or
2 judicial procedures for review, any incomplete traffic
3 education program or any unpaid fine or penalty, or
4 both, will constitute a debt due and owing the
5 municipality or county.

6 (ii) A notice of final determination of parking,
7 standing, compliance, automated speed enforcement
8 system, or automated traffic law violation liability.
9 This notice shall be sent following a final
10 determination of parking, standing, compliance,
11 automated speed enforcement system, or automated
12 traffic law violation liability and the conclusion of
13 judicial review procedures taken under this Section.
14 The notice shall state that the incomplete traffic
15 education program or the unpaid fine or penalty, or
16 both, is a debt due and owing the municipality or
17 county. The notice shall contain warnings that failure
18 to complete any required traffic education program or
19 to pay any fine or penalty due and owing the
20 municipality or county, or both, within the time
21 specified may result in the municipality's or county's
22 filing of a petition in the Circuit Court to have the
23 incomplete traffic education program or unpaid fine or
24 penalty, or both, rendered a judgment as provided by
25 this Section, or, where applicable, may result in
26 suspension of the person's driver's ~~drivers~~ license

1 for failure to complete a traffic education program ~~or~~
2 ~~to pay fines or penalties, or both, for 5 or more~~
3 ~~automated traffic law violations under Section~~
4 ~~11-208.6 or 11-208.9 or automated speed enforcement~~
5 ~~system violations under Section 11-208.8.~~

6 (6) A notice of impending driver's ~~drivers~~ license
7 suspension. This notice shall be sent to the person liable
8 for failure to complete a required traffic education
9 program ~~or to pay any fine or penalty that remains due and~~
10 ~~owing, or both, on 5 or more unpaid automated speed~~
11 ~~enforcement system or automated traffic law violations.~~
12 The notice shall state that failure to complete a required
13 traffic education program ~~or to pay the fine or penalty~~
14 ~~owing, or both,~~ within 45 days of the notice's date will
15 result in the municipality or county notifying the
16 Secretary of State that the person is eligible for
17 initiation of suspension proceedings under Section 6-306.5
18 of this Code. The notice shall also state that the person
19 may obtain a photostatic copy of an original ticket
20 imposing a fine or penalty by sending a self-addressed ~~self~~
21 ~~addressed~~, stamped envelope to the municipality or county
22 along with a request for the photostatic copy. The notice
23 of impending driver's ~~drivers~~ license suspension shall be
24 sent by first class United States mail, postage prepaid, to
25 the address recorded with the Secretary of State or, if any
26 notice to that address is returned as undeliverable, to the

1 last known address recorded in a United States Post Office
2 approved database.

3 (7) Final determinations of violation liability. A
4 final determination of violation liability shall occur
5 following failure to complete the required traffic
6 education program or to pay the fine or penalty, or both,
7 after a hearing officer's determination of violation
8 liability and the exhaustion of or failure to exhaust any
9 administrative review procedures provided by ordinance.
10 Where a person fails to appear at a hearing to contest the
11 alleged violation in the time and manner specified in a
12 prior mailed notice, the hearing officer's determination
13 of violation liability shall become final: (A) upon denial
14 of a timely petition to set aside that determination, or
15 (B) upon expiration of the period for filing the petition
16 without a filing having been made.

17 (8) A petition to set aside a determination of parking,
18 standing, compliance, automated speed enforcement system,
19 or automated traffic law violation liability that may be
20 filed by a person owing an unpaid fine or penalty. A
21 petition to set aside a determination of liability may also
22 be filed by a person required to complete a traffic
23 education program. The petition shall be filed with and
24 ruled upon by the traffic compliance administrator in the
25 manner and within the time specified by ordinance. The
26 grounds for the petition may be limited to: (A) the person

1 not having been the owner or lessee of the cited vehicle on
2 the date the violation notice was issued, (B) the person
3 having already completed the required traffic education
4 program or paid the fine or penalty, or both, for the
5 violation in question, and (C) excusable failure to appear
6 at or request a new date for a hearing. With regard to
7 municipalities or counties with a population of 1 million
8 or more, it shall be grounds for dismissal of a parking
9 violation if the state registration number or vehicle make,
10 only if specified in the violation notice, is incorrect.
11 After the determination of parking, standing, compliance,
12 automated speed enforcement system, or automated traffic
13 law violation liability has been set aside upon a showing
14 of just cause, the registered owner shall be provided with
15 a hearing on the merits for that violation.

16 (9) Procedures for non-residents. Procedures by which
17 persons who are not residents of the municipality or county
18 may contest the merits of the alleged violation without
19 attending a hearing.

20 (10) A schedule of civil fines for violations of
21 vehicular standing, parking, compliance, automated speed
22 enforcement system, or automated traffic law regulations
23 enacted by ordinance pursuant to this Section, and a
24 schedule of penalties for late payment of the fines or
25 failure to complete required traffic education programs,
26 provided, however, that the total amount of the fine and

1 penalty for any one violation shall not exceed \$250, except
2 as provided in subsection (c) of Section 11-1301.3 of this
3 Code.

4 (11) Other provisions as are necessary and proper to
5 carry into effect the powers granted and purposes stated in
6 this Section.

7 (c) Any municipality or county establishing vehicular
8 standing, parking, compliance, automated speed enforcement
9 system, or automated traffic law regulations under this Section
10 may also provide by ordinance for a program of vehicle
11 immobilization for the purpose of facilitating enforcement of
12 those regulations. The program of vehicle immobilization shall
13 provide for immobilizing any eligible vehicle upon the public
14 way by presence of a restraint in a manner to prevent operation
15 of the vehicle. Any ordinance establishing a program of vehicle
16 immobilization under this Section shall provide:

17 (1) Criteria for the designation of vehicles eligible
18 for immobilization. A vehicle shall be eligible for
19 immobilization when the registered owner of the vehicle has
20 accumulated the number of incomplete traffic education
21 programs or unpaid final determinations of parking,
22 standing, compliance, automated speed enforcement system,
23 or automated traffic law violation liability, or both, as
24 determined by ordinance.

25 (2) A notice of impending vehicle immobilization and a
26 right to a hearing to challenge the validity of the notice

1 by disproving liability for the incomplete traffic
2 education programs or unpaid final determinations of
3 parking, standing, compliance, automated speed enforcement
4 system, or automated traffic law violation liability, or
5 both, listed on the notice.

6 (3) The right to a prompt hearing after a vehicle has
7 been immobilized or subsequently towed without the
8 completion of the required traffic education program or
9 payment of the outstanding fines and penalties on parking,
10 standing, compliance, automated speed enforcement system,
11 or automated traffic law violations, or both, for which
12 final determinations have been issued. An order issued
13 after the hearing is a final administrative decision within
14 the meaning of Section 3-101 of the Code of Civil
15 Procedure.

16 (4) A post immobilization and post-towing notice
17 advising the registered owner of the vehicle of the right
18 to a hearing to challenge the validity of the impoundment.

19 (d) Judicial review of final determinations of parking,
20 standing, compliance, automated speed enforcement system, or
21 automated traffic law violations and final administrative
22 decisions issued after hearings regarding vehicle
23 immobilization and impoundment made under this Section shall be
24 subject to the provisions of the Administrative Review Law.

25 (e) Any fine, penalty, incomplete traffic education
26 program, or part of any fine or any penalty remaining unpaid

1 after the exhaustion of, or the failure to exhaust,
2 administrative remedies created under this Section and the
3 conclusion of any judicial review procedures shall be a debt
4 due and owing the municipality or county and, as such, may be
5 collected in accordance with applicable law. Completion of any
6 required traffic education program and payment in full of any
7 fine or penalty resulting from a standing, parking, compliance,
8 automated speed enforcement system, or automated traffic law
9 violation shall constitute a final disposition of that
10 violation.

11 (f) After the expiration of the period within which
12 judicial review may be sought for a final determination of
13 parking, standing, compliance, automated speed enforcement
14 system, or automated traffic law violation, the municipality or
15 county may commence a proceeding in the Circuit Court for
16 purposes of obtaining a judgment on the final determination of
17 violation. Nothing in this Section shall prevent a municipality
18 or county from consolidating multiple final determinations of
19 parking, standing, compliance, automated speed enforcement
20 system, or automated traffic law violations against a person in
21 a proceeding. Upon commencement of the action, the municipality
22 or county shall file a certified copy or record of the final
23 determination of parking, standing, compliance, automated
24 speed enforcement system, or automated traffic law violation,
25 which shall be accompanied by a certification that recites
26 facts sufficient to show that the final determination of

1 violation was issued in accordance with this Section and the
2 applicable municipal or county ordinance. Service of the
3 summons and a copy of the petition may be by any method
4 provided by Section 2-203 of the Code of Civil Procedure or by
5 certified mail, return receipt requested, provided that the
6 total amount of fines and penalties for final determinations of
7 parking, standing, compliance, automated speed enforcement
8 system, or automated traffic law violations does not exceed
9 \$2500. If the court is satisfied that the final determination
10 of parking, standing, compliance, automated speed enforcement
11 system, or automated traffic law violation was entered in
12 accordance with the requirements of this Section and the
13 applicable municipal or county ordinance, and that the
14 registered owner or the lessee, as the case may be, had an
15 opportunity for an administrative hearing and for judicial
16 review as provided in this Section, the court shall render
17 judgment in favor of the municipality or county and against the
18 registered owner or the lessee for the amount indicated in the
19 final determination of parking, standing, compliance,
20 automated speed enforcement system, or automated traffic law
21 violation, plus costs. The judgment shall have the same effect
22 and may be enforced in the same manner as other judgments for
23 the recovery of money.

24 (g) The fee for participating in a traffic education
25 program under this Section shall not exceed \$25.

26 A low-income individual required to complete a traffic

1 education program under this Section who provides proof of
2 eligibility for the federal earned income tax credit under
3 Section 32 of the Internal Revenue Code or the Illinois earned
4 income tax credit under Section 212 of the Illinois Income Tax
5 Act shall not be required to pay any fee for participating in a
6 required traffic education program.

7 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;
8 revised 12-21-20.)

9 (625 ILCS 5/11-208.6)

10 Sec. 11-208.6. Automated traffic law enforcement system.

11 (a) As used in this Section, "automated traffic law
12 enforcement system" means a device with one or more motor
13 vehicle sensors working in conjunction with a red light signal
14 to produce recorded images of motor vehicles entering an
15 intersection against a red signal indication in violation of
16 Section 11-306 of this Code or a similar provision of a local
17 ordinance.

18 An automated traffic law enforcement system is a system, in
19 a municipality or county operated by a governmental agency,
20 that produces a recorded image of a motor vehicle's violation
21 of a provision of this Code or a local ordinance and is
22 designed to obtain a clear recorded image of the vehicle and
23 the vehicle's license plate. The recorded image must also
24 display the time, date, and location of the violation.

25 (b) As used in this Section, "recorded images" means images

1 recorded by an automated traffic law enforcement system on:

2 (1) 2 or more photographs;

3 (2) 2 or more microphotographs;

4 (3) 2 or more electronic images; or

5 (4) a video recording showing the motor vehicle and, on
6 at least one image or portion of the recording, clearly
7 identifying the registration plate or digital registration
8 plate number of the motor vehicle.

9 (b-5) A municipality or county that produces a recorded
10 image of a motor vehicle's violation of a provision of this
11 Code or a local ordinance must make the recorded images of a
12 violation accessible to the alleged violator by providing the
13 alleged violator with a website address, accessible through the
14 Internet.

15 (c) Except as provided under Section 11-208.8 of this Code,
16 a county or municipality, including a home rule county or
17 municipality, may not use an automated traffic law enforcement
18 system to provide recorded images of a motor vehicle for the
19 purpose of recording its speed. Except as provided under
20 Section 11-208.8 of this Code, the regulation of the use of
21 automated traffic law enforcement systems to record vehicle
22 speeds is an exclusive power and function of the State. This
23 subsection (c) is a denial and limitation of home rule powers
24 and functions under subsection (h) of Section 6 of Article VII
25 of the Illinois Constitution.

26 (c-5) A county or municipality, including a home rule

1 county or municipality, may not use an automated traffic law
2 enforcement system to issue violations in instances where the
3 motor vehicle comes to a complete stop and does not enter the
4 intersection, as defined by Section 1-132 of this Code, during
5 the cycle of the red signal indication unless one or more
6 pedestrians or bicyclists are present, even if the motor
7 vehicle stops at a point past a stop line or crosswalk where a
8 driver is required to stop, as specified in subsection (c) of
9 Section 11-306 of this Code or a similar provision of a local
10 ordinance.

11 (c-6) A county, or a municipality with less than 2,000,000
12 inhabitants, including a home rule county or municipality, may
13 not use an automated traffic law enforcement system to issue
14 violations in instances where a motorcyclist enters an
15 intersection against a red signal indication when the red
16 signal fails to change to a green signal within a reasonable
17 period of time not less than 120 seconds because of a signal
18 malfunction or because the signal has failed to detect the
19 arrival of the motorcycle due to the motorcycle's size or
20 weight.

21 (d) For each violation of a provision of this Code or a
22 local ordinance recorded by an automatic traffic law
23 enforcement system, the county or municipality having
24 jurisdiction shall issue a written notice of the violation to
25 the registered owner of the vehicle as the alleged violator.
26 The notice shall be delivered to the registered owner of the

1 vehicle, by mail, within 30 days after the Secretary of State
2 notifies the municipality or county of the identity of the
3 owner of the vehicle, but in no event later than 90 days after
4 the violation.

5 The notice shall include:

6 (1) the name and address of the registered owner of the
7 vehicle;

8 (2) the registration number of the motor vehicle
9 involved in the violation;

10 (3) the violation charged;

11 (4) the location where the violation occurred;

12 (5) the date and time of the violation;

13 (6) a copy of the recorded images;

14 (7) the amount of the civil penalty imposed and the
15 requirements of any traffic education program imposed and
16 the date by which the civil penalty should be paid and the
17 traffic education program should be completed;

18 (8) a statement that recorded images are evidence of a
19 violation of a red light signal;

20 (9) a warning that failure to pay the civil penalty, to
21 complete a required traffic education program, or to
22 contest liability in a timely manner is an admission of
23 liability ~~and may result in a suspension of the driving~~
24 ~~privileges of the registered owner of the vehicle;~~

25 (10) a statement that the person may elect to proceed
26 by:

1 (A) paying the fine, completing a required traffic
2 education program, or both; or

3 (B) challenging the charge in court, by mail, or by
4 administrative hearing; and

5 (11) a website address, accessible through the
6 Internet, where the person may view the recorded images of
7 the violation.

8 (e) (Blank). ~~If a person charged with a traffic violation,~~
9 ~~as a result of an automated traffic law enforcement system,~~
10 ~~does not pay the fine or complete a required traffic education~~
11 ~~program, or both, or successfully contest the civil penalty~~
12 ~~resulting from that violation, the Secretary of State shall~~
13 ~~suspend the driving privileges of the registered owner of the~~
14 ~~vehicle under Section 6-306.5 of this Code for failing to~~
15 ~~complete a required traffic education program or to pay any~~
16 ~~fine or penalty due and owing, or both, as a result of a~~
17 ~~combination of 5 violations of the automated traffic law~~
18 ~~enforcement system or the automated speed enforcement system~~
19 ~~under Section 11-208.8 of this Code.~~

20 (f) Based on inspection of recorded images produced by an
21 automated traffic law enforcement system, a notice alleging
22 that the violation occurred shall be evidence of the facts
23 contained in the notice and admissible in any proceeding
24 alleging a violation under this Section.

25 (g) Recorded images made by an automatic traffic law
26 enforcement system are confidential and shall be made available

1 only to the alleged violator and governmental and law
2 enforcement agencies for purposes of adjudicating a violation
3 of this Section, for statistical purposes, or for other
4 governmental purposes. Any recorded image evidencing a
5 violation of this Section, however, may be admissible in any
6 proceeding resulting from the issuance of the citation.

7 (h) The court or hearing officer may consider in defense of
8 a violation:

9 (1) that the motor vehicle or registration plates or
10 digital registration plates of the motor vehicle were
11 stolen before the violation occurred and not under the
12 control of or in the possession of the owner at the time of
13 the violation;

14 (2) that the driver of the vehicle passed through the
15 intersection when the light was red either (i) in order to
16 yield the right-of-way to an emergency vehicle or (ii) as
17 part of a funeral procession; and

18 (3) any other evidence or issues provided by municipal
19 or county ordinance.

20 (i) To demonstrate that the motor vehicle or the
21 registration plates or digital registration plates were stolen
22 before the violation occurred and were not under the control or
23 possession of the owner at the time of the violation, the owner
24 must submit proof that a report concerning the stolen motor
25 vehicle or registration plates was filed with a law enforcement
26 agency in a timely manner.

1 (j) Unless the driver of the motor vehicle received a
2 Uniform Traffic Citation from a police officer at the time of
3 the violation, the motor vehicle owner is subject to a civil
4 penalty not exceeding \$100 or the completion of a traffic
5 education program, or both, plus an additional penalty of not
6 more than \$100 for failure to pay the original penalty or to
7 complete a required traffic education program, or both, in a
8 timely manner, if the motor vehicle is recorded by an automated
9 traffic law enforcement system. A violation for which a civil
10 penalty is imposed under this Section is not a violation of a
11 traffic regulation governing the movement of vehicles and may
12 not be recorded on the driving record of the owner of the
13 vehicle.

14 (j-3) A registered owner who is a holder of a valid
15 commercial driver's license is not required to complete a
16 traffic education program.

17 (j-5) For purposes of the required traffic education
18 program only, a registered owner may submit an affidavit to the
19 court or hearing officer swearing that at the time of the
20 alleged violation, the vehicle was in the custody and control
21 of another person. The affidavit must identify the person in
22 custody and control of the vehicle, including the person's name
23 and current address. The person in custody and control of the
24 vehicle at the time of the violation is required to complete
25 the required traffic education program. If the person in
26 custody and control of the vehicle at the time of the violation

1 completes the required traffic education program, the
2 registered owner of the vehicle is not required to complete a
3 traffic education program.

4 (k) An intersection equipped with an automated traffic law
5 enforcement system must be posted with a sign visible to
6 approaching traffic indicating that the intersection is being
7 monitored by an automated traffic law enforcement system.

8 (k-3) A municipality or county that has one or more
9 intersections equipped with an automated traffic law
10 enforcement system must provide notice to drivers by posting
11 the locations of automated traffic law systems on the
12 municipality or county website.

13 (k-5) An intersection equipped with an automated traffic
14 law enforcement system must have a yellow change interval that
15 conforms with the Illinois Manual on Uniform Traffic Control
16 Devices (IMUTCD) published by the Illinois Department of
17 Transportation.

18 (k-7) A municipality or county operating an automated
19 traffic law enforcement system shall conduct a statistical
20 analysis to assess the safety impact of each automated traffic
21 law enforcement system at an intersection following
22 installation of the system. The statistical analysis shall be
23 based upon the best available crash, traffic, and other data,
24 and shall cover a period of time before and after installation
25 of the system sufficient to provide a statistically valid
26 comparison of safety impact. The statistical analysis shall be

1 consistent with professional judgment and acceptable industry
2 practice. The statistical analysis also shall be consistent
3 with the data required for valid comparisons of before and
4 after conditions and shall be conducted within a reasonable
5 period following the installation of the automated traffic law
6 enforcement system. The statistical analysis required by this
7 subsection (k-7) shall be made available to the public and
8 shall be published on the website of the municipality or
9 county. If the statistical analysis for the 36 month period
10 following installation of the system indicates that there has
11 been an increase in the rate of accidents at the approach to
12 the intersection monitored by the system, the municipality or
13 county shall undertake additional studies to determine the
14 cause and severity of the accidents, and may take any action
15 that it determines is necessary or appropriate to reduce the
16 number or severity of the accidents at that intersection.

17 (l) The compensation paid for an automated traffic law
18 enforcement system must be based on the value of the equipment
19 or the services provided and may not be based on the number of
20 traffic citations issued or the revenue generated by the
21 system.

22 (m) This Section applies only to the counties of Cook,
23 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
24 to municipalities located within those counties.

25 (n) The fee for participating in a traffic education
26 program under this Section shall not exceed \$25.

1 A low-income individual required to complete a traffic
2 education program under this Section who provides proof of
3 eligibility for the federal earned income tax credit under
4 Section 32 of the Internal Revenue Code or the Illinois earned
5 income tax credit under Section 212 of the Illinois Income Tax
6 Act shall not be required to pay any fee for participating in a
7 required traffic education program.

8 (o) (Blank). ~~A municipality or county shall make a~~
9 ~~certified report to the Secretary of State pursuant to Section~~
10 ~~6-306.5 of this Code whenever a registered owner of a vehicle~~
11 ~~has failed to pay any fine or penalty due and owing as a result~~
12 ~~of a combination of 5 offenses for automated traffic law or~~
13 ~~speed enforcement system violations.~~

14 (p) No person who is the lessor of a motor vehicle pursuant
15 to a written lease agreement shall be liable for an automated
16 speed or traffic law enforcement system violation involving
17 such motor vehicle during the period of the lease; provided
18 that upon the request of the appropriate authority received
19 within 120 days after the violation occurred, the lessor
20 provides within 60 days after such receipt the name and address
21 of the lessee. ~~The drivers license number of a lessee may be~~
22 ~~subsequently individually requested by the appropriate~~
23 ~~authority if needed for enforcement of this Section.~~

24 Upon the provision of information by the lessor pursuant to
25 this subsection, the county or municipality may issue the
26 violation to the lessee of the vehicle in the same manner as it

1 would issue a violation to a registered owner of a vehicle
2 pursuant to this Section, and the lessee may be held liable for
3 the violation.

4 (Source: P.A. 101-395, eff. 8-16-19.)

5 (625 ILCS 5/11-208.8)

6 Sec. 11-208.8. Automated speed enforcement systems in
7 safety zones.

8 (a) As used in this Section:

9 "Automated speed enforcement system" means a photographic
10 device, radar device, laser device, or other electrical or
11 mechanical device or devices installed or utilized in a safety
12 zone and designed to record the speed of a vehicle and obtain a
13 clear photograph or other recorded image of the vehicle and the
14 vehicle's registration plate or digital registration plate
15 while the driver is violating Article VI of Chapter 11 of this
16 Code or a similar provision of a local ordinance.

17 An automated speed enforcement system is a system, located
18 in a safety zone which is under the jurisdiction of a
19 municipality, that produces a recorded image of a motor
20 vehicle's violation of a provision of this Code or a local
21 ordinance and is designed to obtain a clear recorded image of
22 the vehicle and the vehicle's license plate. The recorded image
23 must also display the time, date, and location of the
24 violation.

25 "Owner" means the person or entity to whom the vehicle is

1 registered.

2 "Recorded image" means images recorded by an automated
3 speed enforcement system on:

4 (1) 2 or more photographs;

5 (2) 2 or more microphotographs;

6 (3) 2 or more electronic images; or

7 (4) a video recording showing the motor vehicle and, on
8 at least one image or portion of the recording, clearly
9 identifying the registration plate or digital registration
10 plate number of the motor vehicle.

11 "Safety zone" means an area that is within one-eighth of a
12 mile from the nearest property line of any public or private
13 elementary or secondary school, or from the nearest property
14 line of any facility, area, or land owned by a school district
15 that is used for educational purposes approved by the Illinois
16 State Board of Education, not including school district
17 headquarters or administrative buildings. A safety zone also
18 includes an area that is within one-eighth of a mile from the
19 nearest property line of any facility, area, or land owned by a
20 park district used for recreational purposes. However, if any
21 portion of a roadway is within either one-eighth mile radius,
22 the safety zone also shall include the roadway extended to the
23 furthest portion of the next furthest intersection. The term
24 "safety zone" does not include any portion of the roadway known
25 as Lake Shore Drive or any controlled access highway with 8 or
26 more lanes of traffic.

1 (a-5) The automated speed enforcement system shall be
2 operational and violations shall be recorded only at the
3 following times:

4 (i) if the safety zone is based upon the property line
5 of any facility, area, or land owned by a school district,
6 only on school days and no earlier than 6 a.m. and no later
7 than 8:30 p.m. if the school day is during the period of
8 Monday through Thursday, or 9 p.m. if the school day is a
9 Friday; and

10 (ii) if the safety zone is based upon the property line
11 of any facility, area, or land owned by a park district, no
12 earlier than one hour prior to the time that the facility,
13 area, or land is open to the public or other patrons, and
14 no later than one hour after the facility, area, or land is
15 closed to the public or other patrons.

16 (b) A municipality that produces a recorded image of a
17 motor vehicle's violation of a provision of this Code or a
18 local ordinance must make the recorded images of a violation
19 accessible to the alleged violator by providing the alleged
20 violator with a website address, accessible through the
21 Internet.

22 (c) Notwithstanding any penalties for any other violations
23 of this Code, the owner of a motor vehicle used in a traffic
24 violation recorded by an automated speed enforcement system
25 shall be subject to the following penalties:

26 (1) if the recorded speed is no less than 6 miles per

1 hour and no more than 10 miles per hour over the legal
2 speed limit, a civil penalty not exceeding \$50, plus an
3 additional penalty of not more than \$50 for failure to pay
4 the original penalty in a timely manner; or

5 (2) if the recorded speed is more than 10 miles per
6 hour over the legal speed limit, a civil penalty not
7 exceeding \$100, plus an additional penalty of not more than
8 \$100 for failure to pay the original penalty in a timely
9 manner.

10 A penalty may not be imposed under this Section if the
11 driver of the motor vehicle received a Uniform Traffic Citation
12 from a police officer for a speeding violation occurring within
13 one-eighth of a mile and 15 minutes of the violation that was
14 recorded by the system. A violation for which a civil penalty
15 is imposed under this Section is not a violation of a traffic
16 regulation governing the movement of vehicles and may not be
17 recorded on the driving record of the owner of the vehicle. A
18 law enforcement officer is not required to be present or to
19 witness the violation. No penalty may be imposed under this
20 Section if the recorded speed of a vehicle is 5 miles per hour
21 or less over the legal speed limit. The municipality may send,
22 in the same manner that notices are sent under this Section, a
23 speed violation warning notice where the violation involves a
24 speed of 5 miles per hour or less above the legal speed limit.

25 (d) The net proceeds that a municipality receives from
26 civil penalties imposed under an automated speed enforcement

1 system, after deducting all non-personnel and personnel costs
2 associated with the operation and maintenance of such system,
3 shall be expended or obligated by the municipality for the
4 following purposes:

5 (i) public safety initiatives to ensure safe passage
6 around schools, and to provide police protection and
7 surveillance around schools and parks, including but not
8 limited to: (1) personnel costs; and (2) non-personnel
9 costs such as construction and maintenance of public safety
10 infrastructure and equipment;

11 (ii) initiatives to improve pedestrian and traffic
12 safety;

13 (iii) construction and maintenance of infrastructure
14 within the municipality, including but not limited to roads
15 and bridges; and

16 (iv) after school programs.

17 (e) For each violation of a provision of this Code or a
18 local ordinance recorded by an automated speed enforcement
19 system, the municipality having jurisdiction shall issue a
20 written notice of the violation to the registered owner of the
21 vehicle as the alleged violator. The notice shall be delivered
22 to the registered owner of the vehicle, by mail, within 30 days
23 after the Secretary of State notifies the municipality of the
24 identity of the owner of the vehicle, but in no event later
25 than 90 days after the violation.

26 (f) The notice required under subsection (e) of this

1 Section shall include:

2 (1) the name and address of the registered owner of the
3 vehicle;

4 (2) the registration number of the motor vehicle
5 involved in the violation;

6 (3) the violation charged;

7 (4) the date, time, and location where the violation
8 occurred;

9 (5) a copy of the recorded image or images;

10 (6) the amount of the civil penalty imposed and the
11 date by which the civil penalty should be paid;

12 (7) a statement that recorded images are evidence of a
13 violation of a speed restriction;

14 (8) a warning that failure to pay the civil penalty or
15 to contest liability in a timely manner is an admission of
16 liability ~~and may result in a suspension of the driving~~
17 ~~privileges of the registered owner of the vehicle;~~

18 (9) a statement that the person may elect to proceed
19 by:

20 (A) paying the fine; or

21 (B) challenging the charge in court, by mail, or by
22 administrative hearing; and

23 (10) a website address, accessible through the
24 Internet, where the person may view the recorded images of
25 the violation.

26 (g) (Blank). ~~If a person charged with a traffic violation,~~

1 ~~as a result of an automated speed enforcement system, does not~~
2 ~~pay the fine or successfully contest the civil penalty~~
3 ~~resulting from that violation, the Secretary of State shall~~
4 ~~suspend the driving privileges of the registered owner of the~~
5 ~~vehicle under Section 6 306.5 of this Code for failing to pay~~
6 ~~any fine or penalty due and owing, or both, as a result of a~~
7 ~~combination of 5 violations of the automated speed enforcement~~
8 ~~system or the automated traffic law under Section 11 208.6 of~~
9 ~~this Code.~~

10 (h) Based on inspection of recorded images produced by an
11 automated speed enforcement system, a notice alleging that the
12 violation occurred shall be evidence of the facts contained in
13 the notice and admissible in any proceeding alleging a
14 violation under this Section.

15 (i) Recorded images made by an automated speed enforcement
16 system are confidential and shall be made available only to the
17 alleged violator and governmental and law enforcement agencies
18 for purposes of adjudicating a violation of this Section, for
19 statistical purposes, or for other governmental purposes. Any
20 recorded image evidencing a violation of this Section, however,
21 may be admissible in any proceeding resulting from the issuance
22 of the citation.

23 (j) The court or hearing officer may consider in defense of
24 a violation:

25 (1) that the motor vehicle or registration plates or
26 digital registration plates of the motor vehicle were

1 stolen before the violation occurred and not under the
2 control or in the possession of the owner at the time of
3 the violation;

4 (2) that the driver of the motor vehicle received a
5 Uniform Traffic Citation from a police officer for a
6 speeding violation occurring within one-eighth of a mile
7 and 15 minutes of the violation that was recorded by the
8 system; and

9 (3) any other evidence or issues provided by municipal
10 ordinance.

11 (k) To demonstrate that the motor vehicle or the
12 registration plates or digital registration plates were stolen
13 before the violation occurred and were not under the control or
14 possession of the owner at the time of the violation, the owner
15 must submit proof that a report concerning the stolen motor
16 vehicle or registration plates was filed with a law enforcement
17 agency in a timely manner.

18 (l) A roadway equipped with an automated speed enforcement
19 system shall be posted with a sign conforming to the national
20 Manual on Uniform Traffic Control Devices that is visible to
21 approaching traffic stating that vehicle speeds are being
22 photo-enforced and indicating the speed limit. The
23 municipality shall install such additional signage as it
24 determines is necessary to give reasonable notice to drivers as
25 to where automated speed enforcement systems are installed.

26 (m) A roadway where a new automated speed enforcement

1 system is installed shall be posted with signs providing 30
2 days notice of the use of a new automated speed enforcement
3 system prior to the issuance of any citations through the
4 automated speed enforcement system.

5 (n) The compensation paid for an automated speed
6 enforcement system must be based on the value of the equipment
7 or the services provided and may not be based on the number of
8 traffic citations issued or the revenue generated by the
9 system.

10 (o) (Blank). ~~A municipality shall make a certified report~~
11 ~~to the Secretary of State pursuant to Section 6-306.5 of this~~
12 ~~Code whenever a registered owner of a vehicle has failed to pay~~
13 ~~any fine or penalty due and owing as a result of a combination~~
14 ~~of 5 offenses for automated speed or traffic law enforcement~~
15 ~~system violations.~~

16 (p) No person who is the lessor of a motor vehicle pursuant
17 to a written lease agreement shall be liable for an automated
18 speed or traffic law enforcement system violation involving
19 such motor vehicle during the period of the lease; provided
20 that upon the request of the appropriate authority received
21 within 120 days after the violation occurred, the lessor
22 provides within 60 days after such receipt the name and address
23 of the lessee. The drivers license number of a lessee may be
24 subsequently individually requested by the appropriate
25 authority if needed for enforcement of this Section.

26 Upon the provision of information by the lessor pursuant to

1 this subsection, the municipality may issue the violation to
2 the lessee of the vehicle in the same manner as it would issue
3 a violation to a registered owner of a vehicle pursuant to this
4 Section, and the lessee may be held liable for the violation.

5 (q) A municipality using an automated speed enforcement
6 system must provide notice to drivers by publishing the
7 locations of all safety zones where system equipment is
8 installed on the website of the municipality.

9 (r) A municipality operating an automated speed
10 enforcement system shall conduct a statistical analysis to
11 assess the safety impact of the system. The statistical
12 analysis shall be based upon the best available crash, traffic,
13 and other data, and shall cover a period of time before and
14 after installation of the system sufficient to provide a
15 statistically valid comparison of safety impact. The
16 statistical analysis shall be consistent with professional
17 judgment and acceptable industry practice. The statistical
18 analysis also shall be consistent with the data required for
19 valid comparisons of before and after conditions and shall be
20 conducted within a reasonable period following the
21 installation of the automated traffic law enforcement system.
22 The statistical analysis required by this subsection shall be
23 made available to the public and shall be published on the
24 website of the municipality.

25 (s) This Section applies only to municipalities with a
26 population of 1,000,000 or more inhabitants.

1 (Source: P.A. 101-395, eff. 8-16-19.)

2 (625 ILCS 5/11-208.9)

3 Sec. 11-208.9. Automated traffic law enforcement system;
4 approaching, overtaking, and passing a school bus.

5 (a) As used in this Section, "automated traffic law
6 enforcement system" means a device with one or more motor
7 vehicle sensors working in conjunction with the visual signals
8 on a school bus, as specified in Sections 12-803 and 12-805 of
9 this Code, to produce recorded images of motor vehicles that
10 fail to stop before meeting or overtaking, from either
11 direction, any school bus stopped at any location for the
12 purpose of receiving or discharging pupils in violation of
13 Section 11-1414 of this Code or a similar provision of a local
14 ordinance.

15 An automated traffic law enforcement system is a system, in
16 a municipality or county operated by a governmental agency,
17 that produces a recorded image of a motor vehicle's violation
18 of a provision of this Code or a local ordinance and is
19 designed to obtain a clear recorded image of the vehicle and
20 the vehicle's license plate. The recorded image must also
21 display the time, date, and location of the violation.

22 (b) As used in this Section, "recorded images" means images
23 recorded by an automated traffic law enforcement system on:

24 (1) 2 or more photographs;

25 (2) 2 or more microphotographs;

1 (3) 2 or more electronic images; or

2 (4) a video recording showing the motor vehicle and, on
3 at least one image or portion of the recording, clearly
4 identifying the registration plate or digital registration
5 plate number of the motor vehicle.

6 (c) A municipality or county that produces a recorded image
7 of a motor vehicle's violation of a provision of this Code or a
8 local ordinance must make the recorded images of a violation
9 accessible to the alleged violator by providing the alleged
10 violator with a website address, accessible through the
11 Internet.

12 (d) For each violation of a provision of this Code or a
13 local ordinance recorded by an automated traffic law
14 enforcement system, the county or municipality having
15 jurisdiction shall issue a written notice of the violation to
16 the registered owner of the vehicle as the alleged violator.
17 The notice shall be delivered to the registered owner of the
18 vehicle, by mail, within 30 days after the Secretary of State
19 notifies the municipality or county of the identity of the
20 owner of the vehicle, but in no event later than 90 days after
21 the violation.

22 (e) The notice required under subsection (d) shall include:

23 (1) the name and address of the registered owner of the
24 vehicle;

25 (2) the registration number of the motor vehicle
26 involved in the violation;

- 1 (3) the violation charged;
- 2 (4) the location where the violation occurred;
- 3 (5) the date and time of the violation;
- 4 (6) a copy of the recorded images;
- 5 (7) the amount of the civil penalty imposed and the
6 date by which the civil penalty should be paid;
- 7 (8) a statement that recorded images are evidence of a
8 violation of overtaking or passing a school bus stopped for
9 the purpose of receiving or discharging pupils;
- 10 (9) a warning that failure to pay the civil penalty or
11 to contest liability in a timely manner is an admission of
12 liability ~~and may result in a suspension of the driving~~
13 ~~privileges of the registered owner of the vehicle;~~
- 14 (10) a statement that the person may elect to proceed
15 by:
- 16 (A) paying the fine; or
- 17 (B) challenging the charge in court, by mail, or by
18 administrative hearing; and
- 19 (11) a website address, accessible through the
20 Internet, where the person may view the recorded images of
21 the violation.
- 22 (f) (Blank). ~~If a person charged with a traffic violation,~~
23 ~~as a result of an automated traffic law enforcement system~~
24 ~~under this Section, does not pay the fine or successfully~~
25 ~~contest the civil penalty resulting from that violation, the~~
26 ~~Secretary of State shall suspend the driving privileges of the~~

1 ~~registered owner of the vehicle under Section 6-306.5 of this~~
2 ~~Code for failing to pay any fine or penalty due and owing as a~~
3 ~~result of a combination of 5 violations of the automated~~
4 ~~traffic law enforcement system or the automated speed~~
5 ~~enforcement system under Section 11-208.8 of this Code.~~

6 (g) Based on inspection of recorded images produced by an
7 automated traffic law enforcement system, a notice alleging
8 that the violation occurred shall be evidence of the facts
9 contained in the notice and admissible in any proceeding
10 alleging a violation under this Section.

11 (h) Recorded images made by an automated traffic law
12 enforcement system are confidential and shall be made available
13 only to the alleged violator and governmental and law
14 enforcement agencies for purposes of adjudicating a violation
15 of this Section, for statistical purposes, or for other
16 governmental purposes. Any recorded image evidencing a
17 violation of this Section, however, may be admissible in any
18 proceeding resulting from the issuance of the citation.

19 (i) The court or hearing officer may consider in defense of
20 a violation:

21 (1) that the motor vehicle or registration plates or
22 digital registration plates of the motor vehicle were
23 stolen before the violation occurred and not under the
24 control of or in the possession of the owner at the time of
25 the violation;

26 (2) that the driver of the motor vehicle received a

1 Uniform Traffic Citation from a police officer for a
2 violation of Section 11-1414 of this Code within one-eighth
3 of a mile and 15 minutes of the violation that was recorded
4 by the system;

5 (3) that the visual signals required by Sections 12-803
6 and 12-805 of this Code were damaged, not activated, not
7 present in violation of Sections 12-803 and 12-805, or
8 inoperable; and

9 (4) any other evidence or issues provided by municipal
10 or county ordinance.

11 (j) To demonstrate that the motor vehicle or the
12 registration plates or digital registration plates were stolen
13 before the violation occurred and were not under the control or
14 possession of the owner at the time of the violation, the owner
15 must submit proof that a report concerning the stolen motor
16 vehicle or registration plates was filed with a law enforcement
17 agency in a timely manner.

18 (k) Unless the driver of the motor vehicle received a
19 Uniform Traffic Citation from a police officer at the time of
20 the violation, the motor vehicle owner is subject to a civil
21 penalty not exceeding \$150 for a first time violation or \$500
22 for a second or subsequent violation, plus an additional
23 penalty of not more than \$100 for failure to pay the original
24 penalty in a timely manner, if the motor vehicle is recorded by
25 an automated traffic law enforcement system. A violation for
26 which a civil penalty is imposed under this Section is not a

1 violation of a traffic regulation governing the movement of
2 vehicles and may not be recorded on the driving record of the
3 owner of the vehicle, but may be recorded by the municipality
4 or county for the purpose of determining if a person is subject
5 to the higher fine for a second or subsequent offense.

6 (l) A school bus equipped with an automated traffic law
7 enforcement system must be posted with a sign indicating that
8 the school bus is being monitored by an automated traffic law
9 enforcement system.

10 (m) A municipality or county that has one or more school
11 buses equipped with an automated traffic law enforcement system
12 must provide notice to drivers by posting a list of school
13 districts using school buses equipped with an automated traffic
14 law enforcement system on the municipality or county website.
15 School districts that have one or more school buses equipped
16 with an automated traffic law enforcement system must provide
17 notice to drivers by posting that information on their
18 websites.

19 (n) A municipality or county operating an automated traffic
20 law enforcement system shall conduct a statistical analysis to
21 assess the safety impact in each school district using school
22 buses equipped with an automated traffic law enforcement system
23 following installation of the system. The statistical analysis
24 shall be based upon the best available crash, traffic, and
25 other data, and shall cover a period of time before and after
26 installation of the system sufficient to provide a

1 statistically valid comparison of safety impact. The
2 statistical analysis shall be consistent with professional
3 judgment and acceptable industry practice. The statistical
4 analysis also shall be consistent with the data required for
5 valid comparisons of before and after conditions and shall be
6 conducted within a reasonable period following the
7 installation of the automated traffic law enforcement system.
8 The statistical analysis required by this subsection shall be
9 made available to the public and shall be published on the
10 website of the municipality or county. If the statistical
11 analysis for the 36-month period following installation of the
12 system indicates that there has been an increase in the rate of
13 accidents at the approach to school buses monitored by the
14 system, the municipality or county shall undertake additional
15 studies to determine the cause and severity of the accidents,
16 and may take any action that it determines is necessary or
17 appropriate to reduce the number or severity of the accidents
18 involving school buses equipped with an automated traffic law
19 enforcement system.

20 (o) The compensation paid for an automated traffic law
21 enforcement system must be based on the value of the equipment
22 or the services provided and may not be based on the number of
23 traffic citations issued or the revenue generated by the
24 system.

25 (p) No person who is the lessor of a motor vehicle pursuant
26 to a written lease agreement shall be liable for an automated

1 speed or traffic law enforcement system violation involving
2 such motor vehicle during the period of the lease; provided
3 that upon the request of the appropriate authority received
4 within 120 days after the violation occurred, the lessor
5 provides within 60 days after such receipt the name and address
6 of the lessee. ~~The drivers license number of a lessee may be
7 subsequently individually requested by the appropriate
8 authority if needed for enforcement of this Section.~~

9 Upon the provision of information by the lessor pursuant to
10 this subsection, the county or municipality may issue the
11 violation to the lessee of the vehicle in the same manner as it
12 would issue a violation to a registered owner of a vehicle
13 pursuant to this Section, and the lessee may be held liable for
14 the violation.

15 (q) (Blank). ~~A municipality or county shall make a
16 certified report to the Secretary of State pursuant to Section
17 6-306.5 of this Code whenever a registered owner of a vehicle
18 has failed to pay any fine or penalty due and owing as a result
19 of a combination of 5 offenses for automated traffic law or
20 speed enforcement system violations.~~

21 (r) After a municipality or county enacts an ordinance
22 providing for automated traffic law enforcement systems under
23 this Section, each school district within that municipality or
24 county's jurisdiction may implement an automated traffic law
25 enforcement system under this Section. The elected school board
26 for that district must approve the implementation of an

1 automated traffic law enforcement system. The school district
2 shall be responsible for entering into a contract, approved by
3 the elected school board of that district, with vendors for the
4 installation, maintenance, and operation of the automated
5 traffic law enforcement system. The school district must enter
6 into an intergovernmental agreement, approved by the elected
7 school board of that district, with the municipality or county
8 with jurisdiction over that school district for the
9 administration of the automated traffic law enforcement
10 system. The proceeds from a school district's automated traffic
11 law enforcement system's fines shall be divided equally between
12 the school district and the municipality or county
13 administering the automated traffic law enforcement system.

14 (Source: P.A. 101-395, eff. 8-16-19.)

15 (625 ILCS 5/11-1201.1)

16 Sec. 11-1201.1. Automated Railroad Crossing Enforcement
17 System.

18 (a) For the purposes of this Section, an automated railroad
19 grade crossing enforcement system is a system in a municipality
20 or county operated by a governmental agency that produces a
21 recorded image of a motor vehicle's violation of a provision of
22 this Code or local ordinance and is designed to obtain a clear
23 recorded image of the vehicle and vehicle's license plate. The
24 recorded image must also display the time, date, and location
25 of the violation.

1 As used in this Section, "recorded images" means images
2 recorded by an automated railroad grade crossing enforcement
3 system on:

4 (1) 2 or more photographs;

5 (2) 2 or more microphotographs;

6 (3) 2 or more electronic images; or

7 (4) a video recording showing the motor vehicle and, on
8 at least one image or portion of the recording, clearly
9 identifying the registration plate or digital registration
10 plate number of the motor vehicle.

11 (b) The Illinois Commerce Commission may, in cooperation
12 with a local law enforcement agency, establish in any county or
13 municipality an automated railroad grade crossing enforcement
14 system at any railroad grade crossing equipped with a crossing
15 gate designated by local authorities. Local authorities
16 desiring the establishment of an automated railroad crossing
17 enforcement system must initiate the process by enacting a
18 local ordinance requesting the creation of such a system. After
19 the ordinance has been enacted, and before any additional steps
20 toward the establishment of the system are undertaken, the
21 local authorities and the Commission must agree to a plan for
22 obtaining, from any combination of federal, State, and local
23 funding sources, the moneys required for the purchase and
24 installation of any necessary equipment.

25 (b-1) (Blank.)

26 (c) For each violation of Section 11-1201 of this Code or a

1 local ordinance recorded by an automated railroad grade
2 crossing enforcement system, the county or municipality having
3 jurisdiction shall issue a written notice of the violation to
4 the registered owner of the vehicle as the alleged violator.
5 The notice shall be delivered to the registered owner of the
6 vehicle, by mail, no later than 90 days after the violation.

7 The notice shall include:

8 (1) the name and address of the registered owner of the
9 vehicle;

10 (2) the registration number of the motor vehicle
11 involved in the violation;

12 (3) the violation charged;

13 (4) the location where the violation occurred;

14 (5) the date and time of the violation;

15 (6) a copy of the recorded images;

16 (7) the amount of the civil penalty imposed and the
17 date by which the civil penalty should be paid;

18 (8) a statement that recorded images are evidence of a
19 violation of a railroad grade crossing;

20 (9) a warning that failure to pay the civil penalty or
21 to contest liability in a timely manner is an admission of
22 liability ~~and may result in a suspension of the driving~~
23 ~~privileges of the registered owner of the vehicle;~~ and

24 (10) a statement that the person may elect to proceed
25 by:

26 (A) paying the fine; or

1 (B) challenging the charge in court, by mail, or by
2 administrative hearing.

3 (d) (Blank). ~~If a person charged with a traffic violation,~~
4 ~~as a result of an automated railroad grade crossing enforcement~~
5 ~~system, does not pay or successfully contest the civil penalty~~
6 ~~resulting from that violation, the Secretary of State shall~~
7 ~~suspend the driving privileges of the registered owner of the~~
8 ~~vehicle under Section 6 306.5 of this Code for failing to pay~~
9 ~~any fine or penalty due and owing as a result of 5 violations~~
10 ~~of the automated railroad grade crossing enforcement system.~~

11 (d-1) (Blank.)

12 (d-2) (Blank.)

13 (e) Based on inspection of recorded images produced by an
14 automated railroad grade crossing enforcement system, a notice
15 alleging that the violation occurred shall be evidence of the
16 facts contained in the notice and admissible in any proceeding
17 alleging a violation under this Section.

18 (e-1) Recorded images made by an automated railroad grade
19 crossing enforcement system are confidential and shall be made
20 available only to the alleged violator and governmental and law
21 enforcement agencies for purposes of adjudicating a violation
22 of this Section, for statistical purposes, or for other
23 governmental purposes. Any recorded image evidencing a
24 violation of this Section, however, may be admissible in any
25 proceeding resulting from the issuance of the citation.

26 (e-2) The court or hearing officer may consider the

1 following in the defense of a violation:

2 (1) that the motor vehicle or registration plates or
3 digital registration plates of the motor vehicle were
4 stolen before the violation occurred and not under the
5 control of or in the possession of the owner at the time of
6 the violation;

7 (2) that the driver of the motor vehicle received a
8 Uniform Traffic Citation from a police officer at the time
9 of the violation for the same offense;

10 (3) any other evidence or issues provided by municipal
11 or county ordinance.

12 (e-3) To demonstrate that the motor vehicle or the
13 registration plates or digital registration plates were stolen
14 before the violation occurred and were not under the control or
15 possession of the owner at the time of the violation, the owner
16 must submit proof that a report concerning the stolen motor
17 vehicle or registration plates was filed with a law enforcement
18 agency in a timely manner.

19 (f) Rail crossings equipped with an automatic railroad
20 grade crossing enforcement system shall be posted with a sign
21 visible to approaching traffic stating that the railroad grade
22 crossing is being monitored, that citations will be issued, and
23 the amount of the fine for violation.

24 (g) The compensation paid for an automated railroad grade
25 crossing enforcement system must be based on the value of the
26 equipment or the services provided and may not be based on the

1 number of citations issued or the revenue generated by the
2 system.

3 (h) (Blank.)

4 (i) If any part or parts of this Section are held by a
5 court of competent jurisdiction to be unconstitutional, the
6 unconstitutionality shall not affect the validity of the
7 remaining parts of this Section. The General Assembly hereby
8 declares that it would have passed the remaining parts of this
9 Section if it had known that the other part or parts of this
10 Section would be declared unconstitutional.

11 (j) Penalty. A civil fine of \$250 shall be imposed for a
12 first violation of this Section, and a civil fine of \$500 shall
13 be imposed for a second or subsequent violation of this
14 Section.

15 (Source: P.A. 101-395, eff. 8-16-19.)

16 (625 ILCS 5/4-214.1 rep.)

17 (625 ILCS 5/6-306.5 rep.)

18 (625 ILCS 5/6-306.6 rep.)

19 Section 10-193. The Illinois Vehicle Code is amended by
20 repealing Sections 4-214.1, 6-306.5, and 6-306.6.

21 Section 10-195. The Snowmobile Registration and Safety Act
22 is amended by changing Section 5-7 as follows:

23 (625 ILCS 40/5-7)

1 Sec. 5-7. Operating a snowmobile while under the influence
2 of alcohol or other drug or drugs, intoxicating compound or
3 compounds, or a combination of them; criminal penalties;
4 suspension of operating privileges.

5 (a) A person may not operate or be in actual physical
6 control of a snowmobile within this State while:

7 1. The alcohol concentration in that person's blood,
8 other bodily substance, or breath is a concentration at
9 which driving a motor vehicle is prohibited under
10 subdivision (1) of subsection (a) of Section 11-501 of the
11 Illinois Vehicle Code;

12 2. The person is under the influence of alcohol;

13 3. The person is under the influence of any other drug
14 or combination of drugs to a degree that renders that
15 person incapable of safely operating a snowmobile;

16 3.1. The person is under the influence of any
17 intoxicating compound or combination of intoxicating
18 compounds to a degree that renders the person incapable of
19 safely operating a snowmobile;

20 4. The person is under the combined influence of
21 alcohol and any other drug or drugs or intoxicating
22 compound or compounds to a degree that renders that person
23 incapable of safely operating a snowmobile;

24 4.3. The person who is not a CDL holder has a
25 tetrahydrocannabinol concentration in the person's whole
26 blood or other bodily substance at which driving a motor

1 vehicle is prohibited under subdivision (7) of subsection
2 (a) of Section 11-501 of the Illinois Vehicle Code;

3 4.5. The person who is a CDL holder has any amount of a
4 drug, substance, or compound in the person's breath, blood,
5 other bodily substance, or urine resulting from the
6 unlawful use or consumption of cannabis listed in the
7 Cannabis Control Act; or

8 5. There is any amount of a drug, substance, or
9 compound in that person's breath, blood, other bodily
10 substance, or urine resulting from the unlawful use or
11 consumption of a controlled substance listed in the
12 Illinois Controlled Substances Act, methamphetamine as
13 listed in the Methamphetamine Control and Community
14 Protection Act, or intoxicating compound listed in the use
15 of Intoxicating Compounds Act.

16 (b) The fact that a person charged with violating this
17 Section is or has been legally entitled to use alcohol, other
18 drug or drugs, any intoxicating compound or compounds, or any
19 combination of them does not constitute a defense against a
20 charge of violating this Section.

21 (c) Every person convicted of violating this Section or a
22 similar provision of a local ordinance is guilty of a Class A
23 misdemeanor, except as otherwise provided in this Section.

24 (c-1) As used in this Section, "first time offender" means
25 any person who has not had a previous conviction or been
26 assigned supervision for violating this Section or a similar

1 provision of a local ordinance, or any person who has not had a
2 suspension imposed under subsection (e) of Section 5-7.1.

3 (c-2) For purposes of this Section, the following are
4 equivalent to a conviction:

5 (1) a violation of the terms of pretrial release when
6 the court has not relieved the defendant of complying with
7 the terms of pretrial release ~~forfeiture of bail or~~
8 ~~collateral deposited to secure a defendant's appearance in~~
9 ~~court when forfeiture has not been vacated; or~~

10 (2) the failure of a defendant to appear for trial.

11 (d) Every person convicted of violating this Section is
12 guilty of a Class 4 felony if:

13 1. The person has a previous conviction under this
14 Section;

15 2. The offense results in personal injury where a
16 person other than the operator suffers great bodily harm or
17 permanent disability or disfigurement, when the violation
18 was a proximate cause of the injuries. A person guilty of a
19 Class 4 felony under this paragraph 2, if sentenced to a
20 term of imprisonment, shall be sentenced to not less than
21 one year nor more than 12 years; or

22 3. The offense occurred during a period in which the
23 person's privileges to operate a snowmobile are revoked or
24 suspended, and the revocation or suspension was for a
25 violation of this Section or was imposed under Section
26 5-7.1.

1 (e) Every person convicted of violating this Section is
2 guilty of a Class 2 felony if the offense results in the death
3 of a person. A person guilty of a Class 2 felony under this
4 subsection (e), if sentenced to a term of imprisonment, shall
5 be sentenced to a term of not less than 3 years and not more
6 than 14 years.

7 (e-1) Every person convicted of violating this Section or a
8 similar provision of a local ordinance who had a child under
9 the age of 16 on board the snowmobile at the time of offense
10 shall be subject to a mandatory minimum fine of \$500 and shall
11 be subject to a mandatory minimum of 5 days of community
12 service in a program benefiting children. The assignment under
13 this subsection shall not be subject to suspension nor shall
14 the person be eligible for probation in order to reduce the
15 assignment.

16 (e-2) Every person found guilty of violating this Section,
17 whose operation of a snowmobile while in violation of this
18 Section proximately caused any incident resulting in an
19 appropriate emergency response, shall be liable for the expense
20 of an emergency response as provided in subsection (i) of
21 Section 11-501.01 of the Illinois Vehicle Code.

22 (e-3) In addition to any other penalties and liabilities, a
23 person who is found guilty of violating this Section, including
24 any person placed on court supervision, shall be fined \$100,
25 payable to the circuit clerk, who shall distribute the money to
26 the law enforcement agency that made the arrest. In the event

1 that more than one agency is responsible for the arrest, the
2 \$100 shall be shared equally. Any moneys received by a law
3 enforcement agency under this subsection (e-3) shall be used to
4 purchase law enforcement equipment or to provide law
5 enforcement training that will assist in the prevention of
6 alcohol related criminal violence throughout the State. Law
7 enforcement equipment shall include, but is not limited to,
8 in-car video cameras, radar and laser speed detection devices,
9 and alcohol breath testers.

10 (f) In addition to any criminal penalties imposed, the
11 Department of Natural Resources shall suspend the snowmobile
12 operation privileges of a person convicted or found guilty of a
13 misdemeanor under this Section for a period of one year, except
14 that first-time offenders are exempt from this mandatory one
15 year suspension.

16 (g) In addition to any criminal penalties imposed, the
17 Department of Natural Resources shall suspend for a period of 5
18 years the snowmobile operation privileges of any person
19 convicted or found guilty of a felony under this Section.

20 (Source: P.A. 99-697, eff. 7-29-16; 100-201, eff. 8-18-17.)

21 Section 10-200. The Clerks of Courts Act is amended by
22 changing Section 27.3b as follows:

23 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

24 Sec. 27.3b. The clerk of court may accept payment of fines,

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

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

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

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

14 Section 10-205. The Attorney Act is amended by changing
15 Section 9 as follows:

16 (705 ILCS 205/9) (from Ch. 13, par. 9)

17 Sec. 9. All attorneys and counselors at law, judges, clerks
18 and sheriffs, and all other officers of the several courts
19 within this state, shall be liable to be arrested and held to
20 terms of pretrial release ~~bail~~, and shall be subject to the
21 same legal process, and may in all respects be prosecuted and
22 proceeded against in the same courts and in the same manner as
23 other persons are, any law, usage or custom to the contrary
24 notwithstanding: Provided, nevertheless, said judges,

1 counselors or attorneys, clerks, sheriffs and other officers of
2 said courts, shall be privileged from arrest while attending
3 courts, and whilst going to and returning from court.

4 (Source: R.S. 1874, p. 169.)

5 Section 10-210. The Juvenile Court Act of 1987 is amended
6 by changing Sections 1-7, 1-8, and 5-150 as follows:

7 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

8 Sec. 1-7. Confidentiality of juvenile law enforcement and
9 municipal ordinance violation records.

10 (A) All juvenile law enforcement records which have not
11 been expunged are confidential and may never be disclosed to
12 the general public or otherwise made widely available. Juvenile
13 law enforcement records may be obtained only under this Section
14 and Section 1-8 and Part 9 of Article V of this Act, when their
15 use is needed for good cause and with an order from the
16 juvenile court, as required by those not authorized to retain
17 them. Inspection, copying, and disclosure of juvenile law
18 enforcement records maintained by law enforcement agencies or
19 records of municipal ordinance violations maintained by any
20 State, local, or municipal agency that relate to a minor who
21 has been investigated, arrested, or taken into custody before
22 his or her 18th birthday shall be restricted to the following:

23 (0.05) The minor who is the subject of the juvenile law
24 enforcement record, his or her parents, guardian, and

1 counsel.

2 (0.10) Judges of the circuit court and members of the
3 staff of the court designated by the judge.

4 (0.15) An administrative adjudication hearing officer
5 or members of the staff designated to assist in the
6 administrative adjudication process.

7 (1) Any local, State, or federal law enforcement
8 officers or designated law enforcement staff of any
9 jurisdiction or agency when necessary for the discharge of
10 their official duties during the investigation or
11 prosecution of a crime or relating to a minor who has been
12 adjudicated delinquent and there has been a previous
13 finding that the act which constitutes the previous offense
14 was committed in furtherance of criminal activities by a
15 criminal street gang, or, when necessary for the discharge
16 of its official duties in connection with a particular
17 investigation of the conduct of a law enforcement officer,
18 an independent agency or its staff created by ordinance and
19 charged by a unit of local government with the duty of
20 investigating the conduct of law enforcement officers. For
21 purposes of this Section, "criminal street gang" has the
22 meaning ascribed to it in Section 10 of the Illinois
23 Streetgang Terrorism Omnibus Prevention Act.

24 (2) Prosecutors, public defenders, probation officers,
25 social workers, or other individuals assigned by the court
26 to conduct a pre-adjudication or pre-disposition

1 investigation, and individuals responsible for supervising
2 or providing temporary or permanent care and custody for
3 minors under the order of the juvenile court, when
4 essential to performing their responsibilities.

5 (3) Federal, State, or local prosecutors, public
6 defenders, probation officers, and designated staff:

7 (a) in the course of a trial when institution of
8 criminal proceedings has been permitted or required
9 under Section 5-805;

10 (b) when institution of criminal proceedings has
11 been permitted or required under Section 5-805 and the
12 minor is the subject of a proceeding to determine the
13 conditions of pretrial release ~~amount of bail~~;

14 (c) when criminal proceedings have been permitted
15 or required under Section 5-805 and the minor is the
16 subject of a pre-trial investigation, pre-sentence
17 investigation, fitness hearing, or proceedings on an
18 application for probation; or

19 (d) in the course of prosecution or administrative
20 adjudication of a violation of a traffic, boating, or
21 fish and game law, or a county or municipal ordinance.

22 (4) Adult and Juvenile Prisoner Review Board.

23 (5) Authorized military personnel.

24 (5.5) Employees of the federal government authorized
25 by law.

26 (6) Persons engaged in bona fide research, with the

1 permission of the Presiding Judge and the chief executive
2 of the respective law enforcement agency; provided that
3 publication of such research results in no disclosure of a
4 minor's identity and protects the confidentiality of the
5 minor's record.

6 (7) Department of Children and Family Services child
7 protection investigators acting in their official
8 capacity.

9 (8) The appropriate school official only if the agency
10 or officer believes that there is an imminent threat of
11 physical harm to students, school personnel, or others who
12 are present in the school or on school grounds.

13 (A) Inspection and copying shall be limited to
14 juvenile law enforcement records transmitted to the
15 appropriate school official or officials whom the
16 school has determined to have a legitimate educational
17 or safety interest by a local law enforcement agency
18 under a reciprocal reporting system established and
19 maintained between the school district and the local
20 law enforcement agency under Section 10-20.14 of the
21 School Code concerning a minor enrolled in a school
22 within the school district who has been arrested or
23 taken into custody for any of the following offenses:

24 (i) any violation of Article 24 of the Criminal
25 Code of 1961 or the Criminal Code of 2012;

26 (ii) a violation of the Illinois Controlled

1 Substances Act;

2 (iii) a violation of the Cannabis Control Act;

3 (iv) a forcible felony as defined in Section

4 2-8 of the Criminal Code of 1961 or the Criminal

5 Code of 2012;

6 (v) a violation of the Methamphetamine Control

7 and Community Protection Act;

8 (vi) a violation of Section 1-2 of the

9 Harassing and Obscene Communications Act;

10 (vii) a violation of the Hazing Act; or

11 (viii) a violation of Section 12-1, 12-2,

12 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,

13 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the

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

15 The information derived from the juvenile law

16 enforcement records shall be kept separate from and

17 shall not become a part of the official school record

18 of that child and shall not be a public record. The

19 information shall be used solely by the appropriate

20 school official or officials whom the school has

21 determined to have a legitimate educational or safety

22 interest to aid in the proper rehabilitation of the

23 child and to protect the safety of students and

24 employees in the school. If the designated law

25 enforcement and school officials deem it to be in the

26 best interest of the minor, the student may be referred

1 to in-school or community-based social services if
2 those services are available. "Rehabilitation
3 services" may include interventions by school support
4 personnel, evaluation for eligibility for special
5 education, referrals to community-based agencies such
6 as youth services, behavioral healthcare service
7 providers, drug and alcohol prevention or treatment
8 programs, and other interventions as deemed
9 appropriate for the student.

10 (B) Any information provided to appropriate school
11 officials whom the school has determined to have a
12 legitimate educational or safety interest by local law
13 enforcement officials about a minor who is the subject
14 of a current police investigation that is directly
15 related to school safety shall consist of oral
16 information only, and not written juvenile law
17 enforcement records, and shall be used solely by the
18 appropriate school official or officials to protect
19 the safety of students and employees in the school and
20 aid in the proper rehabilitation of the child. The
21 information derived orally from the local law
22 enforcement officials shall be kept separate from and
23 shall not become a part of the official school record
24 of the child and shall not be a public record. This
25 limitation on the use of information about a minor who
26 is the subject of a current police investigation shall

1 in no way limit the use of this information by
2 prosecutors in pursuing criminal charges arising out
3 of the information disclosed during a police
4 investigation of the minor. For purposes of this
5 paragraph, "investigation" means an official
6 systematic inquiry by a law enforcement agency into
7 actual or suspected criminal activity.

8 (9) Mental health professionals on behalf of the
9 Department of Corrections or the Department of Human
10 Services or prosecutors who are evaluating, prosecuting,
11 or investigating a potential or actual petition brought
12 under the Sexually Violent Persons Commitment Act relating
13 to a person who is the subject of juvenile law enforcement
14 records or the respondent to a petition brought under the
15 Sexually Violent Persons Commitment Act who is the subject
16 of the juvenile law enforcement records sought. Any
17 juvenile law enforcement records and any information
18 obtained from those juvenile law enforcement records under
19 this paragraph (9) may be used only in sexually violent
20 persons commitment proceedings.

21 (10) The president of a park district. Inspection and
22 copying shall be limited to juvenile law enforcement
23 records transmitted to the president of the park district
24 by the Department of State Police under Section 8-23 of the
25 Park District Code or Section 16a-5 of the Chicago Park
26 District Act concerning a person who is seeking employment

1 with that park district and who has been adjudicated a
2 juvenile delinquent for any of the offenses listed in
3 subsection (c) of Section 8-23 of the Park District Code or
4 subsection (c) of Section 16a-5 of the Chicago Park
5 District Act.

6 (11) Persons managing and designated to participate in
7 a court diversion program as designated in subsection (6)
8 of Section 5-105.

9 (12) The Public Access Counselor of the Office of the
10 Attorney General, when reviewing juvenile law enforcement
11 records under its powers and duties under the Freedom of
12 Information Act.

13 (13) Collection agencies, contracted or otherwise
14 engaged by a governmental entity, to collect any debts due
15 and owing to the governmental entity.

16 (B)(1) Except as provided in paragraph (2), no law
17 enforcement officer or other person or agency may knowingly
18 transmit to the Department of Corrections, Department of State
19 Police, or to the Federal Bureau of Investigation any
20 fingerprint or photograph relating to a minor who has been
21 arrested or taken into custody before his or her 18th birthday,
22 unless the court in proceedings under this Act authorizes the
23 transmission or enters an order under Section 5-805 permitting
24 or requiring the institution of criminal proceedings.

25 (2) Law enforcement officers or other persons or agencies
26 shall transmit to the Department of State Police copies of

1 fingerprints and descriptions of all minors who have been
2 arrested or taken into custody before their 18th birthday for
3 the offense of unlawful use of weapons under Article 24 of the
4 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
5 or Class 1 felony, a forcible felony as defined in Section 2-8
6 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
7 Class 2 or greater felony under the Cannabis Control Act, the
8 Illinois Controlled Substances Act, the Methamphetamine
9 Control and Community Protection Act, or Chapter 4 of the
10 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
11 Identification Act. Information reported to the Department
12 pursuant to this Section may be maintained with records that
13 the Department files pursuant to Section 2.1 of the Criminal
14 Identification Act. Nothing in this Act prohibits a law
15 enforcement agency from fingerprinting a minor taken into
16 custody or arrested before his or her 18th birthday for an
17 offense other than those listed in this paragraph (2).

18 (C) The records of law enforcement officers, or of an
19 independent agency created by ordinance and charged by a unit
20 of local government with the duty of investigating the conduct
21 of law enforcement officers, concerning all minors under 18
22 years of age must be maintained separate from the records of
23 arrests and may not be open to public inspection or their
24 contents disclosed to the public. For purposes of obtaining
25 documents under this Section, a civil subpoena is not an order
26 of the court.

1 (1) In cases where the law enforcement, or independent
2 agency, records concern a pending juvenile court case, the
3 party seeking to inspect the records shall provide actual
4 notice to the attorney or guardian ad litem of the minor
5 whose records are sought.

6 (2) In cases where the records concern a juvenile court
7 case that is no longer pending, the party seeking to
8 inspect the records shall provide actual notice to the
9 minor or the minor's parent or legal guardian, and the
10 matter shall be referred to the chief judge presiding over
11 matters pursuant to this Act.

12 (3) In determining whether the records should be
13 available for inspection, the court shall consider the
14 minor's interest in confidentiality and rehabilitation
15 over the moving party's interest in obtaining the
16 information. Any records obtained in violation of this
17 subsection (C) shall not be admissible in any criminal or
18 civil proceeding, or operate to disqualify a minor from
19 subsequently holding public office or securing employment,
20 or operate as a forfeiture of any public benefit, right,
21 privilege, or right to receive any license granted by
22 public authority.

23 (D) Nothing contained in subsection (C) of this Section
24 shall prohibit the inspection or disclosure to victims and
25 witnesses of photographs contained in the records of law
26 enforcement agencies when the inspection and disclosure is

1 conducted in the presence of a law enforcement officer for the
2 purpose of the identification or apprehension of any person
3 subject to the provisions of this Act or for the investigation
4 or prosecution of any crime.

5 (E) Law enforcement officers, and personnel of an
6 independent agency created by ordinance and charged by a unit
7 of local government with the duty of investigating the conduct
8 of law enforcement officers, may not disclose the identity of
9 any minor in releasing information to the general public as to
10 the arrest, investigation or disposition of any case involving
11 a minor.

12 (F) Nothing contained in this Section shall prohibit law
13 enforcement agencies from communicating with each other by
14 letter, memorandum, teletype, or intelligence alert bulletin
15 or other means the identity or other relevant information
16 pertaining to a person under 18 years of age if there are
17 reasonable grounds to believe that the person poses a real and
18 present danger to the safety of the public or law enforcement
19 officers. The information provided under this subsection (F)
20 shall remain confidential and shall not be publicly disclosed,
21 except as otherwise allowed by law.

22 (G) Nothing in this Section shall prohibit the right of a
23 Civil Service Commission or appointing authority of any federal
24 government, state, county or municipality examining the
25 character and fitness of an applicant for employment with a law
26 enforcement agency, correctional institution, or fire

1 department from obtaining and examining the records of any law
2 enforcement agency relating to any record of the applicant
3 having been arrested or taken into custody before the
4 applicant's 18th birthday.

5 (G-5) Information identifying victims and alleged victims
6 of sex offenses shall not be disclosed or open to the public
7 under any circumstances. Nothing in this Section shall prohibit
8 the victim or alleged victim of any sex offense from
9 voluntarily disclosing his or her own identity.

10 (H) The changes made to this Section by Public Act 98-61
11 apply to law enforcement records of a minor who has been
12 arrested or taken into custody on or after January 1, 2014 (the
13 effective date of Public Act 98-61).

14 (H-5) Nothing in this Section shall require any court or
15 adjudicative proceeding for traffic, boating, fish and game
16 law, or municipal and county ordinance violations to be closed
17 to the public.

18 (I) Willful violation of this Section is a Class C
19 misdemeanor and each violation is subject to a fine of \$1,000.
20 This subsection (I) shall not apply to the person who is the
21 subject of the record.

22 (J) A person convicted of violating this Section is liable
23 for damages in the amount of \$1,000 or actual damages,
24 whichever is greater.

25 (Source: P.A. 99-298, eff. 8-6-15; 100-285, eff. 1-1-18;
26 100-720, eff. 8-3-18; 100-863, eff. 8-14-18; 100-1162, eff.

1 12-20-18.)

2 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

3 Sec. 1-8. Confidentiality and accessibility of juvenile
4 court records.

5 (A) A juvenile adjudication shall never be considered a
6 conviction nor shall an adjudicated individual be considered a
7 criminal. Unless expressly allowed by law, a juvenile
8 adjudication shall not operate to impose upon the individual
9 any of the civil disabilities ordinarily imposed by or
10 resulting from conviction. Unless expressly allowed by law,
11 adjudications shall not prejudice or disqualify the individual
12 in any civil service application or appointment, from holding
13 public office, or from receiving any license granted by public
14 authority. All juvenile court records which have not been
15 expunged are sealed and may never be disclosed to the general
16 public or otherwise made widely available. Sealed juvenile
17 court records may be obtained only under this Section and
18 Section 1-7 and Part 9 of Article V of this Act, when their use
19 is needed for good cause and with an order from the juvenile
20 court. Inspection and copying of juvenile court records
21 relating to a minor who is the subject of a proceeding under
22 this Act shall be restricted to the following:

23 (1) The minor who is the subject of record, his or her
24 parents, guardian, and counsel.

25 (2) Law enforcement officers and law enforcement

1 agencies when such information is essential to executing an
2 arrest or search warrant or other compulsory process, or to
3 conducting an ongoing investigation or relating to a minor
4 who has been adjudicated delinquent and there has been a
5 previous finding that the act which constitutes the
6 previous offense was committed in furtherance of criminal
7 activities by a criminal street gang.

8 Before July 1, 1994, for the purposes of this Section,
9 "criminal street gang" means any ongoing organization,
10 association, or group of 3 or more persons, whether formal
11 or informal, having as one of its primary activities the
12 commission of one or more criminal acts and that has a
13 common name or common identifying sign, symbol or specific
14 color apparel displayed, and whose members individually or
15 collectively engage in or have engaged in a pattern of
16 criminal activity.

17 Beginning July 1, 1994, for purposes of this Section,
18 "criminal street gang" has the meaning ascribed to it in
19 Section 10 of the Illinois Streetgang Terrorism Omnibus
20 Prevention Act.

21 (3) Judges, hearing officers, prosecutors, public
22 defenders, probation officers, social workers, or other
23 individuals assigned by the court to conduct a
24 pre-adjudication or pre-disposition investigation, and
25 individuals responsible for supervising or providing
26 temporary or permanent care and custody for minors under

1 the order of the juvenile court when essential to
2 performing their responsibilities.

3 (4) Judges, federal, State, and local prosecutors,
4 public defenders, probation officers, and designated
5 staff:

6 (a) in the course of a trial when institution of
7 criminal proceedings has been permitted or required
8 under Section 5-805;

9 (b) when criminal proceedings have been permitted
10 or required under Section 5-805 and a minor is the
11 subject of a proceeding to determine the conditions of
12 pretrial release ~~amount of bail~~;

13 (c) when criminal proceedings have been permitted
14 or required under Section 5-805 and a minor is the
15 subject of a pre-trial investigation, pre-sentence
16 investigation or fitness hearing, or proceedings on an
17 application for probation; or

18 (d) when a minor becomes 18 years of age or older,
19 and is the subject of criminal proceedings, including a
20 hearing to determine the conditions of pretrial
21 release ~~amount of bail~~, a pre-trial investigation, a
22 pre-sentence investigation, a fitness hearing, or
23 proceedings on an application for probation.

24 (5) Adult and Juvenile Prisoner Review Boards.

25 (6) Authorized military personnel.

26 (6.5) Employees of the federal government authorized

1 by law.

2 (7) Victims, their subrogees and legal
3 representatives; however, such persons shall have access
4 only to the name and address of the minor and information
5 pertaining to the disposition or alternative adjustment
6 plan of the juvenile court.

7 (8) Persons engaged in bona fide research, with the
8 permission of the presiding judge of the juvenile court and
9 the chief executive of the agency that prepared the
10 particular records; provided that publication of such
11 research results in no disclosure of a minor's identity and
12 protects the confidentiality of the record.

13 (9) The Secretary of State to whom the Clerk of the
14 Court shall report the disposition of all cases, as
15 required in Section 6-204 of the Illinois Vehicle Code.
16 However, information reported relative to these offenses
17 shall be privileged and available only to the Secretary of
18 State, courts, and police officers.

19 (10) The administrator of a bonafide substance abuse
20 student assistance program with the permission of the
21 presiding judge of the juvenile court.

22 (11) Mental health professionals on behalf of the
23 Department of Corrections or the Department of Human
24 Services or prosecutors who are evaluating, prosecuting,
25 or investigating a potential or actual petition brought
26 under the Sexually Violent Persons Commitment Act relating

1 to a person who is the subject of juvenile court records or
2 the respondent to a petition brought under the Sexually
3 Violent Persons Commitment Act, who is the subject of
4 juvenile court records sought. Any records and any
5 information obtained from those records under this
6 paragraph (11) may be used only in sexually violent persons
7 commitment proceedings.

8 (12) Collection agencies, contracted or otherwise
9 engaged by a governmental entity, to collect any debts due
10 and owing to the governmental entity.

11 (A-1) Findings and exclusions of paternity entered in
12 proceedings occurring under Article II of this Act shall be
13 disclosed, in a manner and form approved by the Presiding Judge
14 of the Juvenile Court, to the Department of Healthcare and
15 Family Services when necessary to discharge the duties of the
16 Department of Healthcare and Family Services under Article X of
17 the Illinois Public Aid Code.

18 (B) A minor who is the victim in a juvenile proceeding
19 shall be provided the same confidentiality regarding
20 disclosure of identity as the minor who is the subject of
21 record.

22 (C) (0.1) In cases where the records concern a pending
23 juvenile court case, the requesting party seeking to inspect
24 the juvenile court records shall provide actual notice to the
25 attorney or guardian ad litem of the minor whose records are
26 sought.

1 (0.2) In cases where the juvenile court records concern a
2 juvenile court case that is no longer pending, the requesting
3 party seeking to inspect the juvenile court records shall
4 provide actual notice to the minor or the minor's parent or
5 legal guardian, and the matter shall be referred to the chief
6 judge presiding over matters pursuant to this Act.

7 (0.3) In determining whether juvenile court records should
8 be made available for inspection and whether inspection should
9 be limited to certain parts of the file, the court shall
10 consider the minor's interest in confidentiality and
11 rehabilitation over the requesting party's interest in
12 obtaining the information. The State's Attorney, the minor, and
13 the minor's parents, guardian, and counsel shall at all times
14 have the right to examine court files and records.

15 (0.4) Any records obtained in violation of this Section
16 shall not be admissible in any criminal or civil proceeding, or
17 operate to disqualify a minor from subsequently holding public
18 office, or operate as a forfeiture of any public benefit,
19 right, privilege, or right to receive any license granted by
20 public authority.

21 (D) Pending or following any adjudication of delinquency
22 for any offense defined in Sections 11-1.20 through 11-1.60 or
23 12-13 through 12-16 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, the victim of any such offense shall
25 receive the rights set out in Sections 4 and 6 of the Bill of
26 Rights for Victims and Witnesses of Violent Crime Act; and the

1 juvenile who is the subject of the adjudication,
2 notwithstanding any other provision of this Act, shall be
3 treated as an adult for the purpose of affording such rights to
4 the victim.

5 (E) Nothing in this Section shall affect the right of a
6 Civil Service Commission or appointing authority of the federal
7 government, or any state, county, or municipality examining the
8 character and fitness of an applicant for employment with a law
9 enforcement agency, correctional institution, or fire
10 department to ascertain whether that applicant was ever
11 adjudicated to be a delinquent minor and, if so, to examine the
12 records of disposition or evidence which were made in
13 proceedings under this Act.

14 (F) Following any adjudication of delinquency for a crime
15 which would be a felony if committed by an adult, or following
16 any adjudication of delinquency for a violation of Section
17 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, the State's Attorney shall ascertain
19 whether the minor respondent is enrolled in school and, if so,
20 shall provide a copy of the dispositional order to the
21 principal or chief administrative officer of the school. Access
22 to the dispositional order shall be limited to the principal or
23 chief administrative officer of the school and any guidance
24 counselor designated by him or her.

25 (G) Nothing contained in this Act prevents the sharing or
26 disclosure of information or records relating or pertaining to

1 juveniles subject to the provisions of the Serious Habitual
2 Offender Comprehensive Action Program when that information is
3 used to assist in the early identification and treatment of
4 habitual juvenile offenders.

5 (H) When a court hearing a proceeding under Article II of
6 this Act becomes aware that an earlier proceeding under Article
7 II had been heard in a different county, that court shall
8 request, and the court in which the earlier proceedings were
9 initiated shall transmit, an authenticated copy of the juvenile
10 court record, including all documents, petitions, and orders
11 filed and the minute orders, transcript of proceedings, and
12 docket entries of the court.

13 (I) The Clerk of the Circuit Court shall report to the
14 Department of State Police, in the form and manner required by
15 the Department of State Police, the final disposition of each
16 minor who has been arrested or taken into custody before his or
17 her 18th birthday for those offenses required to be reported
18 under Section 5 of the Criminal Identification Act. Information
19 reported to the Department under this Section may be maintained
20 with records that the Department files under Section 2.1 of the
21 Criminal Identification Act.

22 (J) The changes made to this Section by Public Act 98-61
23 apply to juvenile law enforcement records of a minor who has
24 been arrested or taken into custody on or after January 1, 2014
25 (the effective date of Public Act 98-61).

26 (K) Willful violation of this Section is a Class C

1 misdemeanor and each violation is subject to a fine of \$1,000.
2 This subsection (K) shall not apply to the person who is the
3 subject of the record.

4 (L) A person convicted of violating this Section is liable
5 for damages in the amount of \$1,000 or actual damages,
6 whichever is greater.

7 (Source: P.A. 100-285, eff. 1-1-18; 100-720, eff. 8-3-18;
8 100-1162, eff. 12-20-18.)

9 (705 ILCS 405/5-150)

10 Sec. 5-150. Admissibility of evidence and adjudications in
11 other proceedings.

12 (1) Evidence and adjudications in proceedings under this
13 Act shall be admissible:

14 (a) in subsequent proceedings under this Act
15 concerning the same minor; or

16 (b) in criminal proceedings when the court is to
17 determine the conditions of pretrial release ~~amount of~~
18 ~~bail~~, fitness of the defendant or in sentencing under the
19 Unified Code of Corrections; or

20 (c) in proceedings under this Act or in criminal
21 proceedings in which anyone who has been adjudicated
22 delinquent under Section 5-105 is to be a witness including
23 the minor or defendant if he or she testifies, and then
24 only for purposes of impeachment and pursuant to the rules
25 of evidence for criminal trials; or

1 (d) in civil proceedings concerning causes of action
2 arising out of the incident or incidents which initially
3 gave rise to the proceedings under this Act.

4 (2) No adjudication or disposition under this Act shall
5 operate to disqualify a minor from subsequently holding public
6 office nor shall operate as a forfeiture of any right,
7 privilege or right to receive any license granted by public
8 authority.

9 (3) The court which adjudicated that a minor has committed
10 any offense relating to motor vehicles prescribed in Sections
11 4-102 and 4-103 of the Illinois Vehicle Code shall notify the
12 Secretary of State of that adjudication and the notice shall
13 constitute sufficient grounds for revoking that minor's
14 driver's license or permit as provided in Section 6-205 of the
15 Illinois Vehicle Code; no minor shall be considered a criminal
16 by reason thereof, nor shall any such adjudication be
17 considered a conviction.

18 (Source: P.A. 90-590, eff. 1-1-99.)

19 Section 10-215. The Criminal Code of 2012 is amended by
20 changing Sections 26.5-5, 31-1, 31A-0.1, 32-10, and 32-15 as
21 follows:

22 (720 ILCS 5/26.5-5)

23 Sec. 26.5-5. Sentence.

24 (a) Except as provided in subsection (b), a person who

1 violates any of the provisions of Section 26.5-1, 26.5-2, or
2 26.5-3 of this Article is guilty of a Class B misdemeanor.
3 Except as provided in subsection (b), a second or subsequent
4 violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article
5 is a Class A misdemeanor, for which the court shall impose a
6 minimum of 14 days in jail or, if public or community service
7 is established in the county in which the offender was
8 convicted, 240 hours of public or community service.

9 (b) In any of the following circumstances, a person who
10 violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article
11 shall be guilty of a Class 4 felony:

12 (1) The person has 3 or more prior violations in the
13 last 10 years of harassment by telephone, harassment
14 through electronic communications, or any similar offense
15 of any other state;

16 (2) The person has previously violated the harassment
17 by telephone provisions, or the harassment through
18 electronic communications provisions, or committed any
19 similar offense in any other state with the same victim or
20 a member of the victim's family or household;

21 (3) At the time of the offense, the offender was under
22 conditions of pretrial release ~~bail~~, probation,
23 conditional discharge, mandatory supervised release or was
24 the subject of an order of protection, in this or any other
25 state, prohibiting contact with the victim or any member of
26 the victim's family or household;

1 (4) In the course of the offense, the offender
2 threatened to kill the victim or any member of the victim's
3 family or household;

4 (5) The person has been convicted in the last 10 years
5 of a forcible felony as defined in Section 2-8 of the
6 Criminal Code of 1961 or the Criminal Code of 2012;

7 (6) The person violates paragraph (5) of Section 26.5-2
8 or paragraph (4) of Section 26.5-3; or

9 (7) The person was at least 18 years of age at the time
10 of the commission of the offense and the victim was under
11 18 years of age at the time of the commission of the
12 offense.

13 (c) The court may order any person convicted under this
14 Article to submit to a psychiatric examination.

15 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)

16 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

17 Sec. 31-1. Resisting or obstructing a peace officer,
18 firefighter, or correctional institution employee.

19 (a) A person who knowingly resists or obstructs the
20 performance by one known to the person to be a peace officer,
21 firefighter, or correctional institution employee of any
22 authorized act within his or her official capacity commits a
23 Class A misdemeanor.

24 (a-5) In addition to any other sentence that may be
25 imposed, a court shall order any person convicted of resisting

1 or obstructing a peace officer, firefighter, or correctional
2 institution employee to be sentenced to a minimum of 48
3 consecutive hours of imprisonment or ordered to perform
4 community service for not less than 100 hours as may be
5 determined by the court. The person shall not be eligible for
6 probation in order to reduce the sentence of imprisonment or
7 community service.

8 (a-7) A person convicted for a violation of this Section
9 whose violation was the proximate cause of an injury to a peace
10 officer, firefighter, or correctional institution employee is
11 guilty of a Class 4 felony.

12 (b) For purposes of this Section, "correctional
13 institution employee" means any person employed to supervise
14 and control inmates incarcerated in a penitentiary, State farm,
15 reformatory, prison, jail, house of correction, police
16 detention area, half-way house, or other institution or place
17 for the incarceration or custody of persons under sentence for
18 offenses or awaiting trial or sentence for offenses, under
19 arrest for an offense, a violation of probation, a violation of
20 parole, a violation of aftercare release, a violation of
21 mandatory supervised release, or awaiting a ~~bail setting~~
22 hearing or preliminary hearing on setting the conditions of
23 pretrial release, or who are sexually dangerous persons or who
24 are sexually violent persons; and "firefighter" means any
25 individual, either as an employee or volunteer, of a regularly
26 constituted fire department of a municipality or fire

1 protection district who performs fire fighting duties,
2 including, but not limited to, the fire chief, assistant fire
3 chief, captain, engineer, driver, ladder person, hose person,
4 pipe person, and any other member of a regularly constituted
5 fire department. "Firefighter" also means a person employed by
6 the Office of the State Fire Marshal to conduct arson
7 investigations.

8 (c) It is an affirmative defense to a violation of this
9 Section if a person resists or obstructs the performance of one
10 known by the person to be a firefighter by returning to or
11 remaining in a dwelling, residence, building, or other
12 structure to rescue or to attempt to rescue any person.

13 (d) A person shall not be subject to arrest under this
14 Section unless there is an underlying offense for which the
15 person was initially subject to arrest.

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

17 (720 ILCS 5/31A-0.1)

18 Sec. 31A-0.1. Definitions. For the purposes of this
19 Article:

20 "Deliver" or "delivery" means the actual, constructive or
21 attempted transfer of possession of an item of contraband, with
22 or without consideration, whether or not there is an agency
23 relationship.

24 "Employee" means any elected or appointed officer, trustee
25 or employee of a penal institution or of the governing

1 authority of the penal institution, or any person who performs
2 services for the penal institution pursuant to contract with
3 the penal institution or its governing authority.

4 "Item of contraband" means any of the following:

5 (i) "Alcoholic liquor" as that term is defined in
6 Section 1-3.05 of the Liquor Control Act of 1934.

7 (ii) "Cannabis" as that term is defined in subsection
8 (a) of Section 3 of the Cannabis Control Act.

9 (iii) "Controlled substance" as that term is defined in
10 the Illinois Controlled Substances Act.

11 (iii-a) "Methamphetamine" as that term is defined in
12 the Illinois Controlled Substances Act or the
13 Methamphetamine Control and Community Protection Act.

14 (iv) "Hypodermic syringe" or hypodermic needle, or any
15 instrument adapted for use of controlled substances or
16 cannabis by subcutaneous injection.

17 (v) "Weapon" means any knife, dagger, dirk, billy,
18 razor, stiletto, broken bottle, or other piece of glass
19 which could be used as a dangerous weapon. This term
20 includes any of the devices or implements designated in
21 subsections (a)(1), (a)(3) and (a)(6) of Section 24-1 of
22 this Code, or any other dangerous weapon or instrument of
23 like character.

24 (vi) "Firearm" means any device, by whatever name
25 known, which is designed to expel a projectile or
26 projectiles by the action of an explosion, expansion of gas

1 or escape of gas, including but not limited to:

2 (A) any pneumatic gun, spring gun, or B-B gun which
3 expels a single globular projectile not exceeding .18
4 inch in diameter; or

5 (B) any device used exclusively for signaling or
6 safety and required as recommended by the United States
7 Coast Guard or the Interstate Commerce Commission; or

8 (C) any device used exclusively for the firing of
9 stud cartridges, explosive rivets or industrial
10 ammunition; or

11 (D) any device which is powered by electrical
12 charging units, such as batteries, and which fires one
13 or several barbs attached to a length of wire and
14 which, upon hitting a human, can send out current
15 capable of disrupting the person's nervous system in
16 such a manner as to render him or her incapable of
17 normal functioning, commonly referred to as a stun gun
18 or taser.

19 (vii) "Firearm ammunition" means any self-contained
20 cartridge or shotgun shell, by whatever name known, which
21 is designed to be used or adaptable to use in a firearm,
22 including but not limited to:

23 (A) any ammunition exclusively designed for use
24 with a device used exclusively for signaling or safety
25 and required or recommended by the United States Coast
26 Guard or the Interstate Commerce Commission; or

1 (B) any ammunition designed exclusively for use
2 with a stud or rivet driver or other similar industrial
3 ammunition.

4 (viii) "Explosive" means, but is not limited to, bomb,
5 bombshell, grenade, bottle or other container containing
6 an explosive substance of over one-quarter ounce for like
7 purposes such as black powder bombs and Molotov cocktails
8 or artillery projectiles.

9 (ix) "Tool to defeat security mechanisms" means, but is
10 not limited to, handcuff or security restraint key, tool
11 designed to pick locks, popper, or any device or instrument
12 used to or capable of unlocking or preventing from locking
13 any handcuff or security restraints, doors to cells, rooms,
14 gates or other areas of the penal institution.

15 (x) "Cutting tool" means, but is not limited to,
16 hacksaw blade, wirecutter, or device, instrument or file
17 capable of cutting through metal.

18 (xi) "Electronic contraband" for the purposes of
19 Section 31A-1.1 of this Article means, but is not limited
20 to, any electronic, video recording device, computer, or
21 cellular communications equipment, including, but not
22 limited to, cellular telephones, cellular telephone
23 batteries, videotape recorders, pagers, computers, and
24 computer peripheral equipment brought into or possessed in
25 a penal institution without the written authorization of
26 the Chief Administrative Officer. "Electronic contraband"

1 for the purposes of Section 31A-1.2 of this Article, means,
2 but is not limited to, any electronic, video recording
3 device, computer, or cellular communications equipment,
4 including, but not limited to, cellular telephones,
5 cellular telephone batteries, videotape recorders, pagers,
6 computers, and computer peripheral equipment.

7 "Penal institution" means any penitentiary, State farm,
8 reformatory, prison, jail, house of correction, police
9 detention area, half-way house or other institution or place
10 for the incarceration or custody of persons under sentence for
11 offenses awaiting trial or sentence for offenses, under arrest
12 for an offense, a violation of probation, a violation of
13 parole, a violation of aftercare release, or a violation of
14 mandatory supervised release, or awaiting a ~~bail setting~~
15 hearing on the setting of conditions of pretrial release or
16 preliminary hearing; provided that where the place for
17 incarceration or custody is housed within another public
18 building this Article shall not apply to that part of the
19 building unrelated to the incarceration or custody of persons.

20 (Source: P.A. 97-1108, eff. 1-1-13; 98-558, eff. 1-1-14.)

21 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

22 Sec. 32-10. Violation of conditions of pretrial release
23 ~~bail bond~~.

24 (a) Whoever, having been released pretrial under
25 conditions ~~admitted to bail~~ for appearance before any court of

1 this State, incurs a violation of conditions of pretrial
2 release ~~forfeiture of the bail~~ and knowingly fails to surrender
3 himself or herself within 30 days following the date of the
4 violation ~~forfeiture~~, commits, if the conditions of pretrial
5 release ~~bail~~ was given in connection with a charge of felony
6 or pending appeal or certiorari after conviction of any
7 offense, ~~a felony of the next lower Class or~~ a Class A
8 misdemeanor if the underlying offense was a ~~Class 4~~ felony . If
9 the violation of pretrial conditions were made, ~~or, if the bail~~
10 ~~was given~~ in connection with a charge of committing a
11 misdemeanor, or for appearance as a witness, commits ~~a~~
12 ~~misdemeanor of the next lower Class, but not less than~~ a Class
13 C misdemeanor.

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

19 (b) Whoever, having been released pretrial under
20 conditions ~~admitted to bail~~ for appearance before any court of
21 this State, while charged with a criminal offense in which the
22 victim is a family or household member as defined in Article
23 112A of the Code of Criminal Procedure of 1963, knowingly
24 violates a condition of that release as set forth in Section
25 110-10, subsection (d) of the Code of Criminal Procedure of
26 1963, commits a Class A misdemeanor.

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

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

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

18 (720 ILCS 5/32-15)

19 Sec. 32-15. Pretrial release ~~Bail bond~~ false statement. Any
20 person who in any affidavit, document, schedule or other
21 application to ensure compliance of another with the terms of
22 pretrial release ~~become surety or bail for another on any bail~~
23 ~~bond or recognizance~~ in any civil or criminal proceeding then
24 pending or about to be started against the other person, having
25 taken a lawful oath or made affirmation, shall swear or affirm

1 wilfully, corruptly and falsely as to the factors the court
2 relied on to approve the conditions of the other person's
3 pretrial release ~~ownership or liens or incumbrances upon or the~~
4 ~~value of any real or personal property alleged to be owned by~~
5 the person proposed to ensure those conditions ~~as surety or~~
6 ~~bail, the financial worth or standing of the person proposed as~~
7 ~~surety or bail, or as to the number or total penalties of all~~
8 ~~other bonds or recognizances signed by and standing against the~~
9 ~~proposed surety or bail, or any person who, having taken a~~
10 lawful oath or made affirmation, shall testify wilfully,
11 corruptly and falsely as to any of said matters for the purpose
12 of inducing the approval of any such conditions of pretrial
13 release ~~bail bond~~ or recognizance; or for the purpose of
14 justifying on any such conditions of pretrial release ~~bail bond~~
15 or recognizance, or who shall suborn any other person to so
16 swear, affirm or testify as aforesaid, shall be deemed and
17 adjudged guilty of perjury or subornation of perjury (as the
18 case may be) and punished accordingly.

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

20 Section 10-216. The Criminal Code of 2012 is amended by
21 changing Sections 7-5, 7-5.5, 7-9, 9-1, and 33-3 and by adding
22 Sections 7-15, 7-16, and 33-9 as follows:

23 (720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

24 Sec. 7-5. Peace officer's use of force in making arrest.

1 (a) A peace officer, or any person whom he has summoned or
2 directed to assist him, need not retreat or desist from efforts
3 to make a lawful arrest because of resistance or threatened
4 resistance to the arrest. He is justified in the use of any
5 force which he reasonably believes, based on the totality of
6 the circumstances, to be necessary to effect the arrest and of
7 any force which he reasonably believes, based on the totality
8 of the circumstances, to be necessary to defend himself or
9 another from bodily harm while making the arrest. However, he
10 is justified in using force likely to cause death or great
11 bodily harm only when he reasonably believes, based on the
12 totality of the circumstances, that such force is necessary to
13 prevent death or great bodily harm to himself or such other
14 person, or when he reasonably believes, based on the totality
15 of the circumstances, both that:

16 (1) Such force is necessary to prevent the arrest from
17 being defeated by resistance or escape; the officer
18 reasonably believes that the person to be arrested cannot
19 be apprehended at a later date, and the officer reasonably
20 believes that the person to be arrested is likely to cause
21 great bodily harm to another; and

22 (2) The person to be arrested just ~~has~~ committed or
23 attempted a forcible felony which involves the infliction
24 or threatened infliction of great bodily harm or is
25 attempting to escape by use of a deadly weapon, or
26 otherwise indicates that he will endanger human life or

1 inflict great bodily harm unless arrested without delay.

2 As used in this subsection, "retreat" does not mean
3 tactical repositioning or other de-escalation tactics.

4 (a-5) Where feasible, a peace officer shall, prior to the
5 use of force, make reasonable efforts to identify himself or
6 herself as a peace officer and to warn that deadly force may be
7 used, unless the officer has reasonable grounds to believe that
8 the person is aware of those facts.

9 (a-10) A peace officer shall not use deadly force against a
10 person based on the danger that the person poses to himself or
11 herself if an reasonable officer would believe the person does
12 not pose an imminent threat of death or serious bodily injury
13 to the peace officer or to another person.

14 (a-15) A peace officer shall not use deadly force against a
15 person who is suspected of committing a property offense,
16 unless that offense is terrorism or unless deadly force is
17 otherwise authorized by law.

18 (b) A peace officer making an arrest pursuant to an invalid
19 warrant is justified in the use of any force which he would be
20 justified in using if the warrant were valid, unless he knows
21 that the warrant is invalid.

22 (c) The authority to use physical force conferred on peace
23 officers by this Article is a serious responsibility that shall
24 be exercised judiciously and with respect for human rights and
25 dignity and for the sanctity of every human life.

26 (d) Peace officers shall use deadly force only when

1 reasonably necessary in defense of human life. In determining
2 whether deadly force is reasonably necessary, officers shall
3 evaluate each situation in light of the particular
4 circumstances of each case and shall use other available
5 resources and techniques, if reasonably safe and feasible to a
6 reasonable officer.

7 (e) The decision by a peace officer to use force shall be
8 evaluated carefully and thoroughly, in a manner that reflects
9 the gravity of that authority and the serious consequences of
10 the use of force by peace officers, in order to ensure that
11 officers use force consistent with law and agency policies.

12 (f) The decision by a peace officer to use force shall be
13 evaluated from the perspective of a reasonable officer in the
14 same situation, based on the totality of the circumstances
15 known to or perceived by the officer at the time of the
16 decision, rather than with the benefit of hindsight, and that
17 the totality of the circumstances shall account for occasions
18 when officers may be forced to make quick judgments about using
19 force.

20 (g) Law enforcement agencies are encouraged to adopt and
21 develop policies designed to protect individuals with
22 physical, mental health, developmental, or intellectual
23 disabilities, who are significantly more likely to experience
24 greater levels of physical force during police interactions, as
25 these disabilities may affect the ability of a person to
26 understand or comply with commands from peace officers.

1 (h) As used in this Section:

2 (1) "Deadly force" means any use of force that creates
3 a substantial risk of causing death or serious bodily
4 injury, including, but not limited to, the discharge of a
5 firearm.

6 (2) A threat of death or serious bodily injury is
7 "imminent" when, based on the totality of the
8 circumstances, a reasonable officer in the same situation
9 would believe that a person has the present ability,
10 opportunity, and apparent intent to immediately cause
11 death or serious bodily injury to the peace officer or
12 another person. An imminent harm is not merely a fear of
13 future harm, no matter how great the fear and no matter how
14 great the likelihood of the harm, but is one that, from
15 appearances, must be instantly confronted and addressed.

16 (3) "Totality of the circumstances" means all facts
17 known to the peace officer at the time, or that would be
18 known to a reasonable officer in the same situation,
19 including the conduct of the officer and the subject
20 leading up to the use of deadly force.

21 (Source: P.A. 84-1426.)

22 (720 ILCS 5/7-5.5)

23 Sec. 7-5.5. Prohibited use of force by a peace officer.

24 (a) A peace officer, or any person acting on behalf of a
25 peace officer, shall not use a chokehold or restraint above the

1 shoulders with risk of asphyxiation in the performance of his
2 or her duties, unless deadly force is justified under Article 7
3 of this Code.

4 (b) A peace officer, or any person acting on behalf of a
5 peace officer, shall not use a chokehold or restraint above the
6 shoulders with risk of asphyxiation, or any lesser contact with
7 the throat or neck area of another, in order to prevent the
8 destruction of evidence by ingestion.

9 (c) As used in this Section, "chokehold" means applying any
10 direct pressure to the throat, windpipe, or airway of another
11 ~~with the intent to reduce or prevent the intake of air.~~
12 ~~"Chokehold" does not include any holding involving contact with~~
13 ~~the neck that is not intended to reduce the intake of air.~~

14 (d) As used in this Section, "restraint above the shoulders
15 with risk of positional asphyxiation" means a use of a
16 technique used to restrain a person above the shoulders,
17 including the neck or head, in a position which interferes with
18 the person's ability to breathe after the person no longer
19 poses a threat to the officer or any other person.

20 (e) A peace officer, or any person acting on behalf of a
21 peace officer, shall not:

22 (i) use force as punishment or retaliation;

23 (ii) discharge kinetic impact projectiles and all
24 other non-or less-lethal projectiles in a manner that
25 targets the head, pelvis, or back;

26 (iii) discharge firearms or kinetic impact projectiles

1 indiscriminately into a crowd; or

2 (iv) use chemical agents or irritants, including
3 pepper spray and tear gas, prior to issuing an order to
4 disperse in a sufficient manner to ensure the order is
5 heard and repeated if necessary, followed by sufficient
6 time and space to allow compliance with the order.

7 (Source: P.A. 99-352, eff. 1-1-16; 99-642, eff. 7-28-16.)

8 (720 ILCS 5/7-9) (from Ch. 38, par. 7-9)

9 Sec. 7-9. Use of force to prevent escape.

10 (a) A peace officer or other person who has an arrested
11 person in his custody is justified in the use of ~~such~~ force,
12 except deadly force, to prevent the escape of the arrested
13 person from custody as he would be justified in using if he
14 were arresting such person.

15 (b) A guard or other peace officer is justified in the use
16 of force, ~~including force likely to cause death or great bodily~~
17 ~~harm,~~ which he reasonably believes to be necessary to prevent
18 the escape from a penal institution of a person whom the
19 officer reasonably believes to be lawfully detained in such
20 institution under sentence for an offense or awaiting trial or
21 commitment for an offense.

22 (c) Deadly force shall not be used to prevent escape under
23 this Section unless, based on the totality of the
24 circumstances, deadly force is necessary to prevent death or
25 great bodily harm to himself or such other person.

1 (Source: Laws 1961, p. 1983.)

2 (720 ILCS 5/7-15 new)

3 Sec. 7-15. Duty to render aid. It is the policy of the
4 State of Illinois that all law enforcement officers must, as
5 soon as reasonably practical, determine if a person is injured,
6 whether as a result of a use of force or otherwise, and render
7 medical aid and assistance consistent with training and request
8 emergency medical assistance if necessary. "Render medical aid
9 and assistance" includes, but is not limited to, (i) performing
10 emergency life-saving procedures such as cardiopulmonary
11 resuscitation or the administration of an automated external
12 defibrillator; and (ii) the carrying, or the making of
13 arrangements for the carrying, of such person to a physician,
14 surgeon, or hospital for medical or surgical treatment if it is
15 apparent that treatment is necessary, or if such carrying is
16 requested by the injured person.

17 (720 ILCS 5/7-16 new)

18 Sec. 7-16. Duty to intervene.

19 (a) A peace officer, or any person acting on behalf of a
20 peace officer, shall have an affirmative duty to intervene to
21 prevent or stop another peace officer in his or her presence
22 from using any unauthorized force or force that exceeds the
23 degree of force permitted, if any, without regard for chain of
24 command.

1 (b) A peace officer, or any person acting on behalf of a
2 peace officer, who intervenes as required by this Section shall
3 report the intervention to the person designated/identified by
4 the law enforcement entity in a manner prescribed by the
5 agency. The report required by this Section must include the
6 date, time, and place of the occurrence; the identity, if
7 known, and description of the participants; and a description
8 of the intervention actions taken and whether they were
9 successful. In no event shall the report be submitted more than
10 5 days after the incident.

11 (c) A member of a law enforcement agency shall not
12 discipline nor retaliate in any way against a peace officer for
13 intervening as required in this Section or for reporting
14 unconstitutional or unlawful conduct, or for failing to follow
15 what the officer reasonably believes is an unconstitutional or
16 unlawful directive.

17 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

18 Sec. 9-1. First degree murder; death penalties;
19 exceptions; separate hearings; proof; findings; appellate
20 procedures; reversals.

21 (a) A person who kills an individual without lawful
22 justification commits first degree murder if, in performing the
23 acts which cause the death:

24 (1) he or she either intends to kill or do great bodily
25 harm to that individual or another, or knows that such acts

1 will cause death to that individual or another; or

2 (2) he or she knows that such acts create a strong
3 probability of death or great bodily harm to that
4 individual or another; or

5 (3) he or she, acting alone or with one or more
6 participants, commits or attempts to commit a forcible
7 felony other than second degree murder, and in the course
8 of or in furtherance of such crime or flight therefrom, he
9 or she or another participant causes the death of a person
10 ~~he or she is attempting or committing a forcible felony~~
11 ~~other than second degree murder.~~

12 (b) Aggravating Factors. A defendant who at the time of the
13 commission of the offense has attained the age of 18 or more
14 and who has been found guilty of first degree murder may be
15 sentenced to death if:

16 (1) the murdered individual was a peace officer or
17 fireman killed in the course of performing his official
18 duties, to prevent the performance of his or her official
19 duties, or in retaliation for performing his or her
20 official duties, and the defendant knew or should have
21 known that the murdered individual was a peace officer or
22 fireman; or

23 (2) the murdered individual was an employee of an
24 institution or facility of the Department of Corrections,
25 or any similar local correctional agency, killed in the
26 course of performing his or her official duties, to prevent

1 the performance of his or her official duties, or in
2 retaliation for performing his or her official duties, or
3 the murdered individual was an inmate at such institution
4 or facility and was killed on the grounds thereof, or the
5 murdered individual was otherwise present in such
6 institution or facility with the knowledge and approval of
7 the chief administrative officer thereof; or

8 (3) the defendant has been convicted of murdering two
9 or more individuals under subsection (a) of this Section or
10 under any law of the United States or of any state which is
11 substantially similar to subsection (a) of this Section
12 regardless of whether the deaths occurred as the result of
13 the same act or of several related or unrelated acts so
14 long as the deaths were the result of either an intent to
15 kill more than one person or of separate acts which the
16 defendant knew would cause death or create a strong
17 probability of death or great bodily harm to the murdered
18 individual or another; or

19 (4) the murdered individual was killed as a result of
20 the hijacking of an airplane, train, ship, bus, or other
21 public conveyance; or

22 (5) the defendant committed the murder pursuant to a
23 contract, agreement, or understanding by which he or she
24 was to receive money or anything of value in return for
25 committing the murder or procured another to commit the
26 murder for money or anything of value; or

1 (6) the murdered individual was killed in the course of
2 another felony if:

3 (a) the murdered individual:

4 (i) was actually killed by the defendant, or

5 (ii) received physical injuries personally
6 inflicted by the defendant substantially
7 contemporaneously with physical injuries caused by
8 one or more persons for whose conduct the defendant
9 is legally accountable under Section 5-2 of this
10 Code, and the physical injuries inflicted by
11 either the defendant or the other person or persons
12 for whose conduct he is legally accountable caused
13 the death of the murdered individual; and

14 (b) in performing the acts which caused the death
15 of the murdered individual or which resulted in
16 physical injuries personally inflicted by the
17 defendant on the murdered individual under the
18 circumstances of subdivision (ii) of subparagraph (a)
19 of paragraph (6) of subsection (b) of this Section, the
20 defendant acted with the intent to kill the murdered
21 individual or with the knowledge that his acts created
22 a strong probability of death or great bodily harm to
23 the murdered individual or another; and

24 (c) the other felony was an inherently violent
25 crime or the attempt to commit an inherently violent
26 crime. In this subparagraph (c), "inherently violent

1 crime" includes, but is not limited to, armed robbery,
2 robbery, predatory criminal sexual assault of a child,
3 aggravated criminal sexual assault, aggravated
4 kidnapping, aggravated vehicular hijacking, aggravated
5 arson, aggravated stalking, residential burglary, and
6 home invasion; or

7 (7) the murdered individual was under 12 years of age
8 and the death resulted from exceptionally brutal or heinous
9 behavior indicative of wanton cruelty; or

10 (8) the defendant committed the murder with intent to
11 prevent the murdered individual from testifying or
12 participating in any criminal investigation or prosecution
13 or giving material assistance to the State in any
14 investigation or prosecution, either against the defendant
15 or another; or the defendant committed the murder because
16 the murdered individual was a witness in any prosecution or
17 gave material assistance to the State in any investigation
18 or prosecution, either against the defendant or another;
19 for purposes of this paragraph (8), "participating in any
20 criminal investigation or prosecution" is intended to
21 include those appearing in the proceedings in any capacity
22 such as trial judges, prosecutors, defense attorneys,
23 investigators, witnesses, or jurors; or

24 (9) the defendant, while committing an offense
25 punishable under Sections 401, 401.1, 401.2, 405, 405.2,
26 407 or 407.1 or subsection (b) of Section 404 of the

1 Illinois Controlled Substances Act, or while engaged in a
2 conspiracy or solicitation to commit such offense,
3 intentionally killed an individual or counseled,
4 commanded, induced, procured or caused the intentional
5 killing of the murdered individual; or

6 (10) the defendant was incarcerated in an institution
7 or facility of the Department of Corrections at the time of
8 the murder, and while committing an offense punishable as a
9 felony under Illinois law, or while engaged in a conspiracy
10 or solicitation to commit such offense, intentionally
11 killed an individual or counseled, commanded, induced,
12 procured or caused the intentional killing of the murdered
13 individual; or

14 (11) the murder was committed in a cold, calculated and
15 premeditated manner pursuant to a preconceived plan,
16 scheme or design to take a human life by unlawful means,
17 and the conduct of the defendant created a reasonable
18 expectation that the death of a human being would result
19 therefrom; or

20 (12) the murdered individual was an emergency medical
21 technician - ambulance, emergency medical technician -
22 intermediate, emergency medical technician - paramedic,
23 ambulance driver, or other medical assistance or first aid
24 personnel, employed by a municipality or other
25 governmental unit, killed in the course of performing his
26 official duties, to prevent the performance of his official

1 duties, or in retaliation for performing his official
2 duties, and the defendant knew or should have known that
3 the murdered individual was an emergency medical
4 technician - ambulance, emergency medical technician -
5 intermediate, emergency medical technician - paramedic,
6 ambulance driver, or other medical assistance or first aid
7 personnel; or

8 (13) the defendant was a principal administrator,
9 organizer, or leader of a calculated criminal drug
10 conspiracy consisting of a hierarchical position of
11 authority superior to that of all other members of the
12 conspiracy, and the defendant counseled, commanded,
13 induced, procured, or caused the intentional killing of the
14 murdered person; or

15 (14) the murder was intentional and involved the
16 infliction of torture. For the purpose of this Section
17 torture means the infliction of or subjection to extreme
18 physical pain, motivated by an intent to increase or
19 prolong the pain, suffering or agony of the victim; or

20 (15) the murder was committed as a result of the
21 intentional discharge of a firearm by the defendant from a
22 motor vehicle and the victim was not present within the
23 motor vehicle; or

24 (16) the murdered individual was 60 years of age or
25 older and the death resulted from exceptionally brutal or
26 heinous behavior indicative of wanton cruelty; or

1 (17) the murdered individual was a person with a
2 disability and the defendant knew or should have known that
3 the murdered individual was a person with a disability. For
4 purposes of this paragraph (17), "person with a disability"
5 means a person who suffers from a permanent physical or
6 mental impairment resulting from disease, an injury, a
7 functional disorder, or a congenital condition that
8 renders the person incapable of adequately providing for
9 his or her own health or personal care; or

10 (18) the murder was committed by reason of any person's
11 activity as a community policing volunteer or to prevent
12 any person from engaging in activity as a community
13 policing volunteer; or

14 (19) the murdered individual was subject to an order of
15 protection and the murder was committed by a person against
16 whom the same order of protection was issued under the
17 Illinois Domestic Violence Act of 1986; or

18 (20) the murdered individual was known by the defendant
19 to be a teacher or other person employed in any school and
20 the teacher or other employee is upon the grounds of a
21 school or grounds adjacent to a school, or is in any part
22 of a building used for school purposes; or

23 (21) the murder was committed by the defendant in
24 connection with or as a result of the offense of terrorism
25 as defined in Section 29D-14.9 of this Code; or

26 (22) the murdered individual was a member of a

1 congregation engaged in prayer or other religious
2 activities at a church, synagogue, mosque, or other
3 building, structure, or place used for religious worship.

4 (b-5) Aggravating Factor; Natural Life Imprisonment. A
5 defendant who has been found guilty of first degree murder and
6 who at the time of the commission of the offense had attained
7 the age of 18 years or more may be sentenced to natural life
8 imprisonment if (i) the murdered individual was a physician,
9 physician assistant, psychologist, nurse, or advanced practice
10 registered nurse, (ii) the defendant knew or should have known
11 that the murdered individual was a physician, physician
12 assistant, psychologist, nurse, or advanced practice
13 registered nurse, and (iii) the murdered individual was killed
14 in the course of acting in his or her capacity as a physician,
15 physician assistant, psychologist, nurse, or advanced practice
16 registered nurse, or to prevent him or her from acting in that
17 capacity, or in retaliation for his or her acting in that
18 capacity.

19 (c) Consideration of factors in Aggravation and
20 Mitigation.

21 The court shall consider, or shall instruct the jury to
22 consider any aggravating and any mitigating factors which are
23 relevant to the imposition of the death penalty. Aggravating
24 factors may include but need not be limited to those factors
25 set forth in subsection (b). Mitigating factors may include but
26 need not be limited to the following:

1 (1) the defendant has no significant history of prior
2 criminal activity;

3 (2) the murder was committed while the defendant was
4 under the influence of extreme mental or emotional
5 disturbance, although not such as to constitute a defense
6 to prosecution;

7 (3) the murdered individual was a participant in the
8 defendant's homicidal conduct or consented to the
9 homicidal act;

10 (4) the defendant acted under the compulsion of threat
11 or menace of the imminent infliction of death or great
12 bodily harm;

13 (5) the defendant was not personally present during
14 commission of the act or acts causing death;

15 (6) the defendant's background includes a history of
16 extreme emotional or physical abuse;

17 (7) the defendant suffers from a reduced mental
18 capacity.

19 Provided, however, that an action that does not otherwise
20 mitigate first degree murder cannot qualify as a mitigating
21 factor for first degree murder because of the discovery,
22 knowledge, or disclosure of the victim's sexual orientation as
23 defined in Section 1-103 of the Illinois Human Rights Act.

24 (d) Separate sentencing hearing.

25 Where requested by the State, the court shall conduct a
26 separate sentencing proceeding to determine the existence of

1 factors set forth in subsection (b) and to consider any
2 aggravating or mitigating factors as indicated in subsection
3 (c). The proceeding shall be conducted:

4 (1) before the jury that determined the defendant's
5 guilt; or

6 (2) before a jury impanelled for the purpose of the
7 proceeding if:

8 A. the defendant was convicted upon a plea of
9 guilty; or

10 B. the defendant was convicted after a trial before
11 the court sitting without a jury; or

12 C. the court for good cause shown discharges the
13 jury that determined the defendant's guilt; or

14 (3) before the court alone if the defendant waives a
15 jury for the separate proceeding.

16 (e) Evidence and Argument.

17 During the proceeding any information relevant to any of
18 the factors set forth in subsection (b) may be presented by
19 either the State or the defendant under the rules governing the
20 admission of evidence at criminal trials. Any information
21 relevant to any additional aggravating factors or any
22 mitigating factors indicated in subsection (c) may be presented
23 by the State or defendant regardless of its admissibility under
24 the rules governing the admission of evidence at criminal
25 trials. The State and the defendant shall be given fair
26 opportunity to rebut any information received at the hearing.

1 (f) Proof.

2 The burden of proof of establishing the existence of any of
3 the factors set forth in subsection (b) is on the State and
4 shall not be satisfied unless established beyond a reasonable
5 doubt.

6 (g) Procedure - Jury.

7 If at the separate sentencing proceeding the jury finds
8 that none of the factors set forth in subsection (b) exists,
9 the court shall sentence the defendant to a term of
10 imprisonment under Chapter V of the Unified Code of
11 Corrections. If there is a unanimous finding by the jury that
12 one or more of the factors set forth in subsection (b) exist,
13 the jury shall consider aggravating and mitigating factors as
14 instructed by the court and shall determine whether the
15 sentence of death shall be imposed. If the jury determines
16 unanimously, after weighing the factors in aggravation and
17 mitigation, that death is the appropriate sentence, the court
18 shall sentence the defendant to death. If the court does not
19 concur with the jury determination that death is the
20 appropriate sentence, the court shall set forth reasons in
21 writing including what facts or circumstances the court relied
22 upon, along with any relevant documents, that compelled the
23 court to non-concur with the sentence. This document and any
24 attachments shall be part of the record for appellate review.
25 The court shall be bound by the jury's sentencing
26 determination.

1 If after weighing the factors in aggravation and
2 mitigation, one or more jurors determines that death is not the
3 appropriate sentence, the court shall sentence the defendant to
4 a term of imprisonment under Chapter V of the Unified Code of
5 Corrections.

6 (h) Procedure - No Jury.

7 In a proceeding before the court alone, if the court finds
8 that none of the factors found in subsection (b) exists, the
9 court shall sentence the defendant to a term of imprisonment
10 under Chapter V of the Unified Code of Corrections.

11 If the Court determines that one or more of the factors set
12 forth in subsection (b) exists, the Court shall consider any
13 aggravating and mitigating factors as indicated in subsection
14 (c). If the Court determines, after weighing the factors in
15 aggravation and mitigation, that death is the appropriate
16 sentence, the Court shall sentence the defendant to death.

17 If the court finds that death is not the appropriate
18 sentence, the court shall sentence the defendant to a term of
19 imprisonment under Chapter V of the Unified Code of
20 Corrections.

21 (h-5) Decertification as a capital case.

22 In a case in which the defendant has been found guilty of
23 first degree murder by a judge or jury, or a case on remand for
24 resentencing, and the State seeks the death penalty as an
25 appropriate sentence, on the court's own motion or the written
26 motion of the defendant, the court may decertify the case as a

1 death penalty case if the court finds that the only evidence
2 supporting the defendant's conviction is the uncorroborated
3 testimony of an informant witness, as defined in Section 115-21
4 of the Code of Criminal Procedure of 1963, concerning the
5 confession or admission of the defendant or that the sole
6 evidence against the defendant is a single eyewitness or single
7 accomplice without any other corroborating evidence. If the
8 court decertifies the case as a capital case under either of
9 the grounds set forth above, the court shall issue a written
10 finding. The State may pursue its right to appeal the
11 decertification pursuant to Supreme Court Rule 604(a)(1). If
12 the court does not decertify the case as a capital case, the
13 matter shall proceed to the eligibility phase of the sentencing
14 hearing.

15 (i) Appellate Procedure.

16 The conviction and sentence of death shall be subject to
17 automatic review by the Supreme Court. Such review shall be in
18 accordance with rules promulgated by the Supreme Court. The
19 Illinois Supreme Court may overturn the death sentence, and
20 order the imposition of imprisonment under Chapter V of the
21 Unified Code of Corrections if the court finds that the death
22 sentence is fundamentally unjust as applied to the particular
23 case. If the Illinois Supreme Court finds that the death
24 sentence is fundamentally unjust as applied to the particular
25 case, independent of any procedural grounds for relief, the
26 Illinois Supreme Court shall issue a written opinion explaining

1 this finding.

2 (j) Disposition of reversed death sentence.

3 In the event that the death penalty in this Act is held to
4 be unconstitutional by the Supreme Court of the United States
5 or of the State of Illinois, any person convicted of first
6 degree murder shall be sentenced by the court to a term of
7 imprisonment under Chapter V of the Unified Code of
8 Corrections.

9 In the event that any death sentence pursuant to the
10 sentencing provisions of this Section is declared
11 unconstitutional by the Supreme Court of the United States or
12 of the State of Illinois, the court having jurisdiction over a
13 person previously sentenced to death shall cause the defendant
14 to be brought before the court, and the court shall sentence
15 the defendant to a term of imprisonment under Chapter V of the
16 Unified Code of Corrections.

17 (k) Guidelines for seeking the death penalty.

18 The Attorney General and State's Attorneys Association
19 shall consult on voluntary guidelines for procedures governing
20 whether or not to seek the death penalty. The guidelines do not
21 have the force of law and are only advisory in nature.

22 (Source: P.A. 100-460, eff. 1-1-18; 100-513, eff. 1-1-18;
23 100-863, eff. 8-14-18; 101-223, eff. 1-1-20.)

24 (720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

25 Sec. 33-3. Official misconduct.

1 (a) A public officer or employee or special government
2 agent commits misconduct when, in his official capacity or
3 capacity as a special government agent, he or she commits any
4 of the following acts:

5 (1) Intentionally or recklessly fails to perform any
6 mandatory duty as required by law; or

7 (2) Knowingly performs an act which he knows he is
8 forbidden by law to perform; or

9 (3) With intent to obtain a personal advantage for
10 himself or another, he performs an act in excess of his
11 lawful authority; or

12 (4) Solicits or knowingly accepts for the performance
13 of any act a fee or reward which he knows is not authorized
14 by law.

15 (b) An employee of a law enforcement agency commits
16 misconduct when he or she knowingly uses or communicates,
17 directly or indirectly, information acquired in the course of
18 employment, with the intent to obstruct, impede, or prevent the
19 investigation, apprehension, or prosecution of any criminal
20 offense or person. Nothing in this subsection (b) shall be
21 construed to impose liability for communicating to a
22 confidential resource, who is participating or aiding law
23 enforcement, in an ongoing investigation.

24 (c) A public officer or employee or special government
25 agent convicted of violating any provision of this Section
26 forfeits his or her office or employment or position as a

1 special government agent. In addition, he or she commits a
2 Class 3 felony.

3 (d) For purposes of this Section:

4 "Special ~~"special~~ government agent" has the meaning
5 ascribed to it in subsection (1) of Section 4A-101 of the
6 Illinois Governmental Ethics Act.

7 (Source: P.A. 98-867, eff. 1-1-15.)

8 (720 ILCS 5/33-9 new)

9 Sec. 33-9. Law enforcement misconduct.

10 (a) A law enforcement officer or a person acting on behalf
11 of a law enforcement officer commits law enforcement misconduct
12 when, in the performance of his or her official duties, he or
13 she knowingly and intentionally:

14 (1) misrepresents or fails to provide facts describing
15 an incident in any report or during any investigations
16 regarding the law enforcement employee's conduct;

17 (2) withholds any knowledge of the misrepresentations
18 of another law enforcement officer from the law enforcement
19 employee's supervisor, investigator, or other person or
20 entity tasked with holding the law enforcement officer
21 accountable; or

22 (3) fails to comply with State law or their department
23 policy requiring the use of officer-worn body cameras.

24 (b) Sentence. Law enforcement misconduct is a Class 3
25 felony.

1 Section 10-255. The Code of Criminal Procedure of 1963 is
2 amended by changing the heading of Article 110 by changing
3 Sections 102-6, 102-7, 103-5, 103-7, 103-9, 104-13, 104-17,
4 106D-1, 107-4, 107-9, 109-1, 109-2, 109-3, 109-3.1, 110-1,
5 110-2, 110-3, 110-4, 110-5, 110-5.2, 110-6, 110-6.1, 110-6.2,
6 110-6.4, 110-10, 110-11, 110-12, 111-2, 112A-23, 114-1,
7 115-4.1, and 122-6 and by adding Section 110-1.5 as follows:

8 (725 ILCS 5/102-6) (from Ch. 38, par. 102-6)

9 Sec. 102-6. Pretrial release "Bail".

10 "Pretrial release" "Bail" has the meaning ascribed to bail
11 in Section 9 of Article I of the Illinois Constitution that is
12 non-monetary ~~means the amount of money set by the court which~~
13 ~~is required to be obligated and secured as provided by law for~~
14 ~~the release of a person in custody in order that he will appear~~
15 ~~before the court in which his appearance may be required and~~
16 ~~that he will comply with such conditions as set forth in the~~
17 ~~bail bond.~~

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

19 (725 ILCS 5/102-7) (from Ch. 38, par. 102-7)

20 Sec. 102-7. Conditions of pretrial release "Bail bond".

21 "Conditions of pretrial release" "Bail bond" means the
22 conditions established by the court ~~an undertaking secured by~~
23 ~~bail~~ entered into by a person in custody by which he binds

1 himself to comply with such conditions as are set forth
2 therein.

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

4 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

5 Sec. 103-5. Speedy trial.)

6 (a) Every person in custody in this State for an alleged
7 offense shall be tried by the court having jurisdiction within
8 120 days from the date he or she was taken into custody unless
9 delay is occasioned by the defendant, by an examination for
10 fitness ordered pursuant to Section 104-13 of this Act, by a
11 fitness hearing, by an adjudication of unfitness to stand
12 trial, by a continuance allowed pursuant to Section 114-4 of
13 this Act after a court's determination of the defendant's
14 physical incapacity for trial, or by an interlocutory appeal.
15 Delay shall be considered to be agreed to by the defendant
16 unless he or she objects to the delay by making a written
17 demand for trial or an oral demand for trial on the record. The
18 provisions of this subsection (a) do not apply to a person on
19 pretrial release ~~bail~~ or recognizance for an offense but who is
20 in custody for a violation of his or her parole, aftercare
21 release, or mandatory supervised release for another offense.

22 The 120-day term must be one continuous period of
23 incarceration. In computing the 120-day term, separate periods
24 of incarceration may not be combined. If a defendant is taken
25 into custody a second (or subsequent) time for the same

1 offense, the term will begin again at day zero.

2 (b) Every person on pretrial release ~~bail~~ or recognizance
3 shall be tried by the court having jurisdiction within 160 days
4 from the date defendant demands trial unless delay is
5 occasioned by the defendant, by an examination for fitness
6 ordered pursuant to Section 104-13 of this Act, by a fitness
7 hearing, by an adjudication of unfitness to stand trial, by a
8 continuance allowed pursuant to Section 114-4 of this Act after
9 a court's determination of the defendant's physical incapacity
10 for trial, or by an interlocutory appeal. The defendant's
11 failure to appear for any court date set by the court operates
12 to waive the defendant's demand for trial made under this
13 subsection.

14 For purposes of computing the 160 day period under this
15 subsection (b), every person who was in custody for an alleged
16 offense and demanded trial and is subsequently released on
17 pretrial release ~~bail~~ or recognizance and demands trial, shall
18 be given credit for time spent in custody following the making
19 of the demand while in custody. Any demand for trial made under
20 this subsection (b) shall be in writing; and in the case of a
21 defendant not in custody, the demand for trial shall include
22 the date of any prior demand made under this provision while
23 the defendant was in custody.

24 (c) If the court determines that the State has exercised
25 without success due diligence to obtain evidence material to
26 the case and that there are reasonable grounds to believe that

1 such evidence may be obtained at a later day the court may
2 continue the cause on application of the State for not more
3 than an additional 60 days. If the court determines that the
4 State has exercised without success due diligence to obtain
5 results of DNA testing that is material to the case and that
6 there are reasonable grounds to believe that such results may
7 be obtained at a later day, the court may continue the cause on
8 application of the State for not more than an additional 120
9 days.

10 (d) Every person not tried in accordance with subsections
11 (a), (b) and (c) of this Section shall be discharged from
12 custody or released from the obligations of his pretrial
13 release ~~bail~~ or recognizance.

14 (e) If a person is simultaneously in custody upon more than
15 one charge pending against him in the same county, or
16 simultaneously demands trial upon more than one charge pending
17 against him in the same county, he shall be tried, or adjudged
18 guilty after waiver of trial, upon at least one such charge
19 before expiration relative to any of such pending charges of
20 the period prescribed by subsections (a) and (b) of this
21 Section. Such person shall be tried upon all of the remaining
22 charges thus pending within 160 days from the date on which
23 judgment relative to the first charge thus prosecuted is
24 rendered pursuant to the Unified Code of Corrections or, if
25 such trial upon such first charge is terminated without
26 judgment and there is no subsequent trial of, or adjudication

1 of guilt after waiver of trial of, such first charge within a
2 reasonable time, the person shall be tried upon all of the
3 remaining charges thus pending within 160 days from the date on
4 which such trial is terminated; if either such period of 160
5 days expires without the commencement of trial of, or
6 adjudication of guilt after waiver of trial of, any of such
7 remaining charges thus pending, such charge or charges shall be
8 dismissed and barred for want of prosecution unless delay is
9 occasioned by the defendant, by an examination for fitness
10 ordered pursuant to Section 104-13 of this Act, by a fitness
11 hearing, by an adjudication of unfitness for trial, by a
12 continuance allowed pursuant to Section 114-4 of this Act after
13 a court's determination of the defendant's physical incapacity
14 for trial, or by an interlocutory appeal; provided, however,
15 that if the court determines that the State has exercised
16 without success due diligence to obtain evidence material to
17 the case and that there are reasonable grounds to believe that
18 such evidence may be obtained at a later day the court may
19 continue the cause on application of the State for not more
20 than an additional 60 days.

21 (f) Delay occasioned by the defendant shall temporarily
22 suspend for the time of the delay the period within which a
23 person shall be tried as prescribed by subsections (a), (b), or
24 (e) of this Section and on the day of expiration of the delay
25 the said period shall continue at the point at which it was
26 suspended. Where such delay occurs within 21 days of the end of

1 the period within which a person shall be tried as prescribed
2 by subsections (a), (b), or (e) of this Section, the court may
3 continue the cause on application of the State for not more
4 than an additional 21 days beyond the period prescribed by
5 subsections (a), (b), or (e). This subsection (f) shall become
6 effective on, and apply to persons charged with alleged
7 offenses committed on or after, March 1, 1977.

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

9 (725 ILCS 5/103-7) (from Ch. 38, par. 103-7)

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

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

1 may be seen and read by persons in custody and others, a
2 poster, printed in large type, containing a verbatim copy in
3 the English language of the provisions of Sections 103-6,
4 113-1, 113-4 and 115-1 and of subparts (a) and (b) of Section
5 113-3 of this Code.

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

7 (725 ILCS 5/103-9) (from Ch. 38, par. 103-9)

8 Sec. 103-9. Bail bondsmen. No bail bondsman from any state
9 may seize or transport unwillingly any person found in this
10 State who is allegedly in violation of a bail bond posted in
11 some other state or conditions of pretrial release. The return
12 of any such person to another state may be accomplished only as
13 provided by the laws of this State. Any bail bondsman who
14 violates this Section is fully subject to the criminal and
15 civil penalties provided by the laws of this State for his
16 actions.

17 (Source: P.A. 84-694.)

18 (725 ILCS 5/104-13) (from Ch. 38, par. 104-13)

19 Sec. 104-13. Fitness Examination.

20 (a) When the issue of fitness involves the defendant's
21 mental condition, the court shall order an examination of the
22 defendant by one or more licensed physicians, clinical
23 psychologists, or psychiatrists chosen by the court. No
24 physician, clinical psychologist or psychiatrist employed by

1 the Department of Human Services shall be ordered to perform,
2 in his official capacity, an examination under this Section.

3 (b) If the issue of fitness involves the defendant's
4 physical condition, the court shall appoint one or more
5 physicians and in addition, such other experts as it may deem
6 appropriate to examine the defendant and to report to the court
7 regarding the defendant's condition.

8 (c) An examination ordered under this Section shall be
9 given at the place designated by the person who will conduct
10 the examination, except that if the defendant is being held in
11 custody, the examination shall take place at such location as
12 the court directs. No examinations under this Section shall be
13 ordered to take place at mental health or developmental
14 disabilities facilities operated by the Department of Human
15 Services. If the defendant fails to keep appointments without
16 reasonable cause or if the person conducting the examination
17 reports to the court that diagnosis requires hospitalization or
18 extended observation, the court may order the defendant
19 admitted to an appropriate facility for an examination, other
20 than a screening examination, for not more than 7 days. The
21 court may, upon a showing of good cause, grant an additional 7
22 days to complete the examination.

23 (d) Release on pretrial release ~~bail~~ or on recognizance
24 shall not be revoked and an application therefor shall not be
25 denied on the grounds that an examination has been ordered.

26 (e) Upon request by the defense and if the defendant is

1 indigent, the court may appoint, in addition to the expert or
2 experts chosen pursuant to subsection (a) of this Section, a
3 qualified expert selected by the defendant to examine him and
4 to make a report as provided in Section 104-15. Upon the filing
5 with the court of a verified statement of services rendered,
6 the court shall enter an order on the county board to pay such
7 expert a reasonable fee stated in the order.

8 (Source: P.A. 89-507, eff. 7-1-97.)

9 (725 ILCS 5/104-17) (from Ch. 38, par. 104-17)

10 Sec. 104-17. Commitment for treatment; treatment plan.

11 (a) If the defendant is eligible to be or has been released
12 on pretrial release ~~bail~~ or on his own recognizance, the court
13 shall select the least physically restrictive form of treatment
14 therapeutically appropriate and consistent with the treatment
15 plan. The placement may be ordered either on an inpatient or an
16 outpatient basis.

17 (b) If the defendant's disability is mental, the court may
18 order him placed for treatment in the custody of the Department
19 of Human Services, or the court may order him placed in the
20 custody of any other appropriate public or private mental
21 health facility or treatment program which has agreed to
22 provide treatment to the defendant. If the court orders the
23 defendant placed in the custody of the Department of Human
24 Services, the Department shall evaluate the defendant to
25 determine to which secure facility the defendant shall be

1 transported and, within 20 days of the transmittal by the clerk
2 of the circuit court of the placement court order, notify the
3 sheriff of the designated facility. Upon receipt of that
4 notice, the sheriff shall promptly transport the defendant to
5 the designated facility. If the defendant is placed in the
6 custody of the Department of Human Services, the defendant
7 shall be placed in a secure setting. During the period of time
8 required to determine the appropriate placement the defendant
9 shall remain in jail. If during the course of evaluating the
10 defendant for placement, the Department of Human Services
11 determines that the defendant is currently fit to stand trial,
12 it shall immediately notify the court and shall submit a
13 written report within 7 days. In that circumstance the
14 placement shall be held pending a court hearing on the
15 Department's report. Otherwise, upon completion of the
16 placement process, the sheriff shall be notified and shall
17 transport the defendant to the designated facility. If, within
18 20 days of the transmittal by the clerk of the circuit court of
19 the placement court order, the Department fails to notify the
20 sheriff of the identity of the facility to which the defendant
21 shall be transported, the sheriff shall contact a designated
22 person within the Department to inquire about when a placement
23 will become available at the designated facility and bed
24 availability at other facilities. If, within 20 days of the
25 transmittal by the clerk of the circuit court of the placement
26 court order, the Department fails to notify the sheriff of the

1 identity of the facility to which the defendant shall be
2 transported, the sheriff shall notify the Department of its
3 intent to transfer the defendant to the nearest secure mental
4 health facility operated by the Department and inquire as to
5 the status of the placement evaluation and availability for
6 admission to such facility operated by the Department by
7 contacting a designated person within the Department. The
8 Department shall respond to the sheriff within 2 business days
9 of the notice and inquiry by the sheriff seeking the transfer
10 and the Department shall provide the sheriff with the status of
11 the evaluation, information on bed and placement availability,
12 and an estimated date of admission for the defendant and any
13 changes to that estimated date of admission. If the Department
14 notifies the sheriff during the 2 business day period of a
15 facility operated by the Department with placement
16 availability, the sheriff shall promptly transport the
17 defendant to that facility. The placement may be ordered either
18 on an inpatient or an outpatient basis.

19 (c) If the defendant's disability is physical, the court
20 may order him placed under the supervision of the Department of
21 Human Services which shall place and maintain the defendant in
22 a suitable treatment facility or program, or the court may
23 order him placed in an appropriate public or private facility
24 or treatment program which has agreed to provide treatment to
25 the defendant. The placement may be ordered either on an
26 inpatient or an outpatient basis.

1 (d) The clerk of the circuit court shall within 5 days of
2 the entry of the order transmit to the Department, agency or
3 institution, if any, to which the defendant is remanded for
4 treatment, the following:

5 (1) a certified copy of the order to undergo treatment.
6 Accompanying the certified copy of the order to undergo
7 treatment shall be the complete copy of any report prepared
8 under Section 104-15 of this Code or other report prepared
9 by a forensic examiner for the court;

10 (2) the county and municipality in which the offense
11 was committed;

12 (3) the county and municipality in which the arrest
13 took place;

14 (4) a copy of the arrest report, criminal charges,
15 arrest record; and

16 (5) all additional matters which the Court directs the
17 clerk to transmit.

18 (e) Within 30 days of entry of an order to undergo
19 treatment, the person supervising the defendant's treatment
20 shall file with the court, the State, and the defense a report
21 assessing the facility's or program's capacity to provide
22 appropriate treatment for the defendant and indicating his
23 opinion as to the probability of the defendant's attaining
24 fitness within a period of time from the date of the finding of
25 unfitness. For a defendant charged with a felony, the period of
26 time shall be one year. For a defendant charged with a

1 misdemeanor, the period of time shall be no longer than the
2 sentence if convicted of the most serious offense. If the
3 report indicates that there is a substantial probability that
4 the defendant will attain fitness within the time period, the
5 treatment supervisor shall also file a treatment plan which
6 shall include:

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

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

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

14 (Source: P.A. 99-140, eff. 1-1-16; 100-27, eff. 1-1-18.)

15 (725 ILCS 5/106D-1)

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

18 (a) Whenever the appearance in person in court, in either a
19 civil or criminal proceeding, is required of anyone held in a
20 place of custody or confinement operated by the State or any of
21 its political subdivisions, including counties and
22 municipalities, the chief judge of the circuit by rule may
23 permit the personal appearance to be made by means of two-way
24 audio-visual communication, including closed circuit
25 television and computerized video conference, in the following

1 proceedings:

2 (1) the initial appearance before a judge on a criminal
3 complaint, at which the conditions of pretrial release ~~bail~~
4 will be set;

5 (2) the waiver of a preliminary hearing;

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

8 (4) the presentation of a jury waiver;

9 (5) any status hearing;

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

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

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

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

25 (d) Nothing in this Section shall be construed to establish
26 a right of any person held in custody or confinement to appear

1 in court through two-way audio-visual communication or to
2 require that any governmental entity, or place of custody or
3 confinement, provide two-way audio-visual communication.

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

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

6 Sec. 107-4. Arrest by peace officer from other
7 jurisdiction.

8 (a) As used in this Section:

9 (1) "State" means any State of the United States and
10 the District of Columbia.

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

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

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

22 (a-3) Any peace officer employed by a law enforcement
23 agency of this State may conduct temporary questioning pursuant
24 to Section 107-14 of this Code and may make arrests in any
25 jurisdiction within this State: (1) if the officer is engaged

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

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

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

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

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

14 (725 ILCS 5/107-9) (from Ch. 38, par. 107-9)

15 Sec. 107-9. Issuance of arrest warrant upon complaint.

16 (a) When a complaint is presented to a court charging that
17 an offense has been committed it shall examine upon oath or
18 affirmation the complainant or any witnesses.

19 (b) The complaint shall be in writing and shall:

20 (1) State the name of the accused if known, and if not
21 known the accused may be designated by any name or
22 description by which he can be identified with reasonable
23 certainty;

24 (2) State the offense with which the accused is
25 charged;

1 (3) State the time and place of the offense as
2 definitely as can be done by the complainant; and

3 (4) Be subscribed and sworn to by the complainant.

4 (b-5) If an arrest warrant is sought and the request is
5 made by electronic means that has a simultaneous video and
6 audio transmission between the requester and a judge, the judge
7 may issue an arrest warrant based upon a sworn complaint or
8 sworn testimony communicated in the transmission.

9 (c) A warrant shall be issued by the court for the arrest
10 of the person complained against if it appears from the
11 contents of the complaint and the examination of the
12 complainant or other witnesses, if any, that the person against
13 whom the complaint was made has committed an offense.

14 (d) The warrant of arrest shall:

15 (1) Be in writing;

16 (2) Specify the name, sex and birth date of the person
17 to be arrested or if his name, sex or birth date is
18 unknown, shall designate such person by any name or
19 description by which he can be identified with reasonable
20 certainty;

21 (3) Set forth the nature of the offense;

22 (4) State the date when issued and the municipality or
23 county where issued;

24 (5) Be signed by the judge of the court with the title
25 of his office;

26 (6) Command that the person against whom the complaint

1 was made be arrested and brought before the court issuing
2 the warrant or if he is absent or unable to act before the
3 nearest or most accessible court in the same county;

4 (7) Specify the conditions of pretrial release ~~amount~~
5 ~~of bail~~; and

6 (8) Specify any geographical limitation placed on the
7 execution of the warrant, but such limitation shall not be
8 expressed in mileage.

9 (e) The warrant shall be directed to all peace officers in
10 the State. It shall be executed by the peace officer, or by a
11 private person specially named therein, at any location within
12 the geographic limitation for execution placed on the warrant.
13 If no geographic limitation is placed on the warrant, then it
14 may be executed anywhere in the State.

15 (f) The arrest warrant may be issued electronically or
16 electromagnetically by use of electronic mail or a facsimile
17 transmission machine and any arrest warrant shall have the same
18 validity as a written warrant.

19 (Source: P.A. 101-239, eff. 1-1-20.)

20 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

21 Sec. 109-1. Person arrested; release from law enforcement
22 custody and court appearance; geographical constraints prevent
23 in-person appearances.

24 (a) A person arrested with or without a warrant for an
25 offense for which pretrial release may be denied under

1 paragraphs (1) through (6) of Section 110-6.1 shall be taken
2 without unnecessary delay before the nearest and most
3 accessible judge in that county, except when such county is a
4 participant in a regional jail authority, in which event such
5 person may be taken to the nearest and most accessible judge,
6 irrespective of the county where such judge presides, and a
7 charge shall be filed. Whenever a person arrested either with
8 or without a warrant is required to be taken before a judge, a
9 charge may be filed against such person by way of a two-way
10 closed circuit television system, except that a hearing to deny
11 pretrial release bail to the defendant may not be conducted by
12 way of closed circuit television.

13 (a-1) Law enforcement shall issue a citation in lieu of
14 custodial arrest, upon proper identification, for those
15 accused of traffic and Class B and C criminal misdemeanor
16 offenses, or of petty and business offenses, who pose no
17 obvious threat to the community or any person, or who have no
18 obvious medical or mental health issues that pose a risk to
19 their own safety. Those released on citation shall be scheduled
20 into court within 21 days.

21 (a-3) A person arrested with or without a warrant for an
22 offense for which pretrial release may not be denied may,
23 except as otherwise provided in this Code, be released by the
24 officer without appearing before a judge. The releasing officer
25 shall issue the person a summons to appear within 21 days. A
26 presumption in favor of pretrial release shall be applied by an

1 arresting officer in the exercise of his or her discretion
2 under this Section.

3 (a-5) A person charged with an offense shall be allowed
4 counsel at the hearing at which pretrial release ~~bail~~ is
5 determined under Article 110 of this Code. If the defendant
6 desires counsel for his or her initial appearance but is unable
7 to obtain counsel, the court shall appoint a public defender or
8 licensed attorney at law of this State to represent him or her
9 for purposes of that hearing.

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

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

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

19 (3) schedule ~~Schedule~~ a preliminary hearing in
20 appropriate cases;

21 (4) admit ~~Admit~~ the defendant to pretrial release ~~bail~~
22 in accordance with the provisions of Article 110/5 ~~110~~ of
23 this Code, or upon verified petition of the State, proceed
24 with the setting of a detention hearing as provided in
25 Section 110-6.1; and

26 (5) Order the confiscation of the person's passport or

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

8 (c) The court may issue an order of protection in
9 accordance with the provisions of Article 112A of this Code.
10 Crime victims shall be given notice by the State's Attorney's
11 office of this hearing as required in paragraph (2) of
12 subsection (b) of the Rights of Crime Victims and Witnesses Act
13 and shall be informed of their opportunity at this hearing to
14 obtain an order of protection under Article 112A of this Code.

15 (d) At the initial appearance of a defendant in any
16 criminal proceeding, the court must advise the defendant in
17 open court that any foreign national who is arrested or
18 detained has the right to have notice of the arrest or
19 detention given to his or her country's consular
20 representatives and the right to communicate with those
21 consular representatives if the notice has not already been
22 provided. The court must make a written record of so advising
23 the defendant.

24 (e) If consular notification is not provided to a defendant
25 before his or her first appearance in court, the court shall
26 grant any reasonable request for a continuance of the

1 proceedings to allow contact with the defendant's consulate.
2 Any delay caused by the granting of the request by a defendant
3 shall temporarily suspend for the time of the delay the period
4 within which a person shall be tried as prescribed by
5 subsections (a), (b), or (e) of Section 103-5 of this Code and
6 on the day of the expiration of delay the period shall continue
7 at the point at which it was suspended.

8 (f) At the hearing at which conditions of pretrial release
9 are determined, the person charged shall be present in person
10 rather than by video phone or any other form of electronic
11 communication, unless the physical health and safety of the
12 person would be endangered by appearing in court or the accused
13 waives the right to be present in person.

14 (g) Defense counsel shall be given adequate opportunity to
15 confer with Defendant prior to any hearing in which conditions
16 of release or the detention of the Defendant is to be
17 considered, with a physical accommodation made to facilitate
18 attorney/client consultation.

19 (Source: P.A. 99-78, eff. 7-20-15; 99-190, eff. 1-1-16; 100-1,
20 eff. 1-1-18.)

21 (725 ILCS 5/109-2) (from Ch. 38, par. 109-2)

22 Sec. 109-2. Person arrested in another county. (a) Any
23 person arrested in a county other than the one in which a
24 warrant for his arrest was issued shall be taken without
25 unnecessary delay before the nearest and most accessible judge

1 in the county where the arrest was made or, if no additional
2 delay is created, before the nearest and most accessible judge
3 in the county from which the warrant was issued. Upon arrival
4 in the county in which the warrant was issued, the status of
5 the arrested person's release status shall be determined by the
6 release revocation process described in Section 110-6. ~~He shall~~
7 ~~be admitted to bail in the amount specified in the warrant or,~~
8 ~~for offenses other than felonies, in an amount as set by the~~
9 ~~judge, and such bail shall be conditioned on his appearing in~~
10 ~~the court issuing the warrant on a certain date.~~ The judge may
11 hold a hearing to determine if the defendant is the same person
12 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 (c) If a defendant is charged with a felony offense, but
23 has a warrant in another county, the defendant shall be taken
24 to the county that issued the warrant within 72 hours of the
25 completion of condition or detention hearing, so that release
26 or detention status can be resolved. This provision shall not

1 apply to warrants issued outside of Illinois.

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

3 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

4 Sec. 109-3. Preliminary examination.)

5 (a) The judge shall hold the defendant to answer to the
6 court having jurisdiction of the offense if from the evidence
7 it appears there is probable cause to believe an offense has
8 been committed by the defendant, as provided in Section 109-3.1
9 of this Code, if the offense is a felony.

10 (b) If the defendant waives preliminary examination the
11 judge shall hold him to answer and may, or on the demand of the
12 prosecuting attorney shall, cause the witnesses for the State
13 to be examined. After hearing the testimony if it appears that
14 there is not probable cause to believe the defendant guilty of
15 any offense the judge shall discharge him.

16 (c) During the examination of any witness or when the
17 defendant is making a statement or testifying the judge may and
18 on the request of the defendant or State shall exclude all
19 other witnesses. He may also cause the witnesses to be kept
20 separate and to be prevented from communicating with each other
21 until all are examined.

22 (d) If the defendant is held to answer the judge may
23 require any material witness for the State or defendant to
24 enter into a written undertaking to appear at the trial, and
25 may provide for the forfeiture of a sum certain in the event

1 the witness does not appear at the trial. Any witness who
2 refuses to execute a recognizance may be committed by the judge
3 to the custody of the sheriff until trial or further order of
4 the court having jurisdiction of the cause. Any witness who
5 executes a recognizance and fails to comply with its terms
6 shall, in addition to any forfeiture provided in the
7 recognizance, be subject to the penalty provided in Section
8 32-10 of the Criminal Code of 2012 for violation of the
9 conditions of pretrial release ~~bail bond~~.

10 (e) During preliminary hearing or examination the
11 defendant may move for an order of suppression of evidence
12 pursuant to Section 114-11 or 114-12 of this Act or for other
13 reasons, and may move for dismissal of the charge pursuant to
14 Section 114-1 of this Act or for other reasons.

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

16 (725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

17 Sec. 109-3.1. Persons Charged with Felonies. (a) In any
18 case involving a person charged with a felony in this State,
19 alleged to have been committed on or after January 1, 1984, the
20 provisions of this Section shall apply.

21 (b) Every person in custody in this State for the alleged
22 commission of a felony shall receive either a preliminary
23 examination as provided in Section 109-3 or an indictment by
24 Grand Jury as provided in Section 111-2, within 30 days from
25 the date he or she was taken into custody. Every person on

1 pretrial release ~~bail~~ or recognizance for the alleged
2 commission of a felony shall receive either a preliminary
3 examination as provided in Section 109-3 or an indictment by
4 Grand Jury as provided in Section 111-2, within 60 days from
5 the date he or she was arrested.

6 The provisions of this paragraph shall not apply in the
7 following situations:

8 (1) when delay is occasioned by the defendant; or

9 (2) when the defendant has been indicted by the Grand Jury
10 on the felony offense for which he or she was initially taken
11 into custody or on an offense arising from the same transaction
12 or conduct of the defendant that was the basis for the felony
13 offense or offenses initially charged; or

14 (3) when a competency examination is ordered by the court;
15 or

16 (4) when a competency hearing is held; or

17 (5) when an adjudication of incompetency for trial has been
18 made; or

19 (6) when the case has been continued by the court under
20 Section 114-4 of this Code after a determination that the
21 defendant is physically incompetent to stand trial.

22 (c) Delay occasioned by the defendant shall temporarily
23 suspend, for the time of the delay, the period within which the
24 preliminary examination must be held. On the day of expiration
25 of the delay the period in question shall continue at the point
26 at which it was suspended.

1 (Source: P.A. 83-644.)

2 (725 ILCS 5/Art. 110 heading)

3 ARTICLE 110. PRETRIAL RELEASE ~~BAIL~~

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

5 Sec. 110-1. Definitions. (a) (Blank). ~~"Security" is that~~
6 ~~which is required to be pledged to insure the payment of bail.~~

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

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

18 (d) (Blank.) ~~"Real and present threat to the physical~~
19 ~~safety of any person or persons", as used in this Article,~~
20 ~~includes a threat to the community, person, persons or class of~~
21 ~~persons.~~

22 (e) Willful flight means planning or attempting to
23 intentionally evade prosecution by concealing oneself. Simple
24 past non-appearance in court alone is not evidence of future

1 intent to evade prosecution.

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

3 (725 ILCS 5/110-1.5 new)

4 Sec. 110-1.5. Abolition of monetary bail. On and after
5 January 1, 2023, the requirement of posting monetary bail is
6 abolished, except as provided in the Uniform Criminal
7 Extradition Act, the Driver License Compact, or the Nonresident
8 Violator Compact which are compacts that have been entered into
9 between this State and its sister states.

10 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

11 Sec. 110-2. Release on own recognizance.

12 (a) It is presumed that a defendant is entitled to release
13 on personal recognizance on the condition that the defendant
14 attend all required court proceedings and the defendant does
15 not commit any criminal offense, and complies with all terms of
16 pretrial release, including, but not limited to, orders of
17 protection under both Section 112A-4 of this Code and Section
18 214 of the Illinois Domestic Violence Act of 1986, all civil no
19 contact orders, and all stalking no contact orders.

20 (b) Additional conditions of release, including those
21 highlighted above, shall be set only when it is determined that
22 they are necessary to assure the defendant's appearance in
23 court, assure the defendant does not commit any criminal
24 offense, and complies with all conditions of pretrial release.

1 (c) Detention only shall be imposed when it is determined
2 that the defendant poses a specific, real and present threat to
3 a person, or has a high likelihood of willful flight. If the
4 court deems that the defendant is to be released on personal
5 recognizance, the court may require that a written admonishment
6 be signed by ~~When from all the circumstances the court is of~~
7 ~~the opinion that the defendant will appear as required either~~
8 ~~before or after conviction and the defendant will not pose a~~
9 ~~danger to any person or the community and that the defendant~~
10 ~~will comply with all conditions of bond, which shall include~~
11 ~~the defendant's current address with a written admonishment to~~
12 the defendant requiring that he or she must comply with the
13 provisions of Section 110-12 of this Code regarding any change
14 in his or her address. The, ~~the~~ defendant may be released on
15 his or her own recognizance upon signature. The defendant's
16 address shall at all times remain a matter of public record
17 with the clerk of the court. A failure to appear as required by
18 such recognizance shall constitute an offense subject to the
19 penalty provided in Section 32-10 of the Criminal Code of 2012
20 for violation of the conditions of pretrial release ~~bail bond,~~
21 ~~and any obligated sum fixed in the recognizance shall be~~
22 ~~forfeited and collected in accordance with subsection (g) of~~
23 ~~Section 110-7 of this Code.~~

24 (d) If, after the procedures set out in Section 110-6.1,
25 the court decides to detain the defendant, the Court must make
26 a written finding as to why less restrictive conditions would

1 not assure safety to the community and assure the defendant's
2 appearance in court. At each subsequent appearance of the
3 defendant before the Court, the judge must find that continued
4 detention or the current set of conditions imposed are
5 necessary to avoid the specific, real and present threat to any
6 person or of willful flight from prosecution to continue
7 detention of the defendant. The court is not required to be
8 presented with new information or a change in circumstance to
9 consider reconsidering pretrial detention on current
10 conditions.

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

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

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

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

2 Sec. 110-3. Options for warrant alternatives ~~Issuance of~~
3 ~~warrant.~~

4 (a) Upon failure to comply with any condition of pretrial
5 release ~~a bail bond~~ or recognizance the court having
6 jurisdiction at the time of such failure may, on its own motion
7 or upon motion from the State, issue an order to show cause as
8 to why he or she shall not be subject to revocation of pretrial
9 release, or for sanctions, as provided in Section 110-6.
10 Nothing in this Section prohibits the court from issuing a
11 warrant under subsection (c) upon failure to comply with any
12 condition of pretrial release or recognizance.

13 (b) The order issued by the court shall state the facts
14 alleged to constitute the hearing to show cause or otherwise
15 why the person is subject to revocation of pretrial release. A
16 certified copy of the order shall be served upon the person at
17 least 48 hours in advance of the scheduled hearing.

18 (c) If the person does not appear at the hearing to show
19 cause or absconds, the court may, in addition to any other
20 action provided by law, issue a warrant for the arrest of the
21 person at liberty on pretrial release ~~bail or his own~~
22 ~~recognizance~~. The contents of such a warrant shall be the same
23 as required for an arrest warrant issued upon complaint and may
24 modify any previously imposed conditions placed upon the
25 person, rather than revoking pretrial release or issuing a
26 warrant for the person in accordance with the requirements in

1 subsections (d) and (e) of Section 110-5. When a defendant is
2 at liberty on pretrial release ~~bail~~ or his own recognizance on
3 a felony charge and fails to appear in court as directed, the
4 court may ~~shall~~ issue a warrant for the arrest of such person
5 after his or her failure to appear at the show for cause
6 hearing as provided in this Section. Such warrant shall be
7 noted with a directive to peace officers to arrest the person
8 and hold such person without pretrial release ~~bail~~ and to
9 deliver such person before the court for further proceedings.

10 (d) If the order as described in Subsection B is issued, a
11 failure to appear shall not be recorded until the Defendant
12 fails to appear at the hearing to show cause. For the purpose
13 of any risk assessment or future evaluation of risk of willful
14 flight or risk of failure to appear, a non-appearance in court
15 cured by an appearance at the hearing to show cause shall not
16 be considered as evidence of future likelihood appearance in
17 court. ~~A defendant who is arrested or surrenders within 30 days~~
18 ~~of the issuance of such warrant shall not be bailable in the~~
19 ~~case in question unless he shows by the preponderance of the~~
20 ~~evidence that his failure to appear was not intentional.~~

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

22 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

23 Sec. 110-4. Pretrial release ~~Bailable Offenses.~~

24 (a) All persons charged with an offense shall be eligible
25 for pretrial release before conviction. Pretrial release may

1 only be denied when a person is charged with an offense listed
2 in Section 110-6.1 or when the defendant has a high likelihood
3 of willful flight, and after the court has held a hearing under
4 Section 110-6.1. All persons shall be bailable before
5 conviction, except the following offenses where the proof is
6 evident or the presumption great that the defendant is guilty
7 of the offense: capital offenses; offenses for which a sentence
8 of life imprisonment may be imposed as a consequence of
9 conviction; felony offenses for which a sentence of
10 imprisonment, without conditional and revocable release, shall
11 be imposed by law as a consequence of conviction, where the
12 court after a hearing, determines that the release of the
13 defendant would pose a real and present threat to the physical
14 safety of any person or persons; stalking or aggravated
15 stalking, where the court, after a hearing, determines that the
16 release of the defendant would pose a real and present threat
17 to the physical safety of the alleged victim of the offense and
18 denial of bail is necessary to prevent fulfillment of the
19 threat upon which the charge is based; or unlawful use of
20 weapons in violation of item (4) of subsection (a) of Section
21 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012
22 when that offense occurred in a school or in any conveyance
23 owned, leased, or contracted by a school to transport students
24 to or from school or a school-related activity, or on any
25 public way within 1,000 feet of real property comprising any
26 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 bail is~~
3 ~~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 bail is necessary to prevent~~
10 ~~fulfillment of that threat.~~

11 (b) A person seeking pretrial 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 eligible for release pretrial ~~bailable~~ until a hearing is held
15 wherein such person has the burden of demonstrating that the
16 proof of his guilt is not evident and the presumption is not
17 great.

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

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

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

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

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

5 (a) In determining which ~~the amount of monetary bail~~ or
6 conditions of pretrial release, if any, which will reasonably
7 assure the appearance of a defendant as required or the safety
8 of any other person or the community and the likelihood of
9 compliance by the defendant with all the conditions of pretrial
10 release ~~bail~~, the court shall, on the basis of available
11 information, take into account such matters as:

12 (1) the nature and circumstances of the offense
13 charged;

14 (2) the weight of the evidence against the eligible
15 defendant, except that the court may consider the
16 admissibility of any evidence sought to be excluded;

17 (3) the history and characteristics of the eligible
18 defendant, including:

19 (A) the eligible defendant's character, physical
20 and mental condition, family ties, employment,
21 financial resources, length of residence in the
22 community, community ties, past relating to drug or
23 alcohol abuse, conduct, history criminal history, and
24 record concerning appearance at court proceedings; and

25 (B) whether, at the time of the current offense or

1 arrest, the eligible defendant was on probation,
2 parole, or on other release pending trial, sentencing,
3 appeal, or completion of sentence for an offense under
4 federal law, or the law of this or any other state;

5 (4) the nature and seriousness of the specific,
6 real and present threat to any person that would be
7 posed by the eligible defendant's release, if
8 applicable; as required under paragraph (7.5) of
9 Section 4 of the Rights of Crime Victims and Witnesses
10 Act; and

11 (5) the nature and seriousness of the risk of
12 obstructing or attempting to obstruct the criminal
13 justice process that would be posed by the eligible
14 defendant's release, if applicable.

15 (b) The court shall impose any conditions that are
16 mandatory under Section 110-10. The court may impose any
17 conditions that are permissible under Section 110-10., ~~whether~~
18 ~~the evidence shows that as part of the offense there was a use~~
19 ~~of violence or threatened use of violence, whether the offense~~
20 ~~involved corruption of public officials or employees, whether~~
21 ~~there was physical harm or threats of physical harm to any~~
22 ~~public official, public employee, judge, prosecutor, juror or~~
23 ~~witness, senior citizen, child, or person with a disability,~~
24 ~~whether evidence shows that during the offense or during the~~
25 ~~arrest the defendant possessed or used a firearm, machine gun,~~
26 ~~explosive or metal piercing ammunition or explosive bomb device~~

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

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

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

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

10 ~~(a 5) There shall be a presumption that any conditions of~~
11 ~~release imposed shall be non-monetary in nature and the court~~
12 ~~shall impose the least restrictive conditions or combination of~~
13 ~~conditions necessary to reasonably assure the appearance of the~~
14 ~~defendant for further court proceedings and protect the~~
15 ~~integrity of the judicial proceedings from a specific threat to~~
16 ~~a witness or participant. Conditions of release may include,~~
17 ~~but not be limited to, electronic home monitoring, curfews,~~
18 ~~drug counseling, stay away orders, and in person reporting.~~
19 ~~The court shall consider the defendant's socio economic~~
20 ~~circumstance when setting conditions of release or imposing~~
21 ~~monetary bail.~~

22 ~~(b) The amount of bail shall be:~~

23 ~~(1) Sufficient to assure compliance with the~~
24 ~~conditions set forth in the bail bond, which shall include~~
25 ~~the defendant's current address with a written~~
26 ~~admonishment to the defendant that he or she must comply~~

1 ~~with the provisions of Section 110-12 regarding any change~~
2 ~~in his or her address. The defendant's address shall at all~~
3 ~~times remain a matter of public record with the clerk of~~
4 ~~the court.~~

5 ~~(2) Not oppressive.~~

6 ~~(3) Considerate of the financial ability of the~~
7 ~~accused.~~

8 ~~(4) When a person is charged with a drug related~~
9 ~~offense involving possession or delivery of cannabis or~~
10 ~~possession or delivery of a controlled substance as defined~~
11 ~~in the Cannabis Control Act, the Illinois Controlled~~
12 ~~Substances Act, or the Methamphetamine Control and~~
13 ~~Community Protection Act, the full street value of the~~
14 ~~drugs seized shall be considered. "Street value" shall be~~
15 ~~determined by the court on the basis of a proffer by the~~
16 ~~State based upon reliable information of a law enforcement~~
17 ~~official contained in a written report as to the amount~~
18 ~~seized and such proffer may be used by the court as to the~~
19 ~~current street value of the smallest unit of the drug~~
20 ~~seized.~~

21 ~~(b-5) Upon the filing of a written request demonstrating~~
22 ~~reasonable cause, the State's Attorney may request a source of~~
23 ~~bail hearing either before or after the posting of any funds.~~
24 ~~If the hearing is granted, before the posting of any bail, the~~
25 ~~accused must file a written notice requesting that the court~~
26 ~~conduct a source of bail hearing. The notice must be~~

1 ~~accompanied by justifying affidavits stating the legitimate~~
2 ~~and lawful source of funds for bail. At the hearing, the court~~
3 ~~shall inquire into any matters stated in any justifying~~
4 ~~affidavits, and may also inquire into matters appropriate to~~
5 ~~the determination which shall include, but are not limited to,~~
6 ~~the following:~~

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

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

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

15 ~~(4) the background, character, reputation, and~~
16 ~~relationship to the accused of the person posting cash~~
17 ~~bail.~~

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

20 ~~The State's Attorney has a right to attend the hearing, to~~
21 ~~call witnesses and to examine any witness in the proceeding.~~
22 ~~The court shall, upon request of the State's Attorney, continue~~
23 ~~the proceedings for a reasonable period to allow the State's~~
24 ~~Attorney to investigate the matter raised in any testimony or~~
25 ~~affidavit. If the hearing is granted after the accused has~~
26 ~~posted bail, the court shall conduct a hearing consistent with~~

1 ~~this subsection (b-5). At the conclusion of the hearing, the~~
2 ~~court must issue an order either approving of disapproving the~~
3 ~~bail.~~

4 ~~(c) When a person is charged with an offense punishable by~~
5 ~~fine only the amount of the bail shall not exceed double the~~
6 ~~amount of the maximum penalty.~~

7 ~~(d) When a person has been convicted of an offense and only~~
8 ~~a fine has been imposed the amount of the bail shall not exceed~~
9 ~~double the amount of the fine.~~

10 ~~(e) The State may appeal any order granting bail or setting~~
11 ~~a given amount for bail.~~

12 (b) ~~(f)~~ When a person is charged with a violation of an
13 order of protection under Section 12-3.4 or 12-30 of the
14 Criminal Code of 1961 or the Criminal Code of 2012 or when a
15 person is charged with domestic battery, aggravated domestic
16 battery, kidnapping, aggravated kidnaping, unlawful restraint,
17 aggravated unlawful restraint, stalking, aggravated stalking,
18 cyberstalking, harassment by telephone, harassment through
19 electronic communications, or an attempt to commit first degree
20 murder committed against an intimate partner regardless
21 whether an order of protection has been issued against the
22 person,

23 (1) whether the alleged incident involved harassment
24 or abuse, as defined in the Illinois Domestic Violence Act
25 of 1986;

26 (2) whether the person has a history of domestic

1 violence, as defined in the Illinois Domestic Violence Act,
2 or a history of other criminal acts;

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

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

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

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

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

12 (8) based on the severity of the alleged incident that
13 is the basis of the alleged offense, including, but not
14 limited to, the duration of the current incident, and
15 whether the alleged incident involved the use of a weapon,
16 physical injury, sexual assault, strangulation, abuse
17 during the alleged victim's pregnancy, abuse of pets, or
18 forcible entry to gain access to the alleged victim;

19 (9) whether a separation of the person from the victim
20 of abuse ~~alleged victim~~ or a termination of the
21 relationship between the person and the victim of abuse
22 ~~alleged victim~~ has recently occurred or is pending;

23 (10) whether the person has exhibited obsessive or
24 controlling behaviors toward the victim of abuse ~~alleged~~
25 ~~victim~~, including, but not limited to, stalking,
26 surveillance, or isolation of the victim of abuse ~~alleged~~

1 ~~victim~~ or victim's family member or members;

2 (11) whether the person has expressed suicidal or
3 homicidal ideations;

4 (11.5) any other factors deemed by the court to have a
5 reasonable bearing upon the defendant's propensity or
6 reputation for violent, abusive or assaultive behavior, or
7 lack of that behavior

8 ~~(12) based on any information contained in the~~
9 ~~complaint and any police reports, affidavits, or other~~
10 ~~documents accompanying the complaint,~~

11 ~~the court may, in its discretion, order the respondent to~~
12 ~~undergo a risk assessment evaluation using a recognized,~~
13 ~~evidence-based instrument conducted by an Illinois Department~~
14 ~~of Human Services approved partner abuse intervention program~~
15 ~~provider, pretrial service, probation, or parole agency. These~~
16 ~~agencies shall have access to summaries of the defendant's~~
17 ~~criminal history, which shall not include victim interviews or~~
18 ~~information, for the risk evaluation. Based on the information~~
19 ~~collected from the 12 points to be considered at a bail hearing~~
20 ~~under this subsection (f), the results of any risk evaluation~~
21 ~~conducted and the other circumstances of the violation, the~~
22 ~~court may order that the person, as a condition of bail, be~~
23 ~~placed under electronic surveillance as provided in Section~~
24 ~~5-8A-7 of the Unified Code of Corrections. Upon making a~~
25 ~~determination whether or not to order the respondent to undergo~~
26 ~~a risk assessment evaluation or to be placed under electronic~~

~~surveillance and risk assessment, the court shall document in the record the court's reasons for making those determinations. The cost of the electronic surveillance and risk assessment shall be paid by, or on behalf, of the defendant. As used in this subsection (f), "intimate partner" means a spouse or a current or former partner in a cohabitation or dating relationship.~~

(c) In cases of stalking or aggravated stalking under Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the court may consider the following additional factors:

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

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

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

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

(5) The age and physical condition of any person

1 allegedly assaulted by the defendant;

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

4 (7) Any other factors deemed by the court to have a
5 reasonable bearing upon the defendant's propensity or
6 reputation for violent, abusive or assaultive behavior, or
7 lack of that behavior.

8 (d) The Court may use a regularly validated risk assessment
9 tool to aid its determination of appropriate conditions of
10 release as provided for in Section 110-6.4. Risk assessment
11 tools may not be used as the sole basis to deny pretrial
12 release. If a risk assessment tool is used, the defendant's
13 counsel shall be provided with the information and scoring
14 system of the risk assessment tool used to arrive at the
15 determination. The defendant retains the right to challenge the
16 validity of a risk assessment tool used by the court and to
17 present evidence relevant to the defendant's challenge.

18 (e) If a person remains in pretrial detention after his or
19 her pretrial conditions hearing after having been ordered
20 released with pretrial conditions, the court shall hold a
21 hearing to determine the reason for continued detention. If the
22 reason for continued detention is due to the unavailability or
23 the defendant's ineligibility for one or more pretrial
24 conditions previously ordered by the court or directed by a
25 pretrial services agency, the court shall reopen the conditions
26 of release hearing to determine what available pretrial

1 conditions exist that will reasonably assure the appearance of
2 a defendant as required or the safety of any other person and
3 the likelihood of compliance by the defendant with all the
4 conditions of pretrial release. The inability of Defendant to
5 pay for a condition of release or any other ineligibility for a
6 condition of pretrial release shall not be used as a
7 justification for the pretrial detention of that Defendant.

8 (f) Prior to the defendant's first appearance, the Court
9 shall appoint the public defender or a licensed attorney at law
10 of this State to represent the Defendant for purposes of that
11 hearing, unless the defendant has obtained licensed counsel for
12 themselves.

13 (g) Electronic monitoring, GPS monitoring, or home
14 confinement can only be imposed condition of pretrial release
15 if a no less restrictive condition of release or combination of
16 less restrictive condition of release would reasonably ensure
17 the appearance of the defendant for later hearings or protect
18 an identifiable person or persons from imminent threat of
19 serious physical harm.

20 (h) If the court imposes electronic monitoring, GPS
21 monitoring, or home confinement the court shall set forth in
22 the record the basis for its finding. A defendant shall be
23 given custodial credit for each day he or she was subjected to
24 that program, at the same rate described in subsection (b) of
25 Section 5-4.5-100 of the unified code of correction.

26 (i) If electronic monitoring, GPS monitoring, or home

1 confinement is imposed, the court shall determine every 60 days
2 if no less restrictive condition of release or combination of
3 less restrictive conditions of release would reasonably ensure
4 the appearance, or continued appearance, of the defendant for
5 later hearings or protect an identifiable person or persons
6 from imminent threat of serious physical harm. If the court
7 finds that there are less restrictive conditions of release,
8 the court shall order that the condition be removed.

9 (j) Crime Victims shall be given notice by the State's
10 Attorney's office of this hearing as required in paragraph (1)
11 of subsection (b) of Section 4.5 of the Rights of Crime Victims
12 and Witnesses Act and shall be informed of their opportunity at
13 this hearing to obtain an order of protection under Article
14 112A of this Code.

15 (Source: P.A. 99-143, eff. 7-27-15; 100-1, eff. 1-1-18; revised
16 7-12-19.)

17 (725 ILCS 5/110-5.2)

18 Sec. 110-5.2. Pretrial release ~~Bail~~; pregnant pre-trial
19 detainee.

20 (a) It is the policy of this State that a pre-trial
21 detainee shall not be required to deliver a child while in
22 custody absent a finding by the court that continued pre-trial
23 custody is necessary to protect the public or the victim of the
24 offense on which the charge is based.

25 (b) If the court reasonably believes that a pre-trial

1 detainee will give birth while in custody, the court shall
2 order an alternative to custody unless, after a hearing, the
3 court determines:

4 (1) that the release of the pregnant pre-trial detainee
5 would pose a real and present threat to the physical safety
6 of the alleged victim of the offense and continuing custody
7 is necessary to prevent the fulfillment of the threat upon
8 which the charge is based; or

9 (2) that the release of the pregnant pre-trial detainee
10 would pose a real and present threat to the physical safety
11 of any person or persons or the general public.

12 (c) The court may order a pregnant or post-partum detainee
13 to be subject to electronic monitoring as a condition of
14 pre-trial release or order other condition or combination of
15 conditions the court reasonably determines are in the best
16 interest of the detainee and the public.

17 (d) This Section shall be applicable to a pregnant
18 pre-trial detainee in custody on or after the effective date of
19 this amendatory Act of the 100th General Assembly.

20 (Source: P.A. 100-630, eff. 1-1-19.)

21 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

22 Sec. 110-6. Revocation of pretrial release, modification
23 of conditions of pretrial release, and sanctions for violations
24 of conditions of pretrial release ~~Modification of bail or~~
25 ~~conditions.~~

1 (a) When a defendant is granted pretrial release under this
2 section, that pretrial release may be revoked only under the
3 following conditions:

4 (1) if the defendant is charged with a detainable
5 felony as defined in 110-6.1, a defendant may be detained
6 after the State files a verified petition for such a
7 hearing, and gives the defendant notice as prescribed in
8 110-6.1; or

9 (2) in accordance with subsection (b) of this section.

10 (b) Revocation due to a new criminal charge: If an
11 individual, while on pretrial release for a Felony or Class A
12 misdemeanor under this Section, is charged with a new felony or
13 Class A misdemeanor under the Criminal Code of 2012, the court
14 may, on its own motion or motion of the state, begin
15 proceedings to revoke the individual's' pretrial release.

16 (1) When the defendant is charged with a felony or
17 class A misdemeanor offense and while free on pretrial
18 release bail is charged with a subsequent felony or class A
19 misdemeanor offense that is alleged to have occurred during
20 the defendant's pretrial release, the state may file a
21 verified petition for revocation of pretrial release.

22 (2) When a defendant on pretrial release is charged
23 with a violation of an order of protection issued under
24 Section 112A-14 of this Code, or Section 214 of the
25 Illinois Domestic Violence Act of 1986 or previously was
26 convicted of a violation of an order of protection under

1 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, and the subject of the order of
3 protection is the same person as the victim in the
4 underlying matter, the state shall file a verified petition
5 for revocation of pretrial release.

6 (3) Upon the filing of this petition, the court shall
7 order the transfer of the defendant and the application to
8 the court before which the previous felony matter is
9 pending. The defendant shall be held without bond pending
10 transfer to and a hearing before such court. The defendant
11 shall be transferred to the court before which the previous
12 matter is pending without unnecessary delay. In no event
13 shall the time between the filing of the state's petition
14 for revocation and the defendant's appearance before the
15 court before which the previous matter is pending exceed 72
16 hours.

17 (4) The court before which the previous felony matter
18 is pending may revoke the defendant's pretrial release only
19 if it finds, after considering all relevant circumstances
20 including, but not limited to, the nature and seriousness
21 of the violation or criminal act alleged, by the court
22 finds clear and convincing evidence that no condition or
23 combination of conditions of release would reasonably
24 assure the appearance of the defendant for later hearings
25 or prevent the defendant from being charged with a
26 subsequent felony or class A misdemeanor.

1 (5) In lieu of revocation, the court may release the
2 defendant pre-trial, with or without modification of
3 conditions of pretrial release.

4 (6) If the case that caused the revocation is
5 dismissed, the defendant is found not guilty in the case
6 causing the revocation, or the defendant completes a
7 lawfully imposed sentence on the case causing the
8 revocation, the court shall, without unnecessary delay,
9 hold a hearing on conditions of release pursuant to section
10 110-5 and release the defendant with or without
11 modification of conditions of pretrial release.

12 (7) Both the state and the defense may appeal an order
13 revoking pretrial release or denying a petition for
14 revocation of release.

15 (c) Violations other than re-arrest for a felony or class A
16 misdemeanor. If a defendant:

17 (1) fails to appear in court as required by their
18 conditions of release;

19 (2) is charged with a class B or C misdemeanor, petty
20 offense, traffic offense, or ordinance violation that is
21 alleged to have occurred during the defendant's pretrial
22 release; or

23 (3) violates any other condition of release set by the
24 court,

25 the court shall follow the procedures set forth in Section
26 110-3 to ensure the defendant's appearance in court to address

1 the violation.

2 (d) When a defendant appears in court for a notice to show
3 cause hearing, or after being arrested on a warrant issued
4 because of a failure to appear at a notice to show cause
5 hearing, or after being arrested for an offense other than a
6 felony or class A misdemeanor, the state may file a verified
7 petition requesting a hearing for sanctions.

8 (e) During the hearing for sanctions, the defendant shall
9 be represented by counsel and have an opportunity to be heard
10 regarding the violation and evidence in mitigation. The court
11 shall only impose sanctions if it finds by clear and convincing
12 evidence that:

13 1. The defendant committed an act that violated a term
14 of their pretrial release;

15 2. The defendant had actual knowledge that their action
16 would violate a court order;

17 3. The violation of the court order was willful; and

18 4. The violation was not caused by a lack of access to
19 financial monetary resources.

20 (f) Sanctions: sanctions for violations of pretrial
21 release may include:

22 1. A verbal or written admonishment from the court;

23 2. Imprisonment in the county jail for a period not
24 exceeding 30 days;

25 3. A fine of not more than \$200; or

26 4. A modification of the defendant's pretrial

1 conditions.

2 (g) Modification of Pretrial Conditions

3 (a) The court may, at any time, after motion by either
4 party or on its own motion, remove previously set
5 conditions of pretrial release, subject to the provisions
6 in section (e). The court may only add or increase
7 conditions of pretrial release at a hearing under this
8 Section, in a warrant issued under Section 110-3, or upon
9 motion from the state.

10 (b) Modification of conditions of release regarding
11 contact with victims or witnesses. The court shall not
12 remove a previously set condition of bond regulating
13 contact with a victim or witness in the case, unless the
14 subject of the condition has been given notice of the
15 hearing as required in paragraph (1) of subsection (b) of
16 Section 4.5 of the Rights of Crime Victims and Witnesses
17 Act. If the subject of the condition of release is not
18 present, the court shall follow the procedures of paragraph
19 (10) of subsection (c-1) of the Rights of Crime Victims and
20 Witnesses Act.

21 (h) Notice to Victims: Crime Victims shall be given notice
22 by the State's Attorney's office of all hearings in this
23 section as required in paragraph (1) of subsection (b) of
24 Section 4.5 of the Rights of Crime Victims and Witnesses Act
25 and shall be informed of their opportunity at these hearing to
26 obtain an order of protection under Article 112A of this Code.

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

16 ~~(a 5) In addition to any other available motion or~~
17 ~~procedure under this Code, a person in custody solely for a~~
18 ~~Category B offense due to an inability to post monetary bail~~
19 ~~shall be brought before the court at the next available court~~
20 ~~date or 7 calendar days from the date bail was set, whichever~~
21 ~~is earlier, for a rehearing on the amount or conditions of bail~~
22 ~~or release pending further court proceedings. The court may~~
23 ~~reconsider conditions of release for any other person whose~~
24 ~~inability to post monetary bail is the sole reason for~~
25 ~~continued incarceration, including a person in custody for a~~
26 ~~Category A offense or a Category A offense and a Category B~~

1 ~~offense. The court may deny the rehearing permitted under this~~
2 ~~subsection (a-5) if the person has failed to appear as required~~
3 ~~before the court and is incarcerated based on a warrant for~~
4 ~~failure to appear on the same original criminal offense.~~

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

15 ~~(c) Reasonable notice of such application by the defendant~~
16 ~~shall be given to the State.~~

17 ~~(d) Reasonable notice of such application by the State~~
18 ~~shall be given to the defendant, except as provided in~~
19 ~~subsection (c).~~

20 ~~(e) Upon verified application by the State stating facts or~~
21 ~~circumstances constituting a violation or a threatened~~
22 ~~violation of any of the conditions of the bail bond the court~~
23 ~~may issue a warrant commanding any peace officer to bring the~~
24 ~~defendant without unnecessary delay before the court for a~~
25 ~~hearing on the matters set forth in the application. If the~~
26 ~~actual court before which the proceeding is pending is absent~~

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

20 ~~(f) Where the alleged violation consists of the violation~~
21 ~~of one or more felony statutes of any jurisdiction which would~~
22 ~~be a forcible felony in Illinois or a Class 2 or greater~~
23 ~~offense under the Illinois Controlled Substances Act, the~~
24 ~~Cannabis Control Act, or the Methamphetamine Control and~~
25 ~~Community Protection Act and the defendant is on bail for the~~
26 ~~alleged commission of a felony, or where the defendant is on~~

1 ~~bail for a felony domestic battery (enhanced pursuant to~~
2 ~~subsection (b) of Section 12-3.2 of the Criminal Code of 1961~~
3 ~~or the Criminal Code of 2012), aggravated domestic battery,~~
4 ~~aggravated battery, unlawful restraint, aggravated unlawful~~
5 ~~restraint or domestic battery in violation of item (1) of~~
6 ~~subsection (a) of Section 12-3.2 of the Criminal Code of 1961~~
7 ~~or the Criminal Code of 2012 against a family or household~~
8 ~~member as defined in Section 112A-3 of this Code and the~~
9 ~~violation is an offense of domestic battery against the same~~
10 ~~victim the court shall, on the motion of the State or its own~~
11 ~~motion, revoke bail in accordance with the following~~
12 ~~provisions:~~

13 ~~(1) The court shall hold the defendant without bail~~
14 ~~pending the hearing on the alleged breach; however, if the~~
15 ~~defendant is not admitted to bail the hearing shall be~~
16 ~~commenced within 10 days from the date the defendant is~~
17 ~~taken into custody or the defendant may not be held any~~
18 ~~longer without bail, unless delay is occasioned by the~~
19 ~~defendant. Where defendant occasions the delay, the~~
20 ~~running of the 10 day period is temporarily suspended and~~
21 ~~resumes at the termination of the period of delay. Where~~
22 ~~defendant occasions the delay with 5 or fewer days~~
23 ~~remaining in the 10 day period, the court may grant a~~
24 ~~period of up to 5 additional days to the State for good~~
25 ~~cause shown. The State, however, shall retain the right to~~
26 ~~proceed to hearing on the alleged violation at any time,~~

1 ~~upon reasonable notice to the defendant and the court.~~

2 ~~(2) At a hearing on the alleged violation the State has~~
3 ~~the burden of going forward and proving the violation by~~
4 ~~clear and convincing evidence. The evidence shall be~~
5 ~~presented in open court with the opportunity to testify, to~~
6 ~~present witnesses in his behalf, and to cross examine~~
7 ~~witnesses if any are called by the State, and~~
8 ~~representation by counsel and if the defendant is indigent~~
9 ~~to have counsel appointed for him. The rules of evidence~~
10 ~~applicable in criminal trials in this State shall not~~
11 ~~govern the admissibility of evidence at such hearing.~~
12 ~~Information used by the court in its findings or stated in~~
13 ~~or offered in connection with hearings for increase or~~
14 ~~revocation of bail may be by way of proffer based upon~~
15 ~~reliable information offered by the State or defendant. All~~
16 ~~evidence shall be admissible if it is relevant and reliable~~
17 ~~regardless of whether it would be admissible under the~~
18 ~~rules of evidence applicable at criminal trials. A motion~~
19 ~~by the defendant to suppress evidence or to suppress a~~
20 ~~confession shall not be entertained at such a hearing.~~
21 ~~Evidence that proof may have been obtained as a result of~~
22 ~~an unlawful search and seizure or through improper~~
23 ~~interrogation is not relevant to this hearing.~~

24 ~~(3) Upon a finding by the court that the State has~~
25 ~~established by clear and convincing evidence that the~~
26 ~~defendant has committed a forcible felony or a Class 2 or~~

1 ~~greater offense under the Illinois Controlled Substances~~
2 ~~Act, the Cannabis Control Act, or the Methamphetamine~~
3 ~~Control and Community Protection Act while admitted to~~
4 ~~bail, or where the defendant is on bail for a felony~~
5 ~~domestic battery (enhanced pursuant to subsection (b) of~~
6 ~~Section 12-3.2 of the Criminal Code of 1961 or the Criminal~~
7 ~~Code of 2012), aggravated domestic battery, aggravated~~
8 ~~battery, unlawful restraint, aggravated unlawful restraint~~
9 ~~or domestic battery in violation of item (1) of subsection~~
10 ~~(a) of Section 12-3.2 of the Criminal Code of 1961 or the~~
11 ~~Criminal Code of 2012 against a family or household member~~
12 ~~as defined in Section 112A-3 of this Code and the violation~~
13 ~~is an offense of domestic battery, against the same victim,~~
14 ~~the court shall revoke the bail of the defendant and hold~~
15 ~~the defendant for trial without bail. Neither the finding~~
16 ~~of the court nor any transcript or other record of the~~
17 ~~hearing shall be admissible in the State's case in chief,~~
18 ~~but shall be admissible for impeachment, or as provided in~~
19 ~~Section 115-10.1 of this Code or in a perjury proceeding.~~

20 ~~(4) If the bail of any defendant is revoked pursuant to~~
21 ~~paragraph (f) (3) of this Section, the defendant may demand~~
22 ~~and shall be entitled to be brought to trial on the offense~~
23 ~~with respect to which he was formerly released on bail~~
24 ~~within 90 days after the date on which his bail was~~
25 ~~revoked. If the defendant is not brought to trial within~~
26 ~~the 90 day period required by the preceding sentence, he~~

1 ~~shall not be held longer without bail. In computing the 90~~
2 ~~day period, the court shall omit any period of delay~~
3 ~~resulting from a continuance granted at the request of the~~
4 ~~defendant.~~

5 ~~(5) If the defendant either is arrested on a warrant~~
6 ~~issued pursuant to this Code or is arrested for an~~
7 ~~unrelated offense and it is subsequently discovered that~~
8 ~~the defendant is a subject of another warrant or warrants~~
9 ~~issued pursuant to this Code, the defendant shall be~~
10 ~~transferred promptly to the court which issued such~~
11 ~~warrant. If, however, the defendant appears initially~~
12 ~~before a court other than the court which issued such~~
13 ~~warrant, the non-issuing court shall not alter the amount~~
14 ~~of bail set on such warrant unless the court sets forth on~~
15 ~~the record of proceedings the conclusions of law and facts~~
16 ~~which are the basis for such altering of another court's~~
17 ~~bond. The non-issuing court shall not alter another courts~~
18 ~~bail set on a warrant unless the interests of justice and~~
19 ~~public safety are served by such action.~~

20 ~~(g) The State may appeal any order where the court has~~
21 ~~increased or reduced the amount of bail or altered the~~
22 ~~conditions of the bail bond or granted bail where it has~~
23 ~~previously been revoked.~~

24 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

25 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

1 Sec. 110-6.1. Denial of pretrial release ~~bail in~~
2 ~~non-probationable felony offenses.~~

3 (a) Upon verified petition by the State, the court shall
4 hold a hearing and may deny ~~to determine whether bail should be~~
5 ~~denied to~~ a defendant pretrial release only if:

6 (1) the defendant who is charged with a forcible felony
7 offense for which a sentence of imprisonment, without
8 probation, periodic imprisonment or conditional discharge,
9 is required by law upon conviction, and when ~~it is alleged~~
10 that the defendant's pretrial release poses a specific,
11 real and present threat to any person or the community.
12 ~~admission to bail poses a real and present threat to the~~
13 ~~physical safety of any person or persons; -~~

14 (2) the defendant is charged with stalking or
15 aggravated stalking and it is alleged that the defendant's
16 pre-trial release poses a real and present threat to the
17 physical safety of a victim of the alleged offense, and
18 denial of release is necessary to prevent fulfillment of
19 the threat upon which the charge is based;

20 (3) the victim of abuse was a family or household
21 member as defined by paragraph (6) of Section 103 of the
22 Illinois Domestic Violence Act of 1986, and the person
23 charged, at the time of the alleged offense, was subject to
24 the terms of an order of protection issued under Section
25 112A-14 of this Code, or Section 214 of the Illinois
26 Domestic Violence Act of 1986 or previously was convicted

1 of a violation of an order of protection under Section
2 12-3.4 or 12-30 of the Criminal Code of 1961 or the
3 Criminal Code of 2012 or a violent crime if the victim was
4 a family or household member as defined by paragraph (6) of
5 the Illinois Domestic Violence Act of 1986 at the time of
6 the offense or a violation of a substantially similar
7 municipal ordinance or law of this or any other state or
8 the United States if the victim was a family or household
9 member as defined by paragraph (6) of Section 103 of the
10 Illinois Domestic Violence Act of 1986 at the time of the
11 offense, and it is alleged that the defendant's pre-trial
12 release poses a real and present threat to the physical
13 safety of any person or persons;

14 (4) the defendant is charged with domestic battery or
15 aggravated domestic battery under Section 12-3.2 or 12-3.3
16 of the Criminal Code of 2012 and it is alleged that the
17 defendant's pretrial release poses a real and present
18 threat to the physical safety of any person or persons;

19 (5) the defendant is charged with any offense under
20 Article 11 of the Criminal Code of 2012, except for
21 Sections 11-30, 11-35, 11-40, and 11-45 of the Criminal
22 Code of 2012, or similar provisions of the Criminal Code of
23 1961 and it is alleged that the defendant's pretrial
24 release poses a real and present threat to the physical
25 safety of any person or persons;

26 (6) the defendant is charged with any of these

1 violations under the Criminal Code of 2012 and it is
2 alleged that the defendant's pretrial releases poses a real
3 and present threat to the physical safety of any
4 specifically identifiable person or persons.

5 (A) Section 24-1.2 (aggravated discharge of a
6 firearm);

7 (B) Section 24-2.5 (aggravated discharge of a
8 machine gun or a firearm equipped with a device
9 designed or use for silencing the report of a firearm);

10 (C) Section 24-1.5 (reckless discharge of a
11 firearm);

12 (D) Section 24-1.7 (armed habitual criminal);

13 (E) Section 24-2.2 2 (manufacture, sale or
14 transfer of bullets or shells represented to be armor
15 piercing bullets, dragon's breath shotgun shells, bolo
16 shells or flechette shells);

17 (F) Section 24-3 (unlawful sale or delivery of
18 firearms);

19 (G) Section 24-3.3 (unlawful sale or delivery of
20 firearms on the premises of any school);

21 (H) Section 24-34 (unlawful sale of firearms by
22 liquor license);

23 (I) Section 24-3.5 (unlawful purchase of a
24 firearm);

25 (J) Section 24-3A (gunrunning); or

26 (K) Section on 24-3B (firearms trafficking);

1 (L) Section 10-9 (b) (involuntary servitude);

2 (M) Section 10-9 (c) (involuntary sexual servitude
3 of a minor);

4 (N) Section 10-9(d) (trafficking in persons);

5 (O) Non-probationable violations: (i) (unlawful
6 use or possession of weapons by felons or persons in
7 the Custody of the Department of Corrections
8 facilities (Section 24-1.1), (ii) aggravated unlawful
9 use of a weapon (Section 24-1.6, or (iii) aggravated
10 possession of a stolen firearm (Section 24-3.9);

11 (7) the person has a high likelihood of willful flight
12 to avoid prosecution and is charged with:

13 (A) Any felony described in Sections (a)(1)
14 through (a)(5) of this Section; or

15 (B) A felony offense other than a Class 4 offense.

16 (b) If the charged offense is a felony, the Court shall
17 hold a hearing pursuant to 109-3 of this Code to
18 determine whether there is probable cause the
19 defendant has committed an offense, unless a grand jury
20 has returned a true bill of indictment against the
21 defendant. If there is a finding of no probable cause,
22 the defendant shall be released. No such finding is
23 necessary if the defendant is charged with a
24 misdemeanor.

25 (c) Timing of petition.

26 (1) A petition may be filed without prior notice to the

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

7 (2) (2) Upon filing, the court shall immediately hold a
8 hearing on the petition unless a continuance is requested.
9 If a continuance is requested, the hearing shall be held
10 within 48 hours of the defendant's first appearance if the
11 defendant is charged with a Class X, Class 1, Class 2, or
12 Class 3 felony, and within 24 hours if the defendant is
13 charged with a Class 4 or misdemeanor offense. The Court
14 may deny and or grant the request for continuance. If the
15 court decides to grant the continuance, the Court retains
16 the discretion to detain or release the defendant in the
17 time between the filing of the petition and the hearing.

18 (d) Contents of petition.

19 (1) The petition shall be verified by the State and
20 shall state the grounds upon which it contends the
21 defendant should be denied pretrial release, including the
22 identity of the specific person or persons the State
23 believes the defendant poses a danger to.

24 (2) Only one petition may be filed under this Section.

25 (e) Eligibility: All defendants shall be presumed eligible
26 for pretrial release, and the State shall bear the burden of

1 proving by clear and convincing evidence that: ~~The hearing~~
2 ~~shall be held immediately upon the defendant's appearance~~
3 ~~before the court, unless for good cause shown the defendant or~~
4 ~~the State seeks a continuance. A continuance on motion of the~~
5 ~~defendant may not exceed 5 calendar days, and a continuance on~~
6 ~~the motion of the State may not exceed 3 calendar days. The~~
7 ~~defendant may be held in custody during such continuance.~~

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

10 (1) the proof is evident or the presumption great that
11 the defendant has committed an offense listed in paragraphs
12 (1) through (6) of subsection (a) ~~for which a sentence of~~
13 ~~imprisonment, without probation, periodic imprisonment or~~
14 ~~conditional discharge, must be imposed by law as a~~
15 ~~consequence of conviction, and~~

16 (2) the defendant poses a real and present threat to
17 the ~~physical~~ safety of a specific, identifiable ~~any~~ person
18 or persons, by conduct which may include, but is not
19 limited to, a forcible felony, the obstruction of justice,
20 intimidation, injury, or abuse as defined by paragraph (1)
21 of Section 103 of the Illinois Domestic Violence Act of
22 1986 ~~physical harm, an offense under the Illinois~~
23 ~~Controlled Substances Act which is a Class X felony, or an~~
24 ~~offense under the Methamphetamine Control and Community~~
25 ~~Protection Act which is a Class X felony, and~~

26 (3) ~~the court finds that~~ no condition or combination of

1 conditions set forth in subsection (b) of Section 110-10 of
2 this Article can mitigate the real and present threat to
3 the safety of any , ~~can reasonably assure the physical~~
4 ~~safety of any other~~ person or persons or the defendant's
5 willful flight.

6 (f) ~~(e)~~ Conduct of the hearings.

7 (1) Prior to the hearing the State shall tender to the
8 defendant copies of defendant's criminal history
9 available, any written or recorded statements, and the
10 substance of any oral statements made by any person, if
11 relied upon by the State in its petition, and any police
12 reports in the State's Attorney's possession at the time of
13 the hearing that are required to be disclosed to the
14 defense under Illinois Supreme Court rules. ~~The hearing on~~
15 ~~the defendant's culpability and dangerousness shall be~~
16 ~~conducted in accordance with the following provisions:~~

17 (2) The State or defendant may present evidence at the
18 hearing ~~(A) Information used by the court in its findings~~
19 ~~or stated in or offered at such hearing may be by way of~~
20 ~~proffer based upon reliable information offered by the~~
21 ~~State or by defendant.~~

22 (3) The defendant ~~Defendant~~ has the right to be
23 represented by counsel, and if he or she is indigent, to
24 have counsel appointed for him or her. ~~The defendant-~~
25 ~~Defendant~~ shall have the opportunity to testify, to present
26 witnesses on ~~in~~ his or her own behalf, and to cross-examine

1 any witnesses that if any are called by the State.

2 (4) If the defense seeks to call the complaining
3 witness as a witness in its favor, it shall petition the
4 court for permission. The defendant has the right to
5 ~~present witnesses in his favor.~~ When the ends of justice so
6 require, the court may exercise ~~exercises~~ its discretion
7 and compel the appearance of a complaining witness. The
8 court shall state on the record reasons for granting a
9 defense request to compel the presence of a complaining
10 witness. In making a determination under this section, the
11 court shall state on the record the reason for granting a
12 defense request to compel the presence of a complaining
13 witness, and only grant the request if the court finds by
14 clear and convincing evidence that the defendant will be
15 materially prejudiced if the complaining witness does not
16 appear. Cross-examination of a complaining witness at the
17 pretrial detention hearing for the purpose of impeaching
18 the witness' credibility is insufficient reason to compel
19 the presence of the witness. In deciding whether to compel
20 the appearance of a complaining witness, the court shall be
21 considerate of the emotional and physical well-being of the
22 witness. The pre-trial detention hearing is not to be used
23 for purposes of discovery, and the post arraignment rules
24 of discovery do not apply. ~~The State shall tender to the~~
25 ~~defendant, prior to the hearing, copies of defendant's~~
26 ~~criminal history, if any, if available, and any written or~~

1 ~~recorded statements and the substance of any oral~~
2 ~~statements made by any person, if relied upon by the State~~
3 ~~in its petition.~~

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

13 (6) ~~The (B)~~ ~~A motion by the~~ defendant may not move to
14 suppress evidence or ~~to suppress~~ a confession, however,
15 evidence shall not be entertained. Evidence that proof of
16 the charged crime may have been ~~obtained as~~ the result of
17 an unlawful search or and seizure, or both, or through
18 improper interrogation, is not relevant in assessing the
19 weight of the evidence against the defendant to this state
20 of the prosecution.

21 (7) Decisions regarding release, conditions of release
22 and detention prior trial should be individualized, and no
23 single factor or standard should be used exclusively to
24 make a condition or detention decision.

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

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

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

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

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

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

1 nature of the threat;

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

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

7 (6) The age and physical condition of any victim or
8 complaining witness;

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

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

17 (9) ~~(8)~~ Any other factors, including those listed in
18 Section 110-5 of this Article deemed by the court to have a
19 reasonable bearing upon the defendant's propensity or
20 reputation for violent, abusive or assaultive behavior, or
21 lack of such behavior.

22 (h) ~~(e)~~ Detention order. The court shall, in any order for
23 detention:

24 (1) briefly summarize the evidence of the defendant's
25 guilt or innocence, culpability and the court's ~~its~~ reasons
26 for concluding that the defendant should be denied pretrial

1 release held without bail;

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

5 (3) direct that the defendant be given a reasonable
6 opportunity for private consultation with counsel, and for
7 communication with others of his or her choice by
8 visitation, mail and telephone; and

9 (4) direct that the sheriff deliver the defendant as
10 required for appearances in connection with court
11 proceedings.

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

22 (j) ~~(g)~~ Rights of the defendant. Any person shall be
23 entitled to appeal any order entered under this Section denying
24 pretrial release ~~bail~~ to the defendant.

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

1 release bail.

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

6 (m) Victim notice.

7 (1) Crime Victims shall be given notice by the State's
8 Attorney's office of this hearing as required in paragraph
9 (1) of subsection (b) of Section 4.5 of the Rights of Crime
10 Victims and Witnesses Act and shall be informed of their
11 opportunity at this hearing to obtain an order of
12 protection under Article 112A of this Code.

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

14 (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

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

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

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

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

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

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

8 (725 ILCS 5/110-6.4)

9 Sec. 110-6.4. Statewide risk-assessment tool. The Supreme
10 Court may establish a statewide risk-assessment tool to be used
11 in proceedings to assist the court in establishing conditions
12 of pretrial release ~~bail~~ for a defendant by assessing the
13 defendant's likelihood of appearing at future court
14 proceedings or determining if the defendant poses a real and
15 present threat to the physical safety of any person or persons.
16 The Supreme Court shall consider establishing a
17 risk-assessment tool that does not discriminate on the basis of
18 race, gender, educational level, socio-economic status, or
19 neighborhood. If a risk-assessment tool is utilized within a
20 circuit that does not require a personal interview to be
21 completed, the Chief Judge of the circuit or the director of
22 the pretrial services agency may exempt the requirement under
23 Section 9 and subsection (a) of Section 7 of the Pretrial
24 Services Act.

25 For the purpose of this Section, "risk-assessment tool"

1 means an empirically validated, evidence-based screening
2 instrument that demonstrates reduced instances of a
3 defendant's failure to appear for further court proceedings or
4 prevents future criminal activity.

5 (Source: P.A. 100-1, eff. 1-1-18; 100-863, eff. 8-14-18.)

6 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

7 Sec. 110-10. Conditions of pretrial release ~~bail bond~~.

8 (a) If a person is released prior to conviction, ~~either~~
9 ~~upon payment of bail security or on his or her own~~
10 ~~recognizance,~~ the conditions of pretrial release ~~the bail bond~~
11 shall be that he or she will:

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

15 (2) Submit himself or herself to the orders and process
16 of the court;

17 (3) (Blank); ~~Not depart this State without leave of the~~
18 ~~court,~~

19 (4) Not violate any criminal statute of any
20 jurisdiction;

21 (5) At a time and place designated by the court,
22 surrender all firearms in his or her possession to a law
23 enforcement officer designated by the court to take custody
24 of and impound the firearms and physically surrender his or
25 her Firearm Owner's Identification Card to the clerk of the

1 circuit court when the offense the person has been charged
2 with is a forcible felony, stalking, aggravated stalking,
3 domestic battery, any violation of the Illinois Controlled
4 Substances Act, the Methamphetamine Control and Community
5 Protection Act, or the Cannabis Control Act that is
6 classified as a Class 2 or greater felony, or any felony
7 violation of Article 24 of the Criminal Code of 1961 or the
8 Criminal Code of 2012; the court may, however, forgo the
9 imposition of this condition when the circumstances of the
10 case clearly do not warrant it or when its imposition would
11 be impractical; if the Firearm Owner's Identification Card
12 is confiscated, the clerk of the circuit court shall mail
13 the confiscated card to the Illinois State Police; all
14 legally possessed firearms shall be returned to the person
15 upon the charges being dismissed, or if the person is found
16 not guilty, unless the finding of not guilty is by reason
17 of insanity; and

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

1 Psychological evaluations ordered pursuant to this Section
2 shall be completed promptly and made available to the State,
3 the defendant, and the court. As a further condition of
4 pretrial release ~~bail~~ under these circumstances, the court
5 shall order the defendant to refrain from entering upon the
6 property of the school, including any conveyance owned, leased,
7 or contracted by a school to transport students to or from
8 school or a school-related activity, or on any public way
9 within 1,000 feet of real property comprising any school. Upon
10 receipt of the psychological evaluation, either the State or
11 the defendant may request a change in the conditions of
12 pretrial release ~~bail~~, pursuant to Section 110-6 of this Code.
13 The court may change the conditions of pretrial release ~~bail~~ to
14 include a requirement that the defendant follow the
15 recommendations of the psychological evaluation, including
16 undergoing psychiatric treatment. The conclusions of the
17 psychological evaluation and any statements elicited from the
18 defendant during its administration are not admissible as
19 evidence of guilt during the course of any trial on the charged
20 offense, unless the defendant places his or her mental
21 competency in issue.

22 (b) The court may impose other conditions, such as the
23 following, if the court finds that such conditions are
24 reasonably necessary to assure the defendant's appearance in
25 court, protect the public from the defendant, or prevent the
26 defendant's unlawful interference with the orderly

1 administration of justice:

2 (0.05) Not depart this State without leave of the
3 court;

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

6 (2) Refrain from possessing a firearm or other
7 dangerous weapon;

8 (3) Refrain from approaching or communicating with
9 particular persons or classes of persons;

10 (4) Refrain from going to certain described
11 geographical areas or premises;

12 (5) Refrain from engaging in certain activities or
13 indulging in intoxicating liquors or in certain drugs;

14 (6) Undergo treatment for drug addiction or
15 alcoholism;

16 (7) Undergo medical or psychiatric treatment;

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

19 (9) Attend or reside in a facility designated by the
20 court;

21 (10) Support his or her dependents;

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

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

1 (13) Remain in the custody of such designated person or
2 organization agreeing to supervise his release. Such third
3 party custodian shall be responsible for notifying the
4 court if the defendant fails to observe the conditions of
5 release which the custodian has agreed to monitor, and
6 shall be subject to contempt of court for failure so to
7 notify the court;

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

14 (14.1) The court may ~~shall~~ impose upon a defendant who
15 is charged with any alcohol, cannabis, methamphetamine, or
16 controlled substance violation and is placed under direct
17 supervision of the Pretrial Services Agency, Probation
18 Department or Court Services Department in a pretrial ~~bond~~
19 home supervision capacity with the use of an approved
20 monitoring device, as a condition of such pretrial
21 monitoring ~~bail~~ ~~bond~~, a fee that represents costs
22 incidental to the electronic monitoring for each day of
23 such pretrial ~~bail~~ supervision ordered by the court, unless
24 after determining the inability of the defendant to pay the
25 fee, the court assesses a lesser fee or no fee as the case
26 may be. The fee shall be collected by the clerk of the

1 circuit court, except as provided in an administrative
2 order of the Chief Judge of the circuit court. The clerk of
3 the circuit court shall pay all monies collected from this
4 fee to the county treasurer for deposit in the substance
5 abuse services fund under Section 5-1086.1 of the Counties
6 Code, except as provided in an administrative order of the
7 Chief Judge of the circuit court.

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

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

21 (14.2) The court may ~~shall~~ impose upon all defendants,
22 including those defendants subject to paragraph (14.1)
23 above, placed under direct supervision of the Pretrial
24 Services Agency, Probation Department or Court Services
25 Department in a pretrial ~~bond~~ home supervision capacity
26 with the use of an approved monitoring device, as a

1 condition of such release ~~bail bond~~, a fee which shall
2 represent costs incidental to such electronic monitoring
3 for each day of such ~~bail~~ supervision ordered by the court,
4 unless after determining the inability of the defendant to
5 pay the fee, the court assesses a lesser fee or no fee as
6 the case may be. The fee shall be collected by the clerk of
7 the circuit court, except as provided in an administrative
8 order of the Chief Judge of the circuit court. The clerk of
9 the circuit court shall pay all monies collected from this
10 fee to the county treasurer who shall use the monies
11 collected to defray the costs of corrections. The county
12 treasurer shall deposit the fee collected in the county
13 working cash fund under Section 6-27001 or Section 6-29002
14 of the Counties Code, as the case may be, except as
15 provided in an administrative order of the Chief Judge of
16 the circuit court.

17 The Chief Judge of the circuit court of the county may
18 by administrative order establish a program for electronic
19 monitoring of offenders with regard to drug-related and
20 alcohol-related offenses, in which a vendor supplies and
21 monitors the operation of the electronic monitoring
22 device, and collects the fees on behalf of the county. The
23 program shall include provisions for indigent offenders
24 and the collection of unpaid fees. The program shall not
25 unduly burden the offender and shall be subject to review
26 by the Chief Judge.

1 The Chief Judge of the circuit court may suspend any
2 additional charges or fees for late payment, interest, or
3 damage to any device;

4 (14.3) The Chief Judge of the Judicial Circuit may
5 establish reasonable fees to be paid by a person receiving
6 pretrial services while under supervision of a pretrial
7 services agency, probation department, or court services
8 department. Reasonable fees may be charged for pretrial
9 services including, but not limited to, pretrial
10 supervision, diversion programs, electronic monitoring,
11 victim impact services, drug and alcohol testing, DNA
12 testing, GPS electronic monitoring, assessments and
13 evaluations related to domestic violence and other
14 victims, and victim mediation services. The person
15 receiving pretrial services may be ordered to pay all costs
16 incidental to pretrial services in accordance with his or
17 her ability to pay those costs;

18 (14.4) For persons charged with violating Section
19 11-501 of the Illinois Vehicle Code, refrain from operating
20 a motor vehicle not equipped with an ignition interlock
21 device, as defined in Section 1-129.1 of the Illinois
22 Vehicle Code, pursuant to the rules promulgated by the
23 Secretary of State for the installation of ignition
24 interlock devices. Under this condition the court may allow
25 a defendant who is not self-employed to operate a vehicle
26 owned by the defendant's employer that is not equipped with

1 an ignition interlock device in the course and scope of the
2 defendant's employment;

3 (15) Comply with the terms and conditions of an order
4 of protection issued by the court under the Illinois
5 Domestic Violence Act of 1986 or an order of protection
6 issued by the court of another state, tribe, or United
7 States territory;

8 (16) (Blank); and ~~Under Section 110-6.5 comply with the~~
9 ~~conditions of the drug testing program; and~~

10 (17) Such other reasonable conditions as the court may
11 impose.

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

- 22 1. Vacate the household.
- 23 2. Make payment of temporary support to his dependents.
- 24 3. Refrain from contact or communication with the child
25 victim, except as ordered by the court.

26 (d) When a person is charged with a criminal offense and

1 the victim is a family or household member as defined in
2 Article 112A, conditions shall be imposed at the time of the
3 defendant's release ~~on bond~~ that restrict the defendant's
4 access to the victim. Unless provided otherwise by the court,
5 the restrictions shall include requirements that the defendant
6 do the following:

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

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

13 (e) Local law enforcement agencies shall develop
14 standardized pretrial release ~~bond~~ forms for use in cases
15 involving family or household members as defined in Article
16 112A, including specific conditions of pretrial release ~~bond~~ as
17 provided in subsection (d). Failure of any law enforcement
18 department to develop or use those forms shall in no way limit
19 the applicability and enforcement of subsections (d) and (f).

20 (f) If the defendant is released ~~admitted to bail~~ after
21 conviction following appeal or other post-conviction
22 proceeding, the conditions of the pretrial release ~~bail bond~~
23 shall be that he will, in addition to the conditions set forth
24 in subsections (a) and (b) hereof:

25 (1) Duly prosecute his appeal;

26 (2) Appear at such time and place as the court may

1 direct;

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

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

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

8 (g) Upon a finding of guilty for any felony offense, the
9 defendant shall physically surrender, at a time and place
10 designated by the court, any and all firearms in his or her
11 possession and his or her Firearm Owner's Identification Card
12 as a condition of being released ~~remaining on bond~~ pending
13 sentencing.

14 (h) In the event the defendant is denied pretrial release
15 ~~unable to post bond~~, the court may impose a no contact
16 provision with the victim or other interested party that shall
17 be enforced while the defendant remains in custody.

18 (Source: P.A. 101-138, eff. 1-1-20.)

19 (725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

20 Sec. 110-11. Pretrial release ~~Bail~~ on a new trial. If the
21 judgment of conviction is reversed and the cause remanded for a
22 new trial the trial court may order that the conditions of
23 pretrial release ~~bail~~ stand pending such trial, or modify the
24 conditions of pretrial release ~~reduce or increase bail~~.

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

1 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

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

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

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

17 (725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

18 Sec. 111-2. Commencement of prosecutions.

19 (a) All prosecutions of felonies shall be by information or
20 by indictment. No prosecution may be pursued by information
21 unless a preliminary hearing has been held or waived in
22 accordance with Section 109-3 and at that hearing probable
23 cause to believe the defendant committed an offense was found,
24 and the provisions of Section 109-3.1 of this Code have been

1 complied with.

2 (b) All other prosecutions may be by indictment,
3 information or complaint.

4 (c) Upon the filing of an information or indictment in open
5 court charging the defendant with the commission of a sex
6 offense defined in any Section of Article 11 of the Criminal
7 Code of 1961 or the Criminal Code of 2012, and a minor as
8 defined in Section 1-3 of the Juvenile Court Act of 1987 is
9 alleged to be the victim of the commission of the acts of the
10 defendant in the commission of such offense, the court may
11 appoint a guardian ad litem for the minor as provided in
12 Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile Court Act of
13 1987.

14 (d) Upon the filing of an information or indictment in open
15 court, the court shall immediately issue a warrant for the
16 arrest of each person charged with an offense directed to a
17 peace officer or some other person specifically named
18 commanding him to arrest such person.

19 (e) When the offense is eligible for pretrial release
20 ~~bailable~~, the judge shall endorse on the warrant the conditions
21 of pretrial release ~~amount of bail~~ required by the order of the
22 court, and if the court orders the process returnable
23 forthwith, the warrant shall require that the accused be
24 arrested and brought immediately into court.

25 (f) Where the prosecution of a felony is by information or
26 complaint after preliminary hearing, or after a waiver of

1 preliminary hearing in accordance with paragraph (a) of this
2 Section, such prosecution may be for all offenses, arising from
3 the same transaction or conduct of a defendant even though the
4 complaint or complaints filed at the preliminary hearing
5 charged only one or some of the offenses arising from that
6 transaction or conduct.

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

8 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

9 Sec. 112A-23. Enforcement of protective orders.

10 (a) When violation is crime. A violation of any protective
11 order, whether issued in a civil, quasi-criminal proceeding,
12 shall be enforced by a criminal court when:

13 (1) The respondent commits the crime of violation of a
14 domestic violence order of protection pursuant to Section
15 12-3.4 or 12-30 of the Criminal Code of 1961 or the
16 Criminal Code of 2012, by having knowingly violated:

17 (i) remedies described in paragraphs (1), (2),
18 (3), (14), or (14.5) of subsection (b) of Section
19 112A-14 of this Code,

20 (ii) a remedy, which is substantially similar to
21 the remedies authorized under paragraphs (1), (2),
22 (3), (14), or (14.5) of subsection (b) of Section 214
23 of the Illinois Domestic Violence Act of 1986, in a
24 valid order of protection, which is authorized under
25 the laws of another state, tribe or United States

1 territory, or

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

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

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

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

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

23 (3) The respondent commits the crime of violation of a
24 civil no contact order when the respondent violates Section
25 12-3.8 of the Criminal Code of 2012. Prosecution for a
26 violation of a civil no contact order shall not bar

1 concurrent prosecution for any other crime, including any
2 crime that may have been committed at the time of the
3 violation of the civil no contact order.

4 (4) The respondent commits the crime of violation of a
5 stalking no contact order when the respondent violates
6 Section 12-3.9 of the Criminal Code of 2012. Prosecution
7 for a violation of a stalking no contact order shall not
8 bar concurrent prosecution for any other crime, including
9 any crime that may have been committed at the time of the
10 violation of the stalking no contact order.

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

24 (1) In a contempt proceeding where the petition for a
25 rule to show cause sets forth facts evidencing an immediate
26 danger that the respondent will flee the jurisdiction,

1 conceal a child, or inflict physical abuse on the
2 petitioner or minor children or on dependent adults in
3 petitioner's care, the court may order the attachment of
4 the respondent without prior service of the rule to show
5 cause or the petition for a rule to show cause. Bond shall
6 be set unless specifically denied in writing.

7 (2) A petition for a rule to show cause for violation
8 of a protective order shall be treated as an expedited
9 proceeding.

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

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

24 (1) (Blank).

25 (2) (Blank).

26 (3) By service of a protective order under subsection

1 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

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

4 (e) The enforcement of a protective order in civil or
5 criminal court shall not be affected by either of the
6 following:

7 (1) The existence of a separate, correlative order
8 entered under Section 112A-15 of this Code.

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

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

15 (g) Penalties.

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

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

1 subsection (g).

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

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

9 (ii) impose a minimum penalty of 24 hours
10 imprisonment for respondent's first violation of any
11 protective order; and

12 (iii) impose a minimum penalty of 48 hours
13 imprisonment for respondent's second or subsequent
14 violation of a protective order

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

17 (4) In addition to any other penalties imposed for a
18 violation of a protective order, a criminal court may
19 consider evidence of any violations of a protective order:

20 (i) to ~~increase, revoke, or~~ modify the conditions
21 of pretrial release ~~bail bond~~ on an underlying criminal
22 charge pursuant to Section 110-6 of this Code;

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

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

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

3 (Source: P.A. 99-90, eff. 1-1-16; 100-199, eff. 1-1-18;
4 100-597, eff. 6-29-18; revised 7-12-19.)

5 (725 ILCS 5/114-1) (from Ch. 38, par. 114-1)
6 Sec. 114-1. Motion to dismiss charge.

7 (a) Upon the written motion of the defendant made prior to
8 trial before or after a plea has been entered the court may
9 dismiss the indictment, information or complaint upon any of
10 the following grounds:

11 (1) The defendant has not been placed on trial in
12 compliance with Section 103-5 of this Code.

13 (2) The prosecution of the offense is barred by
14 Sections 3-3 through 3-8 of the Criminal Code of 2012.

15 (3) The defendant has received immunity from
16 prosecution for the offense charged.

17 (4) The indictment was returned by a Grand Jury which
18 was improperly selected and which results in substantial
19 injustice to the defendant.

20 (5) The indictment was returned by a Grand Jury which
21 acted contrary to Article 112 of this Code and which
22 results in substantial injustice to the defendant.

23 (6) The court in which the charge has been filed does
24 not have jurisdiction.

25 (7) The county is an improper place of trial.

1 (8) The charge does not state an offense.

2 (9) The indictment is based solely upon the testimony
3 of an incompetent witness.

4 (10) The defendant is misnamed in the charge and the
5 misnomer results in substantial injustice to the
6 defendant.

7 (11) The requirements of Section 109-3.1 have not been
8 complied with.

9 (b) The court shall require any motion to dismiss to be
10 filed within a reasonable time after the defendant has been
11 arraigned. Any motion not filed within such time or an
12 extension thereof shall not be considered by the court and the
13 grounds therefor, except as to subsections (a) (6) and (a) (8) of
14 this Section, are waived.

15 (c) If the motion presents only an issue of law the court
16 shall determine it without the necessity of further pleadings.
17 If the motion alleges facts not of record in the case the State
18 shall file an answer admitting or denying each of the factual
19 allegations of the motion.

20 (d) When an issue of fact is presented by a motion to
21 dismiss and the answer of the State the court shall conduct a
22 hearing and determine the issues.

23 (d-5) When a defendant seeks dismissal of the charge upon
24 the ground set forth in subsection (a) (7) of this Section, the
25 defendant shall make a prima facie showing that the county is
26 an improper place of trial. Upon such showing, the State shall

1 have the burden of proving, by a preponderance of the evidence,
2 that the county is the proper place of trial.

3 (d-6) When a defendant seeks dismissal of the charge upon
4 the grounds set forth in subsection (a)(2) of this Section, the
5 prosecution shall have the burden of proving, by a
6 preponderance of the evidence, that the prosecution of the
7 offense is not barred by Sections 3-3 through 3-8 of the
8 Criminal Code of 2012.

9 (e) Dismissal of the charge upon the grounds set forth in
10 subsections (a)(4) through (a)(11) of this Section shall not
11 prevent the return of a new indictment or the filing of a new
12 charge, and upon such dismissal the court may order that the
13 defendant be held in custody or, if the defendant had been
14 previously released on pretrial release ~~bail~~, that the pretrial
15 release ~~bail~~ be continued for a specified time pending the
16 return of a new indictment or the filing of a new charge.

17 (f) If the court determines that the motion to dismiss
18 based upon the grounds set forth in subsections (a)(6) and
19 (a)(7) is well founded it may, instead of dismissal, order the
20 cause transferred to a court of competent jurisdiction or to a
21 proper place of trial.

22 (Source: P.A. 100-434, eff. 1-1-18.)

23 (725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

24 Sec. 115-4.1. Absence of defendant.

25 (a) When a defendant after arrest and an initial court

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

1 Illinois, statutes of the State of Illinois, and rules of court
2 shall apply to the proceedings the same as if the defendant
3 were present in court and had not either had his or her
4 pretrial release revoked ~~forfeited his bail bond~~ or escaped
5 from custody. The court may set the case for a trial which may
6 be conducted under this Section despite the failure of the
7 defendant to appear at the hearing at which the trial date is
8 set. When such trial date is set the clerk shall send to the
9 defendant, by certified mail at his last known address
10 indicated on his bond slip, notice of the new date which has
11 been set for trial. Such notification shall be required when
12 the defendant was not personally present in open court at the
13 time when the case was set for trial.

14 (b) The absence of a defendant from a trial conducted
15 pursuant to this Section does not operate as a bar to
16 concluding the trial, to a judgment of conviction resulting
17 therefrom, or to a final disposition of the trial in favor of
18 the defendant.

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

26 (d) A defendant who is absent for part of the proceedings

1 of trial, post-trial motions, or sentencing, does not thereby
2 forfeit his right to be present at all remaining proceedings.

3 (e) When a defendant who in his absence has been either
4 convicted or sentenced or both convicted and sentenced appears
5 before the court, he must be granted a new trial or new
6 sentencing hearing if the defendant can establish that his
7 failure to appear in court was both without his fault and due
8 to circumstances beyond his control. A hearing with notice to
9 the State's Attorney on the defendant's request for a new trial
10 or a new sentencing hearing must be held before any such
11 request may be granted. At any such hearing both the defendant
12 and the State may present evidence.

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

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

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

2 (725 ILCS 5/122-6) (from Ch. 38, par. 122-6)

3 Sec. 122-6. Disposition in trial court.

4 The court may receive proof by affidavits, depositions,
5 oral testimony, or other evidence. In its discretion the court
6 may order the petitioner brought before the court for the
7 hearing. If the court finds in favor of the petitioner, it
8 shall enter an appropriate order with respect to the judgment
9 or sentence in the former proceedings and such supplementary
10 orders as to rearraignment, retrial, custody, conditions of
11 pretrial release ~~bail~~ or discharge as may be necessary and
12 proper.

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

14 Section 10-256. The Code of Criminal Procedure of 1963 is
15 amended by changing the heading of Article 110 by changing
16 Sections 103-2, 103-3, and 108-8 as follows:

17 (725 ILCS 5/103-2) (from Ch. 38, par. 103-2)

18 Sec. 103-2. Treatment while in custody.

19 (a) On being taken into custody every person shall have the
20 right to remain silent.

21 (b) No unlawful means of any kind shall be used to obtain a
22 statement, admission or confession from any person in custody.

23 (c) Persons in custody shall be treated humanely and

1 provided with proper food, shelter and, if required, medical
2 treatment without unreasonable delay if the need for the
3 treatment is apparent.

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

5 (725 ILCS 5/103-3) (from Ch. 38, par. 103-3)

6 Sec. 103-3. Right to communicate with attorney and family;
7 transfers.

8 (a) (Blank). ~~Persons who are arrested shall have the right~~
9 ~~to communicate with an attorney of their choice and a member of~~
10 ~~their family by making a reasonable number of telephone calls~~
11 ~~or in any other reasonable manner. Such communication shall be~~
12 ~~permitted within a reasonable time after arrival at the first~~
13 ~~place of custody.~~

14 (a-5) Persons who are in police custody have the right to
15 communicate free of charge with an attorney of their choice and
16 members of their family as soon as possible upon being taken
17 into police custody, but no later than three hours after
18 arrival at the first place of custody. Persons in police
19 custody must be given:

20 (1) access to use a telephone via a land line or
21 cellular phone to make three phone calls; and

22 (2) the ability to retrieve phone numbers contained in
23 his or her contact list on his or her cellular phone prior
24 to the phone being placed into inventory.

25 (a-10) In accordance with Section 103-7, at every facility

1 where a person is in police custody a sign containing, at
2 minimum, the following information in bold block type must be
3 posted in a conspicuous place:

4 (1) a short statement notifying persons who are in
5 police custody of their right to have access to a phone
6 within three hours after being taken into police custody;
7 and

8 (2) persons who are in police custody have the right to
9 make three phone calls within three hours after being taken
10 into custody, at no charge.

11 (a-15) In addition to the information listed in subsection
12 (a-10), if the place of custody is located in a jurisdiction
13 where the court has appointed the public defender or other
14 attorney to represent persons who are in police custody, the
15 telephone number to the public defender or appointed attorney's
16 office must also be displayed. The telephone call to the public
17 defender or other attorney must not be monitored, eavesdropped
18 upon, or recorded.

19 ~~(b) (Blank). In the event the accused is transferred to a~~
20 ~~new place of custody his right to communicate with an attorney~~
21 ~~and a member of his family is renewed.~~

22 (c) In the event a person who is in police custody is
23 transferred to a new place of custody, his or her right to make
24 telephone calls under this Section within three hours after
25 arrival is renewed.

26 (d) In this Section "custody" means the restriction of a

1 person's freedom of movement by a law enforcement officer's
2 exercise of his or her lawful authority.

3 (e) The three hours requirement shall not apply while the
4 person in police custody is asleep, unconscious, or otherwise
5 incapacitated.

6 (f) Nothing in this Section shall interfere with a person's
7 rights or override procedures required in the Bill of Rights of
8 the Illinois and US Constitutions, including but not limited to
9 Fourth Amendment search and seizure rights, Fifth Amendment due
10 process rights and rights to be free from self-incrimination
11 and Sixth Amendment right to counsel.

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

13 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

14 Sec. 108-8. Use of force in execution of search warrant.

15 (a) All necessary and reasonable force may be used to
16 effect an entry into any building or property or part thereof
17 to execute a search warrant.

18 (b) The court issuing a warrant may authorize the officer
19 executing the warrant to make entry without first knocking and
20 announcing his or her office if it finds, based upon a showing
21 of specific facts, the existence of the following exigent
22 circumstances:

23 (1) That the officer reasonably believes that if notice
24 were given a weapon would be used:

25 (i) against the officer executing the search

1 warrant; or

2 (ii) against another person.

3 (2) That if notice were given there is an imminent
4 "danger" that evidence will be destroyed.

5 (c) Prior to the issuing of a warrant under subsection (b),
6 the officer must attest that:

7 (1) prior to entering the location described in the
8 search warrant, a supervising officer will ensure that each
9 participating member is assigned a body worn camera and is
10 following policies and procedures in accordance with
11 Section 10-20 of the Law Enforcement Officer-Worn Body
12 Camera Act; provided that the law enforcement agency has
13 implemented body worn camera in accordance with Section
14 10-15 of the Law Enforcement Officer-Worn Body Camera Act.
15 If a law enforcement agency has not implemented a body
16 camera in accordance with Section 10-15 of the Law
17 Enforcement Officer-Worn Body Camera Act, the officer must
18 attest that the interaction authorized by the warrant is
19 otherwise recorded;

20 (2) steps were taken in planning the search to ensure
21 accuracy and plan for children or other vulnerable people
22 on-site; and

23 (3) if an officer becomes aware the search warrant was
24 executed at an address, unit, or apartment different from
25 the location listed on the search warrant, that member will
26 immediately notify a supervisor who will ensure an internal

1 investigation ensues.

2 (Source: P.A. 92-502, eff. 12-19-01.)

3 (725 ILCS 5/110-5.1 rep.)

4 (725 ILCS 5/110-6.3 rep.)

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

6 (725 ILCS 5/110-7 rep.)

7 (725 ILCS 5/110-8 rep.)

8 (725 ILCS 5/110-9 rep.)

9 (725 ILCS 5/110-13 rep.)

10 (725 ILCS 5/110-14 rep.)

11 (725 ILCS 5/110-15 rep.)

12 (725 ILCS 5/110-16 rep.)

13 (725 ILCS 5/110-17 rep.)

14 (725 ILCS 5/110-18 rep.)

15 Section 10-260. The Code of Criminal Procedure of 1963 is
16 amended by repealing Sections 110-5.1, 110-6.3, 110-6.5,
17 110-7, 110-8, 110-9, 110-13, 110-14, 110-15, 110-16, 110-17,
18 and 110-18.

19 Section 10-265. The Rights of Crime Victims and Witnesses
20 Act is amended by changing Sections 4 and 4.5 as follows:

21 (725 ILCS 120/4) (from Ch. 38, par. 1404)

22 Sec. 4. Rights of crime victims.

23 (a) Crime victims shall have the following rights:

1 (1) The right to be treated with fairness and respect
2 for their dignity and privacy and to be free from
3 harassment, intimidation, and abuse throughout the
4 criminal justice process.

5 (1.5) The right to notice and to a hearing before a
6 court ruling on a request for access to any of the victim's
7 records, information, or communications which are
8 privileged or confidential by law.

9 (2) The right to timely notification of all court
10 proceedings.

11 (3) The right to communicate with the prosecution.

12 (4) The right to be heard at any post-arraignment court
13 proceeding in which a right of the victim is at issue and
14 any court proceeding involving a post-arraignment release
15 decision, plea, or sentencing.

16 (5) The right to be notified of the conviction, the
17 sentence, the imprisonment and the release of the accused.

18 (6) The right to the timely disposition of the case
19 following the arrest of the accused.

20 (7) The right to be reasonably protected from the
21 accused through the criminal justice process.

22 (7.5) The right to have the safety of the victim and
23 the victim's family considered in ~~denying or fixing the~~
24 ~~amount of bail,~~ determining whether to release the
25 defendant, and setting conditions of release after arrest
26 and conviction.

1 (8) The right to be present at the trial and all other
2 court proceedings on the same basis as the accused, unless
3 the victim is to testify and the court determines that the
4 victim's testimony would be materially affected if the
5 victim hears other testimony at the trial.

6 (9) The right to have present at all court proceedings,
7 including proceedings under the Juvenile Court Act of 1987,
8 subject to the rules of evidence, an advocate and other
9 support person of the victim's choice.

10 (10) The right to restitution.

11 (b) Any law enforcement agency that investigates an offense
12 committed in this State shall provide a crime victim with a
13 written statement and explanation of the rights of crime
14 victims under this amendatory Act of the 99th General Assembly
15 within 48 hours of law enforcement's initial contact with a
16 victim. The statement shall include information about crime
17 victim compensation, including how to contact the Office of the
18 Illinois Attorney General to file a claim, and appropriate
19 referrals to local and State programs that provide victim
20 services. The content of the statement shall be provided to law
21 enforcement by the Attorney General. Law enforcement shall also
22 provide a crime victim with a sign-off sheet that the victim
23 shall sign and date as an acknowledgement that he or she has
24 been furnished with information and an explanation of the
25 rights of crime victims and compensation set forth in this Act.

26 (b-5) Upon the request of the victim, the law enforcement

1 agency having jurisdiction shall provide a free copy of the
2 police report concerning the victim's incident, as soon as
3 practicable, but in no event later than 5 business days from
4 the request.

5 (c) The Clerk of the Circuit Court shall post the rights of
6 crime victims set forth in Article I, Section 8.1(a) of the
7 Illinois Constitution and subsection (a) of this Section within
8 3 feet of the door to any courtroom where criminal proceedings
9 are conducted. The clerk may also post the rights in other
10 locations in the courthouse.

11 (d) At any point, the victim has the right to retain a
12 victim's attorney who may be present during all stages of any
13 interview, investigation, or other interaction with
14 representatives of the criminal justice system. Treatment of
15 the victim should not be affected or altered in any way as a
16 result of the victim's decision to exercise this right.

17 (Source: P.A. 99-413, eff. 8-20-15; 100-1087, eff. 1-1-19.)

18 (725 ILCS 120/4.5)

19 Sec. 4.5. Procedures to implement the rights of crime
20 victims. To afford crime victims their rights, law enforcement,
21 prosecutors, judges, and corrections will provide information,
22 as appropriate, of the following procedures:

23 (a) At the request of the crime victim, law enforcement
24 authorities investigating the case shall provide notice of the
25 status of the investigation, except where the State's Attorney

1 determines that disclosure of such information would
2 unreasonably interfere with the investigation, until such time
3 as the alleged assailant is apprehended or the investigation is
4 closed.

5 (a-5) When law enforcement authorities reopen a closed case
6 to resume investigating, they shall provide notice of the
7 reopening of the case, except where the State's Attorney
8 determines that disclosure of such information would
9 unreasonably interfere with the investigation.

10 (b) The office of the State's Attorney:

11 (1) shall provide notice of the filing of an
12 information, the return of an indictment, or the filing of
13 a petition to adjudicate a minor as a delinquent for a
14 violent crime;

15 (2) shall provide timely notice of the date, time, and
16 place of court proceedings; of any change in the date,
17 time, and place of court proceedings; and of any
18 cancellation of court proceedings. Notice shall be
19 provided in sufficient time, wherever possible, for the
20 victim to make arrangements to attend or to prevent an
21 unnecessary appearance at court proceedings;

22 (3) or victim advocate personnel shall provide
23 information of social services and financial assistance
24 available for victims of crime, including information of
25 how to apply for these services and assistance;

26 (3.5) or victim advocate personnel shall provide

1 information about available victim services, including
2 referrals to programs, counselors, and agencies that
3 assist a victim to deal with trauma, loss, and grief;

4 (4) shall assist in having any stolen or other personal
5 property held by law enforcement authorities for
6 evidentiary or other purposes returned as expeditiously as
7 possible, pursuant to the procedures set out in Section
8 115-9 of the Code of Criminal Procedure of 1963;

9 (5) or victim advocate personnel shall provide
10 appropriate employer intercession services to ensure that
11 employers of victims will cooperate with the criminal
12 justice system in order to minimize an employee's loss of
13 pay and other benefits resulting from court appearances;

14 (6) shall provide, whenever possible, a secure waiting
15 area during court proceedings that does not require victims
16 to be in close proximity to defendants or juveniles accused
17 of a violent crime, and their families and friends;

18 (7) shall provide notice to the crime victim of the
19 right to have a translator present at all court proceedings
20 and, in compliance with the federal Americans with
21 Disabilities Act of 1990, the right to communications
22 access through a sign language interpreter or by other
23 means;

24 (8) (blank);

25 (8.5) shall inform the victim of the right to be
26 present at all court proceedings, unless the victim is to

1 testify and the court determines that the victim's
2 testimony would be materially affected if the victim hears
3 other testimony at trial;

4 (9) shall inform the victim of the right to have
5 present at all court proceedings, subject to the rules of
6 evidence and confidentiality, an advocate and other
7 support person of the victim's choice;

8 (9.3) shall inform the victim of the right to retain an
9 attorney, at the victim's own expense, who, upon written
10 notice filed with the clerk of the court and State's
11 Attorney, is to receive copies of all notices, motions, and
12 court orders filed thereafter in the case, in the same
13 manner as if the victim were a named party in the case;

14 (9.5) shall inform the victim of (A) the victim's right
15 under Section 6 of this Act to make a statement at the
16 sentencing hearing; (B) the right of the victim's spouse,
17 guardian, parent, grandparent, and other immediate family
18 and household members under Section 6 of this Act to
19 present a statement at sentencing; and (C) if a presentence
20 report is to be prepared, the right of the victim's spouse,
21 guardian, parent, grandparent, and other immediate family
22 and household members to submit information to the preparer
23 of the presentence report about the effect the offense has
24 had on the victim and the person;

25 (10) at the sentencing shall make a good faith attempt
26 to explain the minimum amount of time during which the

1 defendant may actually be physically imprisoned. The
2 Office of the State's Attorney shall further notify the
3 crime victim of the right to request from the Prisoner
4 Review Board or Department of Juvenile Justice information
5 concerning the release of the defendant;

6 (11) shall request restitution at sentencing and as
7 part of a plea agreement if the victim requests
8 restitution;

9 (12) shall, upon the court entering a verdict of not
10 guilty by reason of insanity, inform the victim of the
11 notification services available from the Department of
12 Human Services, including the statewide telephone number,
13 under subparagraph (d) (2) of this Section;

14 (13) shall provide notice within a reasonable time
15 after receipt of notice from the custodian, of the release
16 of the defendant on pretrial release ~~bail~~ or personal
17 recognizance or the release from detention of a minor who
18 has been detained;

19 (14) shall explain in nontechnical language the
20 details of any plea or verdict of a defendant, or any
21 adjudication of a juvenile as a delinquent;

22 (15) shall make all reasonable efforts to consult with
23 the crime victim before the Office of the State's Attorney
24 makes an offer of a plea bargain to the defendant or enters
25 into negotiations with the defendant concerning a possible
26 plea agreement, and shall consider the written statement,

1 if prepared prior to entering into a plea agreement. The
2 right to consult with the prosecutor does not include the
3 right to veto a plea agreement or to insist the case go to
4 trial. If the State's Attorney has not consulted with the
5 victim prior to making an offer or entering into plea
6 negotiations with the defendant, the Office of the State's
7 Attorney shall notify the victim of the offer or the
8 negotiations within 2 business days and confer with the
9 victim;

10 (16) shall provide notice of the ultimate disposition
11 of the cases arising from an indictment or an information,
12 or a petition to have a juvenile adjudicated as a
13 delinquent for a violent crime;

14 (17) shall provide notice of any appeal taken by the
15 defendant and information on how to contact the appropriate
16 agency handling the appeal, and how to request notice of
17 any hearing, oral argument, or decision of an appellate
18 court;

19 (18) shall provide timely notice of any request for
20 post-conviction review filed by the defendant under
21 Article 122 of the Code of Criminal Procedure of 1963, and
22 of the date, time and place of any hearing concerning the
23 petition. Whenever possible, notice of the hearing shall be
24 given within 48 hours of the court's scheduling of the
25 hearing; and

26 (19) shall forward a copy of any statement presented

1 under Section 6 to the Prisoner Review Board or Department
2 of Juvenile Justice to be considered in making a
3 determination under Section 3-2.5-85 or subsection (b) of
4 Section 3-3-8 of the Unified Code of Corrections.

5 (c) The court shall ensure that the rights of the victim
6 are afforded.

7 (c-5) The following procedures shall be followed to afford
8 victims the rights guaranteed by Article I, Section 8.1 of the
9 Illinois Constitution:

10 (1) Written notice. A victim may complete a written
11 notice of intent to assert rights on a form prepared by the
12 Office of the Attorney General and provided to the victim
13 by the State's Attorney. The victim may at any time provide
14 a revised written notice to the State's Attorney. The
15 State's Attorney shall file the written notice with the
16 court. At the beginning of any court proceeding in which
17 the right of a victim may be at issue, the court and
18 prosecutor shall review the written notice to determine
19 whether the victim has asserted the right that may be at
20 issue.

21 (2) Victim's retained attorney. A victim's attorney
22 shall file an entry of appearance limited to assertion of
23 the victim's rights. Upon the filing of the entry of
24 appearance and service on the State's Attorney and the
25 defendant, the attorney is to receive copies of all
26 notices, motions and court orders filed thereafter in the

1 case.

2 (3) Standing. The victim has standing to assert the
3 rights enumerated in subsection (a) of Article I, Section
4 8.1 of the Illinois Constitution and the statutory rights
5 under Section 4 of this Act in any court exercising
6 jurisdiction over the criminal case. The prosecuting
7 attorney, a victim, or the victim's retained attorney may
8 assert the victim's rights. The defendant in the criminal
9 case has no standing to assert a right of the victim in any
10 court proceeding, including on appeal.

11 (4) Assertion of and enforcement of rights.

12 (A) The prosecuting attorney shall assert a
13 victim's right or request enforcement of a right by
14 filing a motion or by orally asserting the right or
15 requesting enforcement in open court in the criminal
16 case outside the presence of the jury. The prosecuting
17 attorney shall consult with the victim and the victim's
18 attorney regarding the assertion or enforcement of a
19 right. If the prosecuting attorney decides not to
20 assert or enforce a victim's right, the prosecuting
21 attorney shall notify the victim or the victim's
22 attorney in sufficient time to allow the victim or the
23 victim's attorney to assert the right or to seek
24 enforcement of a right.

25 (B) If the prosecuting attorney elects not to
26 assert a victim's right or to seek enforcement of a

1 right, the victim or the victim's attorney may assert
2 the victim's right or request enforcement of a right by
3 filing a motion or by orally asserting the right or
4 requesting enforcement in open court in the criminal
5 case outside the presence of the jury.

6 (C) If the prosecuting attorney asserts a victim's
7 right or seeks enforcement of a right, and the court
8 denies the assertion of the right or denies the request
9 for enforcement of a right, the victim or victim's
10 attorney may file a motion to assert the victim's right
11 or to request enforcement of the right within 10 days
12 of the court's ruling. The motion need not demonstrate
13 the grounds for a motion for reconsideration. The court
14 shall rule on the merits of the motion.

15 (D) The court shall take up and decide any motion
16 or request asserting or seeking enforcement of a
17 victim's right without delay, unless a specific time
18 period is specified by law or court rule. The reasons
19 for any decision denying the motion or request shall be
20 clearly stated on the record.

21 (5) Violation of rights and remedies.

22 (A) If the court determines that a victim's right
23 has been violated, the court shall determine the
24 appropriate remedy for the violation of the victim's
25 right by hearing from the victim and the parties,
26 considering all factors relevant to the issue, and then

1 awarding appropriate relief to the victim.

2 (A-5) Consideration of an issue of a substantive
3 nature or an issue that implicates the constitutional
4 or statutory right of a victim at a court proceeding
5 labeled as a status hearing shall constitute a per se
6 violation of a victim's right.

7 (B) The appropriate remedy shall include only
8 actions necessary to provide the victim the right to
9 which the victim was entitled and may include reopening
10 previously held proceedings; however, in no event
11 shall the court vacate a conviction. Any remedy shall
12 be tailored to provide the victim an appropriate remedy
13 without violating any constitutional right of the
14 defendant. In no event shall the appropriate remedy be
15 a new trial, damages, or costs.

16 (6) Right to be heard. Whenever a victim has the right
17 to be heard, the court shall allow the victim to exercise
18 the right in any reasonable manner the victim chooses.

19 (7) Right to attend trial. A party must file a written
20 motion to exclude a victim from trial at least 60 days
21 prior to the date set for trial. The motion must state with
22 specificity the reason exclusion is necessary to protect a
23 constitutional right of the party, and must contain an
24 offer of proof. The court shall rule on the motion within
25 30 days. If the motion is granted, the court shall set
26 forth on the record the facts that support its finding that

1 the victim's testimony will be materially affected if the
2 victim hears other testimony at trial.

3 (8) Right to have advocate and support person present
4 at court proceedings.

5 (A) A party who intends to call an advocate as a
6 witness at trial must seek permission of the court
7 before the subpoena is issued. The party must file a
8 written motion at least 90 days before trial that sets
9 forth specifically the issues on which the advocate's
10 testimony is sought and an offer of proof regarding (i)
11 the content of the anticipated testimony of the
12 advocate; and (ii) the relevance, admissibility, and
13 materiality of the anticipated testimony. The court
14 shall consider the motion and make findings within 30
15 days of the filing of the motion. If the court finds by
16 a preponderance of the evidence that: (i) the
17 anticipated testimony is not protected by an absolute
18 privilege; and (ii) the anticipated testimony contains
19 relevant, admissible, and material evidence that is
20 not available through other witnesses or evidence, the
21 court shall issue a subpoena requiring the advocate to
22 appear to testify at an in camera hearing. The
23 prosecuting attorney and the victim shall have 15 days
24 to seek appellate review before the advocate is
25 required to testify at an ex parte in camera
26 proceeding.

1 The prosecuting attorney, the victim, and the
2 advocate's attorney shall be allowed to be present at
3 the ex parte in camera proceeding. If, after conducting
4 the ex parte in camera hearing, the court determines
5 that due process requires any testimony regarding
6 confidential or privileged information or
7 communications, the court shall provide to the
8 prosecuting attorney, the victim, and the advocate's
9 attorney a written memorandum on the substance of the
10 advocate's testimony. The prosecuting attorney, the
11 victim, and the advocate's attorney shall have 15 days
12 to seek appellate review before a subpoena may be
13 issued for the advocate to testify at trial. The
14 presence of the prosecuting attorney at the ex parte in
15 camera proceeding does not make the substance of the
16 advocate's testimony that the court has ruled
17 inadmissible subject to discovery.

18 (B) If a victim has asserted the right to have a
19 support person present at the court proceedings, the
20 victim shall provide the name of the person the victim
21 has chosen to be the victim's support person to the
22 prosecuting attorney, within 60 days of trial. The
23 prosecuting attorney shall provide the name to the
24 defendant. If the defendant intends to call the support
25 person as a witness at trial, the defendant must seek
26 permission of the court before a subpoena is issued.

1 The defendant must file a written motion at least 45
2 days prior to trial that sets forth specifically the
3 issues on which the support person will testify and an
4 offer of proof regarding: (i) the content of the
5 anticipated testimony of the support person; and (ii)
6 the relevance, admissibility, and materiality of the
7 anticipated testimony.

8 If the prosecuting attorney intends to call the
9 support person as a witness during the State's
10 case-in-chief, the prosecuting attorney shall inform
11 the court of this intent in the response to the
12 defendant's written motion. The victim may choose a
13 different person to be the victim's support person. The
14 court may allow the defendant to inquire about matters
15 outside the scope of the direct examination during
16 cross-examination. If the court allows the defendant
17 to do so, the support person shall be allowed to remain
18 in the courtroom after the support person has
19 testified. A defendant who fails to question the
20 support person about matters outside the scope of
21 direct examination during the State's case-in-chief
22 waives the right to challenge the presence of the
23 support person on appeal. The court shall allow the
24 support person to testify if called as a witness in the
25 defendant's case-in-chief or the State's rebuttal.

26 If the court does not allow the defendant to

1 inquire about matters outside the scope of the direct
2 examination, the support person shall be allowed to
3 remain in the courtroom after the support person has
4 been called by the defendant or the defendant has
5 rested. The court shall allow the support person to
6 testify in the State's rebuttal.

7 If the prosecuting attorney does not intend to call
8 the support person in the State's case-in-chief, the
9 court shall verify with the support person whether the
10 support person, if called as a witness, would testify
11 as set forth in the offer of proof. If the court finds
12 that the support person would testify as set forth in
13 the offer of proof, the court shall rule on the
14 relevance, materiality, and admissibility of the
15 anticipated testimony. If the court rules the
16 anticipated testimony is admissible, the court shall
17 issue the subpoena. The support person may remain in
18 the courtroom after the support person testifies and
19 shall be allowed to testify in rebuttal.

20 If the court excludes the victim's support person
21 during the State's case-in-chief, the victim shall be
22 allowed to choose another support person to be present
23 in court.

24 If the victim fails to designate a support person
25 within 60 days of trial and the defendant has
26 subpoenaed the support person to testify at trial, the

1 court may exclude the support person from the trial
2 until the support person testifies. If the court
3 excludes the support person the victim may choose
4 another person as a support person.

5 (9) Right to notice and hearing before disclosure of
6 confidential or privileged information or records. A
7 defendant who seeks to subpoena records of or concerning
8 the victim that are confidential or privileged by law must
9 seek permission of the court before the subpoena is issued.
10 The defendant must file a written motion and an offer of
11 proof regarding the relevance, admissibility and
12 materiality of the records. If the court finds by a
13 preponderance of the evidence that: (A) the records are not
14 protected by an absolute privilege and (B) the records
15 contain relevant, admissible, and material evidence that
16 is not available through other witnesses or evidence, the
17 court shall issue a subpoena requiring a sealed copy of the
18 records be delivered to the court to be reviewed in camera.
19 If, after conducting an in camera review of the records,
20 the court determines that due process requires disclosure
21 of any portion of the records, the court shall provide
22 copies of what it intends to disclose to the prosecuting
23 attorney and the victim. The prosecuting attorney and the
24 victim shall have 30 days to seek appellate review before
25 the records are disclosed to the defendant. The disclosure
26 of copies of any portion of the records to the prosecuting

1 attorney does not make the records subject to discovery.

2 (10) Right to notice of court proceedings. If the
3 victim is not present at a court proceeding in which a
4 right of the victim is at issue, the court shall ask the
5 prosecuting attorney whether the victim was notified of the
6 time, place, and purpose of the court proceeding and that
7 the victim had a right to be heard at the court proceeding.
8 If the court determines that timely notice was not given or
9 that the victim was not adequately informed of the nature
10 of the court proceeding, the court shall not rule on any
11 substantive issues, accept a plea, or impose a sentence and
12 shall continue the hearing for the time necessary to notify
13 the victim of the time, place and nature of the court
14 proceeding. The time between court proceedings shall not be
15 attributable to the State under Section 103-5 of the Code
16 of Criminal Procedure of 1963.

17 (11) Right to timely disposition of the case. A victim
18 has the right to timely disposition of the case so as to
19 minimize the stress, cost, and inconvenience resulting
20 from the victim's involvement in the case. Before ruling on
21 a motion to continue trial or other court proceeding, the
22 court shall inquire into the circumstances for the request
23 for the delay and, if the victim has provided written
24 notice of the assertion of the right to a timely
25 disposition, and whether the victim objects to the delay.
26 If the victim objects, the prosecutor shall inform the

1 court of the victim's objections. If the prosecutor has not
2 conferred with the victim about the continuance, the
3 prosecutor shall inform the court of the attempts to
4 confer. If the court finds the attempts of the prosecutor
5 to confer with the victim were inadequate to protect the
6 victim's right to be heard, the court shall give the
7 prosecutor at least 3 but not more than 5 business days to
8 confer with the victim. In ruling on a motion to continue,
9 the court shall consider the reasons for the requested
10 continuance, the number and length of continuances that
11 have been granted, the victim's objections and procedures
12 to avoid further delays. If a continuance is granted over
13 the victim's objection, the court shall specify on the
14 record the reasons for the continuance and the procedures
15 that have been or will be taken to avoid further delays.

16 (12) Right to Restitution.

17 (A) If the victim has asserted the right to
18 restitution and the amount of restitution is known at
19 the time of sentencing, the court shall enter the
20 judgment of restitution at the time of sentencing.

21 (B) If the victim has asserted the right to
22 restitution and the amount of restitution is not known
23 at the time of sentencing, the prosecutor shall, within
24 5 days after sentencing, notify the victim what
25 information and documentation related to restitution
26 is needed and that the information and documentation

1 must be provided to the prosecutor within 45 days after
2 sentencing. Failure to timely provide information and
3 documentation related to restitution shall be deemed a
4 waiver of the right to restitution. The prosecutor
5 shall file and serve within 60 days after sentencing a
6 proposed judgment for restitution and a notice that
7 includes information concerning the identity of any
8 victims or other persons seeking restitution, whether
9 any victim or other person expressly declines
10 restitution, the nature and amount of any damages
11 together with any supporting documentation, a
12 restitution amount recommendation, and the names of
13 any co-defendants and their case numbers. Within 30
14 days after receipt of the proposed judgment for
15 restitution, the defendant shall file any objection to
16 the proposed judgment, a statement of grounds for the
17 objection, and a financial statement. If the defendant
18 does not file an objection, the court may enter the
19 judgment for restitution without further proceedings.
20 If the defendant files an objection and either party
21 requests a hearing, the court shall schedule a hearing.

22 (13) Access to presentence reports.

23 (A) The victim may request a copy of the
24 presentence report prepared under the Unified Code of
25 Corrections from the State's Attorney. The State's
26 Attorney shall redact the following information before

1 providing a copy of the report:

2 (i) the defendant's mental history and
3 condition;

4 (ii) any evaluation prepared under subsection
5 (b) or (b-5) of Section 5-3-2; and

6 (iii) the name, address, phone number, and
7 other personal information about any other victim.

8 (B) The State's Attorney or the defendant may
9 request the court redact other information in the
10 report that may endanger the safety of any person.

11 (C) The State's Attorney may orally disclose to the
12 victim any of the information that has been redacted if
13 there is a reasonable likelihood that the information
14 will be stated in court at the sentencing.

15 (D) The State's Attorney must advise the victim
16 that the victim must maintain the confidentiality of
17 the report and other information. Any dissemination of
18 the report or information that was not stated at a
19 court proceeding constitutes indirect criminal
20 contempt of court.

21 (14) Appellate relief. If the trial court denies the
22 relief requested, the victim, the victim's attorney, or the
23 prosecuting attorney may file an appeal within 30 days of
24 the trial court's ruling. The trial or appellate court may
25 stay the court proceedings if the court finds that a stay
26 would not violate a constitutional right of the defendant.

1 If the appellate court denies the relief sought, the
2 reasons for the denial shall be clearly stated in a written
3 opinion. In any appeal in a criminal case, the State may
4 assert as error the court's denial of any crime victim's
5 right in the proceeding to which the appeal relates.

6 (15) Limitation on appellate relief. In no case shall
7 an appellate court provide a new trial to remedy the
8 violation of a victim's right.

9 (16) The right to be reasonably protected from the
10 accused throughout the criminal justice process and the
11 right to have the safety of the victim and the victim's
12 family considered in ~~denying or fixing the amount of bail,~~
13 determining whether to release the defendant, and setting
14 conditions of release after arrest and conviction. A victim
15 of domestic violence, a sexual offense, or stalking may
16 request the entry of a protective order under Article 112A
17 of the Code of Criminal Procedure of 1963.

18 (d) Procedures after the imposition of sentence.

19 (1) The Prisoner Review Board shall inform a victim or
20 any other concerned citizen, upon written request, of the
21 prisoner's release on parole, mandatory supervised
22 release, electronic detention, work release, international
23 transfer or exchange, or by the custodian, other than the
24 Department of Juvenile Justice, of the discharge of any
25 individual who was adjudicated a delinquent for a crime
26 from State custody and by the sheriff of the appropriate

1 county of any such person's final discharge from county
2 custody. The Prisoner Review Board, upon written request,
3 shall provide to a victim or any other concerned citizen a
4 recent photograph of any person convicted of a felony, upon
5 his or her release from custody. The Prisoner Review Board,
6 upon written request, shall inform a victim or any other
7 concerned citizen when feasible at least 7 days prior to
8 the prisoner's release on furlough of the times and dates
9 of such furlough. Upon written request by the victim or any
10 other concerned citizen, the State's Attorney shall notify
11 the person once of the times and dates of release of a
12 prisoner sentenced to periodic imprisonment. Notification
13 shall be based on the most recent information as to
14 victim's or other concerned citizen's residence or other
15 location available to the notifying authority.

16 (2) When the defendant has been committed to the
17 Department of Human Services pursuant to Section 5-2-4 or
18 any other provision of the Unified Code of Corrections, the
19 victim may request to be notified by the releasing
20 authority of the approval by the court of an on-grounds
21 pass, a supervised off-grounds pass, an unsupervised
22 off-grounds pass, or conditional release; the release on an
23 off-grounds pass; the return from an off-grounds pass;
24 transfer to another facility; conditional release; escape;
25 death; or final discharge from State custody. The
26 Department of Human Services shall establish and maintain a

1 statewide telephone number to be used by victims to make
2 notification requests under these provisions and shall
3 publicize this telephone number on its website and to the
4 State's Attorney of each county.

5 (3) In the event of an escape from State custody, the
6 Department of Corrections or the Department of Juvenile
7 Justice immediately shall notify the Prisoner Review Board
8 of the escape and the Prisoner Review Board shall notify
9 the victim. The notification shall be based upon the most
10 recent information as to the victim's residence or other
11 location available to the Board. When no such information
12 is available, the Board shall make all reasonable efforts
13 to obtain the information and make the notification. When
14 the escapee is apprehended, the Department of Corrections
15 or the Department of Juvenile Justice immediately shall
16 notify the Prisoner Review Board and the Board shall notify
17 the victim.

18 (4) The victim of the crime for which the prisoner has
19 been sentenced has the right to register with the Prisoner
20 Review Board's victim registry. Victims registered with
21 the Board shall receive reasonable written notice not less
22 than 30 days prior to the parole hearing or target
23 aftercare release date. The victim has the right to submit
24 a victim statement for consideration by the Prisoner Review
25 Board or the Department of Juvenile Justice in writing, on
26 film, videotape, or other electronic means, or in the form

1 of a recording prior to the parole hearing or target
2 aftercare release date, or in person at the parole hearing
3 or aftercare release protest hearing, or by calling the
4 toll-free number established in subsection (f) of this
5 Section. The victim shall be notified within 7 days after
6 the prisoner has been granted parole or aftercare release
7 and shall be informed of the right to inspect the registry
8 of parole decisions, established under subsection (g) of
9 Section 3-3-5 of the Unified Code of Corrections. The
10 provisions of this paragraph (4) are subject to the Open
11 Parole Hearings Act. Victim statements provided to the
12 Board shall be confidential and privileged, including any
13 statements received prior to January 1, 2020 (the effective
14 date of Public Act 101-288) ~~this amendatory Act of the~~
15 ~~101st General Assembly~~, except if the statement was an oral
16 statement made by the victim at a hearing open to the
17 public.

18 (4-1) The crime victim has the right to submit a victim
19 statement for consideration by the Prisoner Review Board or
20 the Department of Juvenile Justice prior to or at a hearing
21 to determine the conditions of mandatory supervised
22 release of a person sentenced to a determinate sentence or
23 at a hearing on revocation of mandatory supervised release
24 of a person sentenced to a determinate sentence. A victim
25 statement may be submitted in writing, on film, videotape,
26 or other electronic means, or in the form of a recording,

1 or orally at a hearing, or by calling the toll-free number
2 established in subsection (f) of this Section. Victim
3 statements provided to the Board shall be confidential and
4 privileged, including any statements received prior to
5 January 1, 2020 (the effective date of Public Act 101-288)
6 ~~this amendatory Act of the 101st General Assembly~~, except
7 if the statement was an oral statement made by the victim
8 at a hearing open to the public.

9 (4-2) The crime victim has the right to submit a victim
10 statement to the Prisoner Review Board for consideration at
11 an executive clemency hearing as provided in Section 3-3-13
12 of the Unified Code of Corrections. A victim statement may
13 be submitted in writing, on film, videotape, or other
14 electronic means, or in the form of a recording prior to a
15 hearing, or orally at a hearing, or by calling the
16 toll-free number established in subsection (f) of this
17 Section. Victim statements provided to the Board shall be
18 confidential and privileged, including any statements
19 received prior to January 1, 2020 (the effective date of
20 Public Act 101-288) ~~this amendatory Act of the 101st~~
21 ~~General Assembly~~, except if the statement was an oral
22 statement made by the victim at a hearing open to the
23 public.

24 (5) If a statement is presented under Section 6, the
25 Prisoner Review Board or Department of Juvenile Justice
26 shall inform the victim of any order of discharge pursuant

1 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
2 Corrections.

3 (6) At the written or oral request of the victim of the
4 crime for which the prisoner was sentenced or the State's
5 Attorney of the county where the person seeking parole or
6 aftercare release was prosecuted, the Prisoner Review
7 Board or Department of Juvenile Justice shall notify the
8 victim and the State's Attorney of the county where the
9 person seeking parole or aftercare release was prosecuted
10 of the death of the prisoner if the prisoner died while on
11 parole or aftercare release or mandatory supervised
12 release.

13 (7) When a defendant who has been committed to the
14 Department of Corrections, the Department of Juvenile
15 Justice, or the Department of Human Services is released or
16 discharged and subsequently committed to the Department of
17 Human Services as a sexually violent person and the victim
18 had requested to be notified by the releasing authority of
19 the defendant's discharge, conditional release, death, or
20 escape from State custody, the releasing authority shall
21 provide to the Department of Human Services such
22 information that would allow the Department of Human
23 Services to contact the victim.

24 (8) When a defendant has been convicted of a sex
25 offense as defined in Section 2 of the Sex Offender
26 Registration Act and has been sentenced to the Department

1 of Corrections or the Department of Juvenile Justice, the
2 Prisoner Review Board or the Department of Juvenile Justice
3 shall notify the victim of the sex offense of the
4 prisoner's eligibility for release on parole, aftercare
5 release, mandatory supervised release, electronic
6 detention, work release, international transfer or
7 exchange, or by the custodian of the discharge of any
8 individual who was adjudicated a delinquent for a sex
9 offense from State custody and by the sheriff of the
10 appropriate county of any such person's final discharge
11 from county custody. The notification shall be made to the
12 victim at least 30 days, whenever possible, before release
13 of the sex offender.

14 (e) The officials named in this Section may satisfy some or
15 all of their obligations to provide notices and other
16 information through participation in a statewide victim and
17 witness notification system established by the Attorney
18 General under Section 8.5 of this Act.

19 (f) The Prisoner Review Board shall establish a toll-free
20 number that may be accessed by the crime victim to present a
21 victim statement to the Board in accordance with paragraphs
22 (4), (4-1), and (4-2) of subsection (d).

23 (Source: P.A. 100-199, eff. 1-1-18; 100-961, eff. 1-1-19;
24 101-81, eff. 7-12-19; 101-288, eff. 1-1-20; revised 9-23-19.)

25 Section 10-270. The Pretrial Services Act is amended by

1 changing Sections 11, 20, 22, and 34 as follows:

2 (725 ILCS 185/11) (from Ch. 38, par. 311)

3 Sec. 11. No person shall be interviewed by a pretrial
4 services agency unless he or she has first been apprised of the
5 identity and purpose of the interviewer, the scope of the
6 interview, the right to secure legal advice, and the right to
7 refuse cooperation. Inquiry of the defendant shall carefully
8 exclude questions concerning the details of the current charge.
9 Statements made by the defendant during the interview, or
10 evidence derived therefrom, are admissible in evidence only
11 when the court is considering the imposition of pretrial or
12 posttrial conditions to ~~bail or~~ recognizance, or when
13 considering the modification of a prior release order.

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

15 (725 ILCS 185/20) (from Ch. 38, par. 320)

16 Sec. 20. In preparing and presenting its written reports
17 under Sections 17 and 19, pretrial services agencies shall in
18 appropriate cases include specific recommendations for ~~the~~
19 setting the conditions ~~, increase, or decrease~~ of pretrial
20 release bail; the release of the interviewee on his own
21 recognizance in sums certain; and the imposition of ~~pretrial~~
22 conditions of pretrial release ~~to bail~~ or recognizance designed
23 to minimize the risks of nonappearance, the commission of new
24 offenses while awaiting trial, and other potential

1 interference with the orderly administration of justice. In
2 establishing objective internal criteria of any such
3 recommendation policies, the agency may utilize so-called
4 "point scales" for evaluating the aforementioned risks, but no
5 interviewee shall be considered as ineligible for particular
6 agency recommendations by sole reference to such procedures.
7 (Source: P.A. 91-357, eff. 7-29-99.)

8 (725 ILCS 185/22) (from Ch. 38, par. 322)

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

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

20 (725 ILCS 185/34)

21 Sec. 34. Probation and court services departments
22 considered pretrial services agencies. For the purposes of
23 administering the provisions of Public Act 95-773, known as the
24 Cindy Bischof Law, all probation and court services departments

1 are to be considered pretrial services agencies under this Act
2 and under the pretrial release ~~bail bond~~ provisions of the Code
3 of Criminal Procedure of 1963.

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

5 Section 10-275. The Quasi-criminal and Misdemeanor Bail
6 Act is amended by changing the title of the Act and Sections
7 0.01, 1, 2, 3, and 5 as follows:

8 (725 ILCS 195/Act title)

9 An Act to authorize designated officers to let persons
10 charged with quasi-criminal offenses and misdemeanors to
11 pretrial release ~~bail~~ and to accept and receipt for fines on
12 pleas of guilty in minor offenses, in accordance with schedules
13 established by rule of court.

14 (725 ILCS 195/0.01) (from Ch. 16, par. 80)

15 Sec. 0.01. Short title. This Act may be cited as the
16 Quasi-criminal and Misdemeanor Pretrial Release ~~Bail~~ Act.

17 (Source: P.A. 86-1324.)

18 (725 ILCS 195/1) (from Ch. 16, par. 81)

19 Sec. 1. Whenever in any circuit there shall be in force a
20 rule or order of the Supreme Court establishing a uniform form
21 ~~schedule~~ prescribing the conditions of pretrial release
22 ~~amounts of bail~~ for specified conservation cases, traffic

1 cases, quasi-criminal offenses and misdemeanors, any general
2 superintendent, chief, captain, lieutenant, or sergeant of
3 police, or other police officer, the sheriff, the circuit
4 clerk, and any deputy sheriff or deputy circuit clerk
5 designated by the Circuit Court for the purpose, are authorized
6 to let to pretrial release bail any person charged with a
7 quasi-criminal offense or misdemeanor ~~and to accept and receipt~~
8 ~~for bonds or cash bail in accordance with regulations~~
9 ~~established by rule or order of the Supreme Court. Unless~~
10 ~~otherwise provided by Supreme Court Rule, no such bail may be~~
11 ~~posted or accepted in any place other than a police station,~~
12 ~~sheriff's office or jail, or other county, municipal or other~~
13 ~~building housing governmental units, or a division~~
14 ~~headquarters building of the Illinois State Police. Bonds and~~
15 ~~cash so received shall be delivered to the office of the~~
16 ~~circuit clerk or that of his designated deputy as provided by~~
17 ~~regulation. Such cash and securities so received shall be~~
18 ~~delivered to the office of such clerk or deputy clerk within at~~
19 ~~least 48 hours of receipt or within the time set for the~~
20 ~~accused's appearance in court whichever is earliest.~~

21 ~~In all cases where a person is admitted to bail under a~~
22 ~~uniform schedule prescribing the amount of bail for specified~~
23 ~~conservation cases, traffic cases, quasi-criminal offenses and~~
24 ~~misdemeanors the provisions of Section 110-15 of the "Code of~~
25 ~~Criminal Procedure of 1963", approved August 14, 1963, as~~
26 ~~amended by the 75th General Assembly shall be applicable.~~

1 (Source: P.A. 80-897.)

2 (725 ILCS 195/2) (from Ch. 16, par. 82)

3 Sec. 2. The conditions of the pretrial release ~~bail bond or~~
4 ~~deposit of cash bail~~ shall be that the accused will appear to
5 answer the charge in court at a time and place specified in the
6 pretrial release form ~~bond~~ and thereafter as ordered by the
7 court until discharged on final order of the court and to
8 submit himself to the orders and process of the court. The
9 accused shall be furnished with an official receipt on a form
10 prescribed by rule of court ~~for any cash or other security~~
11 ~~deposited,~~ and shall receive a copy of the pretrial release
12 form ~~bond~~ specifying the time and place of his court
13 appearance.

14 Upon performance of the conditions of the pretrial release
15 ~~bond,~~ the pretrial release form ~~bond~~ shall be null and void and
16 the accused shall be released from the conditions of pretrial
17 release ~~any cash bail or other security shall be returned to~~
18 ~~the accused.~~

19 (Source: Laws 1963, p. 2652.)

20 (725 ILCS 195/3) (from Ch. 16, par. 83)

21 Sec. 3. In lieu of complying with the conditions of
22 pretrial release ~~making bond or depositing cash bail as~~
23 ~~provided in this Act or the deposit of other security~~
24 ~~authorized by law,~~ any accused person has the right to be

1 brought without unnecessary delay before the nearest or most
2 accessible judge of the circuit to be dealt with according to
3 law.

4 (Source: P.A. 77-1248.)

5 (725 ILCS 195/5) (from Ch. 16, par. 85)

6 Sec. 5. Any person authorized to accept pretrial release
7 ~~bail~~ or pleas of guilty by this Act who violates any provision
8 of this Act is guilty of a Class B misdemeanor.

9 (Source: P.A. 77-2319.)

10 Section 10-280. The Unified Code of Corrections is amended
11 by changing Sections 5-3-2, 5-5-3.2, 5-6-4, 5-6-4.1, 5-8A-7,
12 and 8-2-1 as follows:

13 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

14 Sec. 5-3-2. Presentence report.

15 (a) In felony cases, the presentence report shall set
16 forth:

17 (1) the defendant's history of delinquency or
18 criminality, physical and mental history and condition,
19 family situation and background, economic status,
20 education, occupation and personal habits;

21 (2) information about special resources within the
22 community which might be available to assist the
23 defendant's rehabilitation, including treatment centers,

1 residential facilities, vocational training services,
2 correctional manpower programs, employment opportunities,
3 special educational programs, alcohol and drug abuse
4 programming, psychiatric and marriage counseling, and
5 other programs and facilities which could aid the
6 defendant's successful reintegration into society;

7 (3) the effect the offense committed has had upon the
8 victim or victims thereof, and any compensatory benefit
9 that various sentencing alternatives would confer on such
10 victim or victims;

11 (3.5) information provided by the victim's spouse,
12 guardian, parent, grandparent, and other immediate family
13 and household members about the effect the offense
14 committed has had on the victim and on the person providing
15 the information; if the victim's spouse, guardian, parent,
16 grandparent, or other immediate family or household member
17 has provided a written statement, the statement shall be
18 attached to the report;

19 (4) information concerning the defendant's status
20 since arrest, including his record if released on his own
21 recognizance, or the defendant's achievement record if
22 released on a conditional pre-trial supervision program;

23 (5) when appropriate, a plan, based upon the personal,
24 economic and social adjustment needs of the defendant,
25 utilizing public and private community resources as an
26 alternative to institutional sentencing;

1 (6) any other matters that the investigatory officer
2 deems relevant or the court directs to be included;

3 (7) information concerning the defendant's eligibility
4 for a sentence to a county impact incarceration program
5 under Section 5-8-1.2 of this Code; and

6 (8) information concerning the defendant's eligibility
7 for a sentence to an impact incarceration program
8 administered by the Department under Section 5-8-1.1.

9 (b) The investigation shall include a physical and mental
10 examination of the defendant when so ordered by the court. If
11 the court determines that such an examination should be made,
12 it shall issue an order that the defendant submit to
13 examination at such time and place as designated by the court
14 and that such examination be conducted by a physician,
15 psychologist or psychiatrist designated by the court. Such an
16 examination may be conducted in a court clinic if so ordered by
17 the court. The cost of such examination shall be paid by the
18 county in which the trial is held.

19 (b-5) In cases involving felony sex offenses in which the
20 offender is being considered for probation only or any felony
21 offense that is sexually motivated as defined in the Sex
22 Offender Management Board Act in which the offender is being
23 considered for probation only, the investigation shall include
24 a sex offender evaluation by an evaluator approved by the Board
25 and conducted in conformance with the standards developed under
26 the Sex Offender Management Board Act. In cases in which the

1 offender is being considered for any mandatory prison sentence,
2 the investigation shall not include a sex offender evaluation.

3 (c) In misdemeanor, business offense or petty offense
4 cases, except as specified in subsection (d) of this Section,
5 when a presentence report has been ordered by the court, such
6 presentence report shall contain information on the
7 defendant's history of delinquency or criminality and shall
8 further contain only those matters listed in any of paragraphs
9 (1) through (6) of subsection (a) or in subsection (b) of this
10 Section as are specified by the court in its order for the
11 report.

12 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or
13 12-30 of the Criminal Code of 1961 or the Criminal Code of
14 2012, the presentence report shall set forth information about
15 alcohol, drug abuse, psychiatric, and marriage counseling or
16 other treatment programs and facilities, information on the
17 defendant's history of delinquency or criminality, and shall
18 contain those additional matters listed in any of paragraphs
19 (1) through (6) of subsection (a) or in subsection (b) of this
20 Section as are specified by the court.

21 (e) Nothing in this Section shall cause the defendant to be
22 held without pretrial release ~~bail~~ or to have his pretrial
23 release ~~bail~~ revoked for the purpose of preparing the
24 presentence report or making an examination.

25 (Source: P.A. 101-105, eff. 1-1-20; revised 9-24-19.)

1 (730 ILCS 5/5-5-3.2)

2 Sec. 5-5-3.2. Factors in aggravation and extended-term
3 sentencing.

4 (a) The following factors shall be accorded weight in favor
5 of imposing a term of imprisonment or may be considered by the
6 court as reasons to impose a more severe sentence under Section
7 5-8-1 or Article 4.5 of Chapter V:

8 (1) the defendant's conduct caused or threatened
9 serious harm;

10 (2) the defendant received compensation for committing
11 the offense;

12 (3) the defendant has a history of prior delinquency or
13 criminal activity;

14 (4) the defendant, by the duties of his office or by
15 his position, was obliged to prevent the particular offense
16 committed or to bring the offenders committing it to
17 justice;

18 (5) the defendant held public office at the time of the
19 offense, and the offense related to the conduct of that
20 office;

21 (6) the defendant utilized his professional reputation
22 or position in the community to commit the offense, or to
23 afford him an easier means of committing it;

24 (7) the sentence is necessary to deter others from
25 committing the same crime;

26 (8) the defendant committed the offense against a

1 person 60 years of age or older or such person's property;

2 (9) the defendant committed the offense against a
3 person who has a physical disability or such person's
4 property;

5 (10) by reason of another individual's actual or
6 perceived race, color, creed, religion, ancestry, gender,
7 sexual orientation, physical or mental disability, or
8 national origin, the defendant committed the offense
9 against (i) the person or property of that individual; (ii)
10 the person or property of a person who has an association
11 with, is married to, or has a friendship with the other
12 individual; or (iii) the person or property of a relative
13 (by blood or marriage) of a person described in clause (i)
14 or (ii). For the purposes of this Section, "sexual
15 orientation" has the meaning ascribed to it in paragraph
16 (0-1) of Section 1-103 of the Illinois Human Rights Act;

17 (11) the offense took place in a place of worship or on
18 the grounds of a place of worship, immediately prior to,
19 during or immediately following worship services. For
20 purposes of this subparagraph, "place of worship" shall
21 mean any church, synagogue or other building, structure or
22 place used primarily for religious worship;

23 (12) the defendant was convicted of a felony committed
24 while he was on pretrial release ~~released on bail~~ or his
25 own recognizance pending trial for a prior felony and was
26 convicted of such prior felony, or the defendant was

1 convicted of a felony committed while he was serving a
2 period of probation, conditional discharge, or mandatory
3 supervised release under subsection (d) of Section 5-8-1
4 for a prior felony;

5 (13) the defendant committed or attempted to commit a
6 felony while he was wearing a bulletproof vest. For the
7 purposes of this paragraph (13), a bulletproof vest is any
8 device which is designed for the purpose of protecting the
9 wearer from bullets, shot or other lethal projectiles;

10 (14) the defendant held a position of trust or
11 supervision such as, but not limited to, family member as
12 defined in Section 11-0.1 of the Criminal Code of 2012,
13 teacher, scout leader, baby sitter, or day care worker, in
14 relation to a victim under 18 years of age, and the
15 defendant committed an offense in violation of Section
16 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
17 11-14.4 except for an offense that involves keeping a place
18 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
19 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
20 or 12-16 of the Criminal Code of 1961 or the Criminal Code
21 of 2012 against that victim;

22 (15) the defendant committed an offense related to the
23 activities of an organized gang. For the purposes of this
24 factor, "organized gang" has the meaning ascribed to it in
25 Section 10 of the Streetgang Terrorism Omnibus Prevention
26 Act;

1 (16) the defendant committed an offense in violation of
2 one of the following Sections while in a school, regardless
3 of the time of day or time of year; on any conveyance
4 owned, leased, or contracted by a school to transport
5 students to or from school or a school related activity; on
6 the real property of a school; or on a public way within
7 1,000 feet of the real property comprising any school:
8 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
9 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
10 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
11 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
12 18-2, or 33A-2, or Section 12-3.05 except for subdivision
13 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
14 Criminal Code of 2012;

15 (16.5) the defendant committed an offense in violation
16 of one of the following Sections while in a day care
17 center, regardless of the time of day or time of year; on
18 the real property of a day care center, regardless of the
19 time of day or time of year; or on a public way within
20 1,000 feet of the real property comprising any day care
21 center, regardless of the time of day or time of year:
22 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
23 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
24 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
25 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
26 18-2, or 33A-2, or Section 12-3.05 except for subdivision

1 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
2 Criminal Code of 2012;

3 (17) the defendant committed the offense by reason of
4 any person's activity as a community policing volunteer or
5 to prevent any person from engaging in activity as a
6 community policing volunteer. For the purpose of this
7 Section, "community policing volunteer" has the meaning
8 ascribed to it in Section 2-3.5 of the Criminal Code of
9 2012;

10 (18) the defendant committed the offense in a nursing
11 home or on the real property comprising a nursing home. For
12 the purposes of this paragraph (18), "nursing home" means a
13 skilled nursing or intermediate long term care facility
14 that is subject to license by the Illinois Department of
15 Public Health under the Nursing Home Care Act, the
16 Specialized Mental Health Rehabilitation Act of 2013, the
17 ID/DD Community Care Act, or the MC/DD Act;

18 (19) the defendant was a federally licensed firearm
19 dealer and was previously convicted of a violation of
20 subsection (a) of Section 3 of the Firearm Owners
21 Identification Card Act and has now committed either a
22 felony violation of the Firearm Owners Identification Card
23 Act or an act of armed violence while armed with a firearm;

24 (20) the defendant (i) committed the offense of
25 reckless homicide under Section 9-3 of the Criminal Code of
26 1961 or the Criminal Code of 2012 or the offense of driving

1 under the influence of alcohol, other drug or drugs,
2 intoxicating compound or compounds or any combination
3 thereof under Section 11-501 of the Illinois Vehicle Code
4 or a similar provision of a local ordinance and (ii) was
5 operating a motor vehicle in excess of 20 miles per hour
6 over the posted speed limit as provided in Article VI of
7 Chapter 11 of the Illinois Vehicle Code;

8 (21) the defendant (i) committed the offense of
9 reckless driving or aggravated reckless driving under
10 Section 11-503 of the Illinois Vehicle Code and (ii) was
11 operating a motor vehicle in excess of 20 miles per hour
12 over the posted speed limit as provided in Article VI of
13 Chapter 11 of the Illinois Vehicle Code;

14 (22) the defendant committed the offense against a
15 person that the defendant knew, or reasonably should have
16 known, was a member of the Armed Forces of the United
17 States serving on active duty. For purposes of this clause
18 (22), the term "Armed Forces" means any of the Armed Forces
19 of the United States, including a member of any reserve
20 component thereof or National Guard unit called to active
21 duty;

22 (23) the defendant committed the offense against a
23 person who was elderly or infirm or who was a person with a
24 disability by taking advantage of a family or fiduciary
25 relationship with the elderly or infirm person or person
26 with a disability;

1 (24) the defendant committed any offense under Section
2 11-20.1 of the Criminal Code of 1961 or the Criminal Code
3 of 2012 and possessed 100 or more images;

4 (25) the defendant committed the offense while the
5 defendant or the victim was in a train, bus, or other
6 vehicle used for public transportation;

7 (26) the defendant committed the offense of child
8 pornography or aggravated child pornography, specifically
9 including paragraph (1), (2), (3), (4), (5), or (7) of
10 subsection (a) of Section 11-20.1 of the Criminal Code of
11 1961 or the Criminal Code of 2012 where a child engaged in,
12 solicited for, depicted in, or posed in any act of sexual
13 penetration or bound, fettered, or subject to sadistic,
14 masochistic, or sadomasochistic abuse in a sexual context
15 and specifically including paragraph (1), (2), (3), (4),
16 (5), or (7) of subsection (a) of Section 11-20.1B or
17 Section 11-20.3 of the Criminal Code of 1961 where a child
18 engaged in, solicited for, depicted in, or posed in any act
19 of sexual penetration or bound, fettered, or subject to
20 sadistic, masochistic, or sadomasochistic abuse in a
21 sexual context;

22 (27) the defendant committed the offense of first
23 degree murder, assault, aggravated assault, battery,
24 aggravated battery, robbery, armed robbery, or aggravated
25 robbery against a person who was a veteran and the
26 defendant knew, or reasonably should have known, that the

1 person was a veteran performing duties as a representative
2 of a veterans' organization. For the purposes of this
3 paragraph (27), "veteran" means an Illinois resident who
4 has served as a member of the United States Armed Forces, a
5 member of the Illinois National Guard, or a member of the
6 United States Reserve Forces; and "veterans' organization"
7 means an organization comprised of members of which
8 substantially all are individuals who are veterans or
9 spouses, widows, or widowers of veterans, the primary
10 purpose of which is to promote the welfare of its members
11 and to provide assistance to the general public in such a
12 way as to confer a public benefit;

13 (28) the defendant committed the offense of assault,
14 aggravated assault, battery, aggravated battery, robbery,
15 armed robbery, or aggravated robbery against a person that
16 the defendant knew or reasonably should have known was a
17 letter carrier or postal worker while that person was
18 performing his or her duties delivering mail for the United
19 States Postal Service;

20 (29) the defendant committed the offense of criminal
21 sexual assault, aggravated criminal sexual assault,
22 criminal sexual abuse, or aggravated criminal sexual abuse
23 against a victim with an intellectual disability, and the
24 defendant holds a position of trust, authority, or
25 supervision in relation to the victim;

26 (30) the defendant committed the offense of promoting

1 juvenile prostitution, patronizing a prostitute, or
2 patronizing a minor engaged in prostitution and at the time
3 of the commission of the offense knew that the prostitute
4 or minor engaged in prostitution was in the custody or
5 guardianship of the Department of Children and Family
6 Services;

7 (31) the defendant (i) committed the offense of driving
8 while under the influence of alcohol, other drug or drugs,
9 intoxicating compound or compounds or any combination
10 thereof in violation of Section 11-501 of the Illinois
11 Vehicle Code or a similar provision of a local ordinance
12 and (ii) the defendant during the commission of the offense
13 was driving his or her vehicle upon a roadway designated
14 for one-way traffic in the opposite direction of the
15 direction indicated by official traffic control devices;

16 ~~or~~

17 (32) the defendant committed the offense of reckless
18 homicide while committing a violation of Section 11-907 of
19 the Illinois Vehicle Code;~~;~~

20 (33) ~~(32)~~ the defendant was found guilty of an
21 administrative infraction related to an act or acts of
22 public indecency or sexual misconduct in the penal
23 institution. In this paragraph (33) ~~(32)~~, "penal
24 institution" has the same meaning as in Section 2-14 of the
25 Criminal Code of 2012; ~~or~~.

26 (34) ~~(32)~~ the defendant committed the offense of

1 leaving the scene of an accident in violation of subsection
2 (b) of Section 11-401 of the Illinois Vehicle Code and the
3 accident resulted in the death of a person and at the time
4 of the offense, the defendant was: (i) driving under the
5 influence of alcohol, other drug or drugs, intoxicating
6 compound or compounds or any combination thereof as defined
7 by Section 11-501 of the Illinois Vehicle Code; or (ii)
8 operating the motor vehicle while using an electronic
9 communication device as defined in Section 12-610.2 of the
10 Illinois Vehicle Code.

11 For the purposes of this Section:

12 "School" is defined as a public or private elementary or
13 secondary school, community college, college, or university.

14 "Day care center" means a public or private State certified
15 and licensed day care center as defined in Section 2.09 of the
16 Child Care Act of 1969 that displays a sign in plain view
17 stating that the property is a day care center.

18 "Intellectual disability" means significantly subaverage
19 intellectual functioning which exists concurrently with
20 impairment in adaptive behavior.

21 "Public transportation" means the transportation or
22 conveyance of persons by means available to the general public,
23 and includes paratransit services.

24 "Traffic control devices" means all signs, signals,
25 markings, and devices that conform to the Illinois Manual on
26 Uniform Traffic Control Devices, placed or erected by authority

1 of a public body or official having jurisdiction, for the
2 purpose of regulating, warning, or guiding traffic.

3 (b) The following factors, related to all felonies, may be
4 considered by the court as reasons to impose an extended term
5 sentence under Section 5-8-2 upon any offender:

6 (1) When a defendant is convicted of any felony, after
7 having been previously convicted in Illinois or any other
8 jurisdiction of the same or similar class felony or greater
9 class felony, when such conviction has occurred within 10
10 years after the previous conviction, excluding time spent
11 in custody, and such charges are separately brought and
12 tried and arise out of different series of acts; or

13 (2) When a defendant is convicted of any felony and the
14 court finds that the offense was accompanied by
15 exceptionally brutal or heinous behavior indicative of
16 wanton cruelty; or

17 (3) When a defendant is convicted of any felony
18 committed against:

19 (i) a person under 12 years of age at the time of
20 the offense or such person's property;

21 (ii) a person 60 years of age or older at the time
22 of the offense or such person's property; or

23 (iii) a person who had a physical disability at the
24 time of the offense or such person's property; or

25 (4) When a defendant is convicted of any felony and the
26 offense involved any of the following types of specific

1 misconduct committed as part of a ceremony, rite,
2 initiation, observance, performance, practice or activity
3 of any actual or ostensible religious, fraternal, or social
4 group:

5 (i) the brutalizing or torturing of humans or
6 animals;

7 (ii) the theft of human corpses;

8 (iii) the kidnapping of humans;

9 (iv) the desecration of any cemetery, religious,
10 fraternal, business, governmental, educational, or
11 other building or property; or

12 (v) ritualized abuse of a child; or

13 (5) When a defendant is convicted of a felony other
14 than conspiracy and the court finds that the felony was
15 committed under an agreement with 2 or more other persons
16 to commit that offense and the defendant, with respect to
17 the other individuals, occupied a position of organizer,
18 supervisor, financier, or any other position of management
19 or leadership, and the court further finds that the felony
20 committed was related to or in furtherance of the criminal
21 activities of an organized gang or was motivated by the
22 defendant's leadership in an organized gang; or

23 (6) When a defendant is convicted of an offense
24 committed while using a firearm with a laser sight attached
25 to it. For purposes of this paragraph, "laser sight" has
26 the meaning ascribed to it in Section 26-7 of the Criminal

1 Code of 2012; or

2 (7) When a defendant who was at least 17 years of age
3 at the time of the commission of the offense is convicted
4 of a felony and has been previously adjudicated a
5 delinquent minor under the Juvenile Court Act of 1987 for
6 an act that if committed by an adult would be a Class X or
7 Class 1 felony when the conviction has occurred within 10
8 years after the previous adjudication, excluding time
9 spent in custody; or

10 (8) When a defendant commits any felony and the
11 defendant used, possessed, exercised control over, or
12 otherwise directed an animal to assault a law enforcement
13 officer engaged in the execution of his or her official
14 duties or in furtherance of the criminal activities of an
15 organized gang in which the defendant is engaged; or

16 (9) When a defendant commits any felony and the
17 defendant knowingly video or audio records the offense with
18 the intent to disseminate the recording.

19 (c) The following factors may be considered by the court as
20 reasons to impose an extended term sentence under Section 5-8-2
21 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

22 (1) When a defendant is convicted of first degree
23 murder, after having been previously convicted in Illinois
24 of any offense listed under paragraph (c)(2) of Section
25 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
26 within 10 years after the previous conviction, excluding

1 time spent in custody, and the charges are separately
2 brought and tried and arise out of different series of
3 acts.

4 (1.5) When a defendant is convicted of first degree
5 murder, after having been previously convicted of domestic
6 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
7 (720 ILCS 5/12-3.3) committed on the same victim or after
8 having been previously convicted of violation of an order
9 of protection (720 ILCS 5/12-30) in which the same victim
10 was the protected person.

11 (2) When a defendant is convicted of voluntary
12 manslaughter, second degree murder, involuntary
13 manslaughter, or reckless homicide in which the defendant
14 has been convicted of causing the death of more than one
15 individual.

16 (3) When a defendant is convicted of aggravated
17 criminal sexual assault or criminal sexual assault, when
18 there is a finding that aggravated criminal sexual assault
19 or criminal sexual assault was also committed on the same
20 victim by one or more other individuals, and the defendant
21 voluntarily participated in the crime with the knowledge of
22 the participation of the others in the crime, and the
23 commission of the crime was part of a single course of
24 conduct during which there was no substantial change in the
25 nature of the criminal objective.

26 (4) If the victim was under 18 years of age at the time

1 of the commission of the offense, when a defendant is
2 convicted of aggravated criminal sexual assault or
3 predatory criminal sexual assault of a child under
4 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
5 of Section 12-14.1 of the Criminal Code of 1961 or the
6 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

7 (5) When a defendant is convicted of a felony violation
8 of Section 24-1 of the Criminal Code of 1961 or the
9 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
10 finding that the defendant is a member of an organized
11 gang.

12 (6) When a defendant was convicted of unlawful use of
13 weapons under Section 24-1 of the Criminal Code of 1961 or
14 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
15 a weapon that is not readily distinguishable as one of the
16 weapons enumerated in Section 24-1 of the Criminal Code of
17 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

18 (7) When a defendant is convicted of an offense
19 involving the illegal manufacture of a controlled
20 substance under Section 401 of the Illinois Controlled
21 Substances Act (720 ILCS 570/401), the illegal manufacture
22 of methamphetamine under Section 25 of the Methamphetamine
23 Control and Community Protection Act (720 ILCS 646/25), or
24 the illegal possession of explosives and an emergency
25 response officer in the performance of his or her duties is
26 killed or injured at the scene of the offense while

1 responding to the emergency caused by the commission of the
2 offense. In this paragraph, "emergency" means a situation
3 in which a person's life, health, or safety is in jeopardy;
4 and "emergency response officer" means a peace officer,
5 community policing volunteer, fireman, emergency medical
6 technician-ambulance, emergency medical
7 technician-intermediate, emergency medical
8 technician-paramedic, ambulance driver, other medical
9 assistance or first aid personnel, or hospital emergency
10 room personnel.

11 (8) When the defendant is convicted of attempted mob
12 action, solicitation to commit mob action, or conspiracy to
13 commit mob action under Section 8-1, 8-2, or 8-4 of the
14 Criminal Code of 2012, where the criminal object is a
15 violation of Section 25-1 of the Criminal Code of 2012, and
16 an electronic communication is used in the commission of
17 the offense. For the purposes of this paragraph (8),
18 "electronic communication" shall have the meaning provided
19 in Section 26.5-0.1 of the Criminal Code of 2012.

20 (d) For the purposes of this Section, "organized gang" has
21 the meaning ascribed to it in Section 10 of the Illinois
22 Streetgang Terrorism Omnibus Prevention Act.

23 (e) The court may impose an extended term sentence under
24 Article 4.5 of Chapter V upon an offender who has been
25 convicted of a felony violation of Section 11-1.20, 11-1.30,
26 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or

1 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
2 when the victim of the offense is under 18 years of age at the
3 time of the commission of the offense and, during the
4 commission of the offense, the victim was under the influence
5 of alcohol, regardless of whether or not the alcohol was
6 supplied by the offender; and the offender, at the time of the
7 commission of the offense, knew or should have known that the
8 victim had consumed alcohol.

9 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;
10 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; revised 9-18-19.)

11 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

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

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

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

1 a sentence of county impact incarceration, such notice
2 shall be issued by the Sheriff;

3 (2) order a summons to the offender to be present for
4 hearing; or

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

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

17 (b) The court shall conduct a hearing of the alleged
18 violation. The court shall admit the offender to pretrial
19 release ~~bail~~ pending the hearing unless the alleged violation
20 is itself a criminal offense in which case the offender shall
21 be admitted to pretrial release ~~bail~~ on such terms as are
22 provided in the Code of Criminal Procedure of 1963, as amended.
23 In any case where an offender remains incarcerated only as a
24 result of his alleged violation of the court's earlier order of
25 probation, supervision, conditional discharge, or county
26 impact incarceration such hearing shall be held within 14 days

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

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

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

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

1 Article 4.5 of Chapter V of this Code or Section 11-501 of the
2 Illinois Vehicle Code at the time of initial sentencing, except
3 for a sentence of probation or conditional discharge. If the
4 court finds that the offender has violated paragraph (8.6) of
5 subsection (a) of Section 5-6-3, the court shall revoke the
6 probation of the offender. If the court finds that the offender
7 has violated subsection (o) of Section 5-6-3.1, the court shall
8 revoke the supervision of the offender.

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

14 (g) A judgment revoking supervision, probation,
15 conditional discharge, or a sentence of county impact
16 incarceration is a final appealable order.

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

1 confinement rather than the duration of the term.

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

1 8A of Chapter V of this Code for multiple or repeat violations
2 of the terms and conditions of a sentence of probation,
3 conditional discharge, or supervision.

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

9 (k) (1) On and after the effective date of this amendatory
10 Act of the 101st General Assembly, this subsection (k) shall
11 apply to arrest warrants in Cook County only. An arrest warrant
12 issued under paragraph (3) of subsection (a) when the
13 underlying conviction is for the offense of theft, retail
14 theft, or possession of a controlled substance shall remain
15 active for a period not to exceed 10 years from the date the
16 warrant was issued unless a motion to extend the warrant is
17 filed by the office of the State's Attorney or by, or on behalf
18 of, the agency supervising the wanted person. A motion to
19 extend the warrant shall be filed within one year before the
20 warrant expiration date and notice shall be provided to the
21 office of the sheriff.

22 (2) If a motion to extend a warrant issued under paragraph
23 (3) of subsection (a) is not filed, the warrant shall be
24 quashed and recalled as a matter of law under paragraph (1) of
25 this subsection (k) and the wanted person's period of
26 probation, conditional discharge, or supervision shall

1 terminate unsatisfactorily as a matter of law.

2 (Source: P.A. 101-406, eff. 1-1-20.)

3 (730 ILCS 5/5-6-4.1) (from Ch. 38, par. 1005-6-4.1)

4 Sec. 5-6-4.1. Violation, Modification or Revocation of
5 Conditional Discharge or Supervision - Hearing.)

6 (a) In cases where a defendant was placed upon supervision
7 or conditional discharge for the commission of a petty offense,
8 upon the oral or written motion of the State, or on the court's
9 own motion, which charges that a violation of a condition of
10 that conditional discharge or supervision has occurred, the
11 court may:

12 (1) Conduct a hearing instanter if the offender is
13 present in court;

14 (2) Order the issuance by the court clerk of a notice
15 to the offender to be present for a hearing for violation;

16 (3) Order summons to the offender to be present; or

17 (4) Order a warrant for the offender's arrest.

18 The oral motion, if the defendant is present, or the
19 issuance of such warrant, summons or notice shall toll the
20 period of conditional discharge or supervision until the final
21 determination of the charge, and the term of conditional
22 discharge or supervision shall not run until the hearing and
23 disposition of the petition for violation.

24 (b) The Court shall admit the offender to pretrial release
25 ~~bail~~ pending the hearing.

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

6 (d) Conditional discharge or supervision shall not be
7 revoked for failure to comply with the conditions of the
8 discharge or supervision which imposed financial obligations
9 upon the offender unless such failure is due to his wilful
10 refusal to pay.

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

18 (f) The conditions of conditional discharge and of
19 supervision may be modified by the court on motion of the
20 probation officer or on its own motion or at the request of the
21 offender after notice to the defendant and a hearing.

22 (g) A judgment revoking supervision is a final appealable
23 order.

24 (h) Resentencing after revocation of conditional discharge
25 or of supervision shall be under Article 4. Time served on
26 conditional discharge or supervision shall be credited by the

1 court against a sentence of imprisonment or periodic
2 imprisonment unless the court orders otherwise.

3 (Source: P.A. 95-1052, eff. 7-1-09.)

4 (730 ILCS 5/5-8A-7)

5 Sec. 5-8A-7. Domestic violence surveillance program. If
6 the Prisoner Review Board, Department of Corrections,
7 Department of Juvenile Justice, or court (the supervising
8 authority) orders electronic surveillance as a condition of
9 parole, aftercare release, mandatory supervised release, early
10 release, probation, or conditional discharge for a violation of
11 an order of protection or as a condition of pretrial release
12 ~~bail~~ for a person charged with a violation of an order of
13 protection, the supervising authority shall use the best
14 available global positioning technology to track domestic
15 violence offenders. Best available technology must have
16 real-time and interactive capabilities that facilitate the
17 following objectives: (1) immediate notification to the
18 supervising authority of a breach of a court ordered exclusion
19 zone; (2) notification of the breach to the offender; and (3)
20 communication between the supervising authority, law
21 enforcement, and the victim, regarding the breach. The
22 supervising authority may also require that the electronic
23 surveillance ordered under this Section monitor the
24 consumption of alcohol or drugs.

25 (Source: P.A. 99-628, eff. 1-1-17; 99-797, eff. 8-12-16;

1 100-201, eff. 8-18-17.)

2 (730 ILCS 5/8-2-1) (from Ch. 38, par. 1008-2-1)

3 Sec. 8-2-1. Saving Clause.

4 The repeal of Acts or parts of Acts enumerated in Section
5 8-5-1 does not: (1) affect any offense committed, act done,
6 prosecution pending, penalty, punishment or forfeiture
7 incurred, or rights, powers or remedies accrued under any law
8 in effect immediately prior to the effective date of this Code;
9 (2) impair, avoid, or affect any grant or conveyance made or
10 right acquired or cause of action then existing under any such
11 repealed Act or amendment thereto; (3) affect or impair the
12 validity of any pretrial release ~~bail or other bond~~ or other
13 obligation issued or sold and constituting a valid obligation
14 of the issuing authority immediately prior to the effective
15 date of this Code; (4) the validity of any contract; or (5) the
16 validity of any tax levied under any law in effect prior to the
17 effective date of this Code. The repeal of any validating Act
18 or part thereof shall not avoid the effect of the validation.
19 No Act repealed by Section 8-5-1 shall repeal any Act or part
20 thereof which embraces the same or a similar subject matter as
21 the Act repealed.

22 (Source: P.A. 78-255.)

23 Section 10-281. The Unified Code of Corrections is amended
24 by changing Sections 3-6-3, 5-4-1, 5-4.5-95, 5-4.5-100, 5-8-1,

1 5-8-6, 5-8A-2, 5-8A-4, and 5-8A-4.1 and by adding 5-6-3.8 as
2 follows:

3 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

4 Sec. 3-6-3. Rules and regulations for sentence credit.

5 (a) (1) The Department of Corrections shall prescribe rules
6 and regulations for awarding and revoking sentence credit for
7 persons committed to the Department which shall be subject to
8 review by the Prisoner Review Board.

9 (1.5) As otherwise provided by law, sentence credit may be
10 awarded for the following:

11 (A) successful completion of programming while in
12 custody of the Department or while in custody prior to
13 sentencing;

14 (B) compliance with the rules and regulations of the
15 Department; or

16 (C) service to the institution, service to a community,
17 or service to the State.

18 (2) Except as provided in paragraph (4.7) of this
19 subsection (a), the rules and regulations on sentence credit
20 shall provide, with respect to offenses listed in clause (i),
21 (ii), or (iii) of this paragraph (2) committed on or after June
22 19, 1998 or with respect to the offense listed in clause (iv)
23 of this paragraph (2) committed on or after June 23, 2005 (the
24 effective date of Public Act 94-71) or with respect to offense
25 listed in clause (vi) committed on or after June 1, 2008 (the

1 effective date of Public Act 95-625) or with respect to the
2 offense of being an armed habitual criminal committed on or
3 after August 2, 2005 (the effective date of Public Act 94-398)
4 or with respect to the offenses listed in clause (v) of this
5 paragraph (2) committed on or after August 13, 2007 (the
6 effective date of Public Act 95-134) or with respect to the
7 offense of aggravated domestic battery committed on or after
8 July 23, 2010 (the effective date of Public Act 96-1224) or
9 with respect to the offense of attempt to commit terrorism
10 committed on or after January 1, 2013 (the effective date of
11 Public Act 97-990), the following:

12 (i) that a prisoner who is serving a term of
13 imprisonment for first degree murder or for the offense of
14 terrorism shall receive no sentence credit and shall serve
15 the entire sentence imposed by the court;

16 (ii) that a prisoner serving a sentence for attempt to
17 commit terrorism, attempt to commit first degree murder,
18 solicitation of murder, solicitation of murder for hire,
19 intentional homicide of an unborn child, predatory
20 criminal sexual assault of a child, aggravated criminal
21 sexual assault, criminal sexual assault, aggravated
22 kidnapping, aggravated battery with a firearm as described
23 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
24 (e) (4) of Section 12-3.05, heinous battery as described in
25 Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,
26 being an armed habitual criminal, aggravated battery of a

1 senior citizen as described in Section 12-4.6 or
2 subdivision (a)(4) of Section 12-3.05, or aggravated
3 battery of a child as described in Section 12-4.3 or
4 subdivision (b)(1) of Section 12-3.05 shall receive no more
5 than 4.5 days of sentence credit for each month of his or
6 her sentence of imprisonment;

7 (iii) that a prisoner serving a sentence for home
8 invasion, armed robbery, aggravated vehicular hijacking,
9 aggravated discharge of a firearm, or armed violence with a
10 category I weapon or category II weapon, when the court has
11 made and entered a finding, pursuant to subsection (c-1) of
12 Section 5-4-1 of this Code, that the conduct leading to
13 conviction for the enumerated offense resulted in great
14 bodily harm to a victim, shall receive no more than 4.5
15 days of sentence credit for each month of his or her
16 sentence of imprisonment;

17 (iv) that a prisoner serving a sentence for aggravated
18 discharge of a firearm, whether or not the conduct leading
19 to conviction for the offense resulted in great bodily harm
20 to the victim, shall receive no more than 4.5 days of
21 sentence credit for each month of his or her sentence of
22 imprisonment;

23 (v) that a person serving a sentence for gunrunning,
24 narcotics racketeering, controlled substance trafficking,
25 methamphetamine trafficking, drug-induced homicide,
26 aggravated methamphetamine-related child endangerment,

1 money laundering pursuant to clause (c) (4) or (5) of
2 Section 29B-1 of the Criminal Code of 1961 or the Criminal
3 Code of 2012, or a Class X felony conviction for delivery
4 of a controlled substance, possession of a controlled
5 substance with intent to manufacture or deliver,
6 calculated criminal drug conspiracy, criminal drug
7 conspiracy, street gang criminal drug conspiracy,
8 participation in methamphetamine manufacturing, aggravated
9 participation in methamphetamine manufacturing, delivery
10 of methamphetamine, possession with intent to deliver
11 methamphetamine, aggravated delivery of methamphetamine,
12 aggravated possession with intent to deliver
13 methamphetamine, methamphetamine conspiracy when the
14 substance containing the controlled substance or
15 methamphetamine is 100 grams or more shall receive no more
16 than 7.5 days sentence credit for each month of his or her
17 sentence of imprisonment;

18 (vi) that a prisoner serving a sentence for a second or
19 subsequent offense of luring a minor shall receive no more
20 than 4.5 days of sentence credit for each month of his or
21 her sentence of imprisonment; and

22 (vii) that a prisoner serving a sentence for aggravated
23 domestic battery shall receive no more than 4.5 days of
24 sentence credit for each month of his or her sentence of
25 imprisonment.

26 (2.1) For all offenses, other than those enumerated in

1 subdivision (a)(2)(i), (ii), or (iii) committed on or after
2 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
3 June 23, 2005 (the effective date of Public Act 94-71) or
4 subdivision (a)(2)(v) committed on or after August 13, 2007
5 (the effective date of Public Act 95-134) or subdivision
6 (a)(2)(vi) committed on or after June 1, 2008 (the effective
7 date of Public Act 95-625) or subdivision (a)(2)(vii) committed
8 on or after July 23, 2010 (the effective date of Public Act
9 96-1224), and other than the offense of aggravated driving
10 under the influence of alcohol, other drug or drugs, or
11 intoxicating compound or compounds, or any combination thereof
12 as defined in subparagraph (F) of paragraph (1) of subsection
13 (d) of Section 11-501 of the Illinois Vehicle Code, and other
14 than the offense of aggravated driving under the influence of
15 alcohol, other drug or drugs, or intoxicating compound or
16 compounds, or any combination thereof as defined in
17 subparagraph (C) of paragraph (1) of subsection (d) of Section
18 11-501 of the Illinois Vehicle Code committed on or after
19 January 1, 2011 (the effective date of Public Act 96-1230), the
20 rules and regulations shall provide that a prisoner who is
21 serving a term of imprisonment shall receive one day of
22 sentence credit for each day of his or her sentence of
23 imprisonment or recommitment under Section 3-3-9. Each day of
24 sentence credit shall reduce by one day the prisoner's period
25 of imprisonment or recommitment under Section 3-3-9.

26 (2.2) A prisoner serving a term of natural life

1 imprisonment or a prisoner who has been sentenced to death
2 shall receive no sentence credit.

3 (2.3) Except as provided in paragraph (4.7) of this
4 subsection (a), the rules and regulations on sentence credit
5 shall provide that a prisoner who is serving a sentence for
6 aggravated driving under the influence of alcohol, other drug
7 or drugs, or intoxicating compound or compounds, or any
8 combination thereof as defined in subparagraph (F) of paragraph
9 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
10 Code, shall receive no more than 4.5 days of sentence credit
11 for each month of his or her sentence of imprisonment.

12 (2.4) Except as provided in paragraph (4.7) of this
13 subsection (a), the rules and regulations on sentence credit
14 shall provide with respect to the offenses of aggravated
15 battery with a machine gun or a firearm equipped with any
16 device or attachment designed or used for silencing the report
17 of a firearm or aggravated discharge of a machine gun or a
18 firearm equipped with any device or attachment designed or used
19 for silencing the report of a firearm, committed on or after
20 July 15, 1999 (the effective date of Public Act 91-121), that a
21 prisoner serving a sentence for any of these offenses shall
22 receive no more than 4.5 days of sentence credit for each month
23 of his or her sentence of imprisonment.

24 (2.5) Except as provided in paragraph (4.7) of this
25 subsection (a), the rules and regulations on sentence credit
26 shall provide that a prisoner who is serving a sentence for

1 aggravated arson committed on or after July 27, 2001 (the
2 effective date of Public Act 92-176) shall receive no more than
3 4.5 days of sentence credit for each month of his or her
4 sentence of imprisonment.

5 (2.6) Except as provided in paragraph (4.7) of this
6 subsection (a), the rules and regulations on sentence credit
7 shall provide that a prisoner who is serving a sentence for
8 aggravated driving under the influence of alcohol, other drug
9 or drugs, or intoxicating compound or compounds or any
10 combination thereof as defined in subparagraph (C) of paragraph
11 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
12 Code committed on or after January 1, 2011 (the effective date
13 of Public Act 96-1230) shall receive no more than 4.5 days of
14 sentence credit for each month of his or her sentence of
15 imprisonment.

16 (3) In addition to the sentence credits earned under
17 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this
18 subsection (a), the rules and regulations shall also provide
19 that the Director may award up to 180 days of earned sentence
20 credit for prisoners serving a sentence of incarceration of
21 less than 5 years, and up to 365 days of earned sentence credit
22 for prisoners serving a sentence of 5 years or longer. The
23 Director may grant this credit for good conduct in specific
24 instances as the Director deems proper. The good conduct may
25 include, but is not limited to, compliance with the rules and
26 regulations of the Department, service to the Department,

1 service to a community, or service to the State.

2 Eligible inmates for an award of earned sentence credit
3 under this paragraph (3) may be selected to receive the credit
4 at the Director's or his or her designee's sole discretion.
5 Eligibility for the additional earned sentence credit under
6 this paragraph (3) may ~~shall~~ be based on, but is not limited
7 to, participation in programming offered by the department as
8 appropriate for the prisoner based on the results of any
9 available risk/needs assessment or other relevant assessments
10 or evaluations administered by the Department using a validated
11 instrument, the circumstances of the crime, demonstrated
12 commitment to rehabilitation by a prisoner with a ~~any~~ history
13 of conviction for a forcible felony enumerated in Section 2-8
14 of the Criminal Code of 2012, the inmate's behavior and
15 improvements in disciplinary history while incarcerated, and
16 the inmate's commitment to rehabilitation, including
17 participation in programming offered by the Department.

18 The Director shall not award sentence credit under this
19 paragraph (3) to an inmate unless the inmate has served a
20 minimum of 60 days of the sentence; except nothing in this
21 paragraph shall be construed to permit the Director to extend
22 an inmate's sentence beyond that which was imposed by the
23 court. Prior to awarding credit under this paragraph (3), the
24 Director shall make a written determination that the inmate:

25 (A) is eligible for the earned sentence credit;

26 (B) has served a minimum of 60 days, or as close to 60

1 days as the sentence will allow;

2 (B-1) has received a risk/needs assessment or other
3 relevant evaluation or assessment administered by the
4 Department using a validated instrument; and

5 (C) has met the eligibility criteria established by
6 rule for earned sentence credit.

7 The Director shall determine the form and content of the
8 written determination required in this subsection.

9 (3.5) The Department shall provide annual written reports
10 to the Governor and the General Assembly on the award of earned
11 sentence credit no later than February 1 of each year. The
12 Department must publish both reports on its website within 48
13 hours of transmitting the reports to the Governor and the
14 General Assembly. The reports must include:

15 (A) the number of inmates awarded earned sentence
16 credit;

17 (B) the average amount of earned sentence credit
18 awarded;

19 (C) the holding offenses of inmates awarded earned
20 sentence credit; and

21 (D) the number of earned sentence credit revocations.

22 (4) (A) Except as provided in paragraph (4.7) of this
23 subsection (a), the rules and regulations shall also provide
24 that any prisoner who ~~the sentence credit accumulated and~~
25 ~~retained under paragraph (2.1) of subsection (a) of this~~
26 ~~Section by any inmate during specific periods of time in which~~

1 ~~such inmate~~ is engaged full-time in substance abuse programs,
2 correctional industry assignments, educational programs,
3 work-release programs or activities in accordance with 730 ILCS
4 5/3-13-1 et seq., behavior modification programs, life skills
5 courses, or re-entry planning provided by the Department under
6 this paragraph (4) and satisfactorily completes the assigned
7 program as determined by the standards of the Department, shall
8 receive [one day] of sentence credit for each day in which that
9 prisoner is engaged in the activities described in this
10 paragraph ~~be multiplied by a factor of 1.25 for program~~
11 ~~participation before August 11, 1993 and 1.50 for program~~
12 ~~participation on or after that date.~~ The rules and regulations
13 shall also provide that sentence credit, ~~subject to the same~~
14 ~~offense limits and multiplier provided in this paragraph,~~ may
15 be provided to an inmate who was held in pre-trial detention
16 prior to his or her current commitment to the Department of
17 Corrections and successfully completed a full-time, 60-day or
18 longer substance abuse program, educational program, behavior
19 modification program, life skills course, or re-entry planning
20 provided by the county department of corrections or county
21 jail. Calculation of this county program credit shall be done
22 at sentencing as provided in Section 5-4.5-100 of this Code and
23 shall be included in the sentencing order. The rules and
24 regulations shall also provide that sentence credit may be
25 provided to an inmate who is in compliance with programming
26 requirements in an adult transition center. ~~However, no inmate~~

1 ~~shall be eligible for the additional sentence credit under this~~
2 ~~paragraph (4) or (4.1) of this subsection (a) while assigned to~~
3 ~~a boot camp or electronic detention.~~

4 (B) The Department shall award sentence credit under this
5 paragraph (4) accumulated prior to January 1, 2020 (the
6 effective date of Public Act 101-440) ~~this amendatory Act of~~
7 ~~the 101st General Assembly~~ in an amount specified in
8 subparagraph (C) of this paragraph (4) to an inmate serving a
9 sentence for an offense committed prior to June 19, 1998, if
10 the Department determines that the inmate is entitled to this
11 sentence credit, based upon:

12 (i) documentation provided by the Department that the
13 inmate engaged in any full-time substance abuse programs,
14 correctional industry assignments, educational programs,
15 behavior modification programs, life skills courses, or
16 re-entry planning provided by the Department under this
17 paragraph (4) and satisfactorily completed the assigned
18 program as determined by the standards of the Department
19 during the inmate's current term of incarceration; or

20 (ii) the inmate's own testimony in the form of an
21 affidavit or documentation, or a third party's
22 documentation or testimony in the form of an affidavit that
23 the inmate likely engaged in any full-time substance abuse
24 programs, correctional industry assignments, educational
25 programs, behavior modification programs, life skills
26 courses, or re-entry planning provided by the Department

1 under paragraph (4) and satisfactorily completed the
2 assigned program as determined by the standards of the
3 Department during the inmate's current term of
4 incarceration.

5 (C) If the inmate can provide documentation that he or she
6 is entitled to sentence credit under subparagraph (B) in excess
7 of 45 days of participation in those programs, the inmate shall
8 receive 90 days of sentence credit. If the inmate cannot
9 provide documentation of more than 45 days of participation in
10 those programs, the inmate shall receive 45 days of sentence
11 credit. In the event of a disagreement between the Department
12 and the inmate as to the amount of credit accumulated under
13 subparagraph (B), if the Department provides documented proof
14 of a lesser amount of days of participation in those programs,
15 that proof shall control. If the Department provides no
16 documentary proof, the inmate's proof as set forth in clause
17 (ii) of subparagraph (B) shall control as to the amount of
18 sentence credit provided.

19 (D) If the inmate has been convicted of a sex offense as
20 defined in Section 2 of the Sex Offender Registration Act,
21 sentencing credits under subparagraph (B) of this paragraph (4)
22 shall be awarded by the Department only if the conditions set
23 forth in paragraph (4.6) of subsection (a) are satisfied. No
24 inmate serving a term of natural life imprisonment shall
25 receive sentence credit under subparagraph (B) of this
26 paragraph (4).

1 Educational, vocational, substance abuse, behavior
2 modification programs, life skills courses, re-entry planning,
3 and correctional industry programs under which sentence credit
4 may be earned increased under this paragraph (4) and paragraph
5 (4.1) of this subsection (a) shall be evaluated by the
6 Department on the basis of documented standards. The Department
7 shall report the results of these evaluations to the Governor
8 and the General Assembly by September 30th of each year. The
9 reports shall include data relating to the recidivism rate
10 among program participants.

11 Availability of these programs shall be subject to the
12 limits of fiscal resources appropriated by the General Assembly
13 for these purposes. Eligible inmates who are denied immediate
14 admission shall be placed on a waiting list under criteria
15 established by the Department. The rules and regulations shall
16 provide that a prisoner who has been placed on a waiting list
17 but is transferred for non-disciplinary reasons before
18 beginning a program shall receive priority placement on the
19 waitlist for appropriate programs at the new facility. The
20 inability of any inmate to become engaged in any such programs
21 by reason of insufficient program resources or for any other
22 reason established under the rules and regulations of the
23 Department shall not be deemed a cause of action under which
24 the Department or any employee or agent of the Department shall
25 be liable for damages to the inmate. The rules and regulations
26 shall provide that a prisoner who begins an educational,

1 vocational, substance abuse, work-release programs or
2 activities in accordance with 730 ILCS 5/3-13-1 et seq.,
3 behavior modification program, life skills course, re-entry
4 planning, or correctional industry programs but is unable to
5 complete the program due to illness, disability, transfer,
6 lockdown, or another reason outside of the prisoner's control
7 shall receive prorated sentence credits for the days in which
8 the prisoner did participate.

9 (4.1) Except as provided in paragraph (4.7) of this
10 subsection (a), the rules and regulations shall also provide
11 that an additional 90 days of sentence credit shall be awarded
12 to any prisoner who passes high school equivalency testing
13 while the prisoner is committed to the Department of
14 Corrections. The sentence credit awarded under this paragraph
15 (4.1) shall be in addition to, and shall not affect, the award
16 of sentence credit under any other paragraph of this Section,
17 but shall also be pursuant to the guidelines and restrictions
18 set forth in paragraph (4) of subsection (a) of this Section.
19 The sentence credit provided for in this paragraph shall be
20 available only to those prisoners who have not previously
21 earned a high school diploma or a high school equivalency
22 certificate. If, after an award of the high school equivalency
23 testing sentence credit has been made, the Department
24 determines that the prisoner was not eligible, then the award
25 shall be revoked. The Department may also award 90 days of
26 sentence credit to any committed person who passed high school

1 equivalency testing while he or she was held in pre-trial
2 detention prior to the current commitment to the Department of
3 Corrections. Except as provided in paragraph (4.7) of this
4 subsection (a), the rules and regulations shall provide that an
5 additional 120 days of sentence credit shall be awarded to any
6 prisoner who obtains a associate degree while the prisoner is
7 committed to the Department of Corrections, regardless of the
8 date that the associate degree was obtained, including if prior
9 to the effective date of this amendatory Act of the 101st
10 General Assembly. The sentence credit awarded under this
11 paragraph (4.1) shall be in addition to, and shall not affect,
12 the award of sentence credit under any other paragraph of this
13 Section, but shall also be under the guidelines and
14 restrictions set forth in paragraph (4) of subsection (a) of
15 this Section. The sentence credit provided for in this
16 paragraph (4.1) shall be available only to those prisoners who
17 have not previously earned an associate degree prior to the
18 current commitment to the Department of Corrections. If, after
19 an award of the associate degree sentence credit has been made
20 and the Department determines that the prisoner was not
21 eligible, then the award shall be revoked. The Department may
22 also award 120 days of sentence credit to any committed person
23 who earned an associate degree while he or she was held in
24 pre-trial detention prior to the current commitment to the
25 Department of Corrections.

26 Except as provided in paragraph (4.7) of this subsection

1 (a), the rules and regulations shall provide that an additional
2 180 days of sentence credit shall be awarded to any prisoner
3 who obtains a bachelor's degree while the prisoner is committed
4 to the Department of Corrections. The sentence credit awarded
5 under this paragraph (4.1) shall be in addition to, and shall
6 not affect, the award of sentence credit under any other
7 paragraph of this Section, but shall also be under the
8 guidelines and restrictions set forth in paragraph (4) of this
9 subsection (a). The sentence credit provided for in this
10 paragraph shall be available only to those prisoners who have
11 not earned a bachelor's degree prior to the current commitment
12 to the Department of Corrections. If, after an award of the
13 bachelor's degree sentence credit has been made, the Department
14 determines that the prisoner was not eligible, then the award
15 shall be revoked. The Department may also award 180 days of
16 sentence credit to any committed person who earned a bachelor's
17 degree while he or she was held in pre-trial detention prior to
18 the current commitment to the Department of Corrections.

19 Except as provided in paragraph (4.7) of this subsection
20 (a), the rules and regulations shall provide that an additional
21 180 days of sentence credit shall be awarded to any prisoner
22 who obtains a master's or professional degree while the
23 prisoner is committed to the Department of Corrections. The
24 sentence credit awarded under this paragraph (4.1) shall be in
25 addition to, and shall not affect, the award of sentence credit
26 under any other paragraph of this Section, but shall also be

1 under the guidelines and restrictions set forth in paragraph
2 (4) of this subsection (a). The sentence credit provided for in
3 this paragraph shall be available only to those prisoners who
4 have not previously earned a master's or professional degree
5 prior to the current commitment to the Department of
6 Corrections. If, after an award of the master's or professional
7 degree sentence credit has been made, the Department determines
8 that the prisoner was not eligible, then the award shall be
9 revoked. The Department may also award 180 days of sentence
10 credit to any committed person who earned a master's or
11 professional degree while he or she was held in pre-trial
12 detention prior to the current commitment to the Department of
13 Corrections.

14 (4.2) The rules and regulations shall also provide that any
15 prisoner engaged in self-improvement programs, volunteer work,
16 or work assignments that are not otherwise eligible activities
17 under section (4), shall receive up to 0.5 days of sentence
18 credit for each day in which the prisoner is engaged in
19 activities described in this paragraph.

20 (4.5) The rules and regulations on sentence credit shall
21 also provide that when the court's sentencing order recommends
22 a prisoner for substance abuse treatment and the crime was
23 committed on or after September 1, 2003 (the effective date of
24 Public Act 93-354), the prisoner shall receive no sentence
25 credit awarded under clause (3) of this subsection (a) unless
26 he or she participates in and completes a substance abuse

1 treatment program. The Director may waive the requirement to
2 participate in or complete a substance abuse treatment program
3 in specific instances if the prisoner is not a good candidate
4 for a substance abuse treatment program for medical,
5 programming, or operational reasons. Availability of substance
6 abuse treatment shall be subject to the limits of fiscal
7 resources appropriated by the General Assembly for these
8 purposes. If treatment is not available and the requirement to
9 participate and complete the treatment has not been waived by
10 the Director, the prisoner shall be placed on a waiting list
11 under criteria established by the Department. The Director may
12 allow a prisoner placed on a waiting list to participate in and
13 complete a substance abuse education class or attend substance
14 abuse self-help meetings in lieu of a substance abuse treatment
15 program. A prisoner on a waiting list who is not placed in a
16 substance abuse program prior to release may be eligible for a
17 waiver and receive sentence credit under clause (3) of this
18 subsection (a) at the discretion of the Director.

19 (4.6) The rules and regulations on sentence credit shall
20 also provide that a prisoner who has been convicted of a sex
21 offense as defined in Section 2 of the Sex Offender
22 Registration Act shall receive no sentence credit unless he or
23 she either has successfully completed or is participating in
24 sex offender treatment as defined by the Sex Offender
25 Management Board. However, prisoners who are waiting to receive
26 treatment, but who are unable to do so due solely to the lack

1 of resources on the part of the Department, may, at the
2 Director's sole discretion, be awarded sentence credit at a
3 rate as the Director shall determine.

4 (4.7) On or after January 1, 2018 (the effective date of
5 Public Act 100-3) ~~this amendatory Act of the 100th General~~
6 ~~Assembly~~, sentence credit under paragraph (3), (4), or (4.1) of
7 this subsection (a) may be awarded to a prisoner who is serving
8 a sentence for an offense described in paragraph (2), (2.3),
9 (2.4), (2.5), or (2.6) for credit earned on or after January 1,
10 2018 (the effective date of Public Act 100-3) ~~this amendatory~~
11 ~~Act of the 100th General Assembly~~; provided, the award of the
12 credits under this paragraph (4.7) shall not reduce the
13 sentence of the prisoner to less than the following amounts:

14 (i) 85% of his or her sentence if the prisoner is
15 required to serve 85% of his or her sentence; or

16 (ii) 60% of his or her sentence if the prisoner is
17 required to serve 75% of his or her sentence, except if the
18 prisoner is serving a sentence for gunrunning his or her
19 sentence shall not be reduced to less than 75%.

20 (iii) 100% of his or her sentence if the prisoner is
21 required to serve 100% of his or her sentence.

22 (5) Whenever the Department is to release any inmate
23 earlier than it otherwise would because of a grant of earned
24 sentence credit under paragraph (3) of subsection (a) of this
25 Section given at any time during the term, the Department shall
26 give reasonable notice of the impending release not less than

1 14 days prior to the date of the release to the State's
2 Attorney of the county where the prosecution of the inmate took
3 place, and if applicable, the State's Attorney of the county
4 into which the inmate will be released. The Department must
5 also make identification information and a recent photo of the
6 inmate being released accessible on the Internet by means of a
7 hyperlink labeled "Community Notification of Inmate Early
8 Release" on the Department's World Wide Web homepage. The
9 identification information shall include the inmate's: name,
10 any known alias, date of birth, physical characteristics,
11 commitment offense, and county where conviction was imposed.
12 The identification information shall be placed on the website
13 within 3 days of the inmate's release and the information may
14 not be removed until either: completion of the first year of
15 mandatory supervised release or return of the inmate to custody
16 of the Department.

17 (b) Whenever a person is or has been committed under
18 several convictions, with separate sentences, the sentences
19 shall be construed under Section 5-8-4 in granting and
20 forfeiting of sentence credit.

21 (c) (1) The Department shall prescribe rules and
22 regulations for revoking sentence credit, including revoking
23 sentence credit awarded under paragraph (3) of subsection (a)
24 of this Section. The Department shall prescribe rules and
25 regulations establishing and requiring the use of a sanctions
26 matrix for revoking sentence credit. The Department shall

1 prescribe rules and regulations for suspending or reducing the
2 rate of accumulation of sentence credit for specific rule
3 violations, during imprisonment. These rules and regulations
4 shall provide that no inmate may be penalized more than one
5 year of sentence credit for any one infraction.

6 (2) When the Department seeks to revoke, suspend, or reduce
7 the rate of accumulation of any sentence credits for an alleged
8 infraction of its rules, it shall bring charges therefor
9 against the prisoner sought to be so deprived of sentence
10 credits before the Prisoner Review Board as provided in
11 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
12 amount of credit at issue exceeds 30 days, whether from one
13 infraction or cumulatively from multiple infractions arising
14 out of a single event, or when, during any 12-month ~~12-month~~
15 period, the cumulative amount of credit revoked exceeds 30 days
16 except where the infraction is committed or discovered within
17 60 days of scheduled release. In those cases, the Department of
18 Corrections may revoke up to 30 days of sentence credit. The
19 Board may subsequently approve the revocation of additional
20 sentence credit, if the Department seeks to revoke sentence
21 credit in excess of 30 days. However, the Board shall not be
22 empowered to review the Department's decision with respect to
23 the loss of 30 days of sentence credit within any calendar year
24 for any prisoner or to increase any penalty beyond the length
25 requested by the Department.

26 (3) The Director of the Department of Corrections, in

1 appropriate cases, may restore ~~up to 30 days of~~ sentence
2 credits which have been revoked, suspended, or reduced. The
3 Department shall prescribe rules and regulations governing the
4 restoration of sentence credits. These rules and regulations
5 shall provide for the automatic restoration of sentence credits
6 following a period in which the prisoner maintains a record
7 without a disciplinary violation. ~~Any restoration of sentence~~
8 ~~credits in excess of 30 days shall be subject to review by the~~
9 ~~Prisoner Review Board. However, the Board may not restore~~
10 ~~sentence credit in excess of the amount requested by the~~
11 ~~Director.~~

12 Nothing contained in this Section shall prohibit the
13 Prisoner Review Board from ordering, pursuant to Section
14 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
15 sentence imposed by the court that was not served due to the
16 accumulation of sentence credit.

17 (d) If a lawsuit is filed by a prisoner in an Illinois or
18 federal court against the State, the Department of Corrections,
19 or the Prisoner Review Board, or against any of their officers
20 or employees, and the court makes a specific finding that a
21 pleading, motion, or other paper filed by the prisoner is
22 frivolous, the Department of Corrections shall conduct a
23 hearing to revoke up to 180 days of sentence credit by bringing
24 charges against the prisoner sought to be deprived of the
25 sentence credits before the Prisoner Review Board as provided
26 in subparagraph (a)(8) of Section 3-3-2 of this Code. If the

1 prisoner has not accumulated 180 days of sentence credit at the
2 time of the finding, then the Prisoner Review Board may revoke
3 all sentence credit accumulated by the prisoner.

4 For purposes of this subsection (d):

5 (1) "Frivolous" means that a pleading, motion, or other
6 filing which purports to be a legal document filed by a
7 prisoner in his or her lawsuit meets any or all of the
8 following criteria:

9 (A) it lacks an arguable basis either in law or in
10 fact;

11 (B) it is being presented for any improper purpose,
12 such as to harass or to cause unnecessary delay or
13 needless increase in the cost of litigation;

14 (C) the claims, defenses, and other legal
15 contentions therein are not warranted by existing law
16 or by a nonfrivolous argument for the extension,
17 modification, or reversal of existing law or the
18 establishment of new law;

19 (D) the allegations and other factual contentions
20 do not have evidentiary support or, if specifically so
21 identified, are not likely to have evidentiary support
22 after a reasonable opportunity for further
23 investigation or discovery; or

24 (E) the denials of factual contentions are not
25 warranted on the evidence, or if specifically so
26 identified, are not reasonably based on a lack of

1 information or belief.

2 (2) "Lawsuit" means a motion pursuant to Section 116-3
3 of the Code of Criminal Procedure of 1963, a habeas corpus
4 action under Article X of the Code of Civil Procedure or
5 under federal law (28 U.S.C. 2254), a petition for claim
6 under the Court of Claims Act, an action under the federal
7 Civil Rights Act (42 U.S.C. 1983), or a second or
8 subsequent petition for post-conviction relief under
9 Article 122 of the Code of Criminal Procedure of 1963
10 whether filed with or without leave of court or a second or
11 subsequent petition for relief from judgment under Section
12 2-1401 of the Code of Civil Procedure.

13 (e) Nothing in Public Act 90-592 or 90-593 affects the
14 validity of Public Act 89-404.

15 (f) Whenever the Department is to release any inmate who
16 has been convicted of a violation of an order of protection
17 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
18 the Criminal Code of 2012, earlier than it otherwise would
19 because of a grant of sentence credit, the Department, as a
20 condition of release, shall require that the person, upon
21 release, be placed under electronic surveillance as provided in
22 Section 5-8A-7 of this Code.

23 (Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18;
24 101-440, eff. 1-1-20; revised 8-19-20.)

25 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

1 Sec. 5-4-1. Sentencing hearing.

2 (a) Except when the death penalty is sought under hearing
3 procedures otherwise specified, after a determination of
4 guilt, a hearing shall be held to impose the sentence. However,
5 prior to the imposition of sentence on an individual being
6 sentenced for an offense based upon a charge for a violation of
7 Section 11-501 of the Illinois Vehicle Code or a similar
8 provision of a local ordinance, the individual must undergo a
9 professional evaluation to determine if an alcohol or other
10 drug abuse problem exists and the extent of such a problem.
11 Programs conducting these evaluations shall be licensed by the
12 Department of Human Services. However, if the individual is not
13 a resident of Illinois, the court may, in its discretion,
14 accept an evaluation from a program in the state of such
15 individual's residence. The court shall make a specific finding
16 about whether the defendant is eligible for participation in a
17 Department impact incarceration program as provided in Section
18 5-8-1.1 or 5-8-1.3, and if not, provide an explanation as to
19 why a sentence to impact incarceration is not an appropriate
20 sentence. The court may in its sentencing order recommend a
21 defendant for placement in a Department of Corrections
22 substance abuse treatment program as provided in paragraph (a)
23 of subsection (1) of Section 3-2-2 conditioned upon the
24 defendant being accepted in a program by the Department of
25 Corrections. At the hearing the court shall:

26 (1) consider the evidence, if any, received upon the

1 trial;

2 (2) consider any presentence reports;

3 (3) consider the financial impact of incarceration
4 based on the financial impact statement filed with the
5 clerk of the court by the Department of Corrections;

6 (4) consider evidence and information offered by the
7 parties in aggravation and mitigation;

8 (4.5) consider substance abuse treatment, eligibility
9 screening, and an assessment, if any, of the defendant by
10 an agent designated by the State of Illinois to provide
11 assessment services for the Illinois courts;

12 (5) hear arguments as to sentencing alternatives;

13 (6) afford the defendant the opportunity to make a
14 statement in his own behalf;

15 (7) afford the victim of a violent crime or a violation
16 of Section 11-501 of the Illinois Vehicle Code, or a
17 similar provision of a local ordinance, the opportunity to
18 present an oral or written statement, as guaranteed by
19 Article I, Section 8.1 of the Illinois Constitution and
20 provided in Section 6 of the Rights of Crime Victims and
21 Witnesses Act. The court shall allow a victim to make an
22 oral statement if the victim is present in the courtroom
23 and requests to make an oral or written statement. An oral
24 or written statement includes the victim or a
25 representative of the victim reading the written
26 statement. The court may allow persons impacted by the

1 crime who are not victims under subsection (a) of Section 3
2 of the Rights of Crime Victims and Witnesses Act to present
3 an oral or written statement. A victim and any person
4 making an oral statement shall not be put under oath or
5 subject to cross-examination. All statements offered under
6 this paragraph (7) shall become part of the record of the
7 court. In this paragraph (7), "victim of a violent crime"
8 means a person who is a victim of a violent crime for which
9 the defendant has been convicted after a bench or jury
10 trial or a person who is the victim of a violent crime with
11 which the defendant was charged and the defendant has been
12 convicted under a plea agreement of a crime that is not a
13 violent crime as defined in subsection (c) of 3 of the
14 Rights of Crime Victims and Witnesses Act;

15 (7.5) afford a qualified person affected by: (i) a
16 violation of Section 405, 405.1, 405.2, or 407 of the
17 Illinois Controlled Substances Act or a violation of
18 Section 55 or Section 65 of the Methamphetamine Control and
19 Community Protection Act; or (ii) a Class 4 felony
20 violation of Section 11-14, 11-14.3 except as described in
21 subdivisions (a)(2)(A) and (a)(2)(B), 11-15, 11-17, 11-18,
22 11-18.1, or 11-19 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, committed by the defendant the
24 opportunity to make a statement concerning the impact on
25 the qualified person and to offer evidence in aggravation
26 or mitigation; provided that the statement and evidence

1 offered in aggravation or mitigation shall first be
2 prepared in writing in conjunction with the State's
3 Attorney before it may be presented orally at the hearing.
4 Sworn testimony offered by the qualified person is subject
5 to the defendant's right to cross-examine. All statements
6 and evidence offered under this paragraph (7.5) shall
7 become part of the record of the court. In this paragraph
8 (7.5), "qualified person" means any person who: (i) lived
9 or worked within the territorial jurisdiction where the
10 offense took place when the offense took place; or (ii) is
11 familiar with various public places within the territorial
12 jurisdiction where the offense took place when the offense
13 took place. "Qualified person" includes any peace officer
14 or any member of any duly organized State, county, or
15 municipal peace officer unit assigned to the territorial
16 jurisdiction where the offense took place when the offense
17 took place;

18 (8) in cases of reckless homicide afford the victim's
19 spouse, guardians, parents or other immediate family
20 members an opportunity to make oral statements;

21 (9) in cases involving a felony sex offense as defined
22 under the Sex Offender Management Board Act, consider the
23 results of the sex offender evaluation conducted pursuant
24 to Section 5-3-2 of this Act; and

25 (10) make a finding of whether a motor vehicle was used
26 in the commission of the offense for which the defendant is

1 being sentenced.

2 (b) All sentences shall be imposed by the judge based upon
3 his independent assessment of the elements specified above and
4 any agreement as to sentence reached by the parties. The judge
5 who presided at the trial or the judge who accepted the plea of
6 guilty shall impose the sentence unless he is no longer sitting
7 as a judge in that court. Where the judge does not impose
8 sentence at the same time on all defendants who are convicted
9 as a result of being involved in the same offense, the
10 defendant or the State's Attorney may advise the sentencing
11 court of the disposition of any other defendants who have been
12 sentenced.

13 (b-1) In imposing a sentence of imprisonment or periodic
14 imprisonment for a Class 3 or Class 4 felony for which a
15 sentence of probation or conditional discharge is an available
16 sentence, if the defendant has no prior sentence of probation
17 or conditional discharge and no prior conviction for a violent
18 crime, the defendant shall not be sentenced to imprisonment
19 before review and consideration of a presentence report and
20 determination and explanation of why the particular evidence,
21 information, factor in aggravation, factual finding, or other
22 reasons support a sentencing determination that one or more of
23 the factors under subsection (a) of Section 5-6-1 of this Code
24 apply and that probation or conditional discharge is not an
25 appropriate sentence.

26 (c) In imposing a sentence for a violent crime or for an

1 offense of operating or being in physical control of a vehicle
2 while under the influence of alcohol, any other drug or any
3 combination thereof, or a similar provision of a local
4 ordinance, when such offense resulted in the personal injury to
5 someone other than the defendant, the trial judge shall specify
6 on the record the particular evidence, information, factors in
7 mitigation and aggravation or other reasons that led to his
8 sentencing determination. The full verbatim record of the
9 sentencing hearing shall be filed with the clerk of the court
10 and shall be a public record.

11 (c-1) In imposing a sentence for the offense of aggravated
12 kidnapping for ransom, home invasion, armed robbery,
13 aggravated vehicular hijacking, aggravated discharge of a
14 firearm, or armed violence with a category I weapon or category
15 II weapon, the trial judge shall make a finding as to whether
16 the conduct leading to conviction for the offense resulted in
17 great bodily harm to a victim, and shall enter that finding and
18 the basis for that finding in the record.

19 (c-2) If the defendant is sentenced to prison, other than
20 when a sentence of natural life imprisonment or a sentence of
21 death is imposed, at the time the sentence is imposed the judge
22 shall state on the record in open court the approximate period
23 of time the defendant will serve in custody according to the
24 then current statutory rules and regulations for sentence
25 credit found in Section 3-6-3 and other related provisions of
26 this Code. This statement is intended solely to inform the

1 public, has no legal effect on the defendant's actual release,
2 and may not be relied on by the defendant on appeal.

3 The judge's statement, to be given after pronouncing the
4 sentence, other than when the sentence is imposed for one of
5 the offenses enumerated in paragraph (a)(4) of Section 3-6-3,
6 shall include the following:

7 "The purpose of this statement is to inform the public of
8 the actual period of time this defendant is likely to spend in
9 prison as a result of this sentence. The actual period of
10 prison time served is determined by the statutes of Illinois as
11 applied to this sentence by the Illinois Department of
12 Corrections and the Illinois Prisoner Review Board. In this
13 case, assuming the defendant receives all of his or her
14 sentence credit, the period of estimated actual custody is ...
15 years and ... months, less up to 180 days additional earned
16 sentence credit. If the defendant, because of his or her own
17 misconduct or failure to comply with the institutional
18 regulations, does not receive those credits, the actual time
19 served in prison will be longer. The defendant may also receive
20 an additional one-half day sentence credit for each day of
21 participation in vocational, industry, substance abuse, and
22 educational programs as provided for by Illinois statute."

23 When the sentence is imposed for one of the offenses
24 enumerated in paragraph (a)(2) of Section 3-6-3, other than
25 first degree murder, and the offense was committed on or after
26 June 19, 1998, and when the sentence is imposed for reckless

1 homicide as defined in subsection (e) of Section 9-3 of the
2 Criminal Code of 1961 or the Criminal Code of 2012 if the
3 offense was committed on or after January 1, 1999, and when the
4 sentence is imposed for aggravated driving under the influence
5 of alcohol, other drug or drugs, or intoxicating compound or
6 compounds, or any combination thereof as defined in
7 subparagraph (F) of paragraph (1) of subsection (d) of Section
8 11-501 of the Illinois Vehicle Code, and when the sentence is
9 imposed for aggravated arson if the offense was committed on or
10 after July 27, 2001 (the effective date of Public Act 92-176),
11 and when the sentence is imposed for aggravated driving under
12 the influence of alcohol, other drug or drugs, or intoxicating
13 compound or compounds, or any combination thereof as defined in
14 subparagraph (C) of paragraph (1) of subsection (d) of Section
15 11-501 of the Illinois Vehicle Code committed on or after
16 January 1, 2011 (the effective date of Public Act 96-1230), the
17 judge's statement, to be given after pronouncing the sentence,
18 shall include the following:

19 "The purpose of this statement is to inform the public of
20 the actual period of time this defendant is likely to spend in
21 prison as a result of this sentence. The actual period of
22 prison time served is determined by the statutes of Illinois as
23 applied to this sentence by the Illinois Department of
24 Corrections and the Illinois Prisoner Review Board. In this
25 case, the defendant is entitled to no more than 4 1/2 days of
26 sentence credit for each month of his or her sentence of

1 imprisonment. Therefore, this defendant will serve at least 85%
2 of his or her sentence. Assuming the defendant receives 4 1/2
3 days credit for each month of his or her sentence, the period
4 of estimated actual custody is ... years and ... months. If the
5 defendant, because of his or her own misconduct or failure to
6 comply with the institutional regulations receives lesser
7 credit, the actual time served in prison will be longer."

8 When a sentence of imprisonment is imposed for first degree
9 murder and the offense was committed on or after June 19, 1998,
10 the judge's statement, to be given after pronouncing the
11 sentence, shall include the following:

12 "The purpose of this statement is to inform the public of
13 the actual period of time this defendant is likely to spend in
14 prison as a result of this sentence. The actual period of
15 prison time served is determined by the statutes of Illinois as
16 applied to this sentence by the Illinois Department of
17 Corrections and the Illinois Prisoner Review Board. In this
18 case, the defendant is not entitled to sentence credit.
19 Therefore, this defendant will serve 100% of his or her
20 sentence."

21 When the sentencing order recommends placement in a
22 substance abuse program for any offense that results in
23 incarceration in a Department of Corrections facility and the
24 crime was committed on or after September 1, 2003 (the
25 effective date of Public Act 93-354), the judge's statement, in
26 addition to any other judge's statement required under this

1 Section, to be given after pronouncing the sentence, shall
2 include the following:

3 "The purpose of this statement is to inform the public of
4 the actual period of time this defendant is likely to spend in
5 prison as a result of this sentence. The actual period of
6 prison time served is determined by the statutes of Illinois as
7 applied to this sentence by the Illinois Department of
8 Corrections and the Illinois Prisoner Review Board. In this
9 case, the defendant shall receive no earned sentence credit
10 under clause (3) of subsection (a) of Section 3-6-3 until he or
11 she participates in and completes a substance abuse treatment
12 program or receives a waiver from the Director of Corrections
13 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

14 (c-4) Before the sentencing hearing and as part of the
15 presentence investigation under Section 5-3-1, the court shall
16 inquire of the defendant whether the defendant is currently
17 serving in or is a veteran of the Armed Forces of the United
18 States. If the defendant is currently serving in the Armed
19 Forces of the United States or is a veteran of the Armed Forces
20 of the United States and has been diagnosed as having a mental
21 illness by a qualified psychiatrist or clinical psychologist or
22 physician, the court may:

23 (1) order that the officer preparing the presentence
24 report consult with the United States Department of
25 Veterans Affairs, Illinois Department of Veterans'
26 Affairs, or another agency or person with suitable

1 knowledge or experience for the purpose of providing the
2 court with information regarding treatment options
3 available to the defendant, including federal, State, and
4 local programming; and

5 (2) consider the treatment recommendations of any
6 diagnosing or treating mental health professionals
7 together with the treatment options available to the
8 defendant in imposing sentence.

9 For the purposes of this subsection (c-4), "qualified
10 psychiatrist" means a reputable physician licensed in Illinois
11 to practice medicine in all its branches, who has specialized
12 in the diagnosis and treatment of mental and nervous disorders
13 for a period of not less than 5 years.

14 (c-6) In imposing a sentence, the trial judge shall
15 specify, on the record, the particular evidence and other
16 reasons which led to his or her determination that a motor
17 vehicle was used in the commission of the offense.

18 (c-7) In imposing a sentence for a Class 3 or 4 felony,
19 other than a violent crime as defined in Section 3 of the
20 Rights of Crime Victims and Witnesses Act, the court shall
21 determine and indicate in the sentencing order whether the
22 defendant has 4 or more or fewer than 4 months remaining on his
23 or her sentence accounting for time served.

24 (d) When the defendant is committed to the Department of
25 Corrections, the State's Attorney shall and counsel for the
26 defendant may file a statement with the clerk of the court to

1 be transmitted to the department, agency or institution to
2 which the defendant is committed to furnish such department,
3 agency or institution with the facts and circumstances of the
4 offense for which the person was committed together with all
5 other factual information accessible to them in regard to the
6 person prior to his commitment relative to his habits,
7 associates, disposition and reputation and any other facts and
8 circumstances which may aid such department, agency or
9 institution during its custody of such person. The clerk shall
10 within 10 days after receiving any such statements transmit a
11 copy to such department, agency or institution and a copy to
12 the other party, provided, however, that this shall not be
13 cause for delay in conveying the person to the department,
14 agency or institution to which he has been committed.

15 (e) The clerk of the court shall transmit to the
16 department, agency or institution, if any, to which the
17 defendant is committed, the following:

18 (1) the sentence imposed;

19 (2) any statement by the court of the basis for
20 imposing the sentence;

21 (3) any presentence reports;

22 (3.5) any sex offender evaluations;

23 (3.6) any substance abuse treatment eligibility
24 screening and assessment of the defendant by an agent
25 designated by the State of Illinois to provide assessment
26 services for the Illinois courts;

1 (4) the number of days, if any, which the defendant has
2 been in custody and for which he is entitled to credit
3 against the sentence, which information shall be provided
4 to the clerk by the sheriff;

5 (4.1) any finding of great bodily harm made by the
6 court with respect to an offense enumerated in subsection
7 (c-1);

8 (5) all statements filed under subsection (d) of this
9 Section;

10 (6) any medical or mental health records or summaries
11 of the defendant;

12 (7) the municipality where the arrest of the offender
13 or the commission of the offense has occurred, where such
14 municipality has a population of more than 25,000 persons;

15 (8) all statements made and evidence offered under
16 paragraph (7) of subsection (a) of this Section; and

17 (9) all additional matters which the court directs the
18 clerk to transmit.

19 (f) In cases in which the court finds that a motor vehicle
20 was used in the commission of the offense for which the
21 defendant is being sentenced, the clerk of the court shall,
22 within 5 days thereafter, forward a report of such conviction
23 to the Secretary of State.

24 (Source: P.A. 100-961, eff. 1-1-19; 101-81, eff. 7-12-19;
25 101-105, eff. 1-1-20.)

1 (730 ILCS 5/5-4.5-95)

2 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

3 (a) HABITUAL CRIMINALS.

4 (1) Every person who has been twice convicted in any
5 state or federal court of an offense that contains the same
6 elements as an offense now (the date of the offense
7 committed after the 2 prior convictions) classified in
8 Illinois as a Class X felony, criminal sexual assault,
9 aggravated kidnapping, or first degree murder, and who is
10 thereafter convicted of a Class X felony, criminal sexual
11 assault, or first degree murder, committed after the 2
12 prior convictions, shall be adjudged an habitual criminal.

13 (2) The 2 prior convictions need not have been for the
14 same offense.

15 (3) Any convictions that result from or are connected
16 with the same transaction, or result from offenses
17 committed at the same time, shall be counted for the
18 purposes of this Section as one conviction.

19 (4) This Section does not apply unless each of the
20 following requirements are satisfied:

21 (A) The third offense was committed after July 3,
22 1980.

23 (B) The third offense was committed within 20 years
24 of the date that judgment was entered on the first
25 conviction; provided, however, that time spent in
26 custody shall not be counted.

1 (C) The third offense was committed after
2 conviction on the second offense.

3 (D) The second offense was committed after
4 conviction on the first offense.

5 (E) The first offense was committed when the person
6 was 21 years of age or older.

7 (5) Anyone who, ~~having attained the age of 18 at the~~
8 ~~time of the third offense,~~ is adjudged an habitual criminal
9 shall be sentenced to a term of natural life imprisonment.

10 (6) A prior conviction shall not be alleged in the
11 indictment, and no evidence or other disclosure of that
12 conviction shall be presented to the court or the jury
13 during the trial of an offense set forth in this Section
14 unless otherwise permitted by the issues properly raised in
15 that trial. After a plea or verdict or finding of guilty
16 and before sentence is imposed, the prosecutor may file
17 with the court a verified written statement signed by the
18 State's Attorney concerning any former conviction of an
19 offense set forth in this Section rendered against the
20 defendant. The court shall then cause the defendant to be
21 brought before it; shall inform the defendant of the
22 allegations of the statement so filed, and of his or her
23 right to a hearing before the court on the issue of that
24 former conviction and of his or her right to counsel at
25 that hearing; and unless the defendant admits such
26 conviction, shall hear and determine the issue, and shall

1 make a written finding thereon. If a sentence has
2 previously been imposed, the court may vacate that sentence
3 and impose a new sentence in accordance with this Section.

4 (7) A duly authenticated copy of the record of any
5 alleged former conviction of an offense set forth in this
6 Section shall be prima facie evidence of that former
7 conviction; and a duly authenticated copy of the record of
8 the defendant's final release or discharge from probation
9 granted, or from sentence and parole supervision (if any)
10 imposed pursuant to that former conviction, shall be prima
11 facie evidence of that release or discharge.

12 (8) Any claim that a previous conviction offered by the
13 prosecution is not a former conviction of an offense set
14 forth in this Section because of the existence of any
15 exceptions described in this Section, is waived unless duly
16 raised at the hearing on that conviction, or unless the
17 prosecution's proof shows the existence of the exceptions
18 described in this Section.

19 (9) If the person so convicted shows to the
20 satisfaction of the court before whom that conviction was
21 had that he or she was released from imprisonment, upon
22 either of the sentences upon a pardon granted for the
23 reason that he or she was innocent, that conviction and
24 sentence shall not be considered under this Section.

25 (b) When a defendant, over the age of 21 years, is
26 convicted of a Class 1 or Class 2 forcible felony, ~~except for~~

1 ~~an offense listed in subsection (c) of this Section,~~ after
2 having twice been convicted in any state or federal court of an
3 offense that contains the same elements as an offense now (the
4 date the Class 1 or Class 2 forcible felony was committed)
5 classified in Illinois as a Class 2 or greater Class forcible
6 ~~felony, except for an offense listed in subsection (c) of this~~
7 ~~Section,~~ and those charges are separately brought and tried and
8 arise out of different series of acts, that defendant shall be
9 sentenced as a Class X offender. This subsection does not apply
10 unless:

11 (1) the first forcible felony was committed after
12 February 1, 1978 (the effective date of Public Act
13 80-1099);

14 (2) the second forcible felony was committed after
15 conviction on the first; ~~and~~

16 (3) the third forcible felony was committed after
17 conviction on the second; and

18 (4) the first offense was committed when the person was
19 21 years of age or older.

20 (c) (Blank). ~~Subsection (b) of this Section does not apply~~
21 ~~to Class 1 or Class 2 felony convictions for a violation of~~
22 ~~Section 16-1 of the Criminal Code of 2012.~~

23 A person sentenced as a Class X offender under this
24 subsection (b) is not eligible to apply for treatment as a
25 condition of probation as provided by Section 40-10 of the
26 Substance Use Disorder Act (20 ILCS 301/40-10).

1 (Source: P.A. 99-69, eff. 1-1-16; 100-3, eff. 1-1-18; 100-759,
2 eff. 1-1-19.)

3 (730 ILCS 5/5-4.5-100)

4 Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

5 (a) COMMENCEMENT. A sentence of imprisonment shall
6 commence on the date on which the offender is received by the
7 Department or the institution at which the sentence is to be
8 served.

9 (b) CREDIT; TIME IN CUSTODY; SAME CHARGE. Except as set
10 forth in subsection (e), the offender shall be given credit on
11 the determinate sentence or maximum term and the minimum period
12 of imprisonment for the number of days spent in custody as a
13 result of the offense for which the sentence was imposed. The
14 Department shall calculate the credit at the rate specified in
15 Section 3-6-3 (730 ILCS 5/3-6-3). ~~The Except when prohibited by~~
16 ~~subsection (d),~~ the trial court shall give credit to the
17 defendant for time spent in home detention on the same
18 sentencing terms as incarceration as provided in Section 5-8A-3
19 (730 ILCS 5/5-8A-3). Home detention for purposes of credit
20 includes restrictions on liberty such as curfews restricting
21 movement for 12 hours or more per day and electronic monitoring
22 that restricts travel or movement. Electronic monitoring is not
23 required for home detention to be considered custodial for
24 purposes of sentencing credit. The trial court may give credit
25 to the defendant for the number of days spent confined for

1 psychiatric or substance abuse treatment prior to judgment, if
2 the court finds that the detention or confinement was
3 custodial.

4 (c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender
5 arrested on one charge and prosecuted on another charge for
6 conduct that occurred prior to his or her arrest shall be given
7 credit on the determinate sentence or maximum term and the
8 minimum term of imprisonment for time spent in custody under
9 the former charge not credited against another sentence.

10 (c-5) CREDIT; PROGRAMMING. The trial court shall give the
11 defendant credit for successfully completing county
12 programming while in custody prior to imposition of sentence at
13 the rate specified in Section 3-6-3 (730 ILCS 5/3-6-3). For the
14 purposes of this subsection, "custody" includes time spent in
15 home detention.

16 (d) (Blank). ~~NO CREDIT; SOME HOME DETENTION. An offender~~
17 ~~sentenced to a term of imprisonment for an offense listed in~~
18 ~~paragraph (2) of subsection (c) of Section 5 5 3 (730 ILCS~~
19 ~~5/5 5 3) or in paragraph (3) of subsection (c 1) of Section~~
20 ~~11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501) shall~~
21 ~~not receive credit for time spent in home detention prior to~~
22 ~~judgment.~~

23 (e) NO CREDIT; REVOCATION OF PAROLE, MANDATORY SUPERVISED
24 RELEASE, OR PROBATION. An offender charged with the commission
25 of an offense committed while on parole, mandatory supervised
26 release, or probation shall not be given credit for time spent

1 in custody under subsection (b) for that offense for any time
2 spent in custody as a result of a revocation of parole,
3 mandatory supervised release, or probation where such
4 revocation is based on a sentence imposed for a previous
5 conviction, regardless of the facts upon which the revocation
6 of parole, mandatory supervised release, or probation is based,
7 unless both the State and the defendant agree that the time
8 served for a violation of mandatory supervised release, parole,
9 or probation shall be credited towards the sentence for the
10 current offense.

11 (Source: P.A. 96-1000, eff. 7-2-10; 97-697, eff. 6-22-12.)

12 (730 ILCS 5/5-6-3.8 new)

13 Sec. 5-6-3.8. Eligibility for programs restricted by
14 felony background. Any conviction entered prior to the
15 effective date of this amendatory Act of the 101st General
16 Assembly for:

17 (1) felony possession of a controlled substance, or
18 possession with intent to manufacture or deliver a controlled
19 substance, in a total amount equal to or less than the amounts
20 listed in subsection (a-5) of Section 402 of the Illinois
21 Controlled Substances Act; or

22 (2) felony possession of methamphetamine, or possession
23 with intent to deliver methamphetamine, in an amount less than
24 3 grams; or any adjudication of delinquency under the Juvenile
25 Court Act of 1987 for acts that would have constituted those

1 felonies if committed by an adult, shall be treated as a Class
2 A misdemeanor for the purposes of evaluating a defendant's
3 eligibility for programs of qualified probation, impact
4 incarceration, or any other diversion, deflection, probation,
5 or other program for which felony background or delinquency
6 background is a factor in determining eligibility."

7 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

8 Sec. 5-8-1. Natural life imprisonment; enhancements for
9 use of a firearm; mandatory supervised release terms.

10 (a) Except as otherwise provided in the statute defining
11 the offense or in Article 4.5 of Chapter V, a sentence of
12 imprisonment for a felony shall be a determinate sentence set
13 by the court under this Section, subject to Section 5-4.5-115
14 of this Code, according to the following limitations:

15 (1) for first degree murder,

16 (a) (blank),

17 (b) if a trier of fact finds beyond a reasonable
18 doubt that the murder was accompanied by exceptionally
19 brutal or heinous behavior indicative of wanton
20 cruelty or, except as set forth in subsection (a) (1) (c)
21 of this Section, that any of the aggravating factors
22 listed in subsection (b) or (b-5) of Section 9-1 of the
23 Criminal Code of 1961 or the Criminal Code of 2012 are
24 present, the court may sentence the defendant, subject
25 to Section 5-4.5-105, to a term of natural life

1 imprisonment, or

2 (c) the court shall sentence the defendant to a
3 term of natural life imprisonment if the defendant, at
4 the time of the commission of the murder, had attained
5 the age of 18, and

6 (i) has previously been convicted of first
7 degree murder under any state or federal law, or

8 (ii) is found guilty of murdering more than one
9 victim, or

10 (iii) is found guilty of murdering a peace
11 officer, fireman, or emergency management worker
12 when the peace officer, fireman, or emergency
13 management worker was killed in the course of
14 performing his official duties, or to prevent the
15 peace officer or fireman from performing his
16 official duties, or in retaliation for the peace
17 officer, fireman, or emergency management worker
18 from performing his official duties, and the
19 defendant knew or should have known that the
20 murdered individual was a peace officer, fireman,
21 or emergency management worker, or

22 (iv) is found guilty of murdering an employee
23 of an institution or facility of the Department of
24 Corrections, or any similar local correctional
25 agency, when the employee was killed in the course
26 of performing his official duties, or to prevent

1 the employee from performing his official duties,
2 or in retaliation for the employee performing his
3 official duties, or

4 (v) is found guilty of murdering an emergency
5 medical technician - ambulance, emergency medical
6 technician - intermediate, emergency medical
7 technician - paramedic, ambulance driver or other
8 medical assistance or first aid person while
9 employed by a municipality or other governmental
10 unit when the person was killed in the course of
11 performing official duties or to prevent the
12 person from performing official duties or in
13 retaliation for performing official duties and the
14 defendant knew or should have known that the
15 murdered individual was an emergency medical
16 technician - ambulance, emergency medical
17 technician - intermediate, emergency medical
18 technician - paramedic, ambulance driver, or other
19 medical assistant or first aid personnel, or

20 (vi) (blank), or

21 (vii) is found guilty of first degree murder
22 and the murder was committed by reason of any
23 person's activity as a community policing
24 volunteer or to prevent any person from engaging in
25 activity as a community policing volunteer. For
26 the purpose of this Section, "community policing

1 volunteer" has the meaning ascribed to it in
2 Section 2-3.5 of the Criminal Code of 2012.

3 For purposes of clause (v), "emergency medical
4 technician - ambulance", "emergency medical technician
5 - intermediate", "emergency medical technician -
6 paramedic", have the meanings ascribed to them in the
7 Emergency Medical Services (EMS) Systems Act.

8 (d) (i) if the person committed the offense while
9 armed with a firearm, 15 years shall be added to
10 the term of imprisonment imposed by the court;

11 (ii) if, during the commission of the offense, the
12 person personally discharged a firearm, 20 years shall
13 be added to the term of imprisonment imposed by the
14 court;

15 (iii) if, during the commission of the offense, the
16 person personally discharged a firearm that
17 proximately caused great bodily harm, permanent
18 disability, permanent disfigurement, or death to
19 another person, 25 years or up to a term of natural
20 life shall be added to the term of imprisonment imposed
21 by the court.

22 (2) (blank);

23 (2.5) for a person who has attained the age of 18 years
24 at the time of the commission of the offense and who is
25 convicted under the circumstances described in subdivision
26 (b) (1) (B) of Section 11-1.20 or paragraph (3) of subsection

1 (b) of Section 12-13, subdivision (d) (2) of Section 11-1.30
2 or paragraph (2) of subsection (d) of Section 12-14,
3 subdivision (b) (1.2) of Section 11-1.40 or paragraph (1.2)
4 of subsection (b) of Section 12-14.1, subdivision (b) (2) of
5 Section 11-1.40 or paragraph (2) of subsection (b) of
6 Section 12-14.1 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, the sentence shall be a term of
8 natural life imprisonment.

9 (b) (Blank).

10 (c) (Blank).

11 (d) Subject to earlier termination under Section 3-3-8, the
12 parole or mandatory supervised release term shall be written as
13 part of the sentencing order and shall be as follows:

14 (1) for first degree murder or for the offenses of
15 predatory criminal sexual assault of a child, aggravated
16 criminal sexual assault, and criminal sexual assault if
17 committed on or before December 12, 2005 ~~or a Class X~~
18 ~~felony except for the offenses of predatory criminal sexual~~
19 ~~assault of a child, aggravated criminal sexual assault, and~~
20 ~~criminal sexual assault if committed on or after the~~
21 ~~effective date of this amendatory Act of the 94th General~~
22 ~~Assembly and except for the offense of aggravated child~~
23 ~~pornography under Section 11-20.1B, 11-20.3, or 11-20.1~~
24 ~~with sentencing under subsection (c-5) of Section 11-20.1~~
25 ~~of the Criminal Code of 1961 or the Criminal Code of 2012,~~
26 ~~if committed on or after January 1, 2009, 3 years;~~

1 (1.5) except as provided in paragraph (7) of this
2 subsection (d), for a Class X felony except for the
3 offenses of predatory criminal sexual assault of a child,
4 aggravated criminal sexual assault, and criminal sexual
5 assault if committed on or after December 13, 2005 (the
6 effective date of Public Act 94-715) and except for the
7 offense of aggravated child pornography under Section
8 11-20.1B., 11-20.3, or 11-20.1 with sentencing under
9 subsection (c-5) of Section 11-20.1 of the Criminal Code of
10 1961 or the Criminal Code of 2012, if committed on or after
11 January 1, 2009, 18 months;

12 (2) except as provided in paragraph (7) of this
13 subsection (d), for a Class 1 felony or a Class 2 felony
14 except for the offense of criminal sexual assault if
15 committed on or after December 13, 2005 (the effective date
16 of Public Act 94-715) ~~this amendatory Act of the 94th~~
17 ~~General Assembly~~ and except for the offenses of manufacture
18 and dissemination of child pornography under clauses
19 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
20 of 1961 or the Criminal Code of 2012, if committed on or
21 after January 1, 2009, 12 months ~~2 years;~~

22 (3) except as provided in paragraph (4), (6), or (7) of
23 this subsection (d), a mandatory supervised release term
24 shall not be imposed for a Class 3 felony or a Class 4
25 felony; unless:

26 (A) the Prisoner Review Board, based on a validated

1 risk and needs assessment, determines it is necessary
2 for an offender to serve a mandatory supervised release
3 term;

4 (B) if the Prisoner Review Board determines a
5 mandatory supervised release term is necessary
6 pursuant to subparagraph (A) of this paragraph (3), the
7 Prisoner Review Board shall specify the maximum number
8 of months of mandatory supervised release the offender
9 may serve, limited to a term of: (i) 12 months for a
10 Class 3 felony; and (ii) 12 months for a Class 4 felony
11 ~~for a Class 3 felony or a Class 4 felony, 1 year;~~

12 (4) for defendants who commit the offense of predatory
13 criminal sexual assault of a child, aggravated criminal
14 sexual assault, or criminal sexual assault, on or after the
15 effective date of this amendatory Act of the 94th General
16 Assembly, or who commit the offense of aggravated child
17 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
18 with sentencing under subsection (c-5) of Section 11-20.1
19 of the Criminal Code of 1961 or the Criminal Code of 2012,
20 manufacture of child pornography, or dissemination of
21 child pornography after January 1, 2009, the term of
22 mandatory supervised release shall range from a minimum of
23 3 years to a maximum of the natural life of the defendant;

24 (5) if the victim is under 18 years of age, for a
25 second or subsequent offense of aggravated criminal sexual
26 abuse or felony criminal sexual abuse, 4 years, at least

1 the first 2 years of which the defendant shall serve in an
2 electronic monitoring or home detention program under
3 Article 8A of Chapter V of this Code;

4 (6) for a felony domestic battery, aggravated domestic
5 battery, stalking, aggravated stalking, and a felony
6 violation of an order of protection, 4 years; -

7 (7) for any felony described in paragraph (a)(2)(ii),
8 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),
9 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section 3-6-3
10 of the Unified Code of Corrections requiring an inmate to
11 serve a minimum of 85% of their court-imposed sentence,
12 except for the offenses of predatory criminal sexual
13 assault of a child, aggravated criminal sexual assault, and
14 criminal sexual assault if committed on or after December
15 13, 2005 (the effective date of Public Act 94-715) and
16 except for the offense of aggravated child pornography
17 under Section 11-20.1B., 11-20.3, or 11-20.1 with
18 sentencing under subsection (c-5) of Section 11-20.1 of the
19 Criminal Code of 1961 or the Criminal Code of 2012, if
20 committed on or after January 1, 2009 and except as
21 provided in paragraph (4) or paragraph (6) of this
22 subsection (d), the term of mandatory supervised release
23 shall be as follows:

24 (A) Class X felony, 3 years;

25 (B) Class 1 or Class 2 felonies, 2 years;

26 (C) Class 3 or Class 4 felonies, 1 year.

1 (e) (Blank).

2 (f) (Blank).

3 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
4 101-288, eff. 1-1-20.)

5 (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

6 Sec. 5-8-6. Place of confinement.

7 (a) Except as otherwise provided in this subsection (a),
8 offenders ~~Offenders~~ sentenced to a term of imprisonment for a
9 felony shall be committed to the penitentiary system of the
10 Department of Corrections. However, such sentence shall not
11 limit the powers of the Department of Children and Family
12 Services in relation to any child under the age of one year in
13 the sole custody of a person so sentenced, nor in relation to
14 any child delivered by a female so sentenced while she is so
15 confined as a consequence of such sentence. Except as otherwise
16 provided in this subsection (a), a ~~A~~ person sentenced for a
17 felony may be assigned by the Department of Corrections to any
18 of its institutions, facilities or programs. An offender
19 sentenced to a term of imprisonment for a Class 3 or 4 felony,
20 other than a violent crime as defined in Section 3 of the
21 Rights of Crime Victims and Witnesses Act, in which the
22 sentencing order indicates that the offender has less than 4
23 months remaining on his or her sentence accounting for time
24 served may not be confined in the penitentiary system of the
25 Department of Corrections but may be assigned to electronic

1 home detention under Article 8A of this Chapter V, an adult
2 transition center, or another facility or program within the
3 Department of Corrections.

4 (b) Offenders sentenced to a term of imprisonment for less
5 than one year shall be committed to the custody of the sheriff.
6 A person committed to the Department of Corrections, prior to
7 July 14, 1983, for less than one year may be assigned by the
8 Department to any of its institutions, facilities or programs.

9 (c) All offenders under 18 years of age when sentenced to
10 imprisonment shall be committed to the Department of Juvenile
11 Justice and the court in its order of commitment shall set a
12 definite term. The provisions of Section 3-3-3 shall be a part
13 of such commitment as fully as though written in the order of
14 commitment. The place of confinement for sentences imposed
15 before the effective date of this amendatory Act of the 99th
16 General Assembly are not affected or abated by this amendatory
17 Act of the 99th General Assembly.

18 (d) No defendant shall be committed to the Department of
19 Corrections for the recovery of a fine or costs.

20 (e) When a court sentences a defendant to a term of
21 imprisonment concurrent with a previous and unexpired sentence
22 of imprisonment imposed by any district court of the United
23 States, it may commit the offender to the custody of the
24 Attorney General of the United States. The Attorney General of
25 the United States, or the authorized representative of the
26 Attorney General of the United States, shall be furnished with

1 the warrant of commitment from the court imposing sentence,
2 which warrant of commitment shall provide that, when the
3 offender is released from federal confinement, whether by
4 parole or by termination of sentence, the offender shall be
5 transferred by the Sheriff of the committing county to the
6 Department of Corrections. The court shall cause the Department
7 to be notified of such sentence at the time of commitment and
8 to be provided with copies of all records regarding the
9 sentence.

10 (Source: P.A. 99-628, eff. 1-1-17.)

11 (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

12 Sec. 5-8A-2. Definitions. As used in this Article:

13 (A) "Approved electronic monitoring device" means a device
14 approved by the supervising authority which is primarily
15 intended to record or transmit information as to the
16 defendant's presence or nonpresence in the home, consumption of
17 alcohol, consumption of drugs, location as determined through
18 GPS, cellular triangulation, Wi-Fi, or other electronic means.

19 An approved electronic monitoring device may record or
20 transmit: oral or wire communications or an auditory sound;
21 visual images; or information regarding the offender's
22 activities while inside the offender's home. These devices are
23 subject to the required consent as set forth in Section 5-8A-5
24 of this Article.

25 An approved electronic monitoring device may be used to

1 record a conversation between the participant and the
2 monitoring device, or the participant and the person
3 supervising the participant solely for the purpose of
4 identification and not for the purpose of eavesdropping or
5 conducting any other illegally intrusive monitoring.

6 (A-10) "Department" means the Department of Corrections or
7 the Department of Juvenile Justice.

8 (A-20) "Electronic monitoring" means the monitoring of an
9 inmate, person, or offender with an electronic device both
10 within and outside of their home under the terms and conditions
11 established by the supervising authority.

12 (B) "Excluded offenses" means first degree murder, escape,
13 predatory criminal sexual assault of a child, aggravated
14 criminal sexual assault, criminal sexual assault, aggravated
15 battery with a firearm as described in Section 12-4.2 or
16 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of Section
17 12-3.05, bringing or possessing a firearm, ammunition or
18 explosive in a penal institution, any "Super-X" drug offense or
19 calculated criminal drug conspiracy or streetgang criminal
20 drug conspiracy, or any predecessor or successor offenses with
21 the same or substantially the same elements, or any inchoate
22 offenses relating to the foregoing offenses.

23 (B-10) "GPS" means a device or system which utilizes the
24 Global Positioning Satellite system for determining the
25 location of a person, inmate or offender.

26 (C) "Home detention" means the confinement of a person

1 convicted or charged with an offense to his or her place of
2 residence under the terms and conditions established by the
3 supervising authority. Confinement need not be 24 hours per day
4 to qualify as home detention, and significant restrictions on
5 liberty such as 7pm to 7am curfews shall qualify. Home
6 confinement may or may not be accompanied by electronic
7 monitoring, and electronic monitoring is not required for
8 purposes of sentencing credit.

9 (D) "Participant" means an inmate or offender placed into
10 an electronic monitoring program.

11 (E) "Supervising authority" means the Department of
12 Corrections, the Department of Juvenile Justice, probation
13 department, a Chief Judge's office, pretrial services division
14 or department, sheriff, superintendent of municipal house of
15 corrections or any other officer or agency charged with
16 authorizing and supervising electronic monitoring and home
17 detention.

18 (F) "Super-X drug offense" means a violation of Section
19 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D);
20 Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B),
21 (C), or (D) of the Illinois Controlled Substances Act.

22 (G) "Wi-Fi" or "WiFi" means a device or system which
23 utilizes a wireless local area network for determining the
24 location of a person, inmate or offender.

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

1 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

2 Sec. 5-8A-4. Program description. The supervising
3 authority may promulgate rules that prescribe reasonable
4 guidelines under which an electronic monitoring and home
5 detention program shall operate. When using electronic
6 monitoring for home detention these rules may ~~shall~~ include but
7 not be limited to the following:

8 (A) The participant may be instructed to ~~shall~~ remain
9 within the interior premises or within the property
10 boundaries of his or her residence at all times during the
11 hours designated by the supervising authority. Such
12 instances of approved absences from the home shall ~~may~~
13 include but are not limited to the following:

14 (1) working or employment approved by the court or
15 traveling to or from approved employment;

16 (2) unemployed and seeking employment approved for
17 the participant by the court;

18 (3) undergoing medical, psychiatric, mental health
19 treatment, counseling, or other treatment programs
20 approved for the participant by the court;

21 (4) attending an educational institution or a
22 program approved for the participant by the court;

23 (5) attending a regularly scheduled religious
24 service at a place of worship;

25 (6) participating in community work release or
26 community service programs approved for the

1 participant by the supervising authority; or

2 (7) for another compelling reason consistent with
3 the public interest, as approved by the supervising
4 authority.

5 (8) purchasing groceries, food, or other basic
6 necessities.

7 (A-1) At a minimum, any person ordered to pretrial home
8 confinement with or without electronic monitoring must be
9 provided with open movement spread out over no fewer than
10 two days per week, to participate in basic activities such
11 as those listed in paragraph (A).

12 (B) The participant shall admit any person or agent
13 designated by the supervising authority into his or her
14 residence at any time for purposes of verifying the
15 participant's compliance with the conditions of his or her
16 detention.

17 (C) The participant shall make the necessary
18 arrangements to allow for any person or agent designated by
19 the supervising authority to visit the participant's place
20 of education or employment at any time, based upon the
21 approval of the educational institution employer or both,
22 for the purpose of verifying the participant's compliance
23 with the conditions of his or her detention.

24 (D) The participant shall acknowledge and participate
25 with the approved electronic monitoring device as
26 designated by the supervising authority at any time for the

1 purpose of verifying the participant's compliance with the
2 conditions of his or her detention.

3 (E) The participant shall maintain the following:

4 (1) access to a working telephone ~~in the~~
5 ~~participant's home;~~

6 (2) a monitoring device in the participant's home,
7 or on the participant's person, or both; and

8 (3) a monitoring device in the participant's home
9 and on the participant's person in the absence of a
10 telephone.

11 (F) The participant shall obtain approval from the
12 supervising authority before the participant changes
13 residence or the schedule described in subsection (A) of
14 this Section. Such approval shall not be unreasonably
15 withheld.

16 (G) The participant shall not commit another crime
17 during the period of home detention ordered by the Court.

18 (H) Notice to the participant that violation of the
19 order for home detention may subject the participant to
20 prosecution for the crime of escape as described in Section
21 5-8A-4.1.

22 (I) The participant shall abide by other conditions as
23 set by the supervising authority.

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

25 (730 ILCS 5/5-8A-4.1)

1 Sec. 5-8A-4.1. Escape; failure to comply with a condition
2 of the electronic monitoring or home detention program.

3 (a) A person charged with or convicted of a felony, or
4 charged with or adjudicated delinquent for an act which, if
5 committed by an adult, would constitute a felony, conditionally
6 released from the supervising authority through an electronic
7 monitoring or home detention program, who knowingly violates a
8 condition of the electronic monitoring or home detention
9 program and remains in violation for at least 48 hours is
10 guilty of a Class 3 felony.

11 (b) A person charged with or convicted of a misdemeanor, or
12 charged with or adjudicated delinquent for an act which, if
13 committed by an adult, would constitute a misdemeanor,
14 conditionally released from the supervising authority through
15 an electronic monitoring or home detention program, who
16 knowingly violates a condition of the electronic monitoring or
17 home detention program and remains in violation for at least 48
18 hours is guilty of a Class B misdemeanor.

19 (c) A person who violates this Section while armed with a
20 dangerous weapon is guilty of a Class 1 felony.

21 (Source: P.A. 99-797, eff. 8-12-16; 100-431, eff. 8-25-17.)

22 Section 10-285. The Probation and Probation Officers Act is
23 amended by changing Section 18 as follows:

24 (730 ILCS 110/18)

1 Sec. 18. Probation and court services departments
2 considered pretrial services agencies. For the purposes of
3 administering the provisions of Public Act 95-773, known as the
4 Cindy Bischof Law, all probation and court services departments
5 are to be considered pretrial services agencies under the
6 Pretrial Services Act and under the pretrial release ~~bail bond~~
7 provisions of the Code of Criminal Procedure of 1963.

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

9 Section 10-290. The County Jail Act is amended by changing
10 Section 5 as follows:

11 (730 ILCS 125/5) (from Ch. 75, par. 105)

12 Sec. 5. Costs of maintaining prisoners.

13 (a) Except as provided in subsections (b) and (c), all
14 costs of maintaining persons committed for violations of
15 Illinois law, shall be the responsibility of the county. Except
16 as provided in subsection (b), all costs of maintaining persons
17 committed under any ordinance or resolution of a unit of local
18 government, including medical costs, is the responsibility of
19 the unit of local government enacting the ordinance or
20 resolution, and arresting the person.

21 (b) If a person who is serving a term of mandatory
22 supervised release for a felony is incarcerated in a county
23 jail, the Illinois Department of Corrections shall pay the
24 county in which that jail is located one-half of the cost of

1 incarceration, as calculated by the Governor's Office of
2 Management and Budget and the county's chief financial officer,
3 for each day that the person remains in the county jail after
4 notice of the incarceration is given to the Illinois Department
5 of Corrections by the county, provided that (i) the Illinois
6 Department of Corrections has issued a warrant for an alleged
7 violation of mandatory supervised release by the person; (ii)
8 if the person is incarcerated on a new charge, unrelated to the
9 offense for which he or she is on mandatory supervised release,
10 there has been a court hearing at which the conditions of
11 pretrial release have ~~bail has~~ been set on the new charge;
12 (iii) the county has notified the Illinois Department of
13 Corrections that the person is incarcerated in the county jail,
14 which notice shall not be given until the ~~bail~~ hearing has
15 concluded, if the person is incarcerated on a new charge; and
16 (iv) the person remains incarcerated in the county jail for
17 more than 48 hours after the notice has been given to the
18 Department of Corrections by the county. Calculation of the per
19 diem cost shall be agreed upon prior to the passage of the
20 annual State budget.

21 (c) If a person who is serving a term of mandatory
22 supervised release is incarcerated in a county jail, following
23 an arrest on a warrant issued by the Illinois Department of
24 Corrections, solely for violation of a condition of mandatory
25 supervised release and not on any new charges for a new
26 offense, then the Illinois Department of Corrections shall pay

1 the medical costs incurred by the county in securing treatment
2 for that person, for any injury or condition other than one
3 arising out of or in conjunction with the arrest of the person
4 or resulting from the conduct of county personnel, while he or
5 she remains in the county jail on the warrant issued by the
6 Illinois Department of Corrections.

7 (Source: P.A. 94-678, eff. 1-1-06; 94-1094, eff. 1-26-07.)

8 Section 10-295. The County Jail Good Behavior Allowance Act
9 is amended by changing Section 3 as follows:

10 (730 ILCS 130/3) (from Ch. 75, par. 32)

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

1 of 2012, criminal sexual abuse, or aggravated criminal sexual
2 abuse shall receive no good behavior allowance. The good
3 behavior allowance provided for in this Section shall not apply
4 to individuals sentenced for a felony to probation or
5 conditional discharge where a condition of such probation or
6 conditional discharge is that the individual serve a sentence
7 of periodic imprisonment or to individuals sentenced under an
8 order of court for civil contempt.

9 Such good behavior allowance shall be cumulative and
10 awarded as provided in this Section.

11 The good behavior allowance rate shall be cumulative and
12 awarded on the following basis:

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

1 service of sentence in the county jail unless the fractional
2 part of the day is over 12 hours in which case a whole day shall
3 be credited on the good behavior allowance.

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

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

10 Section 10-296. The Veterans and Servicemembers Court
11 Treatment Act is amended by changing Section 20 as follows:

12 (730 ILCS 167/20)

13 Sec. 20. Eligibility. Veterans and Servicemembers are
14 eligible for Veterans and Servicemembers Courts, provided the
15 following:

16 (a) A defendant, who is eligible for probation based on the
17 nature of the crime convicted of and in consideration of his or
18 her criminal background, if any, may be admitted into a
19 Veterans and Servicemembers Court program before adjudication
20 only upon the agreement of the defendant and with the approval
21 of the Court. A defendant may be admitted into a Veterans and
22 Servicemembers Court program post-adjudication only with the
23 approval of the court.

24 (b) A defendant shall be excluded from Veterans and

1 Servicemembers Court program if any of one of the following
2 applies:

3 (1) The crime is a crime of violence as set forth in
4 clause (3) of this subsection (b).

5 (2) The defendant does not demonstrate a willingness to
6 participate in a treatment program.

7 (3) The defendant has been convicted of a crime of
8 violence within the past 10 years excluding incarceration
9 time, including first degree murder, second degree murder,
10 predatory criminal sexual assault of a child, aggravated
11 criminal sexual assault, criminal sexual assault, armed
12 robbery, aggravated arson, arson, aggravated kidnapping
13 and kidnapping, aggravated battery resulting in great
14 bodily harm or permanent disability, stalking, aggravated
15 stalking, or any offense involving the discharge of a
16 firearm.

17 (4) (Blank).

18 (5) (Blank). ~~The crime for which the defendant has been~~
19 ~~convicted is non probationable.~~

20 (6) The sentence imposed on the defendant, whether the
21 result of a plea or a finding of guilt, renders the
22 defendant ineligible for probation.

23 (Source: P.A. 99-480, eff. 9-9-15; 100-426, eff. 1-1-18.)

24 Section 10-297. The Mental Health Court Treatment Act is
25 amended by changing Section 20 as follows:

1 (730 ILCS 168/20)

2 Sec. 20. Eligibility.

3 (a) A defendant, who is eligible for probation based on the
4 nature of the crime convicted of and in consideration of his or
5 her criminal background, if any, may be admitted into a mental
6 health court program only upon the agreement of the defendant
7 and with the approval of the court.

8 (b) A defendant shall be excluded from a mental health
9 court program if any one of the following applies:

10 (1) The crime is a crime of violence as set forth in
11 clause (3) of this subsection (b).

12 (2) The defendant does not demonstrate a willingness to
13 participate in a treatment program.

14 (3) The defendant has been convicted of a crime of
15 violence within the past 10 years excluding incarceration
16 time. As used in this paragraph (3), "crime of violence"
17 means: first degree murder, second degree murder,
18 predatory criminal sexual assault of a child, aggravated
19 criminal sexual assault, criminal sexual assault, armed
20 robbery, aggravated arson, arson, aggravated kidnapping,
21 kidnapping, aggravated battery resulting in great bodily
22 harm or permanent disability, stalking, aggravated
23 stalking, or any offense involving the discharge of a
24 firearm.

25 (4) (Blank).

1 (5) (Blank). ~~The crime for which the defendant has been~~
2 ~~convicted is non-probationable.~~

3 (6) The sentence imposed on the defendant, whether the
4 result of a plea or a finding of guilt, renders the
5 defendant ineligible for probation.

6 (c) A defendant charged with prostitution under Section
7 11-14 of the Criminal Code of 2012 may be admitted into a
8 mental health court program, if available in the jurisdiction
9 and provided that the requirements in subsections (a) and (b)
10 are satisfied. Mental health court programs may include
11 specialized service programs specifically designed to address
12 the trauma associated with prostitution and human trafficking,
13 and may offer those specialized services to defendants admitted
14 to the mental health court program. Judicial circuits
15 establishing these specialized programs shall partner with
16 prostitution and human trafficking advocates, survivors, and
17 service providers in the development of the programs.

18 (Source: P.A. 100-426, eff. 1-1-18.)

19 Section 10-300. The Code of Civil Procedure is amended by
20 changing Sections 10-106, 10-125, 10-127, 10-135, 10-136, and
21 21-103 as follows:

22 (735 ILCS 5/10-106) (from Ch. 110, par. 10-106)

23 Sec. 10-106. Grant of relief - Penalty. Unless it shall
24 appear from the complaint itself, or from the documents thereto

1 annexed, that the party can neither be discharged, admitted to
2 pretrial release ~~bail~~ nor otherwise relieved, the court shall
3 forthwith award relief by habeas corpus. Any judge empowered to
4 grant relief by habeas corpus who shall corruptly refuse to
5 grant the relief when legally applied for in a case where it
6 may lawfully be granted, or who shall for the purpose of
7 oppression unreasonably delay the granting of such relief
8 shall, for every such offense, forfeit to the prisoner or party
9 affected a sum not exceeding \$1,000.

10 (Source: P.A. 83-707.)

11 (735 ILCS 5/10-125) (from Ch. 110, par. 10-125)

12 Sec. 10-125. New commitment. In all cases where the
13 imprisonment is for a criminal, or supposed criminal matter, if
14 it appears to the court that there is sufficient legal cause
15 for the commitment of the prisoner, although such commitment
16 may have been informally made, or without due authority, or the
17 process may have been executed by a person not duly authorized,
18 the court shall make a new commitment in proper form, and
19 direct it to the proper officer, or admit the party to pretrial
20 release ~~bail~~ if the case is eligible for pretrial release
21 ~~bailable~~. The court shall also, when necessary, take the
22 recognizance of all material witnesses against the prisoner, as
23 in other cases. The recognizances shall be in the form provided
24 by law, and returned as other recognizances. If any judge shall
25 neglect or refuse to bind any such prisoner or witness by

1 recognizance, or to return a recognizance when taken as
2 hereinabove stated, he or she shall be guilty of a Class A
3 misdemeanor in office, and be proceeded against accordingly.

4 (Source: P.A. 82-280.)

5 (735 ILCS 5/10-127) (from Ch. 110, par. 10-127)

6 Sec. 10-127. Grant of habeas corpus. It is not lawful for
7 any court, on a second order of habeas corpus obtained by such
8 prisoner, to discharge the prisoner, if he or she is clearly
9 and specifically charged in the warrant of commitment with a
10 criminal offense; but the court shall, on the return of such
11 second order, have power only to admit such prisoner to
12 pretrial release bail where the offense is eligible for
13 pretrial release ~~bailable~~ by law, or remand him or her to
14 prison where the offense is not eligible for pretrial release
15 ~~bailable~~, or being eligible for pretrial release ~~bailable~~,
16 where such prisoner fails to comply with the terms of pretrial
17 release ~~give the bail required~~.

18 (Source: P.A. 82-280.)

19 (735 ILCS 5/10-135) (from Ch. 110, par. 10-135)

20 Sec. 10-135. Habeas corpus to testify. The several courts
21 having authority to grant relief by habeas corpus, may enter
22 orders, when necessary, to bring before them any prisoner to
23 testify, or to be surrendered in discharge of pretrial release
24 ~~bail~~, or for trial upon any criminal charge lawfully pending in

1 the same court or to testify in a criminal proceeding in
2 another state as provided for by Section 2 of the "Uniform Act
3 to secure the attendance of witnesses from within or without a
4 state in criminal proceedings", approved July 23, 1959, as
5 heretofore or hereafter amended; and the order may be directed
6 to any county in the State, and there be served and returned by
7 any officer to whom it is directed.

8 (Source: P.A. 82-280.)

9 (735 ILCS 5/10-136) (from Ch. 110, par. 10-136)

10 Sec. 10-136. Prisoner remanded or punished. After a
11 prisoner has given his or her testimony, or been surrendered,
12 or his or her pretrial release ~~bail~~ discharged, or he or she
13 has been tried for the crime with which he or she is charged,
14 he or she shall be returned to the jail or other place of
15 confinement from which he or she was taken for that purpose. If
16 such prisoner is convicted of a crime punishable with death or
17 imprisonment in the penitentiary, he or she may be punished
18 accordingly; but in any case where the prisoner has been taken
19 from the penitentiary, and his or her punishment is by
20 imprisonment, the time of such imprisonment shall not commence
21 to run until the expiration of the time of service under any
22 former sentence.

23 (Source: P.A. 82-280.)

24 (735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

1 Sec. 21-103. Notice by publication.

2 (a) Previous notice shall be given of the intended
3 application by publishing a notice thereof in some newspaper
4 published in the municipality in which the person resides if
5 the municipality is in a county with a population under
6 2,000,000, or if the person does not reside in a municipality
7 in a county with a population under 2,000,000, or if no
8 newspaper is published in the municipality or if the person
9 resides in a county with a population of 2,000,000 or more,
10 then in some newspaper published in the county where the person
11 resides, or if no newspaper is published in that county, then
12 in some convenient newspaper published in this State. The
13 notice shall be inserted for 3 consecutive weeks after filing,
14 the first insertion to be at least 6 weeks before the return
15 day upon which the petition is to be heard, and shall be signed
16 by the petitioner or, in case of a minor, the minor's parent or
17 guardian, and shall set forth the return day of court on which
18 the petition is to be heard and the name sought to be assumed.

19 (b) The publication requirement of subsection (a) shall not
20 be required in any application for a change of name involving a
21 minor if, before making judgment under this Article, reasonable
22 notice and opportunity to be heard is given to any parent whose
23 parental rights have not been previously terminated and to any
24 person who has physical custody of the child. If any of these
25 persons are outside this State, notice and opportunity to be
26 heard shall be given under Section 21-104.

1 (b-3) The publication requirement of subsection (a) shall
2 not be required in any application for a change of name
3 involving a person who has received a judgment for dissolution
4 of marriage or declaration of invalidity of marriage and wishes
5 to change his or her name to resume the use of his or her former
6 or maiden name.

7 (b-5) Upon motion, the court may issue an order directing
8 that the notice and publication requirement be waived for a
9 change of name involving a person who files with the court a
10 written declaration that the person believes that publishing
11 notice of the name change would put the person at risk of
12 physical harm or discrimination. The person must provide
13 evidence to support the claim that publishing notice of the
14 name change would put the person at risk of physical harm or
15 discrimination.

16 (c) The Director of State Police or his or her designee may
17 apply to the circuit court for an order directing that the
18 notice and publication requirements of this Section be waived
19 if the Director or his or her designee certifies that the name
20 change being sought is intended to protect a witness during and
21 following a criminal investigation or proceeding.

22 (c-1) The court may enter a written order waiving the
23 publication requirement of subsection (a) if:

24 (i) the petitioner is 18 years of age or older; and

25 (ii) concurrent with the petition, the petitioner
26 files with the court a statement, verified under oath as

1 provided under Section 1-109 of this Code, attesting that
2 the petitioner is or has been a person protected under the
3 Illinois Domestic Violence Act of 1986, the Stalking No
4 Contact Order Act, the Civil No Contact Order Act, Article
5 112A of the Code of Criminal Procedure of 1963, a condition
6 of pretrial release ~~bail~~ under subsections (b) through (d)
7 of Section 110-10 of the Code of Criminal Procedure of
8 1963, or a similar provision of a law in another state or
9 jurisdiction.

10 The petitioner may attach to the statement any supporting
11 documents, including relevant court orders.

12 (c-2) If the petitioner files a statement attesting that
13 disclosure of the petitioner's address would put the petitioner
14 or any member of the petitioner's family or household at risk
15 or reveal the confidential address of a shelter for domestic
16 violence victims, that address may be omitted from all
17 documents filed with the court, and the petitioner may
18 designate an alternative address for service.

19 (c-3) Court administrators may allow domestic abuse
20 advocates, rape crisis advocates, and victim advocates to
21 assist petitioners in the preparation of name changes under
22 subsection (c-1).

23 (c-4) If the publication requirements of subsection (a)
24 have been waived, the circuit court shall enter an order
25 impounding the case.

26 (d) The maximum rate charged for publication of a notice

1 under this Section may not exceed the lowest classified rate
2 paid by commercial users for comparable space in the newspaper
3 in which the notice appears and shall include all cash
4 discounts, multiple insertion discounts, and similar benefits
5 extended to the newspaper's regular customers.

6 (Source: P.A. 100-520, eff. 1-1-18 (see Section 5 of P.A.
7 100-565 for the effective date of P.A. 100-520); 100-788, eff.
8 1-1-19; 100-966, eff. 1-1-19; 101-81, eff. 7-12-19; 101-203,
9 eff. 1-1-20.)

10 Section 10-305. The Civil No Contact Order Act is amended
11 by changing Section 220 as follows:

12 (740 ILCS 22/220)

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

14 (a) Nothing in this Act shall preclude any Illinois court
15 from enforcing a valid protective order issued in another
16 state.

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

22 (b-1) The court shall not hold a school district or private
23 or non-public school or any of its employees in civil or
24 criminal contempt unless the school district or private or

1 non-public school has been allowed to intervene.

2 (b-2) The court may hold the parents, guardian, or legal
3 custodian of a minor respondent in civil or criminal contempt
4 for a violation of any provision of any order entered under
5 this Act for conduct of the minor respondent in violation of
6 this Act if the parents, guardian, or legal custodian directed,
7 encouraged, or assisted the respondent minor in such conduct.

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

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

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

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

23 (d) Contempt of court. A violation of any valid Illinois
24 civil no contact order, whether issued in a civil or criminal
25 proceeding, may be enforced through civil or criminal contempt
26 procedures, as appropriate, by any court with jurisdiction,

1 regardless of where the act or acts which violated the civil no
2 contact order were committed, to the extent consistent with the
3 venue provisions of this Act.

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

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

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

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

25 (2) by notice under Section 218;

26 (3) by service of a civil no contact order under

1 Section 218; or

2 (4) by other means demonstrating actual knowledge of
3 the contents of the order.

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

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

9 (2) any finding or order entered in a conjoined
10 criminal proceeding.

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

15 (h) Penalties.

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

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

1 subsection.

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

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

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

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

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

22 (i) to ~~increase, revoke or~~ modify the conditions of
23 pretrial release ~~bail bond~~ on an underlying criminal
24 charge pursuant to Section 110-6 of the Code of
25 Criminal Procedure of 1963;

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; or
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. 96-311, eff. 1-1-10; 97-294, eff. 1-1-12.)

7 Section 10-307. The Crime Victims Compensation Act is
8 amended by changing Sections 2, 2.5, 4.1, 6.1, and 7.1 as
9 follows:

10 (740 ILCS 45/2) (from Ch. 70, par. 72)

11 Sec. 2. Definitions. As used in this Act, unless the
12 context otherwise requires:

13 (a) "Applicant" means any person who applies for
14 compensation under this Act or any person the Court of Claims
15 or the Attorney General finds is entitled to compensation,
16 including the guardian of a minor or of a person under legal
17 disability. It includes any person who was a dependent of a
18 deceased victim of a crime of violence for his or her support
19 at the time of the death of that victim.

20 The changes made to this subsection by this amendatory Act
21 of the 101st General Assembly apply to actions commenced or
22 pending on or after January 1, 2021.

23 (b) "Court of Claims" means the Court of Claims created by
24 the Court of Claims Act.

1 (c) "Crime of violence" means and includes any offense
2 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
3 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
4 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,
5 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1,
6 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14,
7 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1, or
8 Section 12-3.05 except for subdivision (a)(4) or (g)(1), or
9 subdivision (a)(4) of Section 11-14.4, of the Criminal Code of
10 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of
11 the Cemetery Protection Act, Section 125 of the Stalking No
12 Contact Order Act, Section 219 of the Civil No Contact Order
13 Act, driving under the influence as defined in Section 11-501
14 of the Illinois Vehicle Code, a violation of Section 11-401 of
15 the Illinois Vehicle Code, provided the victim was a pedestrian
16 or was operating a vehicle moved solely by human power or a
17 mobility device at the time of contact, and a violation of
18 Section 11-204.1 of the Illinois Vehicle Code; so long as the
19 offense did not occur during a civil riot, insurrection or
20 rebellion. "Crime of violence" does not include any other
21 offense or accident involving a motor vehicle except those
22 vehicle offenses specifically provided for in this paragraph.
23 "Crime of violence" does include all of the offenses
24 specifically provided for in this paragraph that occur within
25 this State but are subject to federal jurisdiction and crimes
26 involving terrorism as defined in 18 U.S.C. 2331.

1 (d) "Victim" means (1) a person killed or injured in this
2 State as a result of a crime of violence perpetrated or
3 attempted against him or her, (2) the spouse, ~~or~~ parent, or
4 child of a person killed or injured in this State as a result
5 of a crime of violence perpetrated or attempted against the
6 person, or anyone living in the household of a person killed or
7 injured in a relationship that is substantially similar to that
8 of a parent, spouse, or child, (3) a person killed or injured
9 in this State while attempting to assist a person against whom
10 a crime of violence is being perpetrated or attempted, if that
11 attempt of assistance would be expected of a reasonable person
12 under the circumstances, (4) a person killed or injured in this
13 State while assisting a law enforcement official apprehend a
14 person who has perpetrated a crime of violence or prevent the
15 perpetration of any such crime if that assistance was in
16 response to the express request of the law enforcement
17 official, (5) a person who personally witnessed a violent
18 crime, (5.05) a person who will be called as a witness by the
19 prosecution to establish a necessary nexus between the offender
20 and the violent crime, (5.1) solely for the purpose of
21 compensating for pecuniary loss incurred for psychological
22 treatment of a mental or emotional condition caused or
23 aggravated by the crime, any other person under the age of 18
24 who is the brother, sister, half brother, or half sister,
25 ~~child, or stepchild~~ of a person killed or injured in this State
26 as a result of a crime of violence, (6) an Illinois resident

1 who is a victim of a "crime of violence" as defined in this Act
2 except, if the crime occurred outside this State, the resident
3 has the same rights under this Act as if the crime had occurred
4 in this State upon a showing that the state, territory,
5 country, or political subdivision of a country in which the
6 crime occurred does not have a compensation of victims of
7 crimes law for which that Illinois resident is eligible, (7) a
8 deceased person whose body is dismembered or whose remains are
9 desecrated as the result of a crime of violence, or (8) solely
10 for the purpose of compensating for pecuniary loss incurred for
11 psychological treatment of a mental or emotional condition
12 caused or aggravated by the crime, any parent, spouse, or child
13 under the age of 18 of a deceased person whose body is
14 dismembered or whose remains are desecrated as the result of a
15 crime of violence.

16 (e) "Dependent" means a relative of a deceased victim who
17 was wholly or partially dependent upon the victim's income at
18 the time of his or her death and shall include the child of a
19 victim born after his or her death.

20 (f) "Relative" means a spouse, parent, grandparent,
21 stepfather, stepmother, child, grandchild, brother,
22 brother-in-law, sister, sister-in-law, half brother, half
23 sister, spouse's parent, nephew, niece, uncle, ~~or~~ aunt, or
24 anyone living in the household of a person killed or injured in
25 a relationship that is substantially similar to that of a
26 parent, spouse, or child.

1 (g) "Child" means a ~~an unmarried~~ son or daughter ~~who is~~
2 ~~under 18 years of age~~ and includes a stepchild, an adopted
3 child or a child born out of wedlock.

4 (h) "Pecuniary loss" means, in the case of injury,
5 appropriate medical expenses and hospital expenses including
6 expenses of medical examinations, rehabilitation, medically
7 required nursing care expenses, appropriate psychiatric care
8 or psychiatric counseling expenses, appropriate expenses for
9 care or counseling by a licensed clinical psychologist,
10 licensed clinical social worker, licensed professional
11 counselor, or licensed clinical professional counselor and
12 expenses for treatment by Christian Science practitioners and
13 nursing care appropriate thereto; transportation expenses to
14 and from medical and counseling treatment facilities;
15 prosthetic appliances, eyeglasses, and hearing aids necessary
16 or damaged as a result of the crime; costs associated with
17 trafficking tattoo removal by a person authorized or licensed
18 to perform the specific removal procedure; replacement costs
19 for clothing and bedding used as evidence; costs associated
20 with temporary lodging or relocation necessary as a result of
21 the crime, including, but not limited to, the first month's
22 rent and security deposit of the dwelling that the claimant
23 relocated to and other reasonable relocation expenses incurred
24 as a result of the violent crime; locks or windows necessary or
25 damaged as a result of the crime; the purchase, lease, or
26 rental of equipment necessary to create usability of and

1 accessibility to the victim's real and personal property, or
2 the real and personal property which is used by the victim,
3 necessary as a result of the crime; the costs of appropriate
4 crime scene clean-up; replacement services loss, to a maximum
5 of \$1,250 per month; dependents replacement services loss, to a
6 maximum of \$1,250 per month; loss of tuition paid to attend
7 grammar school or high school when the victim had been enrolled
8 as a student prior to the injury, or college or graduate school
9 when the victim had been enrolled as a day or night student
10 prior to the injury when the victim becomes unable to continue
11 attendance at school as a result of the crime of violence
12 perpetrated against him or her; loss of earnings, loss of
13 future earnings because of disability resulting from the
14 injury, and, in addition, in the case of death, expenses for
15 funeral, burial, and travel and transport for survivors of
16 homicide victims to secure bodies of deceased victims and to
17 transport bodies for burial all of which may be awarded up to
18 ~~not exceed~~ a maximum of \$10,000 ~~\$7,500~~ and loss of support of
19 the dependents of the victim; in the case of dismemberment or
20 desecration of a body, expenses for funeral and burial, all of
21 which may be awarded up to ~~not exceed~~ a maximum of \$10,000
22 ~~\$7,500~~. Loss of future earnings shall be reduced by any income
23 from substitute work actually performed by the victim or by
24 income he or she would have earned in available appropriate
25 substitute work he or she was capable of performing but
26 unreasonably failed to undertake. Loss of earnings, loss of

1 future earnings and loss of support shall be determined on the
2 basis of the victim's average net monthly earnings for the 6
3 months immediately preceding the date of the injury or on
4 \$2,400 ~~\$1,250~~ per month, whichever is less or, in cases where
5 the absences commenced more than 3 years from the date of the
6 crime, on the basis of the net monthly earnings for the 6
7 months immediately preceding the date of the first absence, not
8 to exceed \$2,400 ~~\$1,250~~ per month. If a divorced or legally
9 separated applicant is claiming loss of support for a minor
10 child of the deceased, the amount of support for each child
11 shall be based either on the amount of support pursuant to the
12 judgment prior to the date of the deceased victim's injury or
13 death, or, if the subject of pending litigation filed by or on
14 behalf of the divorced or legally separated applicant prior to
15 the injury or death, on the result of that litigation. Real and
16 personal property includes, but is not limited to, vehicles,
17 houses, apartments, town houses, or condominiums. Pecuniary
18 loss does not include pain and suffering or property loss or
19 damage.

20 The changes made to this subsection by this amendatory Act
21 of the 101st General Assembly apply to actions commenced or
22 pending on or after January 1, 2021.

23 (i) "Replacement services loss" means expenses reasonably
24 incurred in obtaining ordinary and necessary services in lieu
25 of those the injured person would have performed, not for
26 income, but for the benefit of himself or herself or his or her

1 family, if he or she had not been injured.

2 (j) "Dependents replacement services loss" means loss
3 reasonably incurred by dependents or private legal guardians of
4 minor dependents after a victim's death in obtaining ordinary
5 and necessary services in lieu of those the victim would have
6 performed, not for income, but for their benefit, if he or she
7 had not been fatally injured.

8 (k) "Survivor" means immediate family including a parent,
9 stepfather, stepmother, child, brother, sister, or spouse.

10 (l) "Parent" means a natural parent, adopted parent,
11 stepparent, or permanent legal guardian of another person.

12 (m) "Trafficking tattoo" is a tattoo which is applied to a
13 victim in connection with the commission of a violation of
14 Section 10-9 of the Criminal Code of 2012.

15 (Source: P.A. 100-690, eff. 1-1-19; 101-81, eff. 7-12-19.)

16 (740 ILCS 45/2.5)

17 Sec. 2.5. Felon as victim. A victim's criminal history or
18 felony status shall not automatically prevent compensation to
19 that victim or the victim's family. However, no compensation
20 may be granted to a victim or applicant under this Act while
21 the applicant or victim is held in a correctional institution.
22 ~~Notwithstanding paragraph (d) of Section 2, "victim" does not~~
23 ~~include a person who is convicted of a felony until that person~~
24 ~~is discharged from probation or is released from a correctional~~
25 ~~institution and has been discharged from parole or mandatory~~

1 ~~supervised release, if any.~~ For purposes of this Section, the
2 death of a felon who is serving a term of parole, probation, or
3 mandatory supervised release shall be considered a discharge
4 from that sentence. ~~No compensation may be granted to an~~
5 ~~applicant under this Act during a period of time that the~~
6 ~~applicant is held in a correctional institution.~~

7 A victim who has been convicted of a felony may apply for
8 assistance under this Act at any time but no award of
9 compensation may be considered until the applicant meets the
10 requirements of this Section.

11 The changes made to this Section by this amendatory Act of
12 the 96th General Assembly apply to actions commenced or pending
13 on or after the effective date of this amendatory Act of the
14 96th General Assembly.

15 (Source: P.A. 96-267, eff. 8-11-09.)

16 (740 ILCS 45/4.1) (from Ch. 70, par. 74.1)

17 Sec. 4.1. In addition to other powers and duties set forth
18 in this Act and other powers exercised by the Attorney General,
19 the Attorney General shall:

20 (1) investigate all claims and prepare and present an
21 investigatory report and a draft award determination ~~a~~
22 ~~report of each applicant's claim~~ to the Court of Claims for
23 a review period of 28 business days; ~~prior to the issuance~~
24 ~~of an order by the Court of Claims,~~

25 (2) upon conclusion of the review by the Court of

1 Claims, provide the applicant with a compensation
2 determination letter;

3 (3) prescribe and furnish all applications and other
4 forms required to be filed in the office of the Attorney
5 General by the terms of this Act;7 and

6 (4) represent the interests of the State of Illinois in
7 any hearing before the Court of Claims.

8 The changes made to this Section by this amendatory Act of
9 the 101st General Assembly apply to actions commenced or
10 pending on or after January 1, 2021.

11 (Source: P.A. 97-817, eff. 1-1-13.)

12 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

13 Sec. 6.1. Right to compensation. A person is entitled to
14 compensation under this Act if:

15 (a) Within 5 ~~2~~ years of the occurrence of the crime, or
16 within one year after a criminal charge of a person for an
17 offense, upon which the claim is based, the applicant
18 presents ~~he files~~ an application, under oath, to the
19 Attorney General that is filed with the Court of Claims and
20 on a form prescribed in accordance with Section 7.1
21 furnished by the Attorney General. If the person entitled
22 to compensation is under 18 years of age or under other
23 legal disability at the time of the occurrence or is
24 determined by a court to be under a legal disability as a
25 result of the occurrence, he or she may present ~~file~~ the

1 application required by this subsection within 3 ~~2~~ years
2 after he or she attains the age of 18 years or the
3 disability is removed, as the case may be. Legal disability
4 includes a diagnosis of posttraumatic stress disorder.

5 (a-1) The Attorney General and the Court of Claims may
6 accept an application presented after the period provided
7 in subsection (a) if the Attorney General determines that
8 the applicant had good cause for a delay.

9 (b) For all crimes of violence, except those listed in
10 subsection (b-1) of this Section, the appropriate law
11 enforcement officials were notified within 72 hours of the
12 perpetration of the crime allegedly causing the death or
13 injury to the victim or, in the event such notification was
14 made more than 72 hours after the perpetration of the
15 crime, the applicant establishes that such notice was
16 timely under the circumstances.

17 (b-1) For victims of offenses defined in Sections 10-9,
18 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
19 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or
20 the Criminal Code of 2012, the appropriate law enforcement
21 officials were notified within 7 days of the perpetration
22 of the crime allegedly causing death or injury to the
23 victim or, in the event that the notification was made more
24 than 7 days after the perpetration of the crime, the
25 applicant establishes that the notice was timely under the
26 circumstances. If the applicant or victim has obtained an

1 order of protection, a civil no contact order, or a
2 stalking no contact order, has presented himself or herself
3 to a hospital for medical care or sexual assault evidence
4 collection ~~and medical care~~, or is engaged in a legal
5 proceeding involving a claim that the applicant or victim
6 is a victim of human trafficking, such action shall
7 constitute appropriate notification under this subsection
8 (b-1) or subsection (b) of this Section.

9 (c) The applicant has cooperated with law enforcement
10 officials in the apprehension and prosecution of the
11 assailant. If the applicant or victim has obtained an order
12 of protection, a civil no contact order, or a stalking no
13 contact order, has presented himself or herself to a
14 hospital for medical care or sexual assault evidence
15 collection ~~and medical care~~, or is engaged in a legal
16 proceeding involving a claim that the applicant or victim
17 is a victim of human trafficking, such action shall
18 constitute cooperation under this subsection (c). If the
19 victim is under 18 years of age at the time of the
20 commission of the offense, the following shall constitute
21 cooperation under this subsection (c):

22 (1) the applicant or the victim files a police
23 report with a law enforcement agency;

24 (2) a mandated reporter reports the crime to law
25 enforcement; or

26 (3) a person with firsthand knowledge of the crime

1 reports the crime to law enforcement.

2 (d) The applicant is not the offender or an accomplice
3 of the offender and the award would not unjustly benefit
4 the offender or his accomplice.

5 (e) (Blank). ~~The injury to or death of the victim was~~
6 ~~not substantially attributable to his own wrongful act and~~
7 ~~was not substantially provoked by the victim.~~

8 (f) For victims of offenses defined in Section 10-9 of
9 the Criminal Code of 2012, the victim submits a statement
10 under oath on a form prescribed by the Attorney General
11 attesting that the removed tattoo was applied in connection
12 with the commission of the offense.

13 (g) In determining whether cooperation has been
14 reasonable, the Attorney General and Court of Claims may
15 consider the victim's age, physical condition,
16 psychological state, cultural or linguistic barriers, and
17 compelling health and safety concerns, including, but not
18 limited to, a reasonable fear of retaliation or harm that
19 would jeopardize the well-being of the victim or the
20 victim's family, and giving due consideration to the degree
21 of cooperation that the victim or derivative victim is
22 capable of in light of the presence of any of these
23 factors, or any other factor the Attorney General considers
24 relevant.

25 The changes made to this Section by this amendatory Act of
26 the 101st General Assembly apply to actions commenced or

1 pending on or after January 1, 2021.

2 (Source: P.A. 99-143, eff. 7-27-15; 100-575, eff. 1-8-18;
3 100-1037, eff. 1-1-19.)

4 (740 ILCS 45/7.1) (from Ch. 70, par. 77.1)

5 Sec. 7.1. (a) The application shall set out:

6 (1) the name and address of the victim;

7 (2) if the victim is deceased, the name and address of
8 the applicant and his or her relationship to the victim,
9 the names and addresses of other persons dependent on the
10 victim for their support and the extent to which each is so
11 dependent, and other persons who may be entitled to
12 compensation for a pecuniary loss;

13 (3) the date and nature of the crime on which the
14 application for compensation is based;

15 (4) the date and place where and the law enforcement
16 officials to whom notification of the crime was given;

17 (5) the nature and extent of the injuries sustained by
18 the victim, and the names and addresses of those giving
19 medical and hospitalization treatment to the victim;

20 (6) the pecuniary loss to the applicant and to such
21 other persons as are specified under item (2) resulting
22 from the injury or death;

23 (7) the amount of benefits, payments, or awards, if
24 any, payable under:

25 (a) the Workers' Compensation Act,

- 1 (b) the Dram Shop Act,
2 (c) any claim, demand, or cause of action based
3 upon the crime-related injury or death,
4 (d) the Federal Medicare program,
5 (e) the State Public Aid program,
6 (f) Social Security Administration burial
7 benefits,
8 (g) Veterans administration burial benefits,
9 (h) life, health, accident or liability insurance,
10 (i) the Criminal Victims' Escrow Account Act,
11 (j) the Sexual Assault Survivors Emergency
12 Treatment Act,
13 (k) restitution, or
14 (l) any other source;
- 15 (8) releases authorizing the surrender to the Court of
16 Claims or Attorney General of reports, documents and other
17 information relating to the matters specified under this
18 Act and rules promulgated in accordance with the Act;
- 19 (9) such other information as the Court of Claims or
20 the Attorney General reasonably requires.
- 21 (b) The Attorney General may require that materials
22 substantiating the facts stated in the application be submitted
23 with that application.
- 24 (c) An applicant, on his or her own motion, may file an
25 amended application or additional substantiating materials to
26 correct inadvertent errors or omissions at any time before the

1 original application has been disposed of by the Court of
2 Claims or the Attorney General. In either case, the filing of
3 additional information or of an amended application shall be
4 considered for the purpose of this Act to have been filed at
5 the same time as the original application.

6 For claims submitted on or after January 1, 2021, an
7 amended application or additional substantiating materials to
8 correct inadvertent errors or omissions may be filed at any
9 time before the original application is disposed of by the
10 Attorney General or the Court of Claims.

11 (d) Determinations submitted by the Attorney General to the
12 Court of Claims shall be available to the Court of Claims for
13 review. The Attorney General shall provide the sources and
14 evidence relied upon as a basis for a compensation
15 determination.

16 (e) The changes made to this Section by this amendatory Act
17 of the 101st General Assembly apply to actions commenced or
18 pending on or after January 1, 2021.

19 (Source: P.A. 97-817, eff. 1-1-13; 98-463, eff. 8-16-13.)

20 Section 10-310. The Illinois Domestic Violence Act of 1986
21 is amended by changing Sections 223 and 301 as follows:

22 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

23 Sec. 223. Enforcement of orders of protection.

24 (a) When violation is crime. A violation of any order of

1 protection, whether issued in a civil or criminal proceeding,
2 shall be enforced by a criminal court when:

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

7 (i) remedies described in paragraphs (1), (2),
8 (3), (14), or (14.5) of subsection (b) of Section 214
9 of this Act; or

10 (ii) a remedy, which is substantially similar to
11 the remedies authorized under paragraphs (1), (2),
12 (3), (14), and (14.5) of subsection (b) of Section 214
13 of this Act, in a valid order of protection which is
14 authorized under the laws of another state, tribe, or
15 United States territory; or

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

19 Prosecution for a violation of an order of protection
20 shall not bar concurrent prosecution for any other crime,
21 including any crime that may have been committed at the
22 time of the violation of the order of protection; or

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

26 (i) remedies described in paragraphs (5), (6) or

1 (8) of subsection (b) of Section 214 of this Act; or

2 (ii) a remedy, which is substantially similar to
3 the remedies authorized under paragraphs (5), (6), or
4 (8) of subsection (b) of Section 214 of this Act, in a
5 valid order of protection which is authorized under the
6 laws of another state, tribe, or United States
7 territory.

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

21 (1) In a contempt proceeding where the petition for a
22 rule to show cause sets forth facts evidencing an immediate
23 danger that the respondent will flee the jurisdiction,
24 conceal a child, or inflict physical abuse on the
25 petitioner or minor children or on dependent adults in
26 petitioner's care, the court may order the attachment of

1 the respondent without prior service of the rule to show
2 cause or the petition for a rule to show cause. Conditions
3 of release ~~Bond~~ shall be set unless specifically denied in
4 writing.

5 (2) A petition for a rule to show cause for violation
6 of an order of protection shall be treated as an expedited
7 proceeding.

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

12 (b-2) The court may hold the parents, guardian, or legal
13 custodian of a minor respondent in civil or criminal contempt
14 for a violation of any provision of any order entered under
15 this Act for conduct of the minor respondent in violation of
16 this Act if the parents, guardian, or legal custodian directed,
17 encouraged, or assisted the respondent minor in such conduct.

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

1 of Marriage Act.

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

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

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

8 (3) By service of an order of protection under Section
9 222.

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

12 (e) The enforcement of an order of protection in civil or
13 criminal court shall not be affected by either of the
14 following:

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

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

19 (f) Circumstances. The court, when determining whether or
20 not a violation of an order of protection has occurred, shall
21 not require physical manifestations of abuse on the person of
22 the victim.

23 (g) Penalties.

24 (1) Except as provided in paragraph (3) of this
25 subsection, where the court finds the commission of a crime
26 or contempt of court under subsections (a) or (b) of this

1 Section, the penalty shall be the penalty that generally
2 applies in such criminal or contempt proceedings, and may
3 include one or more of the following: incarceration,
4 payment of restitution, a fine, payment of attorneys' fees
5 and costs, or community service.

6 (2) The court shall hear and take into account evidence
7 of any factors in aggravation or mitigation before deciding
8 an appropriate penalty under paragraph (1) of this
9 subsection.

10 (3) To the extent permitted by law, the court is
11 encouraged to:

12 (i) increase the penalty for the knowing violation
13 of any order of protection over any penalty previously
14 imposed by any court for respondent's violation of any
15 order of protection or penal statute involving
16 petitioner as victim and respondent as defendant;

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

20 (iii) impose a minimum penalty of 48 hours
21 imprisonment for respondent's second or subsequent
22 violation of an order of protection

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

25 (4) In addition to any other penalties imposed for a
26 violation of an order of protection, a criminal court may

1 consider evidence of any violations of an order of
2 protection:

3 (i) to increase, revoke or modify the conditions of
4 pretrial release ~~bail bond~~ on an underlying criminal
5 charge pursuant to Section 110-6 of the Code of
6 Criminal Procedure of 1963;

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

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

13 (5) In addition to any other penalties, the court shall
14 impose an additional fine of \$20 as authorized by Section
15 5-9-1.11 of the Unified Code of Corrections upon any person
16 convicted of or placed on supervision for a violation of an
17 order of protection. The additional fine shall be imposed
18 for each violation of this Section.

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

20 (750 ILCS 60/301) (from Ch. 40, par. 2313-1)

21 Sec. 301. Arrest without warrant.

22 (a) Any law enforcement officer may make an arrest without
23 warrant if the officer has probable cause to believe that the
24 person has committed or is committing any crime, including but
25 not limited to violation of an order of protection, under

1 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, even if the crime was not committed in
3 the presence of the officer.

4 (b) The law enforcement officer may verify the existence of
5 an order of protection by telephone or radio communication with
6 his or her law enforcement agency or by referring to the copy
7 of the order provided by the petitioner or respondent.

8 (c) Any law enforcement officer may make an arrest without
9 warrant if the officer has reasonable grounds to believe a
10 defendant at liberty under the provisions of subdivision (d) (1)
11 or (d) (2) of Section 110-10 of the Code of Criminal Procedure
12 of 1963 has violated a condition of his or her pretrial release
13 ~~bail bond~~ or recognizance.

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

15 Section 10-315. The Industrial and Linen Supplies Marking
16 Law is amended by changing Section 11 as follows:

17 (765 ILCS 1045/11) (from Ch. 140, par. 111)

18 Sec. 11. Search warrant.

19 Whenever the registrant, or officer, or authorized agent of
20 any firm, partnership or corporation which is a registrant
21 under this Act, takes an oath before any circuit court, that he
22 has reason to believe that any supplies are being unlawfully
23 used, sold, or secreted in any place, the court shall issue a
24 search warrant to any police officer authorizing such officer

1 to search the premises wherein it is alleged such articles may
2 be found and take into custody any person in whose possession
3 the articles are found. Any person so seized shall be taken
4 without unnecessary delay before the court issuing the search
5 warrant. The court is empowered to impose conditions of
6 pretrial release ~~bail~~ on any such person to compel his
7 attendance at any continued hearing.

8 (Source: P.A. 77-1273.)

9 Section 10-320. The Illinois Torture Inquiry and Relief
10 Commission Act is amended by changing Section 50 as follows:

11 (775 ILCS 40/50)

12 Sec. 50. Post-commission judicial review.

13 (a) If the Commission concludes there is sufficient
14 evidence of torture to merit judicial review, the Chair of the
15 Commission shall request the Chief Judge of the Circuit Court
16 of Cook County for assignment to a trial judge for
17 consideration. The court may receive proof by affidavits,
18 depositions, oral testimony, or other evidence. In its
19 discretion the court may order the petitioner brought before
20 the court for the hearing. Notwithstanding the status of any
21 other postconviction proceedings relating to the petitioner,
22 if the court finds in favor of the petitioner, it shall enter
23 an appropriate order with respect to the judgment or sentence
24 in the former proceedings and such supplementary orders as to

1 rearraignment, retrial, custody, pretrial release ~~bail~~ or
2 discharge, or for such relief as may be granted under a
3 petition for a certificate of innocence, as may be necessary
4 and proper.

5 (b) The State's Attorney, or the State's Attorney's
6 designee, shall represent the State at the hearing before the
7 assigned judge.

8 (Source: P.A. 96-223, eff. 8-10-09.)

9 Section 10-325. The Unemployment Insurance Act is amended
10 by changing Section 602 as follows:

11 (820 ILCS 405/602) (from Ch. 48, par. 432)

12 Sec. 602. Discharge for misconduct - Felony.

13 A. An individual shall be ineligible for benefits for the
14 week in which he has been discharged for misconduct connected
15 with his work and, thereafter, until he has become reemployed
16 and has had earnings equal to or in excess of his current
17 weekly benefit amount in each of four calendar weeks which are
18 either for services in employment, or have been or will be
19 reported pursuant to the provisions of the Federal Insurance
20 Contributions Act by each employing unit for which such
21 services are performed and which submits a statement certifying
22 to that fact. The requalification requirements of the preceding
23 sentence shall be deemed to have been satisfied, as of the date
24 of reinstatement, if, subsequent to his discharge by an

1 employing unit for misconduct connected with his work, such
2 individual is reinstated by such employing unit. For purposes
3 of this subsection, the term "misconduct" means the deliberate
4 and willful violation of a reasonable rule or policy of the
5 employing unit, governing the individual's behavior in
6 performance of his work, provided such violation has harmed the
7 employing unit or other employees or has been repeated by the
8 individual despite a warning or other explicit instruction from
9 the employing unit. The previous definition notwithstanding,
10 "misconduct" shall include any of the following work-related
11 circumstances:

12 1. Falsification of an employment application, or any
13 other documentation provided to the employer, to obtain
14 employment through subterfuge.

15 2. Failure to maintain licenses, registrations, and
16 certifications reasonably required by the employer, or
17 those that the individual is required to possess by law, to
18 perform his or her regular job duties, unless the failure
19 is not within the control of the individual.

20 3. Knowing, repeated violation of the attendance
21 policies of the employer that are in compliance with State
22 and federal law following a written warning for an
23 attendance violation, unless the individual can
24 demonstrate that he or she has made a reasonable effort to
25 remedy the reason or reasons for the violations or that the
26 reason or reasons for the violations were out of the

1 individual's control. Attendance policies of the employer
2 shall be reasonable and provided to the individual in
3 writing, electronically, or via posting in the workplace.

4 4. Damaging the employer's property through conduct
5 that is grossly negligent.

6 5. Refusal to obey an employer's reasonable and lawful
7 instruction, unless the refusal is due to the lack of
8 ability, skills, or training for the individual required to
9 obey the instruction or the instruction would result in an
10 unsafe act.

11 6. Consuming alcohol or illegal or non-prescribed
12 prescription drugs, or using an impairing substance in an
13 off-label manner, on the employer's premises during
14 working hours in violation of the employer's policies.

15 7. Reporting to work under the influence of alcohol,
16 illegal or non-prescribed prescription drugs, or an
17 impairing substance used in an off-label manner in
18 violation of the employer's policies, unless the
19 individual is compelled to report to work by the employer
20 outside of scheduled and on-call working hours and informs
21 the employer that he or she is under the influence of
22 alcohol, illegal or non-prescribed prescription drugs, or
23 an impairing substance used in an off-label manner in
24 violation of the employer's policies.

25 8. Grossly negligent conduct endangering the safety of
26 the individual or co-workers.

1 For purposes of paragraphs 4 and 8, conduct is "grossly
2 negligent" when the individual is, or reasonably should be,
3 aware of a substantial risk that the conduct will result in the
4 harm sought to be prevented and the conduct constitutes a
5 substantial deviation from the standard of care a reasonable
6 person would exercise in the situation.

7 Nothing in paragraph 6 or 7 prohibits the lawful use of
8 over-the-counter drug products as defined in Section 206 of the
9 Illinois Controlled Substances Act, provided that the
10 medication does not affect the safe performance of the
11 employee's work duties.

12 B. Notwithstanding any other provision of this Act, no
13 benefit rights shall accrue to any individual based upon wages
14 from any employer for service rendered prior to the day upon
15 which such individual was discharged because of the commission
16 of a felony in connection with his work, or because of theft in
17 connection with his work, for which the employer was in no way
18 responsible; provided, that the employer notified the Director
19 of such possible ineligibility within the time limits specified
20 by regulations of the Director, and that the individual has
21 admitted his commission of the felony or theft to a
22 representative of the Director, or has signed a written
23 admission of such act and such written admission has been
24 presented to a representative of the Director, or such act has
25 resulted in a conviction or order of supervision by a court of
26 competent jurisdiction; and provided further, that if by reason

1 of such act, he is in legal custody, held on pretrial release
2 ~~bail~~ or is a fugitive from justice, the determination of his
3 benefit rights shall be held in abeyance pending the result of
4 any legal proceedings arising therefrom.

5 (Source: P.A. 99-488, eff. 1-3-16.)

6 Article 15.

7 Pregnant Prisoner Rights

8 Section 15-5. The Counties Code is amended by changing
9 3-15003.6 and by adding Sections 3-15003.7, 3-15003.8,
10 3-15003.9, and 3-15003.10 as follows:

11 (55 ILCS 5/3-15003.6)

12 Sec. 3-15003.6. Pregnant female prisoners.

13 (a) Definitions. For the purpose of this Section and
14 Sections 3-15003.7, 3-15003.8, 3-15003.9, and 3-15003.10:

15 (1) "Restraints" means any physical restraint or
16 mechanical device used to control the movement of a
17 prisoner's body or limbs, or both, including, but not
18 limited to, flex cuffs, soft restraints, hard metal
19 handcuffs, a black box, Chubb cuffs, leg irons, belly
20 chains, a security (tether) chain, or a convex shield, or
21 shackles of any kind.

22 (2) "Labor" means the period of time before a birth and
23 shall include any medical condition in which a woman is

1 sent or brought to the hospital for the purpose of
2 delivering her baby. These situations include: induction
3 of labor, prodromal labor, pre-term labor, prelabor
4 rupture of membranes, the 3 stages of active labor, uterine
5 hemorrhage during the third trimester of pregnancy, and
6 caesarian delivery including pre-operative preparation.

7 (3) "Post-partum" means, as determined by her
8 physician, advanced practice registered nurse, or
9 physician assistant, the period immediately following
10 delivery, including the entire period a woman is in the
11 hospital or infirmary after birth.

12 (4) "Correctional institution" means any entity under
13 the authority of a county law enforcement division of a
14 county of more than 3,000,000 inhabitants that has the
15 power to detain or restrain, or both, a person under the
16 laws of the State.

17 (5) "Corrections official" means the official that is
18 responsible for oversight of a correctional institution,
19 or his or her designee.

20 (6) "Prisoner" means any person incarcerated or
21 detained in any facility who is accused of, convicted of,
22 sentenced for, or adjudicated delinquent for, violations
23 of criminal law or the terms and conditions of parole,
24 probation, pretrial release, or diversionary program, and
25 any person detained under the immigration laws of the
26 United States at any correctional facility.

1 (7) "Extraordinary circumstance" means an
2 extraordinary medical or security circumstance, including
3 a substantial flight risk, that dictates restraints be used
4 to ensure the safety and security of the prisoner, the
5 staff of the correctional institution or medical facility,
6 other prisoners, or the public.

7 (b) A county department of corrections shall not apply
8 security restraints to a prisoner that has been determined by a
9 qualified medical professional to be pregnant and is known by
10 the county department of corrections to be pregnant or in
11 postpartum recovery, which is the entire period a woman is in
12 the medical facility after birth, unless the corrections
13 official makes an individualized determination that the
14 prisoner presents a substantial flight risk or some other
15 extraordinary circumstance that dictates security restraints
16 be used to ensure the safety and security of the prisoner, her
17 child or unborn child, the staff of the county department of
18 corrections or medical facility, other prisoners, or the
19 public. The protections set out in clauses (b) (3) and (b) (4) of
20 this Section shall apply to security restraints used pursuant
21 to this subsection. The corrections official shall immediately
22 remove all restraints upon the written or oral request of
23 medical personnel. Oral requests made by medical personnel
24 shall be verified in writing as promptly as reasonably
25 possible.

26 (1) Qualified authorized health staff shall have the

1 authority to order therapeutic restraints for a pregnant or
2 postpartum prisoner who is a danger to herself, her child,
3 unborn child, or other persons due to a psychiatric or
4 medical disorder. Therapeutic restraints may only be
5 initiated, monitored and discontinued by qualified and
6 authorized health staff and used to safely limit a
7 prisoner's mobility for psychiatric or medical reasons. No
8 order for therapeutic restraints shall be written unless
9 medical or mental health personnel, after personally
10 observing and examining the prisoner, are clinically
11 satisfied that the use of therapeutic restraints is
12 justified and permitted in accordance with hospital
13 policies and applicable State law. Metal handcuffs or
14 shackles are not considered therapeutic restraints.

15 (2) Whenever therapeutic restraints are used by
16 medical personnel, Section 2-108 of the Mental Health and
17 Developmental Disabilities Code shall apply.

18 (3) Leg irons, shackles or waist shackles shall not be
19 used on any pregnant or postpartum prisoner regardless of
20 security classification. Except for therapeutic restraints
21 under clause (b)(2), no restraints of any kind may be
22 applied to prisoners during labor.

23 (4) When a pregnant or postpartum prisoner must be
24 restrained, restraints used shall be the least restrictive
25 restraints possible to ensure the safety and security of
26 the prisoner, her child, unborn child, the staff of the

1 county department of corrections or medical facility,
2 other prisoners, or the public, and in no case shall
3 include leg irons, shackles or waist shackles.

4 (5) Upon the pregnant prisoner's entry into a hospital
5 room, and completion of initial room inspection, a
6 corrections official shall be posted immediately outside
7 the hospital room, unless requested to be in the room by
8 medical personnel attending to the prisoner's medical
9 needs.

10 (6) The county department of corrections shall provide
11 adequate corrections personnel to monitor the pregnant
12 prisoner during her transport to and from the hospital and
13 during her stay at the hospital.

14 (7) Where the county department of corrections
15 requires prisoner safety assessments, a corrections
16 official may enter the hospital room to conduct periodic
17 prisoner safety assessments, except during a medical
18 examination or the delivery process.

19 (8) Upon discharge from a medical facility, postpartum
20 prisoners shall be restrained only with handcuffs in front
21 of the body during transport to the county department of
22 corrections. A corrections official shall immediately
23 remove all security restraints upon written or oral request
24 by medical personnel. Oral requests made by medical
25 personnel shall be verified in writing as promptly as
26 reasonably possible.

1 (c) Enforcement. No later than 30 days before the end of
2 each fiscal year, the county sheriff or corrections official of
3 the correctional institution where a pregnant prisoner has been
4 restrained during that previous fiscal year, shall submit a
5 written report to the Illinois General Assembly and the Office
6 of the Governor that includes an account of every instance of
7 prisoner restraint pursuant to this Section. The written report
8 shall state the date, time, location and rationale for each
9 instance in which restraints are used. The written report shall
10 not contain any individually identifying information of any
11 prisoner. Such reports shall be made available for public
12 inspection.

13 (Source: P.A. 99-581, eff. 1-1-17; 100-513, eff. 1-1-18.)

14 (55 ILCS 5/3-15003.7 new)

15 Sec. 3-15003.7. Corrections official training related to
16 pregnant prisoners.

17 (a) A county department of corrections shall provide
18 training relating to medical and mental health care issues
19 applicable to pregnant prisoners to:

20 (1) each corrections official employed by a county
21 department at a correctional institution in which female
22 prisoners are confined; and

23 (2) any other county department of corrections
24 employee whose duties involve contact with pregnant
25 prisoners.

1 (b) The training must include information regarding:

2 (1) appropriate care for pregnant prisoners; and

3 (2) the impact on a pregnant prisoner and the
4 prisoner's unborn child of:

5 (A) the use of restraints;

6 (B) placement in administrative segregation; and

7 (C) invasive searches.

8 (55 ILCS 5/3-15003.8 new)

9 Sec. 3-15003.8. Educational programing for pregnant
10 prisoners. A county department of corrections shall develop and
11 provide to each pregnant prisoner educational programming
12 relating to pregnancy and parenting. The programming must
13 include instruction regarding:

14 (1) appropriate prenatal care and hygiene;

15 (2) the effects of prenatal exposure to alcohol and drugs
16 on a developing fetus;

17 (3) parenting skills; and

18 (4) medical and mental health issues applicable to
19 children.

20 (55 ILCS 5/3-15003.9 new)

21 Sec. 3-15003.9. Prisoner post-partum recovery
22 requirements. A county department of corrections shall ensure
23 that, for a period of 72 hours after the birth of an infant by a
24 prisoner:

1 (1) the infant is allowed to remain with the prisoner,
2 unless a medical professional determines doing so would
3 pose a health or safety risk to the prisoner or infant; and
4 (2) the prisoner has access to any nutritional or
5 hygiene-related products necessary to care for the infant,
6 including diapers.

7 (55 ILCS 5/3-15003.10 new)

8 Sec. 3-15003.10. Housing requirements applicable to
9 pregnant prisoners.

10 (a) A county department of corrections may not place in
11 administrative segregation a prisoner who is pregnant or who
12 gave birth during the preceding 30 days unless the director of
13 the county department of corrections or the director's designee
14 determines that the placement is necessary based on a
15 reasonable belief that the prisoner will harm herself, the
16 prisoner's infant, or any other person or will attempt escape.

17 (b) A county department of corrections may not assign a
18 pregnant prisoner to any bed that is elevated more than 3 feet
19 above the floor.

20 Section 15-10. The Unified Code of Corrections is amended
21 by adding Sections 3-6-7.1, 3-6-7.2, 3-6-7.3, and 3-6-7.4 as
22 follows:

23 (730 ILCS 5/3-6-7.1 new)

1 Sec. 3-6-7.1. Correctional officer training related to
2 pregnant committed persons.

3 (a) The Department shall provide training relating to
4 medical and mental health care issues applicable to pregnant
5 committed persons to:

6 (1) each correctional officer employed by the
7 Department at a correctional institution or facility in
8 which female committed persons are confined; and

9 (2) any other Department employee whose duties involve
10 contact with pregnant committed persons.

11 (b) The training must include information regarding:

12 (1) appropriate care for pregnant committed persons;
13 and

14 (2) the impact on a pregnant committed person and the
15 committed person's unborn child of:

16 (A) the use of restraints;

17 (B) placement in administrative segregation; and

18 (C) invasive searches.

19 (730 ILCS 5/3-6-7.2 new)

20 Sec. 3-6-7.2. Educational programing for pregnant
21 committed persons. The Department shall develop and provide to
22 each pregnant committed person educational programming
23 relating to pregnancy and parenting. The programming must
24 include instruction regarding:

25 (1) appropriate prenatal care and hygiene;

1 (2) the effects of prenatal exposure to alcohol and drugs
2 on a developing fetus;

3 (3) parenting skills; and

4 (4) medical and mental health issues applicable to
5 children.

6 (730 ILCS 5/3-6-7.3 new)

7 Sec. 3-6-7.3. Committed person post-partum recovery
8 requirements. The Department shall ensure that, for a period of
9 72 hours after the birth of an infant by an committed person:

10 (1) the infant is allowed to remain with the committed
11 person, unless a medical professional determines doing so
12 would pose a health or safety risk to the committed person
13 or infant; and

14 (2) the committed person has access to any nutritional
15 or hygiene-related products necessary to care for the
16 infant, including diapers.

17 (730 ILCS 5/3-6-7.4 new)

18 Sec. 3-6-7.4. Housing requirements applicable to pregnant
19 committed persons.

20 (a) The Department may not place in administrative
21 segregation a committed person who is pregnant or who gave
22 birth during the preceding 30 days unless the Director or the
23 Director's designee determines that the placement is necessary
24 based on a reasonable belief that the committed person will

1 harm herself, the committed person's infant, or any other
2 person or will attempt escape.

3 (b) The Department may not assign a pregnant committed
4 person to any bed that is elevated more than 3 feet above the
5 floor.

6 Section 15-15. The County Jail Act is amended by adding
7 Sections 17.6, 17.7, 17.8, and 17.9 as follows:

8 (730 ILCS 125/17.6 new)

9 Sec. 17.6. Sheriff training related to pregnant prisoners.

10 (a) The sheriff shall provide training relating to medical
11 and mental health care issues applicable to pregnant prisoners
12 confined in the county jail to:

13 (1) each correctional officer employed by the sheriff
14 at the county jail in which female committed persons are
15 confined; and

16 (2) any other sheriff employee whose duties involve
17 contact with pregnant prisoners.

18 (b) The training must include information regarding:

19 (1) appropriate care for pregnant prisoners; and

20 (2) the impact on a pregnant prisoner and the
21 prisoner's unborn child of:

22 (A) the use of restraints;

23 (B) placement in administrative segregation; and

24 (C) invasive searches.

1 (730 ILCS 125/17.7 new)

2 Sec. 17.7. Educational programing for pregnant prisoners.

3 The sheriff shall develop and provide to each pregnant prisoner
4 educational programming relating to pregnancy and parenting.

5 The programming must include instruction regarding:

6 (1) appropriate prenatal care and hygiene;

7 (2) the effects of prenatal exposure to alcohol and drugs
8 on a developing fetus;

9 (3) parenting skills; and

10 (4) medical and mental health issues applicable to
11 children.

12 (730 ILCS 125/17.8 new)

13 Sec. 17.8. Prisoner post-partum recovery requirements. The

14 sheriff shall ensure that, for a period of 72 hours after the
15 birth of an infant by a prisoner:

16 (1) the infant is allowed to remain with the prisoner,
17 unless a medical professional determines doing so would
18 pose a health or safety risk to the prisoner or infant; and

19 (2) the prisoner has access to any nutritional or
20 hygiene-related products necessary to care for the infant,
21 including diapers.

22 (730 ILCS 125/17.9 new)

23 Sec. 17.9. Housing requirements applicable to pregnant

1 prisoners.

2 (a) The sheriff may not place in administrative segregation
3 a prisoner who is pregnant or who gave birth during the
4 preceding 30 days unless the sheriff or the sheriff's designee
5 determines that the placement is necessary based on a
6 reasonable belief that the prisoner will harm herself, the
7 prisoner's infant, or any other person or will attempt escape.

8 (b) The sheriff may not assign a pregnant committed person
9 to any bed that is elevated more than 3 feet above the floor.

10 Article 20.

11 Mandatory Minimums

12 Section 20-5. The Unified Code of Corrections is amended by
13 changing Section 5-4-1 as follows:

14 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

15 Sec. 5-4-1. Sentencing hearing.

16 (a) Except when the death penalty is sought under hearing
17 procedures otherwise specified, after a determination of
18 guilt, a hearing shall be held to impose the sentence. However,
19 prior to the imposition of sentence on an individual being
20 sentenced for an offense based upon a charge for a violation of
21 Section 11-501 of the Illinois Vehicle Code or a similar
22 provision of a local ordinance, the individual must undergo a
23 professional evaluation to determine if an alcohol or other

1 drug abuse problem exists and the extent of such a problem.
2 Programs conducting these evaluations shall be licensed by the
3 Department of Human Services. However, if the individual is not
4 a resident of Illinois, the court may, in its discretion,
5 accept an evaluation from a program in the state of such
6 individual's residence. The court may in its sentencing order
7 approve an eligible defendant for placement in a Department of
8 Corrections impact incarceration program as provided in
9 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
10 order recommend a defendant for placement in a Department of
11 Corrections substance abuse treatment program as provided in
12 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
13 upon the defendant being accepted in a program by the
14 Department of Corrections. At the hearing the court shall:

15 (1) consider the evidence, if any, received upon the
16 trial;

17 (2) consider any presentence reports;

18 (3) consider the financial impact of incarceration
19 based on the financial impact statement filed with the
20 clerk of the court by the Department of Corrections;

21 (4) consider evidence and information offered by the
22 parties in aggravation and mitigation;

23 (4.5) consider substance abuse treatment, eligibility
24 screening, and an assessment, if any, of the defendant by
25 an agent designated by the State of Illinois to provide
26 assessment services for the Illinois courts;

1 (5) hear arguments as to sentencing alternatives;

2 (6) afford the defendant the opportunity to make a
3 statement in his own behalf;

4 (7) afford the victim of a violent crime or a violation
5 of Section 11-501 of the Illinois Vehicle Code, or a
6 similar provision of a local ordinance, the opportunity to
7 present an oral or written statement, as guaranteed by
8 Article I, Section 8.1 of the Illinois Constitution and
9 provided in Section 6 of the Rights of Crime Victims and
10 Witnesses Act. The court shall allow a victim to make an
11 oral statement if the victim is present in the courtroom
12 and requests to make an oral or written statement. An oral
13 or written statement includes the victim or a
14 representative of the victim reading the written
15 statement. The court may allow persons impacted by the
16 crime who are not victims under subsection (a) of Section 3
17 of the Rights of Crime Victims and Witnesses Act to present
18 an oral or written statement. A victim and any person
19 making an oral statement shall not be put under oath or
20 subject to cross-examination. All statements offered under
21 this paragraph (7) shall become part of the record of the
22 court. In this paragraph (7), "victim of a violent crime"
23 means a person who is a victim of a violent crime for which
24 the defendant has been convicted after a bench or jury
25 trial or a person who is the victim of a violent crime with
26 which the defendant was charged and the defendant has been

1 convicted under a plea agreement of a crime that is not a
2 violent crime as defined in subsection (c) of 3 of the
3 Rights of Crime Victims and Witnesses Act;

4 (7.5) afford a qualified person affected by: (i) a
5 violation of Section 405, 405.1, 405.2, or 407 of the
6 Illinois Controlled Substances Act or a violation of
7 Section 55 or Section 65 of the Methamphetamine Control and
8 Community Protection Act; or (ii) a Class 4 felony
9 violation of Section 11-14, 11-14.3 except as described in
10 subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18,
11 11-18.1, or 11-19 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, committed by the defendant the
13 opportunity to make a statement concerning the impact on
14 the qualified person and to offer evidence in aggravation
15 or mitigation; provided that the statement and evidence
16 offered in aggravation or mitigation shall first be
17 prepared in writing in conjunction with the State's
18 Attorney before it may be presented orally at the hearing.
19 Sworn testimony offered by the qualified person is subject
20 to the defendant's right to cross-examine. All statements
21 and evidence offered under this paragraph (7.5) shall
22 become part of the record of the court. In this paragraph
23 (7.5), "qualified person" means any person who: (i) lived
24 or worked within the territorial jurisdiction where the
25 offense took place when the offense took place; or (ii) is
26 familiar with various public places within the territorial

1 jurisdiction where the offense took place when the offense
2 took place. "Qualified person" includes any peace officer
3 or any member of any duly organized State, county, or
4 municipal peace officer unit assigned to the territorial
5 jurisdiction where the offense took place when the offense
6 took place;

7 (8) in cases of reckless homicide afford the victim's
8 spouse, guardians, parents or other immediate family
9 members an opportunity to make oral statements;

10 (9) in cases involving a felony sex offense as defined
11 under the Sex Offender Management Board Act, consider the
12 results of the sex offender evaluation conducted pursuant
13 to Section 5-3-2 of this Act; and

14 (10) make a finding of whether a motor vehicle was used
15 in the commission of the offense for which the defendant is
16 being sentenced.

17 (b) All sentences shall be imposed by the judge based upon
18 his independent assessment of the elements specified above and
19 any agreement as to sentence reached by the parties. The judge
20 who presided at the trial or the judge who accepted the plea of
21 guilty shall impose the sentence unless he is no longer sitting
22 as a judge in that court. Where the judge does not impose
23 sentence at the same time on all defendants who are convicted
24 as a result of being involved in the same offense, the
25 defendant or the State's Attorney may advise the sentencing
26 court of the disposition of any other defendants who have been

1 sentenced.

2 (b-1) In imposing a sentence of imprisonment or periodic
3 imprisonment for a Class 3 or Class 4 felony for which a
4 sentence of probation or conditional discharge is an available
5 sentence, if the defendant has no prior sentence of probation
6 or conditional discharge and no prior conviction for a violent
7 crime, the defendant shall not be sentenced to imprisonment
8 before review and consideration of a presentence report and
9 determination and explanation of why the particular evidence,
10 information, factor in aggravation, factual finding, or other
11 reasons support a sentencing determination that one or more of
12 the factors under subsection (a) of Section 5-6-1 of this Code
13 apply and that probation or conditional discharge is not an
14 appropriate sentence.

15 (c) In imposing a sentence for a violent crime or for an
16 offense of operating or being in physical control of a vehicle
17 while under the influence of alcohol, any other drug or any
18 combination thereof, or a similar provision of a local
19 ordinance, when such offense resulted in the personal injury to
20 someone other than the defendant, the trial judge shall specify
21 on the record the particular evidence, information, factors in
22 mitigation and aggravation or other reasons that led to his
23 sentencing determination. The full verbatim record of the
24 sentencing hearing shall be filed with the clerk of the court
25 and shall be a public record.

26 (c-1) In imposing a sentence for the offense of aggravated

1 kidnapping for ransom, home invasion, armed robbery,
2 aggravated vehicular hijacking, aggravated discharge of a
3 firearm, or armed violence with a category I weapon or category
4 II weapon, the trial judge shall make a finding as to whether
5 the conduct leading to conviction for the offense resulted in
6 great bodily harm to a victim, and shall enter that finding and
7 the basis for that finding in the record.

8 (c-1.5) Notwithstanding any other provision of law to the
9 contrary, in imposing a sentence for an offense that requires a
10 mandatory minimum sentence of imprisonment, the court may
11 instead sentence the offender to probation, conditional
12 discharge, or a lesser term of imprisonment it deems
13 appropriate if: (1) the offense involves the use or possession
14 of drugs, retail theft, or driving on a revoked license due to
15 unpaid financial obligations; (2) the court finds that the
16 defendant does not pose a risk to public safety; and (3) the
17 interest of justice requires imposing a term of probation,
18 conditional discharge, or a lesser term of imprisonment. The
19 court must state on the record its reasons for imposing
20 probation, conditional discharge, or a lesser term of
21 imprisonment.

22 (c-2) If the defendant is sentenced to prison, other than
23 when a sentence of natural life imprisonment or a sentence of
24 death is imposed, at the time the sentence is imposed the judge
25 shall state on the record in open court the approximate period
26 of time the defendant will serve in custody according to the

1 then current statutory rules and regulations for sentence
2 credit found in Section 3-6-3 and other related provisions of
3 this Code. This statement is intended solely to inform the
4 public, has no legal effect on the defendant's actual release,
5 and may not be relied on by the defendant on appeal.

6 The judge's statement, to be given after pronouncing the
7 sentence, other than when the sentence is imposed for one of
8 the offenses enumerated in paragraph (a)(4) of Section 3-6-3,
9 shall include the following:

10 "The purpose of this statement is to inform the public of
11 the actual period of time this defendant is likely to spend in
12 prison as a result of this sentence. The actual period of
13 prison time served is determined by the statutes of Illinois as
14 applied to this sentence by the Illinois Department of
15 Corrections and the Illinois Prisoner Review Board. In this
16 case, assuming the defendant receives all of his or her
17 sentence credit, the period of estimated actual custody is ...
18 years and ... months, less up to 180 days additional earned
19 sentence credit. If the defendant, because of his or her own
20 misconduct or failure to comply with the institutional
21 regulations, does not receive those credits, the actual time
22 served in prison will be longer. The defendant may also receive
23 an additional one-half day sentence credit for each day of
24 participation in vocational, industry, substance abuse, and
25 educational programs as provided for by Illinois statute."

26 When the sentence is imposed for one of the offenses

1 enumerated in paragraph (a)(2) of Section 3-6-3, other than
2 first degree murder, and the offense was committed on or after
3 June 19, 1998, and when the sentence is imposed for reckless
4 homicide as defined in subsection (e) of Section 9-3 of the
5 Criminal Code of 1961 or the Criminal Code of 2012 if the
6 offense was committed on or after January 1, 1999, and when the
7 sentence is imposed for aggravated driving under the influence
8 of alcohol, other drug or drugs, or intoxicating compound or
9 compounds, or any combination thereof as defined in
10 subparagraph (F) of paragraph (1) of subsection (d) of Section
11 11-501 of the Illinois Vehicle Code, and when the sentence is
12 imposed for aggravated arson if the offense was committed on or
13 after July 27, 2001 (the effective date of Public Act 92-176),
14 and when the sentence is imposed for aggravated driving under
15 the influence of alcohol, other drug or drugs, or intoxicating
16 compound or compounds, or any combination thereof as defined in
17 subparagraph (C) of paragraph (1) of subsection (d) of Section
18 11-501 of the Illinois Vehicle Code committed on or after
19 January 1, 2011 (the effective date of Public Act 96-1230), the
20 judge's statement, to be given after pronouncing the sentence,
21 shall include the following:

22 "The purpose of this statement is to inform the public of
23 the actual period of time this defendant is likely to spend in
24 prison as a result of this sentence. The actual period of
25 prison time served is determined by the statutes of Illinois as
26 applied to this sentence by the Illinois Department of

1 Corrections and the Illinois Prisoner Review Board. In this
2 case, the defendant is entitled to no more than 4 1/2 days of
3 sentence credit for each month of his or her sentence of
4 imprisonment. Therefore, this defendant will serve at least 85%
5 of his or her sentence. Assuming the defendant receives 4 1/2
6 days credit for each month of his or her sentence, the period
7 of estimated actual custody is ... years and ... months. If the
8 defendant, because of his or her own misconduct or failure to
9 comply with the institutional regulations receives lesser
10 credit, the actual time served in prison will be longer."

11 When a sentence of imprisonment is imposed for first degree
12 murder and the offense was committed on or after June 19, 1998,
13 the judge's statement, to be given after pronouncing the
14 sentence, shall include the following:

15 "The purpose of this statement is to inform the public of
16 the actual period of time this defendant is likely to spend in
17 prison as a result of this sentence. The actual period of
18 prison time served is determined by the statutes of Illinois as
19 applied to this sentence by the Illinois Department of
20 Corrections and the Illinois Prisoner Review Board. In this
21 case, the defendant is not entitled to sentence credit.
22 Therefore, this defendant will serve 100% of his or her
23 sentence."

24 When the sentencing order recommends placement in a
25 substance abuse program for any offense that results in
26 incarceration in a Department of Corrections facility and the

1 crime was committed on or after September 1, 2003 (the
2 effective date of Public Act 93-354), the judge's statement, in
3 addition to any other judge's statement required under this
4 Section, to be given after pronouncing the sentence, shall
5 include the following:

6 "The purpose of this statement is to inform the public of
7 the actual period of time this defendant is likely to spend in
8 prison as a result of this sentence. The actual period of
9 prison time served is determined by the statutes of Illinois as
10 applied to this sentence by the Illinois Department of
11 Corrections and the Illinois Prisoner Review Board. In this
12 case, the defendant shall receive no earned sentence credit
13 under clause (3) of subsection (a) of Section 3-6-3 until he or
14 she participates in and completes a substance abuse treatment
15 program or receives a waiver from the Director of Corrections
16 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

17 (c-4) Before the sentencing hearing and as part of the
18 presentence investigation under Section 5-3-1, the court shall
19 inquire of the defendant whether the defendant is currently
20 serving in or is a veteran of the Armed Forces of the United
21 States. If the defendant is currently serving in the Armed
22 Forces of the United States or is a veteran of the Armed Forces
23 of the United States and has been diagnosed as having a mental
24 illness by a qualified psychiatrist or clinical psychologist or
25 physician, the court may:

26 (1) order that the officer preparing the presentence

1 report consult with the United States Department of
2 Veterans Affairs, Illinois Department of Veterans'
3 Affairs, or another agency or person with suitable
4 knowledge or experience for the purpose of providing the
5 court with information regarding treatment options
6 available to the defendant, including federal, State, and
7 local programming; and

8 (2) consider the treatment recommendations of any
9 diagnosing or treating mental health professionals
10 together with the treatment options available to the
11 defendant in imposing sentence.

12 For the purposes of this subsection (c-4), "qualified
13 psychiatrist" means a reputable physician licensed in Illinois
14 to practice medicine in all its branches, who has specialized
15 in the diagnosis and treatment of mental and nervous disorders
16 for a period of not less than 5 years.

17 (c-6) In imposing a sentence, the trial judge shall
18 specify, on the record, the particular evidence and other
19 reasons which led to his or her determination that a motor
20 vehicle was used in the commission of the offense.

21 (d) When the defendant is committed to the Department of
22 Corrections, the State's Attorney shall and counsel for the
23 defendant may file a statement with the clerk of the court to
24 be transmitted to the department, agency or institution to
25 which the defendant is committed to furnish such department,
26 agency or institution with the facts and circumstances of the

1 offense for which the person was committed together with all
2 other factual information accessible to them in regard to the
3 person prior to his commitment relative to his habits,
4 associates, disposition and reputation and any other facts and
5 circumstances which may aid such department, agency or
6 institution during its custody of such person. The clerk shall
7 within 10 days after receiving any such statements transmit a
8 copy to such department, agency or institution and a copy to
9 the other party, provided, however, that this shall not be
10 cause for delay in conveying the person to the department,
11 agency or institution to which he has been committed.

12 (e) The clerk of the court shall transmit to the
13 department, agency or institution, if any, to which the
14 defendant is committed, the following:

15 (1) the sentence imposed;

16 (2) any statement by the court of the basis for
17 imposing the sentence;

18 (3) any presentence reports;

19 (3.5) any sex offender evaluations;

20 (3.6) any substance abuse treatment eligibility
21 screening and assessment of the defendant by an agent
22 designated by the State of Illinois to provide assessment
23 services for the Illinois courts;

24 (4) the number of days, if any, which the defendant has
25 been in custody and for which he is entitled to credit
26 against the sentence, which information shall be provided

1 to the clerk by the sheriff;

2 (4.1) any finding of great bodily harm made by the
3 court with respect to an offense enumerated in subsection
4 (c-1);

5 (5) all statements filed under subsection (d) of this
6 Section;

7 (6) any medical or mental health records or summaries
8 of the defendant;

9 (7) the municipality where the arrest of the offender
10 or the commission of the offense has occurred, where such
11 municipality has a population of more than 25,000 persons;

12 (8) all statements made and evidence offered under
13 paragraph (7) of subsection (a) of this Section; and

14 (9) all additional matters which the court directs the
15 clerk to transmit.

16 (f) In cases in which the court finds that a motor vehicle
17 was used in the commission of the offense for which the
18 defendant is being sentenced, the clerk of the court shall,
19 within 5 days thereafter, forward a report of such conviction
20 to the Secretary of State.

21 (Source: P.A. 99-861, eff. 1-1-17; 99-938, eff. 1-1-18;
22 100-961, eff. 1-1-19; revised 10-3-18.)

23 Article 25.

24 Law Enforcement

1 Section 25-5. The Open Meetings Act is amended by changing
2 Section 2 as follows:

3 (5 ILCS 120/2) (from Ch. 102, par. 42)

4 Sec. 2. Open meetings.

5 (a) Openness required. All meetings of public bodies shall
6 be open to the public unless excepted in subsection (c) and
7 closed in accordance with Section 2a.

8 (b) Construction of exceptions. The exceptions contained
9 in subsection (c) are in derogation of the requirement that
10 public bodies meet in the open, and therefore, the exceptions
11 are to be strictly construed, extending only to subjects
12 clearly within their scope. The exceptions authorize but do not
13 require the holding of a closed meeting to discuss a subject
14 included within an enumerated exception.

15 (c) Exceptions. A public body may hold closed meetings to
16 consider the following subjects:

17 (1) The appointment, employment, compensation,
18 discipline, performance, or dismissal of specific
19 employees, specific individuals who serve as independent
20 contractors in a park, recreational, or educational
21 setting, or specific volunteers of the public body or legal
22 counsel for the public body, including hearing testimony on
23 a complaint lodged against an employee, a specific
24 individual who serves as an independent contractor in a
25 park, recreational, or educational setting, or a volunteer

1 of the public body or against legal counsel for the public
2 body to determine its validity. However, a meeting to
3 consider an increase in compensation to a specific employee
4 of a public body that is subject to the Local Government
5 Wage Increase Transparency Act may not be closed and shall
6 be open to the public and posted and held in accordance
7 with this Act.

8 (2) Collective negotiating matters between the public
9 body and its employees or their representatives, or
10 deliberations concerning salary schedules for one or more
11 classes of employees.

12 (3) The selection of a person to fill a public office,
13 as defined in this Act, including a vacancy in a public
14 office, when the public body is given power to appoint
15 under law or ordinance, or the discipline, performance or
16 removal of the occupant of a public office, when the public
17 body is given power to remove the occupant under law or
18 ordinance.

19 (4) Evidence or testimony presented in open hearing, or
20 in closed hearing where specifically authorized by law, to
21 a quasi-adjudicative body, as defined in this Act, provided
22 that the body prepares and makes available for public
23 inspection a written decision setting forth its
24 determinative reasoning.

25 (5) The purchase or lease of real property for the use
26 of the public body, including meetings held for the purpose

1 of discussing whether a particular parcel should be
2 acquired.

3 (6) The setting of a price for sale or lease of
4 property owned by the public body.

5 (7) The sale or purchase of securities, investments, or
6 investment contracts. This exception shall not apply to the
7 investment of assets or income of funds deposited into the
8 Illinois Prepaid Tuition Trust Fund.

9 (8) Security procedures, school building safety and
10 security, and the use of personnel and equipment to respond
11 to an actual, a threatened, or a reasonably potential
12 danger to the safety of employees, students, staff, the
13 public, or public property.

14 (9) Student disciplinary cases.

15 (10) The placement of individual students in special
16 education programs and other matters relating to
17 individual students.

18 (11) Litigation, when an action against, affecting or
19 on behalf of the particular public body has been filed and
20 is pending before a court or administrative tribunal, or
21 when the public body finds that an action is probable or
22 imminent, in which case the basis for the finding shall be
23 recorded and entered into the minutes of the closed
24 meeting.

25 (12) The establishment of reserves or settlement of
26 claims as provided in the Local Governmental and

1 Governmental Employees Tort Immunity Act, if otherwise the
2 disposition of a claim or potential claim might be
3 prejudiced, or the review or discussion of claims, loss or
4 risk management information, records, data, advice or
5 communications from or with respect to any insurer of the
6 public body or any intergovernmental risk management
7 association or self insurance pool of which the public body
8 is a member.

9 (13) Conciliation of complaints of discrimination in
10 the sale or rental of housing, when closed meetings are
11 authorized by the law or ordinance prescribing fair housing
12 practices and creating a commission or administrative
13 agency for their enforcement.

14 (14) Informant sources, the hiring or assignment of
15 undercover personnel or equipment, or ongoing, prior or
16 future criminal investigations, when discussed by a public
17 body with criminal investigatory responsibilities.

18 (15) Professional ethics or performance when
19 considered by an advisory body appointed to advise a
20 licensing or regulatory agency on matters germane to the
21 advisory body's field of competence.

22 (16) Self evaluation, practices and procedures or
23 professional ethics, when meeting with a representative of
24 a statewide association of which the public body is a
25 member.

26 (17) The recruitment, credentialing, discipline or

1 formal peer review of physicians or other health care
2 professionals, or for the discussion of matters protected
3 under the federal Patient Safety and Quality Improvement
4 Act of 2005, and the regulations promulgated thereunder,
5 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
6 Health Insurance Portability and Accountability Act of
7 1996, and the regulations promulgated thereunder,
8 including 45 C.F.R. Parts 160, 162, and 164, by a hospital,
9 or other institution providing medical care, that is
10 operated by the public body.

11 (18) Deliberations for decisions of the Prisoner
12 Review Board.

13 (19) Review or discussion of applications received
14 under the Experimental Organ Transplantation Procedures
15 Act.

16 (20) The classification and discussion of matters
17 classified as confidential or continued confidential by
18 the State Government Suggestion Award Board.

19 (21) Discussion of minutes of meetings lawfully closed
20 under this Act, whether for purposes of approval by the
21 body of the minutes or semi-annual review of the minutes as
22 mandated by Section 2.06.

23 (22) Deliberations for decisions of the State
24 Emergency Medical Services Disciplinary Review Board.

25 (23) The operation by a municipality of a municipal
26 utility or the operation of a municipal power agency or

1 municipal natural gas agency when the discussion involves
2 (i) contracts relating to the purchase, sale, or delivery
3 of electricity or natural gas or (ii) the results or
4 conclusions of load forecast studies.

5 (24) Meetings of a residential health care facility
6 resident sexual assault and death review team or the
7 Executive Council under the Abuse Prevention Review Team
8 Act.

9 (25) Meetings of an independent team of experts under
10 Brian's Law.

11 (26) Meetings of a mortality review team appointed
12 under the Department of Juvenile Justice Mortality Review
13 Team Act.

14 (27) (Blank).

15 (28) Correspondence and records (i) that may not be
16 disclosed under Section 11-9 of the Illinois Public Aid
17 Code or (ii) that pertain to appeals under Section 11-8 of
18 the Illinois Public Aid Code.

19 (29) Meetings between internal or external auditors
20 and governmental audit committees, finance committees, and
21 their equivalents, when the discussion involves internal
22 control weaknesses, identification of potential fraud risk
23 areas, known or suspected frauds, and fraud interviews
24 conducted in accordance with generally accepted auditing
25 standards of the United States of America.

26 (30) Those meetings or portions of meetings of a

1 fatality review team or the Illinois Fatality Review Team
2 Advisory Council during which a review of the death of an
3 eligible adult in which abuse or neglect is suspected,
4 alleged, or substantiated is conducted pursuant to Section
5 15 of the Adult Protective Services Act.

6 (31) Meetings and deliberations for decisions of the
7 Concealed Carry Licensing Review Board under the Firearm
8 Concealed Carry Act.

9 (32) Meetings between the Regional Transportation
10 Authority Board and its Service Boards when the discussion
11 involves review by the Regional Transportation Authority
12 Board of employment contracts under Section 28d of the
13 Metropolitan Transit Authority Act and Sections 3A.18 and
14 3B.26 of the Regional Transportation Authority Act.

15 (33) Those meetings or portions of meetings of the
16 advisory committee and peer review subcommittee created
17 under Section 320 of the Illinois Controlled Substances Act
18 during which specific controlled substance prescriber,
19 dispenser, or patient information is discussed.

20 (34) Meetings of the Tax Increment Financing Reform
21 Task Force under Section 2505-800 of the Department of
22 Revenue Law of the Civil Administrative Code of Illinois.

23 (35) Meetings of the group established to discuss
24 Medicaid capitation rates under Section 5-30.8 of the
25 Illinois Public Aid Code.

26 (36) Those deliberations or portions of deliberations

1 for decisions of the Illinois Gaming Board in which there
2 is discussed any of the following: (i) personal,
3 commercial, financial, or other information obtained from
4 any source that is privileged, proprietary, confidential,
5 or a trade secret; or (ii) information specifically
6 exempted from the disclosure by federal or State law.

7 (37) Deliberations for decisions of the Illinois Law
8 Enforcement Training Standards Board, the Certification
9 Review Panel, and the Illinois State Police Merit Board
10 regarding certification and decertification.

11 (d) Definitions. For purposes of this Section:

12 "Employee" means a person employed by a public body whose
13 relationship with the public body constitutes an
14 employer-employee relationship under the usual common law
15 rules, and who is not an independent contractor.

16 "Public office" means a position created by or under the
17 Constitution or laws of this State, the occupant of which is
18 charged with the exercise of some portion of the sovereign
19 power of this State. The term "public office" shall include
20 members of the public body, but it shall not include
21 organizational positions filled by members thereof, whether
22 established by law or by a public body itself, that exist to
23 assist the body in the conduct of its business.

24 "Quasi-adjudicative body" means an administrative body
25 charged by law or ordinance with the responsibility to conduct
26 hearings, receive evidence or testimony and make

1 determinations based thereon, but does not include local
2 electoral boards when such bodies are considering petition
3 challenges.

4 (e) Final action. No final action may be taken at a closed
5 meeting. Final action shall be preceded by a public recital of
6 the nature of the matter being considered and other information
7 that will inform the public of the business being conducted.

8 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;
9 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff.
10 8-23-19; revised 9-27-19.)

11 Section 25-10. The Freedom of Information Act is amended by
12 changing Sections 7 and 7.5 as follows:

13 (5 ILCS 140/7) (from Ch. 116, par. 207)

14 Sec. 7. Exemptions.

15 (1) When a request is made to inspect or copy a public
16 record that contains information that is exempt from disclosure
17 under this Section, but also contains information that is not
18 exempt from disclosure, the public body may elect to redact the
19 information that is exempt. The public body shall make the
20 remaining information available for inspection and copying.
21 Subject to this requirement, the following shall be exempt from
22 inspection and copying:

23 (a) Information specifically prohibited from
24 disclosure by federal or State law or rules and regulations

1 implementing federal or State law.

2 (b) Private information, unless disclosure is required
3 by another provision of this Act, a State or federal law or
4 a court order.

5 (b-5) Files, documents, and other data or databases
6 maintained by one or more law enforcement agencies and
7 specifically designed to provide information to one or more
8 law enforcement agencies regarding the physical or mental
9 status of one or more individual subjects.

10 (c) Personal information contained within public
11 records, the disclosure of which would constitute a clearly
12 unwarranted invasion of personal privacy, unless the
13 disclosure is consented to in writing by the individual
14 subjects of the information. "Unwarranted invasion of
15 personal privacy" means the disclosure of information that
16 is highly personal or objectionable to a reasonable person
17 and in which the subject's right to privacy outweighs any
18 legitimate public interest in obtaining the information.
19 The disclosure of information that bears on the public
20 duties of public employees and officials shall not be
21 considered an invasion of personal privacy.

22 (d) Records in the possession of any public body
23 created in the course of administrative enforcement
24 proceedings, and any law enforcement or correctional
25 agency for law enforcement purposes, but only to the extent
26 that disclosure would:

1 (i) interfere with pending or actually and
2 reasonably contemplated law enforcement proceedings
3 conducted by any law enforcement or correctional
4 agency that is the recipient of the request;

5 (ii) interfere with active administrative
6 enforcement proceedings conducted by the public body
7 that is the recipient of the request;

8 (iii) create a substantial likelihood that a
9 person will be deprived of a fair trial or an impartial
10 hearing;

11 (iv) unavoidably disclose the identity of a
12 confidential source, confidential information
13 furnished only by the confidential source, or persons
14 who file complaints with or provide information to
15 administrative, investigative, law enforcement, or
16 penal agencies; except that the identities of
17 witnesses to traffic accidents, traffic accident
18 reports, and rescue reports shall be provided by
19 agencies of local government, except when disclosure
20 would interfere with an active criminal investigation
21 conducted by the agency that is the recipient of the
22 request;

23 (v) disclose unique or specialized investigative
24 techniques other than those generally used and known or
25 disclose internal documents of correctional agencies
26 related to detection, observation or investigation of

1 incidents of crime or misconduct, and disclosure would
2 result in demonstrable harm to the agency or public
3 body that is the recipient of the request;

4 (vi) endanger the life or physical safety of law
5 enforcement personnel or any other person; or

6 (vii) obstruct an ongoing criminal investigation
7 by the agency that is the recipient of the request.

8 (d-5) A law enforcement record created for law
9 enforcement purposes and contained in a shared electronic
10 record management system if the law enforcement agency that
11 is the recipient of the request did not create the record,
12 did not participate in or have a role in any of the events
13 which are the subject of the record, and only has access to
14 the record through the shared electronic record management
15 system.

16 (d-6) Records contained in the Officer Professional
17 Conduct Database under Section 9.4 of the Illinois Police
18 Training Act, except to the extent authorized under that
19 Section. This includes the documents supplied to Illinois
20 Law Enforcement Training Standards Board from the Illinois
21 State Police and Illinois State Police Merit Board.

22 (e) Records that relate to or affect the security of
23 correctional institutions and detention facilities.

24 (e-5) Records requested by persons committed to the
25 Department of Corrections, Department of Human Services
26 Division of Mental Health, or a county jail if those

1 materials are available in the library of the correctional
2 institution or facility or jail where the inmate is
3 confined.

4 (e-6) Records requested by persons committed to the
5 Department of Corrections, Department of Human Services
6 Division of Mental Health, or a county jail if those
7 materials include records from staff members' personnel
8 files, staff rosters, or other staffing assignment
9 information.

10 (e-7) Records requested by persons committed to the
11 Department of Corrections or Department of Human Services
12 Division of Mental Health if those materials are available
13 through an administrative request to the Department of
14 Corrections or Department of Human Services Division of
15 Mental Health.

16 (e-8) Records requested by a person committed to the
17 Department of Corrections, Department of Human Services
18 Division of Mental Health, or a county jail, the disclosure
19 of which would result in the risk of harm to any person or
20 the risk of an escape from a jail or correctional
21 institution or facility.

22 (e-9) Records requested by a person in a county jail or
23 committed to the Department of Corrections or Department of
24 Human Services Division of Mental Health, containing
25 personal information pertaining to the person's victim or
26 the victim's family, including, but not limited to, a

1 victim's home address, home telephone number, work or
2 school address, work telephone number, social security
3 number, or any other identifying information, except as may
4 be relevant to a requester's current or potential case or
5 claim.

6 (e-10) Law enforcement records of other persons
7 requested by a person committed to the Department of
8 Corrections, Department of Human Services Division of
9 Mental Health, or a county jail, including, but not limited
10 to, arrest and booking records, mug shots, and crime scene
11 photographs, except as these records may be relevant to the
12 requester's current or potential case or claim.

13 (f) Preliminary drafts, notes, recommendations,
14 memoranda and other records in which opinions are
15 expressed, or policies or actions are formulated, except
16 that a specific record or relevant portion of a record
17 shall not be exempt when the record is publicly cited and
18 identified by the head of the public body. The exemption
19 provided in this paragraph (f) extends to all those records
20 of officers and agencies of the General Assembly that
21 pertain to the preparation of legislative documents.

22 (g) Trade secrets and commercial or financial
23 information obtained from a person or business where the
24 trade secrets or commercial or financial information are
25 furnished under a claim that they are proprietary,
26 privileged, or confidential, and that disclosure of the

1 trade secrets or commercial or financial information would
2 cause competitive harm to the person or business, and only
3 insofar as the claim directly applies to the records
4 requested.

5 The information included under this exemption includes
6 all trade secrets and commercial or financial information
7 obtained by a public body, including a public pension fund,
8 from a private equity fund or a privately held company
9 within the investment portfolio of a private equity fund as
10 a result of either investing or evaluating a potential
11 investment of public funds in a private equity fund. The
12 exemption contained in this item does not apply to the
13 aggregate financial performance information of a private
14 equity fund, nor to the identity of the fund's managers or
15 general partners. The exemption contained in this item does
16 not apply to the identity of a privately held company
17 within the investment portfolio of a private equity fund,
18 unless the disclosure of the identity of a privately held
19 company may cause competitive harm.

20 Nothing contained in this paragraph (g) shall be
21 construed to prevent a person or business from consenting
22 to disclosure.

23 (h) Proposals and bids for any contract, grant, or
24 agreement, including information which if it were
25 disclosed would frustrate procurement or give an advantage
26 to any person proposing to enter into a contractor

1 agreement with the body, until an award or final selection
2 is made. Information prepared by or for the body in
3 preparation of a bid solicitation shall be exempt until an
4 award or final selection is made.

5 (i) Valuable formulae, computer geographic systems,
6 designs, drawings and research data obtained or produced by
7 any public body when disclosure could reasonably be
8 expected to produce private gain or public loss. The
9 exemption for "computer geographic systems" provided in
10 this paragraph (i) does not extend to requests made by news
11 media as defined in Section 2 of this Act when the
12 requested information is not otherwise exempt and the only
13 purpose of the request is to access and disseminate
14 information regarding the health, safety, welfare, or
15 legal rights of the general public.

16 (j) The following information pertaining to
17 educational matters:

18 (i) test questions, scoring keys and other
19 examination data used to administer an academic
20 examination;

21 (ii) information received by a primary or
22 secondary school, college, or university under its
23 procedures for the evaluation of faculty members by
24 their academic peers;

25 (iii) information concerning a school or
26 university's adjudication of student disciplinary

1 cases, but only to the extent that disclosure would
2 unavoidably reveal the identity of the student; and

3 (iv) course materials or research materials used
4 by faculty members.

5 (k) Architects' plans, engineers' technical
6 submissions, and other construction related technical
7 documents for projects not constructed or developed in
8 whole or in part with public funds and the same for
9 projects constructed or developed with public funds,
10 including, but not limited to, power generating and
11 distribution stations and other transmission and
12 distribution facilities, water treatment facilities,
13 airport facilities, sport stadiums, convention centers,
14 and all government owned, operated, or occupied buildings,
15 but only to the extent that disclosure would compromise
16 security.

17 (l) Minutes of meetings of public bodies closed to the
18 public as provided in the Open Meetings Act until the
19 public body makes the minutes available to the public under
20 Section 2.06 of the Open Meetings Act.

21 (m) Communications between a public body and an
22 attorney or auditor representing the public body that would
23 not be subject to discovery in litigation, and materials
24 prepared or compiled by or for a public body in
25 anticipation of a criminal, civil, or administrative
26 proceeding upon the request of an attorney advising the

1 public body, and materials prepared or compiled with
2 respect to internal audits of public bodies.

3 (n) Records relating to a public body's adjudication of
4 employee grievances or disciplinary cases; however, this
5 exemption shall not extend to the final outcome of cases in
6 which discipline is imposed.

7 (o) Administrative or technical information associated
8 with automated data processing operations, including, but
9 not limited to, software, operating protocols, computer
10 program abstracts, file layouts, source listings, object
11 modules, load modules, user guides, documentation
12 pertaining to all logical and physical design of
13 computerized systems, employee manuals, and any other
14 information that, if disclosed, would jeopardize the
15 security of the system or its data or the security of
16 materials exempt under this Section.

17 (p) Records relating to collective negotiating matters
18 between public bodies and their employees or
19 representatives, except that any final contract or
20 agreement shall be subject to inspection and copying.

21 (q) Test questions, scoring keys, and other
22 examination data used to determine the qualifications of an
23 applicant for a license or employment.

24 (r) The records, documents, and information relating
25 to real estate purchase negotiations until those
26 negotiations have been completed or otherwise terminated.

1 With regard to a parcel involved in a pending or actually
2 and reasonably contemplated eminent domain proceeding
3 under the Eminent Domain Act, records, documents, and
4 information relating to that parcel shall be exempt except
5 as may be allowed under discovery rules adopted by the
6 Illinois Supreme Court. The records, documents, and
7 information relating to a real estate sale shall be exempt
8 until a sale is consummated.

9 (s) Any and all proprietary information and records
10 related to the operation of an intergovernmental risk
11 management association or self-insurance pool or jointly
12 self-administered health and accident cooperative or pool.
13 Insurance or self insurance (including any
14 intergovernmental risk management association or self
15 insurance pool) claims, loss or risk management
16 information, records, data, advice or communications.

17 (t) Information contained in or related to
18 examination, operating, or condition reports prepared by,
19 on behalf of, or for the use of a public body responsible
20 for the regulation or supervision of financial
21 institutions, insurance companies, or pharmacy benefit
22 managers, unless disclosure is otherwise required by State
23 law.

24 (u) Information that would disclose or might lead to
25 the disclosure of secret or confidential information,
26 codes, algorithms, programs, or private keys intended to be

1 used to create electronic or digital signatures under the
2 Electronic Commerce Security Act.

3 (v) Vulnerability assessments, security measures, and
4 response policies or plans that are designed to identify,
5 prevent, or respond to potential attacks upon a community's
6 population or systems, facilities, or installations, the
7 destruction or contamination of which would constitute a
8 clear and present danger to the health or safety of the
9 community, but only to the extent that disclosure could
10 reasonably be expected to jeopardize the effectiveness of
11 the measures or the safety of the personnel who implement
12 them or the public. Information exempt under this item may
13 include such things as details pertaining to the
14 mobilization or deployment of personnel or equipment, to
15 the operation of communication systems or protocols, or to
16 tactical operations.

17 (w) (Blank).

18 (x) Maps and other records regarding the location or
19 security of generation, transmission, distribution,
20 storage, gathering, treatment, or switching facilities
21 owned by a utility, by a power generator, or by the
22 Illinois Power Agency.

23 (y) Information contained in or related to proposals,
24 bids, or negotiations related to electric power
25 procurement under Section 1-75 of the Illinois Power Agency
26 Act and Section 16-111.5 of the Public Utilities Act that

1 is determined to be confidential and proprietary by the
2 Illinois Power Agency or by the Illinois Commerce
3 Commission.

4 (z) Information about students exempted from
5 disclosure under Sections 10-20.38 or 34-18.29 of the
6 School Code, and information about undergraduate students
7 enrolled at an institution of higher education exempted
8 from disclosure under Section 25 of the Illinois Credit
9 Card Marketing Act of 2009.

10 (aa) Information the disclosure of which is exempted
11 under the Viatical Settlements Act of 2009.

12 (bb) Records and information provided to a mortality
13 review team and records maintained by a mortality review
14 team appointed under the Department of Juvenile Justice
15 Mortality Review Team Act.

16 (cc) Information regarding interments, entombments, or
17 inurnments of human remains that are submitted to the
18 Cemetery Oversight Database under the Cemetery Care Act or
19 the Cemetery Oversight Act, whichever is applicable.

20 (dd) Correspondence and records (i) that may not be
21 disclosed under Section 11-9 of the Illinois Public Aid
22 Code or (ii) that pertain to appeals under Section 11-8 of
23 the Illinois Public Aid Code.

24 (ee) The names, addresses, or other personal
25 information of persons who are minors and are also
26 participants and registrants in programs of park

1 districts, forest preserve districts, conservation
2 districts, recreation agencies, and special recreation
3 associations.

4 (ff) The names, addresses, or other personal
5 information of participants and registrants in programs of
6 park districts, forest preserve districts, conservation
7 districts, recreation agencies, and special recreation
8 associations where such programs are targeted primarily to
9 minors.

10 (gg) Confidential information described in Section
11 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

12 (hh) The report submitted to the State Board of
13 Education by the School Security and Standards Task Force
14 under item (8) of subsection (d) of Section 2-3.160 of the
15 School Code and any information contained in that report.

16 (ii) Records requested by persons committed to or
17 detained by the Department of Human Services under the
18 Sexually Violent Persons Commitment Act or committed to the
19 Department of Corrections under the Sexually Dangerous
20 Persons Act if those materials: (i) are available in the
21 library of the facility where the individual is confined;
22 (ii) include records from staff members' personnel files,
23 staff rosters, or other staffing assignment information;
24 or (iii) are available through an administrative request to
25 the Department of Human Services or the Department of
26 Corrections.

1 (jj) Confidential information described in Section
2 5-535 of the Civil Administrative Code of Illinois.

3 (kk) The public body's credit card numbers, debit card
4 numbers, bank account numbers, Federal Employer
5 Identification Number, security code numbers, passwords,
6 and similar account information, the disclosure of which
7 could result in identity theft or impression or defrauding
8 of a governmental entity or a person.

9 (ll) ~~(kk)~~ Records concerning the work of the threat
10 assessment team of a school district.

11 (1.5) Any information exempt from disclosure under the
12 Judicial Privacy Act shall be redacted from public records
13 prior to disclosure under this Act.

14 (2) A public record that is not in the possession of a
15 public body but is in the possession of a party with whom the
16 agency has contracted to perform a governmental function on
17 behalf of the public body, and that directly relates to the
18 governmental function and is not otherwise exempt under this
19 Act, shall be considered a public record of the public body,
20 for purposes of this Act.

21 (3) This Section does not authorize withholding of
22 information or limit the availability of records to the public,
23 except as stated in this Section or otherwise provided in this
24 Act.

25 (Source: P.A. 100-26, eff. 8-4-17; 100-201, eff. 8-18-17;
26 100-732, eff. 8-3-18; 101-434, eff. 1-1-20; 101-452, eff.

1 1-1-20; 101-455, eff. 8-23-19; revised 9-27-19.)

2 (5 ILCS 140/7.5)

3 Sec. 7.5. Statutory exemptions. To the extent provided for
4 by the statutes referenced below, the following shall be exempt
5 from inspection and copying:

6 (a) All information determined to be confidential
7 under Section 4002 of the Technology Advancement and
8 Development Act.

9 (b) Library circulation and order records identifying
10 library users with specific materials under the Library
11 Records Confidentiality Act.

12 (c) Applications, related documents, and medical
13 records received by the Experimental Organ Transplantation
14 Procedures Board and any and all documents or other records
15 prepared by the Experimental Organ Transplantation
16 Procedures Board or its staff relating to applications it
17 has received.

18 (d) Information and records held by the Department of
19 Public Health and its authorized representatives relating
20 to known or suspected cases of sexually transmissible
21 disease or any information the disclosure of which is
22 restricted under the Illinois Sexually Transmissible
23 Disease Control Act.

24 (e) Information the disclosure of which is exempted
25 under Section 30 of the Radon Industry Licensing Act.

1 (f) Firm performance evaluations under Section 55 of
2 the Architectural, Engineering, and Land Surveying
3 Qualifications Based Selection Act.

4 (g) Information the disclosure of which is restricted
5 and exempted under Section 50 of the Illinois Prepaid
6 Tuition Act.

7 (h) Information the disclosure of which is exempted
8 under the State Officials and Employees Ethics Act, and
9 records of any lawfully created State or local inspector
10 general's office that would be exempt if created or
11 obtained by an Executive Inspector General's office under
12 that Act.

13 (i) Information contained in a local emergency energy
14 plan submitted to a municipality in accordance with a local
15 emergency energy plan ordinance that is adopted under
16 Section 11-21.5-5 of the Illinois Municipal Code.

17 (j) Information and data concerning the distribution
18 of surcharge moneys collected and remitted by carriers
19 under the Emergency Telephone System Act.

20 (k) Law enforcement officer identification information
21 or driver identification information compiled by a law
22 enforcement agency or the Department of Transportation
23 under Section 11-212 of the Illinois Vehicle Code.

24 (l) Records and information provided to a residential
25 health care facility resident sexual assault and death
26 review team or the Executive Council under the Abuse

1 Prevention Review Team Act.

2 (m) Information provided to the predatory lending
3 database created pursuant to Article 3 of the Residential
4 Real Property Disclosure Act, except to the extent
5 authorized under that Article.

6 (n) Defense budgets and petitions for certification of
7 compensation and expenses for court appointed trial
8 counsel as provided under Sections 10 and 15 of the Capital
9 Crimes Litigation Act. This subsection (n) shall apply
10 until the conclusion of the trial of the case, even if the
11 prosecution chooses not to pursue the death penalty prior
12 to trial or sentencing.

13 (o) Information that is prohibited from being
14 disclosed under Section 4 of the Illinois Health and
15 Hazardous Substances Registry Act.

16 (p) Security portions of system safety program plans,
17 investigation reports, surveys, schedules, lists, data, or
18 information compiled, collected, or prepared by or for the
19 Regional Transportation Authority under Section 2.11 of
20 the Regional Transportation Authority Act or the St. Clair
21 County Transit District under the Bi-State Transit Safety
22 Act.

23 (q) Information prohibited from being disclosed by the
24 Personnel Record Review Act.

25 (r) Information prohibited from being disclosed by the
26 Illinois School Student Records Act.

1 (s) Information the disclosure of which is restricted
2 under Section 5-108 of the Public Utilities Act.

3 (t) All identified or deidentified health information
4 in the form of health data or medical records contained in,
5 stored in, submitted to, transferred by, or released from
6 the Illinois Health Information Exchange, and identified
7 or deidentified health information in the form of health
8 data and medical records of the Illinois Health Information
9 Exchange in the possession of the Illinois Health
10 Information Exchange Office due to its administration of
11 the Illinois Health Information Exchange. The terms
12 "identified" and "deidentified" shall be given the same
13 meaning as in the Health Insurance Portability and
14 Accountability Act of 1996, Public Law 104-191, or any
15 subsequent amendments thereto, and any regulations
16 promulgated thereunder.

17 (u) Records and information provided to an independent
18 team of experts under the Developmental Disability and
19 Mental Health Safety Act (also known as Brian's Law).

20 (v) Names and information of people who have applied
21 for or received Firearm Owner's Identification Cards under
22 the Firearm Owners Identification Card Act or applied for
23 or received a concealed carry license under the Firearm
24 Concealed Carry Act, unless otherwise authorized by the
25 Firearm Concealed Carry Act; and databases under the
26 Firearm Concealed Carry Act, records of the Concealed Carry

1 Licensing Review Board under the Firearm Concealed Carry
2 Act, and law enforcement agency objections under the
3 Firearm Concealed Carry Act.

4 (w) Personally identifiable information which is
5 exempted from disclosure under subsection (g) of Section
6 19.1 of the Toll Highway Act.

7 (x) Information which is exempted from disclosure
8 under Section 5-1014.3 of the Counties Code or Section
9 8-11-21 of the Illinois Municipal Code.

10 (y) Confidential information under the Adult
11 Protective Services Act and its predecessor enabling
12 statute, the Elder Abuse and Neglect Act, including
13 information about the identity and administrative finding
14 against any caregiver of a verified and substantiated
15 decision of abuse, neglect, or financial exploitation of an
16 eligible adult maintained in the Registry established
17 under Section 7.5 of the Adult Protective Services Act.

18 (z) Records and information provided to a fatality
19 review team or the Illinois Fatality Review Team Advisory
20 Council under Section 15 of the Adult Protective Services
21 Act.

22 (aa) Information which is exempted from disclosure
23 under Section 2.37 of the Wildlife Code.

24 (bb) Information which is or was prohibited from
25 disclosure by the Juvenile Court Act of 1987.

26 (cc) Recordings made under the Law Enforcement

1 Officer-Worn Body Camera Act, except to the extent
2 authorized under that Act.

3 (dd) Information that is prohibited from being
4 disclosed under Section 45 of the Condominium and Common
5 Interest Community Ombudsperson Act.

6 (ee) Information that is exempted from disclosure
7 under Section 30.1 of the Pharmacy Practice Act.

8 (ff) Information that is exempted from disclosure
9 under the Revised Uniform Unclaimed Property Act.

10 (gg) Information that is prohibited from being
11 disclosed under Section 7-603.5 of the Illinois Vehicle
12 Code.

13 (hh) Records that are exempt from disclosure under
14 Section 1A-16.7 of the Election Code.

15 (ii) Information which is exempted from disclosure
16 under Section 2505-800 of the Department of Revenue Law of
17 the Civil Administrative Code of Illinois.

18 (jj) Information and reports that are required to be
19 submitted to the Department of Labor by registering day and
20 temporary labor service agencies but are exempt from
21 disclosure under subsection (a-1) of Section 45 of the Day
22 and Temporary Labor Services Act.

23 (kk) Information prohibited from disclosure under the
24 Seizure and Forfeiture Reporting Act.

25 (ll) Information the disclosure of which is restricted
26 and exempted under Section 5-30.8 of the Illinois Public

1 Aid Code.

2 (mm) Records that are exempt from disclosure under
3 Section 4.2 of the Crime Victims Compensation Act.

4 (nn) Information that is exempt from disclosure under
5 Section 70 of the Higher Education Student Assistance Act.

6 (oo) Communications, notes, records, and reports
7 arising out of a peer support counseling session prohibited
8 from disclosure under the First Responders Suicide
9 Prevention Act.

10 (pp) Names and all identifying information relating to
11 an employee of an emergency services provider or law
12 enforcement agency under the First Responders Suicide
13 Prevention Act.

14 (qq) Information and records held by the Department of
15 Public Health and its authorized representatives collected
16 under the Reproductive Health Act.

17 (rr) Information that is exempt from disclosure under
18 the Cannabis Regulation and Tax Act.

19 (ss) Data reported by an employer to the Department of
20 Human Rights pursuant to Section 2-108 of the Illinois
21 Human Rights Act.

22 (tt) Recordings made under the Children's Advocacy
23 Center Act, except to the extent authorized under that Act.

24 (uu) Information that is exempt from disclosure under
25 Section 50 of the Sexual Assault Evidence Submission Act.

26 (vv) Information that is exempt from disclosure under

1 subsections (f) and (j) of Section 5-36 of the Illinois
2 Public Aid Code.

3 (ww) Information that is exempt from disclosure under
4 Section 16.8 of the State Treasurer Act.

5 (xx) Information that is exempt from disclosure or
6 information that shall not be made public under the
7 Illinois Insurance Code.

8 (yy) Information prohibited from being disclosed under
9 the Illinois Educational Labor Relations Act.

10 (zz) Information prohibited from being disclosed under
11 the Illinois Public Labor Relations Act.

12 (aaa) Information prohibited from being disclosed
13 under Section 1-167 of the Illinois Pension Code.

14 (bbb) Information that is prohibited from disclosure
15 by the Illinois Police Training Act and the State Police
16 Act.

17 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
18 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
19 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
20 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
21 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.
22 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
23 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;
24 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.
25 1-1-20; 101-600, eff. 12-6-19; 101-620, eff. 12-20-19; 101-649,
26 eff. 7-7-20.)

1 (5 ILCS 140/7.1 rep.)

2 Section 25-15. The Freedom of Information Act is amended by
3 repealing Section 7.1.

4 Section 25-20. The State Employee Indemnification Act is
5 amended by changing Section 1 as follows:

6 (5 ILCS 350/1) (from Ch. 127, par. 1301)

7 Sec. 1. Definitions. For the purpose of this Act:

8 (a) The term "State" means the State of Illinois, the
9 General Assembly, the court, or any State office, department,
10 division, bureau, board, commission, or committee, the
11 governing boards of the public institutions of higher education
12 created by the State, the Illinois National Guard, the Illinois
13 State Guard, the Comprehensive Health Insurance Board, any
14 poison control center designated under the Poison Control
15 System Act that receives State funding, or any other agency or
16 instrumentality of the State. It does not mean any local public
17 entity as that term is defined in Section 1-206 of the Local
18 Governmental and Governmental Employees Tort Immunity Act or a
19 pension fund.

20 (b) The term "employee" means: any present or former
21 elected or appointed officer, trustee or employee of the State,
22 or of a pension fund; any present or former commissioner or
23 employee of the Executive Ethics Commission or of the

1 Legislative Ethics Commission; any present or former
2 Executive, Legislative, or Auditor General's Inspector
3 General; any present or former employee of an Office of an
4 Executive, Legislative, or Auditor General's Inspector
5 General; any present or former member of the Illinois National
6 Guard while on active duty; any present or former member of the
7 Illinois State Guard while on State active duty; individuals or
8 organizations who contract with the Department of Corrections,
9 the Department of Juvenile Justice, the Comprehensive Health
10 Insurance Board, or the Department of Veterans' Affairs to
11 provide services; individuals or organizations who contract
12 with the Department of Human Services (as successor to the
13 Department of Mental Health and Developmental Disabilities) to
14 provide services including but not limited to treatment and
15 other services for sexually violent persons; individuals or
16 organizations who contract with the Department of Military
17 Affairs for youth programs; individuals or organizations who
18 contract to perform carnival and amusement ride safety
19 inspections for the Department of Labor; individuals who
20 contract with the Office of the State's Attorneys Appellate
21 Prosecutor to provide legal services, but only when performing
22 duties within the scope of the Office's prosecutorial
23 activities; individual representatives of or designated
24 organizations authorized to represent the Office of State
25 Long-Term Ombudsman for the Department on Aging; individual
26 representatives of or organizations designated by the

1 Department on Aging in the performance of their duties as adult
2 protective services agencies or regional administrative
3 agencies under the Adult Protective Services Act; individuals
4 or organizations appointed as members of a review team or the
5 Advisory Council under the Adult Protective Services Act;
6 individuals or organizations who perform volunteer services
7 for the State where such volunteer relationship is reduced to
8 writing; individuals who serve on any public entity (whether
9 created by law or administrative action) described in paragraph
10 (a) of this Section; individuals or not for profit
11 organizations who, either as volunteers, where such volunteer
12 relationship is reduced to writing, or pursuant to contract,
13 furnish professional advice or consultation to any agency or
14 instrumentality of the State; individuals who serve as foster
15 parents for the Department of Children and Family Services when
16 caring for youth in care as defined in Section 4d of the
17 Children and Family Services Act; individuals who serve as
18 members of an independent team of experts under the
19 Developmental Disability and Mental Health Safety Act (also
20 known as Brian's Law); and individuals who serve as arbitrators
21 pursuant to Part 10A of Article II of the Code of Civil
22 Procedure and the rules of the Supreme Court implementing Part
23 10A, each as now or hereafter amended; the members of the
24 Certification Review Panel under the Illinois Police Training
25 Act; the term "employee" does not mean an independent
26 contractor except as provided in this Section. The term

1 includes an individual appointed as an inspector by the
2 Director of State Police when performing duties within the
3 scope of the activities of a Metropolitan Enforcement Group or
4 a law enforcement organization established under the
5 Intergovernmental Cooperation Act. An individual who renders
6 professional advice and consultation to the State through an
7 organization which qualifies as an "employee" under the Act is
8 also an employee. The term includes the estate or personal
9 representative of an employee.

10 (c) The term "pension fund" means a retirement system or
11 pension fund created under the Illinois Pension Code.

12 (Source: P.A. 100-159, eff. 8-18-17; 100-1030, eff. 8-22-18;
13 101-81, eff. 7-12-19.)

14 Section 25-25. The Personnel Code is amended by changing
15 Section 4c as follows:

16 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

17 Sec. 4c. General exemptions. The following positions in
18 State service shall be exempt from jurisdictions A, B, and C,
19 unless the jurisdictions shall be extended as provided in this
20 Act:

21 (1) All officers elected by the people.

22 (2) All positions under the Lieutenant Governor,
23 Secretary of State, State Treasurer, State Comptroller,
24 State Board of Education, Clerk of the Supreme Court,

1 Attorney General, and State Board of Elections.

2 (3) Judges, and officers and employees of the courts,
3 and notaries public.

4 (4) All officers and employees of the Illinois General
5 Assembly, all employees of legislative commissions, all
6 officers and employees of the Illinois Legislative
7 Reference Bureau and the Legislative Printing Unit.

8 (5) All positions in the Illinois National Guard and
9 Illinois State Guard, paid from federal funds or positions
10 in the State Military Service filled by enlistment and paid
11 from State funds.

12 (6) All employees of the Governor at the executive
13 mansion and on his immediate personal staff.

14 (7) Directors of Departments, the Adjutant General,
15 the Assistant Adjutant General, the Director of the
16 Illinois Emergency Management Agency, members of boards
17 and commissions, and all other positions appointed by the
18 Governor by and with the consent of the Senate.

19 (8) The presidents, other principal administrative
20 officers, and teaching, research and extension faculties
21 of Chicago State University, Eastern Illinois University,
22 Governors State University, Illinois State University,
23 Northeastern Illinois University, Northern Illinois
24 University, Western Illinois University, the Illinois
25 Community College Board, Southern Illinois University,
26 Illinois Board of Higher Education, University of

1 Illinois, State Universities Civil Service System,
2 University Retirement System of Illinois, and the
3 administrative officers and scientific and technical staff
4 of the Illinois State Museum.

5 (9) All other employees except the presidents, other
6 principal administrative officers, and teaching, research
7 and extension faculties of the universities under the
8 jurisdiction of the Board of Regents and the colleges and
9 universities under the jurisdiction of the Board of
10 Governors of State Colleges and Universities, Illinois
11 Community College Board, Southern Illinois University,
12 Illinois Board of Higher Education, Board of Governors of
13 State Colleges and Universities, the Board of Regents,
14 University of Illinois, State Universities Civil Service
15 System, University Retirement System of Illinois, so long
16 as these are subject to the provisions of the State
17 Universities Civil Service Act.

18 (10) The State Police so long as they are subject to
19 the merit provisions of the State Police Act. Employees of
20 the Illinois State Police Merit Board are subject to the
21 provisions of this Code.

22 (11) (Blank).

23 (12) The technical and engineering staffs of the
24 Department of Transportation, the Department of Nuclear
25 Safety, the Pollution Control Board, and the Illinois
26 Commerce Commission, and the technical and engineering

1 staff providing architectural and engineering services in
2 the Department of Central Management Services.

3 (13) All employees of the Illinois State Toll Highway
4 Authority.

5 (14) The Secretary of the Illinois Workers'
6 Compensation Commission.

7 (15) All persons who are appointed or employed by the
8 Director of Insurance under authority of Section 202 of the
9 Illinois Insurance Code to assist the Director of Insurance
10 in discharging his responsibilities relating to the
11 rehabilitation, liquidation, conservation, and dissolution
12 of companies that are subject to the jurisdiction of the
13 Illinois Insurance Code.

14 (16) All employees of the St. Louis Metropolitan Area
15 Airport Authority.

16 (17) All investment officers employed by the Illinois
17 State Board of Investment.

18 (18) Employees of the Illinois Young Adult
19 Conservation Corps program, administered by the Illinois
20 Department of Natural Resources, authorized grantee under
21 Title VIII of the Comprehensive Employment and Training Act
22 of 1973, 29 USC 993.

23 (19) Seasonal employees of the Department of
24 Agriculture for the operation of the Illinois State Fair
25 and the DuQuoin State Fair, no one person receiving more
26 than 29 days of such employment in any calendar year.

1 (20) All "temporary" employees hired under the
2 Department of Natural Resources' Illinois Conservation
3 Service, a youth employment program that hires young people
4 to work in State parks for a period of one year or less.

5 (21) All hearing officers of the Human Rights
6 Commission.

7 (22) All employees of the Illinois Mathematics and
8 Science Academy.

9 (23) All employees of the Kankakee River Valley Area
10 Airport Authority.

11 (24) The commissioners and employees of the Executive
12 Ethics Commission.

13 (25) The Executive Inspectors General, including
14 special Executive Inspectors General, and employees of
15 each Office of an Executive Inspector General.

16 (26) The commissioners and employees of the
17 Legislative Ethics Commission.

18 (27) The Legislative Inspector General, including
19 special Legislative Inspectors General, and employees of
20 the Office of the Legislative Inspector General.

21 (28) The Auditor General's Inspector General and
22 employees of the Office of the Auditor General's Inspector
23 General.

24 (29) All employees of the Illinois Power Agency.

25 (30) Employees having demonstrable, defined advanced
26 skills in accounting, financial reporting, or technical

1 expertise who are employed within executive branch
2 agencies and whose duties are directly related to the
3 submission to the Office of the Comptroller of financial
4 information for the publication of the Comprehensive
5 Annual Financial Report (CAFR).

6 (31) All employees of the Illinois Sentencing Policy
7 Advisory Council.

8 (Source: P.A. 100-1148, eff. 12-10-18.)

9 Section 25-30. The Department of State Police Law of the
10 Civil Administrative Code of Illinois is amended by changing
11 Section 2605-50 as follows:

12 (20 ILCS 2605/2605-50) (was 20 ILCS 2605/55a-6)

13 Sec. 2605-50. Division of Internal Investigation. The
14 Division of Internal Investigation shall initiate internal
15 departmental investigations and, at the direction of the
16 Governor, investigate complaints and initiate investigations
17 of official misconduct by State officers and State employees
18 under the jurisdiction of the Governor. Notwithstanding any
19 other provisions of law, the Division shall serve as the
20 investigative body for the Illinois State Police for purposes
21 of compliance with the provisions of Sections 12.6 and 12.7 of
22 this Act.

23 (Source: P.A. 91-239, eff. 1-1-00.)

1 Section 25-35. The State Police Act is amended by changing
2 Sections 3, 6, 8, and 9 and by adding Sections 6.5, 11.5, 11.6,
3 12.6, 12.7, 40.1, and 46 as follows:

4 (20 ILCS 2610/3) (from Ch. 121, par. 307.3)

5 Sec. 3. The Governor shall appoint, by and with the advice
6 and consent of the Senate, a Department of State Police Merit
7 Board, hereinafter called the Board, consisting of 7 ~~5~~ members
8 to hold office. The Governor shall appoint new board members
9 within 30 days for the vacancies created under this amendatory
10 Act. Board members shall be appointed to four-year terms. No
11 member shall be appointed to more than 2 terms. In making the
12 appointments, the Governor shall make a good faith effort to
13 appoint members reflecting the geographic, ethnic, and cultural
14 diversity of this State. In making the appointments, the
15 Governor should also consider appointing: persons with
16 professional backgrounds, possessing legal, management,
17 personnel, or labor experience; at least one member with at
18 least 10 years of experience as a licensed physician or
19 clinical psychologist with expertise in mental health; and at
20 least one member affiliated with an organization commitment to
21 social and economic rights and to eliminating discrimination. ~~7~~
22 ~~one until the third Monday in March, 1951, one until the third~~
23 ~~Monday in March, 1953, and one until the third Monday in March,~~
24 ~~1955, and until their respective successors are appointed and~~
25 ~~qualified. One of the members added by this amendatory Act of~~

1 ~~1977 shall serve a term expiring on the third Monday in March,~~
2 ~~1980, and until his successor is appointed and qualified, and~~
3 ~~one shall serve a term expiring on the third Monday in March,~~
4 ~~1982, and until his successor is appointed and qualified. Upon~~
5 ~~the expiration of the terms of office of those first appointed,~~
6 ~~their respective successors shall be appointed to hold office~~
7 ~~from the third Monday in March of the year of their respective~~
8 ~~appointments for a term of six years and until their successors~~
9 ~~are appointed and qualified for a like term. No more than 4 3~~
10 members of the Board shall be affiliated with the same
11 political party. If the Senate is not in session at the time
12 initial appointments are made pursuant to this section, the
13 Governor shall make temporary appointments as in the case of a
14 vacancy. In order to avoid actual conflicts of interest, or the
15 appearance of conflicts of interest, no board member shall be a
16 retired or former employee of the Illinois State Police. When a
17 Board member may have an actual, perceived, or potential
18 conflict of interest that could prevent the Board member from
19 making a fair and impartial decision on a complaint or formal
20 complaint against an Illinois State Police officer, the Board
21 member shall recuse himself or herself; or If the Board member
22 fails to recuse himself or herself, then the Board may, by a
23 simple majority, vote to recuse the Board member.

24 (Source: P.A. 87-284.)

25 (20 ILCS 2610/6) (from Ch. 121, par. 307.6)

1 Sec. 6. The Board is authorized to employ such clerical and
2 technical staff assistants, not to exceed fifteen, as may be
3 necessary to enable the Board to transact its business and, if
4 the rate of compensation is not otherwise fixed by law, to fix
5 their compensation. In order to avoid actual conflicts of
6 interest, or the appearance of conflicts of interest, no
7 employee, contractor, clerical or technical staff shall be a
8 retired or former employee of the Illinois State Police. All
9 employees shall be subject to the Personnel Code.

10 (Source: Laws 1949, p. 1357.)

11 (20 ILCS 2610/6.5 new)

12 Sec. 6.5. Badges. No badge, star, or shield shall be
13 issued to Board members, employees, contractors, clerical or
14 technical staff.

15 (20 ILCS 2610/8) (from Ch. 121, par. 307.8)

16 Sec. 8. Board jurisdiction.

17 (a) The Board shall exercise jurisdiction over the
18 certification for appointment and promotion, and over the
19 discipline, removal, demotion and suspension of Department of
20 State Police officers. The Board and the Illinois State Police
21 should also ensure Illinois State Police cadets and officers
22 represent the utmost integrity and professionalism and
23 represent the geographic, ethnic, and cultural diversity of
24 this State. The Board shall also exercise jurisdiction to

1 certify and terminate Illinois State Police Officers in
2 compliance with certification standards consistent with
3 Sections 9, 11.5, and 12.6 of this Act. Pursuant to recognized
4 merit principles of public employment, the Board shall
5 formulate, adopt, and put into effect rules, regulations and
6 procedures for its operation and the transaction of its
7 business. The Board shall establish a classification of ranks
8 of persons subject to its jurisdiction and shall set standards
9 and qualifications for each rank. Each Department of State
10 Police officer appointed by the Director shall be classified as
11 a State Police officer as follows: trooper, sergeant, master
12 sergeant, lieutenant, captain, major, or Special Agent.

13 (b) The Board shall publish all standards and
14 qualifications for each rank, including Cadet, on its website.
15 This shall include, but not be limited to, all physical
16 fitness, medical, visual, and hearing standards. The Illinois
17 State Police shall cooperate with the Board by providing any
18 necessary information to complete this requirement.

19 (Source: P.A. 100-49, eff. 1-1-18.)

20 (20 ILCS 2610/9) (from Ch. 121, par. 307.9)

21 Sec. 9. Appointment; qualifications.

22 (a) Except as otherwise provided in this Section, the
23 appointment of Department of State Police officers shall be
24 made from those applicants who have been certified by the Board
25 as being qualified for appointment. All persons so appointed

1 shall, at the time of their appointment, be not less than 21
2 years of age, or 20 years of age and have successfully
3 completed an associate's degree or 60 credit hours at an
4 accredited college or university. Any person appointed
5 subsequent to successful completion of an associate's degree or
6 60 credit hours at an accredited college or university shall
7 not have power of arrest, nor shall he or she be permitted to
8 carry firearms, until he or she reaches 21 years of age. In
9 addition, all persons so certified for appointment shall be of
10 sound mind and body, be of good moral character, be citizens of
11 the United States, have no criminal records, possess such
12 prerequisites of training, education, and experience as the
13 Board may from time to time prescribe so long as persons who
14 have an associate's degree or 60 credit hours at an accredited
15 college or university are not disqualified, and shall be
16 required to pass successfully such mental and physical tests
17 and examinations as may be prescribed by the Board. All persons
18 who meet one of the following requirements are deemed to have
19 met the collegiate educational requirements:

20 (i) have been honorably discharged and who have been
21 awarded a Southwest Asia Service Medal, Kosovo Campaign
22 Medal, Korean Defense Service Medal, Afghanistan Campaign
23 Medal, Iraq Campaign Medal, or Global War on Terrorism
24 Expeditionary Medal by the United States Armed Forces;

25 (ii) are active members of the Illinois National Guard
26 or a reserve component of the United States Armed Forces

1 and who have been awarded a Southwest Asia Service Medal,
2 Kosovo Campaign Medal, Korean Defense Service Medal,
3 Afghanistan Campaign Medal, Iraq Campaign Medal, or Global
4 War on Terrorism Expeditionary Medal as a result of
5 honorable service during deployment on active duty;

6 (iii) have been honorably discharged who served in a
7 combat mission by proof of hostile fire pay or imminent
8 danger pay during deployment on active duty; or

9 (iv) have at least 3 years of full active and
10 continuous military duty and received an honorable
11 discharge before hiring.

12 Preference shall be given in such appointments to persons
13 who have honorably served in the military or naval services of
14 the United States. All appointees shall serve a probationary
15 period of 12 months from the date of appointment and during
16 that period may be discharged at the will of the Director.
17 However, the Director may in his or her sole discretion extend
18 the probationary period of an officer up to an additional 6
19 months when to do so is deemed in the best interest of the
20 Department. Nothing in this subsection (a) limits the Board's
21 ability to prescribe education prerequisites or requirements
22 to certify Department of State Police officers for promotion as
23 provided in Section 10 of this Act.

24 (b) Notwithstanding the other provisions of this Act, after
25 July 1, 1977 and before July 1, 1980, the Director of State
26 Police may appoint and promote not more than 20 persons having

1 special qualifications as special agents as he or she deems
2 necessary to carry out the Department's objectives. Any such
3 appointment or promotion shall be ratified by the Board.

4 (c) During the 90 days following the effective date of this
5 amendatory Act of 1995, the Director of State Police may
6 appoint up to 25 persons as State Police officers. These
7 appointments shall be made in accordance with the requirements
8 of this subsection (c) and any additional criteria that may be
9 established by the Director, but are not subject to any other
10 requirements of this Act. The Director may specify the initial
11 rank for each person appointed under this subsection.

12 All appointments under this subsection (c) shall be made
13 from personnel certified by the Board. A person certified by
14 the Board and appointed by the Director under this subsection
15 must have been employed by the Illinois Commerce Commission on
16 November 30, 1994 in a job title subject to the Personnel Code
17 and in a position for which the person was eligible to earn
18 "eligible creditable service" as a "noncovered employee", as
19 those terms are defined in Article 14 of the Illinois Pension
20 Code.

21 Persons appointed under this subsection (c) shall
22 thereafter be subject to the same requirements and procedures
23 as other State police officers. A person appointed under this
24 subsection must serve a probationary period of 12 months from
25 the date of appointment, during which he or she may be
26 discharged at the will of the Director.

1 This subsection (c) does not affect or limit the Director's
2 authority to appoint other State Police officers under
3 subsection (a) of this Section.

4 (d) During the 180 days following the effective date of
5 this amendatory Act of the 101st General Assembly, the Director
6 of the Illinois State Police may appoint current Illinois State
7 Police Employees serving in law enforcement officer positions
8 previously within Central Management Services as State Police
9 Officers. These appointments shall be made in accordance with
10 the requirements of this subsection (d) and any institutional
11 criteria that may be established by the Director, but are not
12 subject to any other requirements of this Act. All appointments
13 under this subsection (d) shall be made from personnel
14 certified by the Board. A person certified by the Board and
15 appointed by the Director under this subsection must have been
16 employed by the a state agency, board, or commission on January
17 1, 2021, in a job title subject to the Personnel Code and in a
18 position for which the person was eligible to earn "eligible
19 creditable service" as a "noncovered employee", as those terms
20 are defined in Article 14 of the Illinois Pension Code. Persons
21 appointed under this subsection (d) shall thereafter be subject
22 to the same requirements, and subject to the same contractual
23 benefits and obligations, as other State police officers. This
24 subsection (d) does not affect or limit the Director's
25 authority to appoint other State Police officers under
26 subsection (a) of this Section.

1 (e) The Merit Board shall review Illinois State Police
2 Cadet applicants. The Illinois State Police may provide
3 background check and investigation material to the Board for
4 their review 10 pursuant to this section. The Board shall
5 approve and ensure that no cadet applicant is certified unless
6 the applicant is a person of good character and has not been
7 convicted of, or entered a plea of guilty to, a felony offense,
8 any of the misdemeanors in Section or if committed in any other
9 state would be an offense similar to 11-1.50, 11-6, 11-6.5,
10 11-6.6, 11-9.1, 11-14, 11-14.1, 11-30, 12-2, 12- 3.2, 12-3.5,
11 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any
12 misdemeanor in violation of any section of Part E of Title III
13 of the Criminal Code of 1961 or the Criminal Code of 2012,
14 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal
15 Code of 2012, or subsection (a) of Section 17-32 of the
16 Criminal Code of 1961 or the Criminal Code of 2012, to Section
17 5 or 5.2 of the Cannabis Control Act, or any felony or
18 misdemeanor in violation of federal law or the law of any state
19 that is the equivalent of any of the offenses specified
20 therein. The Officer Misconduct Database, provided in Section
21 9.2 of the Illinois Police Training Act, shall be searched as
22 part of this process. For purposes of this Section "convicted
23 of, or entered a plea of guilty" regardless of whether the
24 adjudication of guilt or sentence is withheld or not entered
25 thereon. This includes sentences of supervision, conditional
26 discharge, or first offender probation, or any similar

1 disposition provided for by law.

2 (f) The Board shall by rule establish an application fee
3 waiver program for any person who meets one or more of the
4 following criteria:

5 (1) his or her available personal income is 200% or
6 less of the current poverty level; or

7 (2) he or she is, in the discretion of the Board,
8 unable to proceed in an action with payment of application
9 fee and payment of that fee would result in substantial
10 hardship to the person or the person's family.

11 (Source: P.A. 100-11, eff. 7-1-17; 101-374, eff. 1-1-20.)

12 (20 ILCS 2610/11.5 new)

13 Sec. 11.5. Merit Board annual report.

14 (a) The Illinois State Police Merit Board shall report
15 annually to the Governor and General Assembly the following
16 information:

17 (1) the number of state police officers terminated in
18 the preceding calendar year;

19 (2) the number of cadet written tests administered and
20 the pass and fail rate;

21 (3) cadet physical fitness testing and locations;

22 (4) the number of cadet applicants who administered a
23 physical fitness test and the pass and fail rate;

24 (5) the number of cadet applicants who failed the
25 background investigation and general categories for

1 failure; and

2 (6) the number of cadet applicants certified for each
3 cadet class.

4 (b) The Board shall also report the number of promotional
5 tests and assessments administered and the number of persons
6 who were certified for promotion. All reported categories and
7 data shall contain a gender and ethnic breakdown for those
8 individuals. The Illinois State Police shall cooperate with the
9 Board by providing any necessary information to complete this
10 annual report. The report shall also identify strategies for
11 promoting diversity and inclusion in all testing, including
12 promotional testing, and cadet recruitment, and barriers to
13 advancement of these goals. The first report shall be filed no
14 later than March 31, 2022.

15 (20 ILCS 2610/11.6 new)

16 Sec. 11.6. Illinois State Police annual disciplinary data
17 report.

18 (a) The Illinois State Police shall report annually to the
19 Governor and General Assembly the following statistical
20 information, which may be part of its annual report, pursuant
21 to Section 5-650 of the Civil Administrative Code of Illinois:

22 (1) the number of complaints received in the preceding
23 calendar year against an Illinois State Police officer,
24 including but not limited to the race, gender, and type of
25 complaints received;

1 (2) the number of internal investigations initiated in
2 the preceding calendar year since the date of the last
3 report;

4 (3) the number of internal investigations concluded in
5 the preceding calendar year;

6 (4) the number of investigations pending as of the
7 reporting date;

8 (5) the number of Merit Board referrals;

9 (6) the number of officers decertified in the preceding
10 calendar year; and

11 (7) the number of investigations that led to a
12 determination of: administratively closed, exonerated, not
13 sustained, sustained, and unfounded.

14 (b) This report shall not contain any personal identifiable
15 information or case specific information.

16 (c) This report shall be filed beginning March 1, 2023, or
17 whenever the agency files its annual report.

18 (20 ILCS 2610/12.6 new)

19 Sec. 12.6. Automatic termination of Illinois State Police
20 officers. The Board shall terminate a state police officer
21 convicted of a felony offense under the laws of this State or
22 any other state which if committed in this State would be
23 punishable as a felony. The Board must also terminate Illinois
24 State Police officers who were convicted of, or entered a plea
25 of guilty to, on or after the effective date of this amendatory

1 Act of the 101st General Assembly, any misdemeanor specified in
2 this Section or if committed in any other state would be an
3 offense similar to Section 11-1.50, 11-6, 11-6.5, 11-6.6,
4 11-9.1, 11-14, 11-14.1, 11-30, 12-2, 12-3.2, 12-3.5, 16-1,
5 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor
6 in violation of any section of Part E of Title III of the
7 Criminal Code of 1961 or the Criminal Code of 2012, 32-4a, or
8 32-7 of the Criminal Code of 1961 or the Criminal Code of 2012,
9 or subsection (a) of Section 17-32 of the Criminal Code of 1961
10 or the Criminal Code of 2012, to Section 5 or 5.2 of the
11 Cannabis Control Act, or any felony or misdemeanor in violation
12 of federal law or the law of any state that is the equivalent
13 of any of the offenses specified therein. The Illinois State
14 Police Merit Board shall report terminations under this Section
15 to the Officer Misconduct Database, provided in Section 9.2 of
16 the Illinois Police Training Act. For purposes of this section
17 "convicted of, or entered a plea of guilty" regardless of
18 whether the adjudication of guilt or sentence is withheld or
19 not entered thereon. This includes sentences of supervision,
20 conditional discharge, or first offender probation, or any
21 similar disposition provided for by law.

22 (20 ILCS 2610/12.7 new)

23 Sec. 12.7. Discretionary termination of Illinois State
24 Police officers.

25 (a) Definitions. For purposes of this Section 6.3:

1 "Duty to Intervene" means an obligation to intervene to
2 prevent harm from occurring that arises when an officer is
3 present and has reason to know:

4 (1) that excessive force is being used; or

5 (2) that any constitutional violation has been
6 committed by a law enforcement official; and the officer
7 has a realistic opportunity to intervene.

8 This duty applies equally to supervisory and
9 nonsupervisory officers. If aid is required, the officer
10 shall not, when reasonable to administer aid, knowingly and
11 willingly refuse to render aid as defined by State or
12 federal law. An officer does not violate this duty if the
13 failure to render aid is due to circumstances such as lack
14 of appropriate specialized training, lack of resources or
15 equipment, or both, or if it is unsafe or impracticable to
16 render aid.

17 "Excessive use of force" means using force in violation of
18 State or federal law.

19 "False statement" means:

20 (1) any knowingly false statement provided on a form or
21 report;

22 (2) that the writer does not believe to be true; and

23 (3) that the writer includes to mislead a public
24 servant in performing that public servant's official
25 functions.

26 "Perjury" has the meaning as defined under Sections 32-2

1 and 32-3 of the Criminal Code of 2012.

2 "Tampers with or fabricates evidence" means if a law
3 enforcement officer:

4 (1) has reason to believe that an official proceeding
5 is pending or may be instituted; and

6 (2) alters, destroys, conceals, or removes any record,
7 document, data, video or thing to impair its validity or
8 availability in the proceeding.

9 (b) Discretionary termination conduct. The Board may
10 terminate an Illinois State Police officer upon a determination
11 by the Board that the Illinois State Police officer has:

12 (1) committed an act that would constitute a felony or
13 misdemeanor which could serve as basis for automatic
14 decertification, whether or not the law enforcement
15 officer was criminally prosecuted, and whether or not the
16 law enforcement officer's employment was terminated;

17 (2) exercised excessive use of force;

18 (3) failed to comply with the officer's duty to
19 intervene, including through acts or omission;

20 (4) tampered with a dash camera or body-worn camera or
21 data recorded by a dash camera or body-worn camera or
22 directed another to tamper with or turn off a dash camera
23 or body-worn camera or data recorded by a dash camera or
24 body-worn camera for the purpose of concealing, destroying
25 or altering potential evidence;

26 (5) engaged in the following conduct relating to the

1 reporting, investigation, or prosecution of a crime:
2 committed perjury, made a false statement, or knowingly
3 tampered with or fabricated evidence;

4 (6) engaged in any unprofessional, unethical,
5 deceptive, or deleterious conduct or practice harmful to
6 the public; such conduct or practice need not have resulted
7 in actual injury to any person. As used in this paragraph,
8 the term "unprofessional conduct" shall include any
9 departure from, or failure to conform to, the minimal
10 standards of acceptable and prevailing practice of an
11 officer.

12 (b) If an officer enters a plea of guilty, nolo contendere,
13 stipulates to the facts or is found guilty of a violation of
14 any law, or if there is any other Board or judicial
15 determination that will support any punitive measure taken
16 against the officer, such action by the officer or judicial
17 entity may be considered for the purposes of this Section.
18 Termination under this Section shall be by clear and convincing
19 evidence. If the Board votes to terminate, the Board shall put
20 its decision in writing, setting forth the specific reasons for
21 its decision. Final decisions under this Section are reviewable
22 under the Administrative Review Law.

23 (c) The Illinois State Police Merit Board shall report all
24 terminations under this Section to the Officer Misconduct
25 Database, provided in Section 9.2 of the Illinois Police
26 Training Act.

1 (d) Nothing in this Act shall require an Illinois State
2 Police officer to waive any applicable constitutional rights.

3 (e) Nothing in this Section shall prohibit the Merit Board
4 from administering discipline up to and including termination
5 for violations of Illinois State Police policies and procedures
6 pursuant to other sections of this Act.

7 (20 ILCS 2610/40.1 new)

8 Sec. 40.1. Mandated training compliance. The Director of
9 the Illinois State Police and the Illinois State Police Academy
10 shall ensure all Illinois State Police cadets and officers
11 comply with all statutory, regulatory, and department mandated
12 training.

13 (20 ILCS 2610/46 new)

14 Sec. 46. Officer Professional Conduct Database; reporting,
15 transparency.

16 (a) The Illinois State Police Merit Board shall be
17 responsible for reporting all required information contained
18 in the Officer Misconduct Database, provided in Section 9.2 of
19 the Illinois Police Training Act.

20 (b) Before the Illinois State Police Merit Board certifies
21 any Illinois State Police Cadet the Board shall conduct a
22 search of all Illinois State Police Cadet applicants in the
23 Officer Professional Conduct Database.

24 (c) The database, documents, materials, or other

1 information in the possession or control of the Board that are
2 obtained by or disclosed to the Board pursuant to this
3 subsection shall be confidential by law and privileged, shall
4 not be subject to subpoena, and shall not be subject to
5 discovery or admissible in evidence in any private civil
6 action. However, the Board is authorized to use such documents,
7 materials, or other information in furtherance of any
8 regulatory or legal action brought as part of the Board's
9 official duties. Unless otherwise required by law, the Board
10 shall not disclose the database or make such documents,
11 materials, or other information public without the prior
12 written consent of the governmental agency and the law
13 enforcement officer. The Board nor any person who received
14 documents, materials or other information shared pursuant to
15 this subsection shall be required to testify in any private
16 civil action concerning the database or any confidential
17 documents, materials, or information subject to this
18 subsection.

19 Nothing in this Section shall exempt a governmental agency
20 from disclosing public records in accordance with the Freedom
21 of Information Act.

22 Section 25-40. The Illinois Police Training Act is amended
23 by changing Sections 2, 3, 6, 6.1, 7, 7.5, 8, 8.1, 8.2, 9, 10,
24 10.1, 10.2, 10.3, 10.7, 10.11, 10.12, 10.13, 10.16, 10.18,
25 10.19, 10.20, and 10.22 and by adding Sections 3.1, 6.3, 6.6,

1 6.7, 8.3, 8.4, 9.2, and 13 as follows:

2 (50 ILCS 705/2) (from Ch. 85, par. 502)

3 Sec. 2. Definitions. As used in this Act, unless the
4 context otherwise requires:

5 "Board" means the Illinois Law Enforcement Training
6 Standards Board.

7 "Full-time law enforcement officer" means a law
8 enforcement officer who has completed the officer's
9 probationary period and is employed on a full-time basis as a
10 law enforcement officer by a local government agency, State
11 government agency, or as a campus police officer by a
12 participating State-controlled university, college, or public
13 community college.

14 "Governmental agency" means any local governmental agency
15 and any State governmental agency.

16 "Local governmental agency" means any local governmental
17 unit or municipal corporation in this State. It does not
18 include the State of Illinois or any office, officer,
19 department, division, bureau, board, commission, or agency of
20 the State, except that it does include a State-controlled
21 university, college or public community college.

22 "State governmental agency" means any governmental unit of
23 this State. This includes any office, officer, department,
24 division, bureau, board, commission, or agency of the State. It
25 does not include the Illinois State Police as defined in the

1 State Police Act.

2 "Panel" means the Certification Review Panel.

3 "Police training school" means any school located within
4 the State of Illinois whether privately or publicly owned which
5 offers a course in police or county corrections training and
6 has been approved by the Board.

7 "Probationary police officer" means a recruit law
8 enforcement officer required to successfully complete initial
9 minimum basic training requirements at a police training school
10 to be eligible for permanent full-time employment as a local
11 law enforcement officer.

12 "Probationary part-time police officer" means a recruit
13 part-time law enforcement officer required to successfully
14 complete initial minimum part-time training requirements to be
15 eligible for employment on a part-time basis as a local law
16 enforcement officer.

17 "Permanent law enforcement ~~police~~ officer" means a law
18 enforcement officer who has completed the officer's ~~his or her~~
19 probationary period and is permanently employed on a full-time
20 basis as a local law enforcement officer by a participating
21 local governmental unit or as a security officer or campus
22 police officer ~~policeman~~ permanently employed by a
23 participating State-controlled university, college, or public
24 community college.

25 "Part-time law enforcement ~~police~~ officer" means a law
26 enforcement officer who has completed the officer's ~~his or her~~

1 probationary period and is employed on a part-time basis as a
2 law enforcement officer by a participating unit of local
3 government or as a campus police officer ~~policeman~~ by a
4 participating State-controlled university, college, or public
5 community college.

6 "Law enforcement officer" means (i) any police officer of a
7 local governmental agency who is primarily responsible for
8 prevention or detection of crime and the enforcement of the
9 criminal code, traffic, or highway laws of this State or any
10 political subdivision of this State or (ii) any member of a
11 police force appointed and maintained as provided in Section 2
12 of the Railroad Police Act.

13 "Recruit" means any full-time or part-time law enforcement
14 officer or full-time county corrections officer who is enrolled
15 in an approved training course.

16 "Probationary county corrections officer" means a recruit
17 county corrections officer required to successfully complete
18 initial minimum basic training requirements at a police
19 training school to be eligible for permanent employment on a
20 full-time basis as a county corrections officer.

21 "Permanent county corrections officer" means a county
22 corrections officer who has completed the officer's ~~his~~
23 probationary period and is permanently employed on a full-time
24 basis as a county corrections officer by a participating local
25 governmental unit.

26 "County corrections officer" means any sworn officer of the

1 sheriff who is primarily responsible for the control and
2 custody of offenders, detainees or inmates.

3 "Probationary court security officer" means a recruit
4 court security officer required to successfully complete
5 initial minimum basic training requirements at a designated
6 training school to be eligible for employment as a court
7 security officer.

8 "Permanent court security officer" means a court security
9 officer who has completed the officer's ~~his or her~~ probationary
10 period and is employed as a court security officer by a
11 participating local governmental unit.

12 "Court security officer" has the meaning ascribed to it in
13 Section 3-6012.1 of the Counties Code.

14 (Source: P.A. 94-846, eff. 1-1-07.)

15 (50 ILCS 705/3) (from Ch. 85, par. 503)

16 Sec. 3. Board - composition - appointments - tenure -
17 vacancies.

18 (a) The Board shall be composed of 18 members selected as
19 follows: The Attorney General of the State of Illinois, the
20 Director of State Police, the Director of Corrections, the
21 Superintendent of the Chicago Police Department, the Sheriff of
22 Cook County, the Clerk of the Circuit Court of Cook County, who
23 shall serve as ex officio members, and the following to be
24 appointed by the Governor: 2 mayors or village presidents of
25 Illinois municipalities, 2 Illinois county sheriffs from

1 counties other than Cook County, 2 managers of Illinois
2 municipalities, 2 chiefs of municipal police departments in
3 Illinois having no Superintendent of the Police Department on
4 the Board, 2 citizens of Illinois who shall be members of an
5 organized enforcement officers' association, one active member
6 of a statewide association representing sheriffs, and one
7 active member of a statewide association representing
8 municipal police chiefs. The appointments of the Governor shall
9 be made on the first Monday of August in 1965 with 3 of the
10 appointments to be for a period of one year, 3 for 2 years, and
11 3 for 3 years. Their successors shall be appointed in like
12 manner for terms to expire the first Monday of August each 3
13 years thereafter. All members shall serve until their
14 respective successors are appointed and qualify. Vacancies
15 shall be filled by the Governor for the unexpired terms. Any ex
16 officio member may appoint a designee to the Board who shall
17 have the same powers and immunities otherwise conferred to the
18 member of the Board, including the power to vote and be counted
19 toward quorum, so long as the member is not in attendance.

20 (b) When a Board member may have an actual, perceived,
21 or potential conflict of interest or appearance of bias that
22 could prevent the Board member from making a fair and impartial
23 decision regarding decertification:

24 (1) The Board member shall recuse himself or herself.

25 (2) If the Board member fails to recuse himself or
26 herself, then the Board may, by a simple majority of the

1 remaining members, vote to recuse the Board member. Board
2 members who are found to have voted on a matter in which
3 they should have recused themselves may be removed from the
4 Board by the Governor.

5 A conflict of interest or appearance of bias may include,
6 but is not limited to, matters where one of the following is a
7 party to a decision on a decertification or formal complaint:
8 someone with whom the member has an employment relationship;
9 any of the following relatives: spouse, parents, children,
10 adopted children, legal wards, stepchildren, step parents,
11 step siblings, half siblings, siblings, parents-in-law,
12 siblings-in-law, children-in-law, aunts, uncles, nieces, and
13 nephews; a friend; or a member of a professional organization,
14 association, or a union in which the member now actively
15 serves.

16 (c) A vacancy in members does not prevent a quorum of the
17 remaining sitting members from exercising all rights and
18 performing all duties of the Board.

19 (d) An individual serving on the Board shall not also serve
20 on the Panel.

21 (Source: P.A. 99-651, eff. 7-28-16; 100-995, eff. 8-20-18.)

22 (50 ILCS 705/3.1 new)

23 Sec. 3.1. Illinois Law Enforcement Certification Review
24 Panel.

25 (a) There is hereby created the Illinois Law Enforcement

1 Certification Review Panel. The Panel shall be composed of the
2 following members, to be appointed in accordance with this
3 Section no later than 30 days after the effective date of this
4 amendatory Act of the 101st General Assembly. An individual
5 serving on the Panel shall not also serve on the Board.

6 (1) The Governor shall appoint 3 members as prescribed
7 in this paragraph (1): one person who shall be an active
8 member from a statewide association representing State's
9 Attorneys; and 2 persons who shall be Illinois residents
10 who are from communities with disproportionately high
11 instances of interaction with law enforcement, as
12 indicated by a high need, underserved community with high
13 rates of gun violence, unemployment, child poverty, and
14 commitments to Illinois Department of Corrections, but who
15 are not themselves law enforcement officers. The initial
16 appointments of the Governor shall be for a period of 3
17 years. Their successors shall be appointed in like manner
18 for terms to expire the first Monday of June each 3 years
19 thereafter. All members shall serve until their respective
20 successors are appointed and qualify. Vacancies shall be
21 filled by the Governor for the unexpired terms. Terms shall
22 run regardless of whether the position is vacant.

23 (2) The Attorney General shall appoint 8 members as
24 prescribed in this paragraph (2): two persons who shall be
25 active members of statewide organization representing more
26 than 20,000 active and retired law enforcement officers;

1 one person who shall be an active member of a statewide
2 association representing a minimum of 75 sheriffs; one
3 person who shall be an active member of a statewide
4 association representing at least 200 municipal police
5 chiefs; two persons who shall be active members of a
6 minority law enforcement association; one person who shall
7 be a representative of the victims' advocacy community but
8 shall not be a member of law enforcement; and one person
9 who shall be a resident of Illinois and shall not be an
10 employee of the Office of the Illinois Attorney General.
11 The members shall serve for a 3-year term and until their
12 respective successors are appointed and qualify. The
13 members' successors shall be appointed in like manner for
14 terms to expire the first Monday of June each 3 years
15 thereafter. Any vacancy of these positions shall be filled
16 by the Attorney General for the unexpired term. The term
17 shall run regardless of whether the position is vacant.

18 (b) The Panel shall annually elect by a simple majority
19 vote one of its members as chairperson and one of its members
20 as vice-chairperson. The vice-chairperson shall serve in the
21 place of the chairperson at any meeting of the Panel in which
22 the chairperson is not present. If both the chairperson and the
23 vice-chairperson are absent at any meeting, the members present
24 shall elect by a simple majority vote another member to serve
25 as a temporary chairperson for the limited purpose of that
26 meeting. No member shall be elected more than twice in

1 succession to the same office. Each member shall serve until
2 that member's successor has been elected and qualified.

3 (c) The Board shall provide administrative assistance to
4 the Panel.

5 (d) The members of the Panel shall serve without
6 compensation but shall be entitled to reimbursement for their
7 actual and necessary expenses in attending meetings and in the
8 performance of their duties hereunder.

9 (e) Members of the Panel will receive initial and annual
10 training that is adequate in quality, quantity, scope, and
11 type, and will cover, at minimum the following topics:

12 (1) constitutional and other relevant law on
13 police-community encounters, including the law on the use
14 of force and stops, searches, and arrests;

15 (2) police tactics;

16 (3) investigations of police conduct;

17 (4) impartial policing;

18 (5) policing individuals in crisis;

19 (6) Illinois police policies, procedures, and
20 disciplinary rules;

21 (7) procedural justice; and

22 (8) community outreach.

23 (f) The State shall indemnify and hold harmless members of
24 the Panel for all of their acts, omissions, decisions, or other
25 conduct arising out of the scope of their service on the Panel,
26 except those involving willful or wanton misconduct. The method

1 of providing indemnification shall be as provided in the State
2 Employee Indemnification Act.

3 (g) When a Panel member may have an actual, perceived, or
4 potential conflict of interest or appearance of bias that could
5 prevent the Panel member from making a fair and impartial
6 decision on a complaint or formal complaint:

7 (1) The Panel member shall recuse himself or herself.

8 (2) If the Panel member fails to recuse himself or
9 herself, then the remaining members of the Panel may, by a
10 simple majority, vote to recuse the Panel member. Any Panel
11 member who is found to have voted on a matter in which they
12 should have recused themselves may be removed from the
13 Panel by the State official who initially appointed the
14 Panel member. A conflict of interest or appearance of bias
15 may include, but is not limited to, matters where one of
16 the following is a party to a certification decision for
17 formal complaint: someone with whom the member has an
18 employment relationship; any of the following relatives:
19 spouse, parents, children, adopted children, legal wards,
20 stepchildren, stepparents, step siblings, half siblings,
21 siblings, parents-in-law, siblings-in-law,
22 children-in-law, aunts, uncles, nieces, and nephews; a
23 friend; or a member of a professional organization,
24 association, or a union in which the member now actively
25 serves.

26 (h) A vacancy in membership does not impair the ability of

1 a quorum to exercise all rights and perform all duties of the
2 Panel.

3 (50 ILCS 705/6) (from Ch. 85, par. 506)

4 Sec. 6. Powers and duties of the Board; selection and
5 certification of schools. The Board shall select and certify
6 schools within the State of Illinois for the purpose of
7 providing basic training for probationary law enforcement
8 ~~police~~ officers, probationary county corrections officers, and
9 court security officers and of providing advanced or in-service
10 training for permanent law enforcement ~~police~~ officers or
11 permanent county corrections officers, which schools may be
12 either publicly or privately owned and operated. In addition,
13 the Board has the following power and duties:

14 a. To require local governmental units, to furnish such
15 reports and information as the Board deems necessary to
16 fully implement this Act.

17 b. To establish appropriate mandatory minimum
18 standards relating to the training of probationary local
19 law enforcement officers or probationary county
20 corrections officers, and in-service training of permanent
21 law enforcement ~~police~~ officers.

22 c. To provide appropriate certification to those
23 probationary officers who successfully complete the
24 prescribed minimum standard basic training course.

25 d. To review and approve annual training curriculum for

1 county sheriffs.

2 e. To review and approve applicants to ensure that no
3 applicant is admitted to a certified academy unless the
4 applicant is a person of good character and has not been
5 convicted of, found guilty of, or entered a plea of guilty
6 to, or entered a plea of nolo contendere to a felony
7 offense, any of the misdemeanors in Sections 11-1.50, 11-6,
8 11-6.5, 11-6.6, 11-9.1, 11-14, 11-14.1, ~~11-17, 11-19,~~
9 11-30, 12-2, 12-3.2, 12-3.5, ~~12-15,~~ 16-1, 17-1, 17-2,
10 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in
11 violation of any Section of Part E of Title III of the
12 Criminal Code of 1961 or the Criminal Code of 2012, ~~31-1,~~
13 ~~31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961 or~~
14 ~~the Criminal Code of 2012,~~ ~~subdivision (a) (1) or (a) (2) (C)~~
15 ~~of Section 11-14.3 of the Criminal Code of 1961 or the~~
16 ~~Criminal Code of 2012,~~ or subsection (a) of Section 17-32
17 of the Criminal Code of 1961 or the Criminal Code of 2012,
18 or Section 5 or 5.2 of the Cannabis Control Act, or a crime
19 involving moral turpitude under the laws of this State or
20 any other state which if committed in this State would be
21 punishable as a felony or a crime of moral turpitude, or
22 any felony or misdemeanor in violation of federal law or
23 the law of any state that is the equivalent of any of the
24 offenses specified therein. The Board may appoint
25 investigators who shall enforce the duties conferred upon
26 the Board by this Act.

1 f. For purposes of this paragraph (e), a person is
2 considered to have been "convicted of, found guilty of, or
3 entered a plea of guilty to, plea of nolo contendere to"
4 regardless of whether the adjudication of guilt or sentence
5 is withheld or not entered thereon. This includes sentences
6 of supervision, conditional discharge, or first offender
7 probation, or any similar disposition provided for by law.

8 g. To review and ensure all law enforcement officers
9 remain in compliance with this Act, and any administrative
10 rules adopted under this Act.

11 h. To suspend any certificate for a definite period,
12 limit or restrict any certificate, or revoke any
13 certificate.

14 i. The Board and the Panel shall have power to secure
15 by its subpoena and bring before it any person or entity in
16 this State and to take testimony either orally or by
17 deposition or both with the same fees and mileage and in
18 the same manner as prescribed by law in judicial
19 proceedings in civil cases in circuit courts of this State.
20 The Board and the Panel shall also have the power to
21 subpoena the production of documents, papers, files,
22 books, documents, and records, whether in physical or
23 electronic form, in support of the charges and for defense,
24 and in connection with a hearing or investigation.

25 j. The Executive Director, the administrative law
26 judge designated by the Executive Director, and each member

1 of the Board and the Panel shall have the power to
2 administer oaths to witnesses at any hearing that the Board
3 is authorized to conduct under this Act and any other oaths
4 required or authorized to be administered by the Board
5 under this Act.

6 k. In case of the neglect or refusal of any person to
7 obey a subpoena issued by the Board and the Panel, any
8 circuit court, upon application of the Board and the Panel,
9 through the Illinois Attorney General, may order such
10 person to appear before the Board and the Panel give
11 testimony or produce evidence, and any failure to obey such
12 order is punishable by the court as a contempt thereof.
13 This order may be served by personal delivery, by email, or
14 by mail to the address of record or email address of
15 record.

16 l. The Board shall have the power to administer state
17 certification examinations. Any and all records related to
18 these examinations, including but not limited to test
19 questions, test formats, digital files, answer responses,
20 answer keys, and scoring information shall be exempt from
21 disclosure.

22 (Source: P.A. 101-187, eff. 1-1-20.)

23 (50 ILCS 705/6.1)

24 Sec. 6.1. Automatic Decertification of full-time and
25 part-time law enforcement ~~police~~ officers.

1 (a) The Board must review law enforcement ~~police~~ officer
2 conduct and records to ensure that no law enforcement ~~police~~
3 officer is certified or provided a valid waiver if that law
4 enforcement ~~police~~ officer has been convicted of, found guilty
5 of, or entered a plea of guilty to, or entered a plea of nolo
6 contendere to, a felony offense under the laws of this State or
7 any other state which if committed in this State would be
8 punishable as a felony. The Board must also ensure that no law
9 enforcement ~~police~~ officer is certified or provided a valid
10 waiver if that law enforcement ~~police~~ officer has been
11 convicted of, found guilty of, or entered a plea of guilty to,
12 on or after the effective date of this amendatory Act of the
13 101st General Assembly 1999 of any misdemeanor specified in
14 this Section or if committed in any other state would be an
15 offense similar to Section 11-1.50, 11-6, 11-6.5, 11-6.6,
16 11-9.1, 11-14, 11-14.1, 11-17, 11-19, 11-30, 12-2, 12-3.2,
17 12-3.5, 12-15, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3,
18 29-1, any misdemeanor in violation of any section of Part E of
19 Title III of the Criminal Code of 1961 or the Criminal Code of
20 2012 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of
21 1961 or the Criminal Code of 2012, to subdivision (a)(1) or
22 (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961 or
23 the Criminal Code of 2012, or subsection (a) of Section 17-32
24 of the Criminal Code of 1961 or the Criminal Code of 2012, or
25 to Section 5 or 5.2 of the Cannabis Control Act, or any felony
26 or misdemeanor in violation of federal law or the law of any

1 state that is the equivalent of any of the offenses specified
2 therein. The Board must appoint investigators to enforce the
3 duties conferred upon the Board by this Act.

4 (a-1) For purposes of this Section, a person is "convicted
5 of, or entered a plea of guilty to, plea of nolo contendere to,
6 found guilty of" regardless of whether the adjudication of
7 guilt or sentence is withheld or not entered thereon. This
8 includes sentences of supervision, conditional discharge, or
9 first offender probation, or any similar disposition provided
10 for by law.

11 (b) It is the responsibility of the sheriff or the chief
12 executive officer of every governmental ~~local law enforcement~~
13 agency or department within this State to report to the Board
14 any arrest, conviction, finding of guilt, or ~~or~~ plea of guilty, or
15 plea of nolo contendere to, of any officer for an offense
16 identified in this Section, regardless of whether the
17 adjudication of guilt or sentence is withheld or not entered
18 thereon, this includes sentences of supervision, conditional
19 discharge, or first offender probation.

20 (c) It is the duty and responsibility of every full-time
21 and part-time law enforcement ~~police~~ officer in this State to
22 report to the Board within 14 ~~30~~ days, and the officer's
23 sheriff or chief executive officer, of the officer's ~~his or her~~
24 arrest, conviction, found guilty of, or plea of guilty for an
25 offense identified in this Section. Any full-time or part-time
26 law enforcement ~~police~~ officer who knowingly makes, submits,

1 causes to be submitted, or files a false or untruthful report
2 to the Board must have the officer's ~~his or her~~ certificate or
3 waiver immediately decertified or revoked.

4 (d) Any person, or a local or State agency, or the Board is
5 immune from liability for submitting, disclosing, or releasing
6 information of arrests, convictions, or pleas of guilty in this
7 Section as long as the information is submitted, disclosed, or
8 released in good faith and without malice. The Board has
9 qualified immunity for the release of the information.

10 (e) Any full-time or part-time law enforcement ~~police~~
11 officer with a certificate or waiver issued by the Board who is
12 convicted of, found guilty of, or entered a plea of guilty to,
13 or entered a plea of nolo contendere to any offense described
14 in this Section immediately becomes decertified or no longer
15 has a valid waiver. The decertification and invalidity of
16 waivers occurs as a matter of law. Failure of a convicted
17 person to report to the Board the officer's ~~his or her~~
18 conviction as described in this Section or any continued law
19 enforcement practice after receiving a conviction is a Class 4
20 felony.

21 For purposes of this Section, a person is considered to
22 have been "convicted of, found guilty of, or entered a plea of
23 guilty to, plea of nolo contendere to" regardless of whether
24 the adjudication of guilt or sentence is withheld or not
25 entered thereon, including sentences of supervision,
26 conditional discharge, first offender probation, or any

1 similar disposition as provided for by law.

2 (f) The Board's investigators shall be law enforcement
3 officers as defined in Section 2 of this Act ~~are peace officers~~
4 ~~and have all the powers possessed by policemen in cities and by~~
5 ~~sheriff's, and these investigators may exercise those powers~~
6 ~~anywhere in the State. An investigator shall not have peace~~
7 ~~officer status or exercise police powers unless he or she~~
8 ~~successfully completes the basic police training course~~
9 ~~mandated and approved by the Board or the Board waives the~~
10 ~~training requirement by reason of the investigator's prior law~~
11 ~~enforcement experience, training, or both.~~ The Board shall not
12 waive the training requirement unless the investigator has had
13 a minimum of 5 years experience as a sworn officer of a local,
14 State, or federal law enforcement agency. An investigator shall
15 not have been terminated for good cause, decertified, had his
16 or her law enforcement license or certificate revoked in this
17 or any other jurisdiction, or been convicted of any of the
18 conduct listed in subsection (a). Any complaint filed against
19 the Board's investigators shall be investigated by the Illinois
20 State Police.

21 (g) The Board must request and receive information and
22 assistance from any federal, state, or local governmental
23 agency as part of the authorized criminal background
24 investigation. The Department of State Police must process,
25 retain, and additionally provide and disseminate information
26 to the Board concerning criminal charges, arrests,

1 convictions, and their disposition, that have been filed
2 ~~before, on, or after the effective date of this amendatory Act~~
3 ~~of the 91st General Assembly~~ against a basic academy applicant,
4 law enforcement applicant, or law enforcement officer whose
5 fingerprint identification cards are on file or maintained by
6 the Department of State Police. The Federal Bureau of
7 Investigation must provide the Board any criminal history
8 record information contained in its files pertaining to law
9 enforcement officers or any applicant to a Board certified
10 basic law enforcement academy as described in this Act based on
11 fingerprint identification. The Board must make payment of fees
12 to the Department of State Police for each fingerprint card
13 submission in conformance with the requirements of paragraph 22
14 of Section 55a of the Civil Administrative Code of Illinois.

15 (h) (Blank). ~~A police officer who has been certified or~~
16 ~~granted a valid waiver shall also be decertified or have his or~~
17 ~~her waiver revoked upon a determination by the Illinois Labor~~
18 ~~Relations Board State Panel that he or she, while under oath,~~
19 ~~has knowingly and willfully made false statements as to a~~
20 ~~material fact going to an element of the offense of murder. If~~
21 ~~an appeal is filed, the determination shall be stayed.~~

22 ~~(1) In the case of an acquittal on a charge of murder,~~
23 ~~a verified complaint may be filed:~~

24 ~~(A) by the defendant; or~~

25 ~~(B) by a police officer with personal knowledge of~~
26 ~~perjured testimony.~~

1 ~~The complaint must allege that a police officer, while~~
2 ~~under oath, knowingly and willfully made false statements~~
3 ~~as to a material fact going to an element of the offense of~~
4 ~~murder. The verified complaint must be filed with the~~
5 ~~Executive Director of the Illinois Law Enforcement~~
6 ~~Training Standards Board within 2 years of the judgment of~~
7 ~~acquittal.~~

8 ~~(2) Within 30 days, the Executive Director of the~~
9 ~~Illinois Law Enforcement Training Standards Board shall~~
10 ~~review the verified complaint and determine whether the~~
11 ~~verified complaint is frivolous and without merit, or~~
12 ~~whether further investigation is warranted. The Illinois~~
13 ~~Law Enforcement Training Standards Board shall notify the~~
14 ~~officer and the Executive Director of the Illinois Labor~~
15 ~~Relations Board State Panel of the filing of the complaint~~
16 ~~and any action taken thereon. If the Executive Director of~~
17 ~~the Illinois Law Enforcement Training Standards Board~~
18 ~~determines that the verified complaint is frivolous and~~
19 ~~without merit, it shall be dismissed. The Executive~~
20 ~~Director of the Illinois Law Enforcement Training~~
21 ~~Standards Board has sole discretion to make this~~
22 ~~determination and this decision is not subject to appeal.~~

23 ~~(i) Blank. If the Executive Director of the Illinois Law~~
24 ~~Enforcement Training Standards Board determines that the~~
25 ~~verified complaint warrants further investigation, he or she~~
26 ~~shall refer the matter to a task force of investigators created~~

1 ~~for this purpose. This task force shall consist of 8 sworn~~
2 ~~police officers: 2 from the Illinois State Police, 2 from the~~
3 ~~City of Chicago Police Department, 2 from county police~~
4 ~~departments, and 2 from municipal police departments. These~~
5 ~~investigators shall have a minimum of 5 years of experience in~~
6 ~~conducting criminal investigations. The investigators shall be~~
7 ~~appointed by the Executive Director of the Illinois Law~~
8 ~~Enforcement Training Standards Board. Any officer or officers~~
9 ~~acting in this capacity pursuant to this statutory provision~~
10 ~~will have statewide police authority while acting in this~~
11 ~~investigative capacity. Their salaries and expenses for the~~
12 ~~time spent conducting investigations under this paragraph~~
13 ~~shall be reimbursed by the Illinois Law Enforcement Training~~
14 ~~Standards Board.~~

15 (j) (Blank). ~~Once the Executive Director of the Illinois~~
16 ~~Law Enforcement Training Standards Board has determined that an~~
17 ~~investigation is warranted, the verified complaint shall be~~
18 ~~assigned to an investigator or investigators. The investigator~~
19 ~~or investigators shall conduct an investigation of the verified~~
20 ~~complaint and shall write a report of his or her findings. This~~
21 ~~report shall be submitted to the Executive Director of the~~
22 ~~Illinois Labor Relations Board State Panel.~~

23 ~~Within 30 days, the Executive Director of the Illinois~~
24 ~~Labor Relations Board State Panel shall review the~~
25 ~~investigative report and determine whether sufficient evidence~~
26 ~~exists to conduct an evidentiary hearing on the verified~~

1 ~~complaint. If the Executive Director of the Illinois Labor~~
2 ~~Relations Board State Panel determines upon his or her review~~
3 ~~of the investigatory report that a hearing should not be~~
4 ~~conducted, the complaint shall be dismissed. This decision is~~
5 ~~in the Executive Director's sole discretion, and this dismissal~~
6 ~~may not be appealed.~~

7 ~~If the Executive Director of the Illinois Labor Relations~~
8 ~~Board State Panel determines that there is sufficient evidence~~
9 ~~to warrant a hearing, a hearing shall be ordered on the~~
10 ~~verified complaint, to be conducted by an administrative law~~
11 ~~judge employed by the Illinois Labor Relations Board State~~
12 ~~Panel. The Executive Director of the Illinois Labor Relations~~
13 ~~Board State Panel shall inform the Executive Director of the~~
14 ~~Illinois Law Enforcement Training Standards Board and the~~
15 ~~person who filed the complaint of either the dismissal of the~~
16 ~~complaint or the issuance of the complaint for hearing. The~~
17 ~~Executive Director shall assign the complaint to the~~
18 ~~administrative law judge within 30 days of the decision~~
19 ~~granting a hearing.~~

20 (k) (Blank). ~~In the case of a finding of guilt on the~~
21 ~~offense of murder, if a new trial is granted on direct appeal,~~
22 ~~or a state post conviction evidentiary hearing is ordered,~~
23 ~~based on a claim that a police officer, under oath, knowingly~~
24 ~~and willfully made false statements as to a material fact going~~
25 ~~to an element of the offense of murder, the Illinois Labor~~
26 ~~Relations Board State Panel shall hold a hearing to determine~~

1 ~~whether the officer should be decertified if an interested~~
2 ~~party requests such a hearing within 2 years of the court's~~
3 ~~decision. The complaint shall be assigned to an administrative~~
4 ~~law judge within 30 days so that a hearing can be scheduled.~~

5 ~~At the hearing, the accused officer shall be afforded the~~
6 ~~opportunity to:~~

7 ~~(1) Be represented by counsel of his or her own~~
8 ~~choosing;~~

9 ~~(2) Be heard in his or her own defense;~~

10 ~~(3) Produce evidence in his or her defense;~~

11 ~~(4) Request that the Illinois Labor Relations Board~~
12 ~~State Panel compel the attendance of witnesses and~~
13 ~~production of related documents including but not limited~~
14 ~~to court documents and records.~~

15 ~~Once a case has been set for hearing, the verified~~
16 ~~complaint shall be referred to the Department of Professional~~
17 ~~Regulation. That office shall prosecute the verified complaint~~
18 ~~at the hearing before the administrative law judge. The~~
19 ~~Department of Professional Regulation shall have the~~
20 ~~opportunity to produce evidence to support the verified~~
21 ~~complaint and to request the Illinois Labor Relations Board~~
22 ~~State Panel to compel the attendance of witnesses and the~~
23 ~~production of related documents, including, but not limited to,~~
24 ~~court documents and records. The Illinois Labor Relations Board~~
25 ~~State Panel shall have the power to issue subpoenas requiring~~
26 ~~the attendance of and testimony of witnesses and the production~~

1 ~~of related documents including, but not limited to, court~~
2 ~~documents and records and shall have the power to administer~~
3 ~~oaths.~~

4 ~~The administrative law judge shall have the responsibility~~
5 ~~of receiving into evidence relevant testimony and documents,~~
6 ~~including court records, to support or disprove the allegations~~
7 ~~made by the person filing the verified complaint and, at the~~
8 ~~close of the case, hear arguments. If the administrative law~~
9 ~~judge finds that there is not clear and convincing evidence to~~
10 ~~support the verified complaint that the police officer has,~~
11 ~~while under oath, knowingly and willfully made false statements~~
12 ~~as to a material fact going to an element of the offense of~~
13 ~~murder, the administrative law judge shall make a written~~
14 ~~recommendation of dismissal to the Illinois Labor Relations~~
15 ~~Board State Panel. If the administrative law judge finds that~~
16 ~~there is clear and convincing evidence that the police officer~~
17 ~~has, while under oath, knowingly and willfully made false~~
18 ~~statements as to a material fact that goes to an element of the~~
19 ~~offense of murder, the administrative law judge shall make a~~
20 ~~written recommendation so concluding to the Illinois Labor~~
21 ~~Relations Board State Panel. The hearings shall be transcribed.~~
22 ~~The Executive Director of the Illinois Law Enforcement Training~~
23 ~~Standards Board shall be informed of the administrative law~~
24 ~~judge's recommended findings and decision and the Illinois~~
25 ~~Labor Relations Board State Panel's subsequent review of the~~
26 ~~recommendation.~~

1 (1) (Blank). ~~An officer named in any complaint filed~~
2 ~~pursuant to this Act shall be indemnified for his or her~~
3 ~~reasonable attorney's fees and costs by his or her employer.~~
4 ~~These fees shall be paid in a regular and timely manner. The~~
5 ~~State, upon application by the public employer, shall reimburse~~
6 ~~the public employer for the accused officer's reasonable~~
7 ~~attorney's fees and costs. At no time and under no~~
8 ~~circumstances will the accused officer be required to pay his~~
9 ~~or her own reasonable attorney's fees or costs.~~

10 (m) (Blank). ~~The accused officer shall not be placed on~~
11 ~~unpaid status because of the filing or processing of the~~
12 ~~verified complaint until there is a final non-appealable order~~
13 ~~sustaining his or her guilt and his or her certification is~~
14 ~~revoked. Nothing in this Act, however, restricts the public~~
15 ~~employer from pursuing discipline against the officer in the~~
16 ~~normal course and under procedures then in place.~~

17 (n) (Blank). ~~The Illinois Labor Relations Board State Panel~~
18 ~~shall review the administrative law judge's recommended~~
19 ~~decision and order and determine by a majority vote whether or~~
20 ~~not there was clear and convincing evidence that the accused~~
21 ~~officer, while under oath, knowingly and willfully made false~~
22 ~~statements as to a material fact going to the offense of~~
23 ~~murder. Within 30 days of service of the administrative law~~
24 ~~judge's recommended decision and order, the parties may file~~
25 ~~exceptions to the recommended decision and order and briefs in~~
26 ~~support of their exceptions with the Illinois Labor Relations~~

1 ~~Board State Panel. The parties may file responses to the~~
2 ~~exceptions and briefs in support of the responses no later than~~
3 ~~15 days after the service of the exceptions. If exceptions are~~
4 ~~filed by any of the parties, the Illinois Labor Relations Board~~
5 ~~State Panel shall review the matter and make a finding to~~
6 ~~uphold, vacate, or modify the recommended decision and order.~~
7 ~~If the Illinois Labor Relations Board State Panel concludes~~
8 ~~that there is clear and convincing evidence that the accused~~
9 ~~officer, while under oath, knowingly and willfully made false~~
10 ~~statements as to a material fact going to an element of the~~
11 ~~offense murder, the Illinois Labor Relations Board State Panel~~
12 ~~shall inform the Illinois Law Enforcement Training Standards~~
13 ~~Board and the Illinois Law Enforcement Training Standards Board~~
14 ~~shall revoke the accused officer's certification. If the~~
15 ~~accused officer appeals that determination to the Appellate~~
16 ~~Court, as provided by this Act, he or she may petition the~~
17 ~~Appellate Court to stay the revocation of his or her~~
18 ~~certification pending the court's review of the matter.~~

19 (o) (Blank). ~~None of the Illinois Labor Relations Board~~
20 ~~State Panel's findings or determinations shall set any~~
21 ~~precedent in any of its decisions decided pursuant to the~~
22 ~~Illinois Public Labor Relations Act by the Illinois Labor~~
23 ~~Relations Board State Panel or the courts.~~

24 (p) (Blank). ~~A party aggrieved by the final order of the~~
25 ~~Illinois Labor Relations Board State Panel may apply for and~~
26 ~~obtain judicial review of an order of the Illinois Labor~~

1 ~~Relations Board State Panel, in accordance with the provisions~~
2 ~~of the Administrative Review Law, except that such judicial~~
3 ~~review shall be afforded directly in the Appellate Court for~~
4 ~~the district in which the accused officer resides. Any direct~~
5 ~~appeal to the Appellate Court shall be filed within 35 days~~
6 ~~from the date that a copy of the decision sought to be reviewed~~
7 ~~was served upon the party affected by the decision.~~

8 (q) ~~(Blank). Interested parties. Only interested parties~~
9 ~~to the criminal prosecution in which the police officer~~
10 ~~allegedly, while under oath, knowingly and willfully made false~~
11 ~~statements as to a material fact going to an element of the~~
12 ~~offense of murder may file a verified complaint pursuant to~~
13 ~~this Section. For purposes of this Section, "interested~~
14 ~~parties" shall be limited to the defendant and any police~~
15 ~~officer who has personal knowledge that the police officer who~~
16 ~~is the subject of the complaint has, while under oath,~~
17 ~~knowingly and willfully made false statements as to a material~~
18 ~~fact going to an element of the offense of murder.~~

19 (r) ~~(Blank). Semi annual reports. The Executive Director~~
20 ~~of the Illinois Labor Relations Board shall submit semi-annual~~
21 ~~reports to the Governor, President, and Minority Leader of the~~
22 ~~Senate, and to the Speaker and Minority Leader of the House of~~
23 ~~Representatives beginning on June 30, 2004, indicating:~~

24 ~~(1) the number of verified complaints received since~~
25 ~~the date of the last report;~~

26 ~~(2) the number of investigations initiated since the~~

1 ~~date of the last report;~~

2 ~~(3) the number of investigations concluded since the~~
3 ~~date of the last report;~~

4 ~~(4) the number of investigations pending as of the~~
5 ~~reporting date;~~

6 ~~(5) the number of hearings held since the date of the~~
7 ~~last report; and~~

8 ~~(6) the number of officers decertified since the date~~
9 ~~of the last report.~~

10 (Source: P.A. 101-187, eff. 1-1-20.)

11 (50 ILCS 705/6.3 new)

12 Sec. 6.3. Discretionary decertification of full-time and
13 part-time law enforcement officers.

14 (a) Definitions. For purposes of this Section 6.3:

15 "Duty to Intervene" means an obligation to intervene to
16 prevent harm from occurring that arises when: an officer is
17 present, and has reason to know (1) that excessive force is
18 being used or that any constitutional violation has been
19 committed by a law enforcement official; and (2) the officer
20 has a realistic opportunity to intervene. This duty applies
21 equally to supervisory and nonsupervisory officers. If aid is
22 required, the officer shall not, when reasonable to administer
23 aid, knowingly and willingly refuse to render aid as defined by
24 State or federal law. An officer does not violate this duty if
25 the failure to render aid is due to circumstances such as lack

1 of appropriate specialized training, lack of resources or
2 equipment, or if it is unsafe or impracticable to render aid.

3 "Excessive use of force" means using force in violation of
4 State or federal law.

5 "False statement" means (1) any knowingly false statement
6 provided on a form or report, (2) that the writer does not
7 believe to be true, and (3) that the writer includes to mislead
8 a public servant in performing the public servant's official
9 functions.

10 "Perjury" means that as defined under Sections 32-2 and
11 32-3 of the Criminal Code of 2012.

12 "Tampers with or fabricates evidence" means if a law
13 enforcement officer (1) has reason to believe that an official
14 proceeding is pending or may be instituted, and (2) alters,
15 destroys, conceals, or removes any record, document, data,
16 video or thing to impair its validity or availability in the
17 proceeding.

18 (b) Decertification conduct. The Board has the authority to
19 decertify a full-time or a part-time law enforcement officer
20 upon a determination by the Board that the law enforcement
21 officer has:

22 (1) committed an act that would constitute a felony or
23 misdemeanor which could serve as basis for automatic
24 decertification, whether or not the law enforcement
25 officer was criminally prosecuted, and whether or not the
26 law enforcement officer's employment was terminated;

1 (2) exercised excessive use of force;

2 (3) failed to comply with the officer's duty to
3 intervene, including through acts or omissions;

4 (4) tampered with a dash camera or body-worn camera or
5 data recorded by a dash camera or body-worn camera or
6 directed another to tamper with or turn off a dash camera
7 or body-worn camera or data recorded by a dash camera or
8 body-worn camera for the purpose of concealing, destroying
9 or altering potential evidence;

10 (5) engaged in the following conduct relating to the
11 reporting, investigation, or prosecution of a crime:
12 committed perjury, made a false statement, or knowingly
13 tampered with or fabricated evidence; and

14 (6) engaged in any unprofessional, unethical,
15 deceptive, or deleterious conduct or practice harmful to
16 the public; such conduct or practice need not have resulted
17 in actual injury to any person. As used in this paragraph,
18 the term "unprofessional conduct" shall include any
19 departure from, or failure to conform to, the minimal
20 standards of acceptable and prevailing practice of an
21 officer.

22 (c) Notice of Alleged Violation.

23 (1) The following individuals and agencies shall
24 notify the Board within 7 days of becoming aware of any
25 violation described in subsection (b):

26 (A) A governmental agency as defined in Section 2

1 or any law enforcement officer of this State. For this
2 subsection (c), governmental agency includes, but is
3 not limited to, a civilian review board, an inspector
4 general, and legal counsel for a government agency.

5 (B) The Executive Director of the Board;

6 (C) A State's Attorney's Office of this State.

7 "Becoming aware" does not include confidential
8 communications between agency lawyers and agencies
9 regarding legal advice. For purposes of this subsection,
10 "governmental agency" does not include the Illinois
11 Attorney General when providing legal representation to a
12 law enforcement officer under the State Employee
13 Indemnification Act.

14 (2) Any person may also notify the Board of any conduct
15 the person believes a law enforcement officer has committed
16 as described in subsection (b). Such notifications may be
17 made confidentially. Notwithstanding any other provision
18 in state law or any collective bargaining agreement, the
19 Board shall accept notice and investigate any allegations
20 from individuals who remain confidential.

21 (3) Upon written request, the Board shall disclose to
22 the individual or entity who filed a notice of violation
23 the status of the Board's review.

24 (d) Form. The notice of violation reported under subsection
25 (c) shall be on a form prescribed by the Board in its rules.
26 The form shall be publicly available by paper and electronic

1 means. The form shall include fields for the following
2 information, at a minimum:

3 (1) the full name, address, and telephone number of the
4 person submitting the notice;

5 (2) if submitted under subsection (c)(1), the agency
6 name and title of the person submitting the notice;

7 (3) the full name, badge number, governmental agency,
8 and physical description of the officer, if known;

9 (4) the full name or names, address or addresses,
10 telephone number or numbers, and physical description or
11 descriptions of any witnesses, if known;

12 (5) a concise statement of facts that describe the
13 alleged violation and any copies of supporting evidence
14 including but not limited to any photographic, video, or
15 audio recordings of the incident;

16 (6) whether the person submitting the notice has
17 notified any other agency; and

18 (7) an option for an individual, who submits directly
19 to the Board, to consent to have the individual's identity
20 disclosed.

21 (a) The identity of any individual providing
22 information or reporting any possible or alleged
23 violation to the Board shall be kept confidential and
24 may not be disclosed without the consent of that
25 individual, unless the individual consents to
26 disclosure of the individual's name or disclosure of

1 the individual's identity is otherwise required by
2 law. The confidentiality granted by this subsection
3 does not preclude the disclosure of the identity of a
4 person in any capacity other than as the source of an
5 allegation.

6 Nothing in this subsection (d) shall preclude the Board
7 from receiving, investigating, or acting upon allegations made
8 confidentially or in a format different from the form provided
9 for in this subsection.

10 (e) Preliminary review.

11 (1) The Board shall complete a preliminary review of
12 the allegations to determine whether there is sufficient
13 information to warrant a further investigation of any
14 violations of the Act. Upon initiating a preliminary review
15 of the allegations, the Board shall notify the head of the
16 governmental agency that employs the law enforcement
17 officer who is the subject of the allegations. At the
18 request of the Board, the governmental agency must submit
19 any copies of investigative findings, evidence, or
20 documentation to the Board in accordance with rules adopted
21 by the Board to facilitate the Board's preliminary review.
22 The Board may correspond with the governmental agency,
23 official records clerks or any investigative agencies in
24 conducting its preliminary review.

25 (2) During the preliminary review, the Board will take
26 all reasonable steps to discover any and all objective

1 verifiable evidence relevant to the alleged violation
2 through the identification, retention, review, and
3 analysis of all currently available evidence, including,
4 but not limited to: all time-sensitive evidence, audio and
5 video evidence, physical evidence, arrest reports,
6 photographic evidence, GPS records, computer data, lab
7 reports, medical documents, and witness interviews. All
8 reasonable steps will be taken to preserve relevant
9 evidence identified during the preliminary investigation.

10 (3) If after a preliminary review of the alleged
11 violation or violations, the Board believes there is
12 sufficient information to warrant further investigation of
13 any violations of this Act, the alleged violation or
14 violations shall be assigned for investigation in
15 accordance with subsection (f).

16 (4) If after a review of the allegations, the Board
17 believes there is insufficient information supporting the
18 allegations to warrant further investigation, it may close
19 a notice. Notification of the Board's decision to close a
20 notice shall be sent to all relevant individuals, agencies,
21 and any entities that received notice of the violation
22 under subsection (c) within 30 days of the notice being
23 closed, except in cases where the notice is submitted
24 anonymously if the complainant is unknown.

25 (5) Except when the Board has received notice under
26 subparagraph (A) of paragraph (1) of subsection (c), no

1 later than 30 days after receiving notice, the Board shall
2 report any notice of violation it receives to the relevant
3 governmental agency, unless reporting the notice would
4 jeopardize any subsequent investigation. The Board shall
5 also record any notice of violation it receives to the
6 Officer Professional Conduct Database in accordance with
7 Section 9.2. The Board shall report to the appropriate
8 State's Attorney any alleged violations that contain
9 allegations, claims, or factual assertions that, if true,
10 would constitute a violation of Illinois law. The Board
11 shall inform the law enforcement officer via certified mail
12 that it has received a notice of violation against the law
13 enforcement officer.

14 If the Board determines that due to the circumstances
15 and the nature of the allegation that it would not be
16 prudent to notify the law enforcement officer and the
17 officer's governmental agency unless and until the filing
18 of a Formal Complaint, the Board shall document in the file
19 the reason or reasons a notification was not made.

20 (6) If a criminal proceeding has been initiated against
21 the law enforcement officer, the Board is responsible for
22 maintaining a current status report including court dates,
23 hearings, pleas, adjudication status and sentencing. A
24 State's Attorney's Office is responsible for notifying the
25 Board of any criminal charges filed against a law
26 enforcement officer.

1 (f) Investigations; requirements. Investigations are to be
2 assigned after a preliminary review, unless the investigations
3 were closed under paragraph (4) of subsection (e), as follows
4 in paragraphs (1), (2), and (3) of this subsection (f).

5 (1) A governmental agency that submits a notice of
6 violation to the Board under subparagraph (A) of paragraph
7 (1) of subsection (c) shall be responsible for conducting
8 an investigation of the underlying allegations except
9 when: (i) the governmental agency refers the notice to
10 another governmental agency or the Board for investigation
11 and such other agency or the Board agrees to conduct the
12 investigation; (ii) an external, independent, or civilian
13 oversight agency conducts the investigation in accordance
14 with local ordinance or other applicable law; or (iii) the
15 Board has determined that it will conduct the investigation
16 based upon the facts and circumstances of the alleged
17 violation, including but not limited to, investigations
18 regarding the Chief or Sheriff of a governmental agency,
19 familial conflict of interests, complaints involving a
20 substantial portion of a governmental agency, or
21 complaints involving a policy of a governmental agency. Any
22 agency or entity conducting an investigation under this
23 paragraph (1) shall, within 7 days of completing an
24 investigation, deliver an Investigative Summary Report and
25 copies of any administrative evidence to the Board. If the
26 Board finds an investigation conducted under this

1 paragraph (1) is incomplete, unsatisfactory, or deficient
2 in any way, the Board may direct the investigating entity
3 or agency to take any additional investigative steps deemed
4 necessary to thoroughly and satisfactorily complete the
5 investigation, or the Board may take any steps necessary to
6 complete the investigation. The investigating entity or
7 agency or, when necessary, the Board will then amend and
8 re-submit the Investigative Summary Report to the Board for
9 approval.

10 (2) The Board shall investigate and complete an
11 Investigative Summary Report when a State's Attorney's
12 Office submits a notice of violation to the Board under
13 (c) (1) (C).

14 (3) When a person submits a notice to the Board under
15 paragraph (2) of subsection (c), The Board shall assign the
16 investigation to the governmental agency that employs the
17 law enforcement officer, except when: (i) the governmental
18 agency requests to refer the notice to another governmental
19 agency or the Board for investigation and such other agency
20 or the Board agrees to conduct the investigation; (ii) an
21 external, independent, or civilian oversight agency
22 conducts the investigation in accordance with local
23 ordinance or other applicable law; or (iii) the Board has
24 determined that it will conduct the investigation based
25 upon the facts and circumstances of the alleged violation,
26 including but not limited to, investigations regarding the

1 Chief or Sheriff of a governmental agency, familial
2 conflict of interests, complaints involving a substantial
3 portion of a governmental agency, or complaints involving a
4 policy of a governmental agency. The investigating entity
5 or agency shall, within 7 days of completing an
6 investigation, deliver an Investigative Summary Report and
7 copies of any evidence to the Board. If the Board finds an
8 investigation conducted under this subsection (f)(3) is
9 incomplete, unsatisfactory, or deficient in any way, the
10 Board may direct the investigating entity to take any
11 additional investigative steps deemed necessary to
12 thoroughly and satisfactorily complete the investigation,
13 or the Board may take any steps necessary to complete the
14 investigation. The investigating entity or agency or, when
15 necessary, the Board will then amend and re-submit The
16 Investigative Summary Report to the Board for approval. The
17 investigating entity shall cooperate with and assist the
18 Board, as necessary, in any subsequent investigation.

19 (4) Concurrent Investigations. The Board may, at any
20 point, initiate a concurrent investigation under this
21 section. The original investigating entity shall timely
22 communicate, coordinate, and cooperate with the Board to
23 the fullest extent. The Board shall promulgate rules that
24 shall address, at a minimum, the sharing of information and
25 investigative means such as subpoenas and interviewing
26 witnesses.

1 (5) Investigative Summary Report. An Investigative
2 Summary Report shall contain, at a minimum, the allegations
3 and elements within each allegation followed by the
4 testimonial, documentary, or physical evidence that is
5 relevant to each such allegation or element listed and
6 discussed in association with it. All persons who have been
7 interviewed and listed in the Investigative Summary Report
8 will be identified as a complainant, witness, person with
9 specialized knowledge, or law enforcement employee.

10 (6) Each governmental agency shall adopt a written
11 policy regarding the investigation of conduct under
12 subsection (a) that involves a law enforcement officer
13 employed by that governmental agency. The written policy
14 adopted must include the following, at a minimum:

15 (a) Each law enforcement officer shall immediately
16 report any conduct under subsection (b) to the
17 appropriate supervising officer.

18 (b) The written policy under this Section shall be
19 available for inspection and copying under the Freedom
20 of Information Act, and not subject to any exemption of
21 that Act.

22 (7) Nothing in this Act shall prohibit a governmental
23 agency from conducting an investigation for the purpose of
24 internal discipline. However, any such investigation shall
25 be conducted in a manner that avoids interference with, and
26 preserves the integrity of, any separate investigation

1 being conducted.

2 (g) Formal complaints. Upon receipt of an Investigative
3 Summary Report, the Board shall review the Report and any
4 relevant evidence obtained and determine whether there is
5 reasonable basis to believe that the law enforcement officer
6 committed any conduct that would be deemed a violation of this
7 Act. If after reviewing the Report and any other relevant
8 evidence obtained, the Board determines that a reasonable basis
9 does exist, the Board shall file a formal complaint with the
10 Certification Review Panel.

11 (h) Formal Complaint Hearing.

12 (1) Upon issuance of a formal complaint, the Panel
13 shall set the matter for an initial hearing in front of an
14 administrative law judge. At least 30 days before the date
15 set for an initial hearing, the Panel must, in writing,
16 notify the law enforcement officer subject to the complaint
17 of the following:

18 (i) the allegations against the law enforcement
19 officer, the time and place for the hearing, and
20 whether the law enforcement officer's certification
21 has been temporarily suspended under Section 8.3;

22 (ii) the right to file a written answer to the
23 complaint with the Panel within 30 days after service
24 of the notice;

25 (iii) if the law enforcement officer fails to
26 comply with the notice of the default order in

1 paragraph (2), the Panel shall enter a default order
2 against the law enforcement officer along with a
3 finding that the allegations in the complaint are
4 deemed admitted, and that the law enforcement
5 officer's certification may be revoked as a result; and

6 (iv) the law enforcement officer may request an
7 informal conference to surrender the officer's
8 certification.

9 (2) The Board shall send the law enforcement officer
10 notice of the default order. The notice shall state that
11 the officer has 30 days to notify the Board in writing of
12 their desire to have the order vacated and to appear before
13 the Board. If the law enforcement officer does not notify
14 the Board within 30 days, the Board may set the matter for
15 hearing. If the matter is set for hearing, the Board shall
16 send the law enforcement officer the notice of the date,
17 time and location of the hearing. If the law enforcement
18 officer or counsel for the officer does appear, at the
19 Board's discretion, the hearing may proceed or may be
20 continued to a date and time agreed upon by all parties. If
21 on the date of the hearing, neither the law enforcement
22 officer nor counsel for the officer appears, the Board may
23 proceed with the hearing for default in their absence.

24 (3) If the law enforcement officer fails to comply with
25 paragraph (2), all of the allegations contained in the
26 complaint shall be deemed admitted and the law enforcement

1 officer shall be decertified if, by a majority vote of the
2 panel, the conduct charged in the complaint is found to
3 constitute sufficient grounds for decertification under
4 this Act. Notice of the decertification decision may be
5 served by personal delivery, by mail, or, at the discretion
6 of the Board, by electronic means as adopted by rule to the
7 address or email address specified by the law enforcement
8 officer in the officer's last communication with the Board.
9 Notice shall also be provided to the law enforcement
10 officer's governmental agency.

11 (4) The Board, at the request of the law enforcement
12 officer subject to the Formal Complaint, may suspend a
13 hearing on a Formal Complaint for no more than one year if
14 a concurrent criminal matter is pending. If the law
15 enforcement officer requests to have the hearing
16 suspended, the law enforcement officer's certification
17 shall be deemed inactive until the law enforcement
18 officer's Formal Complaint hearing concludes.

19 (5) Surrender of certification or waiver. Upon the
20 Board's issuance of a complaint, and prior to hearing on
21 the matter, a law enforcement officer may choose to
22 surrender the officer's certification or waiver by
23 notifying the Board in writing of the officer's decision to
24 do so. Upon receipt of such notification from the law
25 enforcement officer, the Board shall immediately decertify
26 the officer, or revoke any waiver previously granted. In

1 the case of a surrender of certification or waiver, the
2 Board's proceeding shall terminate.

3 (6) Appointment of administrative law judges. The
4 Board shall retain any attorney licensed to practice law in
5 the State of Illinois to serve as an administrative law
6 judge in any action initiated against a law enforcement
7 officer under this Act. The administrative law judge shall
8 be retained to a term of no greater than 4 years. If more
9 than one judge is retained, the terms shall be staggered.
10 The administrative law judge has full authority to conduct
11 the hearings.

12 Administrative law judges will receive initial and annual
13 training that is adequate in quality, quantity, scope, and
14 type, and will cover, at minimum the following topics:

15 (i) constitutional and other relevant law on
16 police- community encounters, including the law on the
17 use of force and stops, searches, and arrests;

18 (ii) police tactics;

19 (iii) investigations of police conduct;

20 (iv) impartial policing;

21 (v) policing individuals in crisis;

22 (vi) Illinois police policies, procedures, and
23 disciplinary rules;

24 (vii) procedural justice; and

25 (viii) community outreach.

26 (7) Hearing. At the hearing, the administrative law

1 judge will hear the allegations alleged in the complaint.
2 The law enforcement officer, the counsel of the officer's
3 choosing, and the Board, or the officer's counsel, shall be
4 afforded the opportunity to present any pertinent
5 statements, testimony, evidence, and arguments. The law
6 enforcement officer shall be afforded the opportunity to
7 request that the Board compel the attendance of witnesses
8 and production of related documents. After the conclusion
9 of the hearing, the administrative law judge shall report
10 his or her findings of fact, conclusions of law, and
11 recommended disposition to the Panel.

12 (8) Certification Review Meeting. Upon receipt of the
13 administrative law judge's findings of fact, conclusions
14 of law, and recommended disposition, the Panel shall call
15 for a certification review meeting.

16 In such a meeting, the Panel may adjourn into a closed
17 conference for the purposes of deliberating on the evidence
18 presented during the hearing. In closed conference, the
19 Panel shall consider the hearing officer's findings of
20 fact, conclusions of law, and recommended disposition and
21 may deliberate on all evidence and testimony received and
22 may consider the weight and credibility to be given to the
23 evidence received. No new or additional evidence may be
24 presented to the Panel. After concluding its
25 deliberations, the Panel shall convene in open session for
26 its consideration of the matter. If a simple majority of

1 the Panel finds that no allegations in the complaint
2 supporting one or more charges of misconduct are proven by
3 clear and convincing evidence, then the Panel shall
4 recommend to the Board that the complaint be dismissed. If
5 a simple majority of the Panel finds that the allegations
6 in the complaint supporting one or more charges of
7 misconduct are proven by clear and convincing evidence,
8 then the Panel shall recommend to the Board to decertify
9 the officer. In doing so, the Panel may adopt, in whole or
10 in part, the hearing officer's findings of fact,
11 conclusions of law, and recommended disposition.

12 (9) Final action by the Board. After receiving the
13 Panel's recommendations, and after due consideration of
14 the Panel's recommendations, the Board, by majority vote,
15 shall issue a final decision to decertify the law
16 enforcement officer or take no action in regard to the law
17 enforcement officer. No new or additional evidence may be
18 presented to the Board. If the Board makes a final decision
19 contrary to the recommendations of the Panel, the Board
20 shall set forth in its final written decision the specific
21 written reasons for not following the Panel's
22 recommendations. A copy of the Board's final decision shall
23 be served upon the law enforcement officer by the Board,
24 either personally or as provided in this Act for the
25 service of a notice of hearing. A copy of the Board's final
26 decision also shall be delivered to the employing

1 governmental agency, the complainant, and the Panel.

2 (10) Reconsideration of the Board's Decision. Within
3 30 days after service of the Board's final decision, the
4 Panel or the law enforcement officer may file a written
5 motion for reconsideration with the Board. The motion for
6 reconsideration shall specify the particular grounds for
7 reconsideration. The non-moving party may respond to the
8 motion for reconsideration. The Board may deny the motion
9 for reconsideration, or it may grant the motion in whole or
10 in part and issue a new final decision in the matter. The
11 Board must notify the law enforcement officer within 14
12 days of a denial and state the reasons for denial.

13 (50 ILCS 705/6.6 new)

14 Sec. 6.6. Administrative Review Law; application.

15 (a) All final administrative decisions regarding
16 discretionary decertification of the Board are subject to
17 judicial review under the Administrative Review Law and its
18 rules. The term "administrative decision" is defined in Section
19 3-101 of the Code of Civil Procedure.

20 (b) Proceedings for judicial review shall be commenced in
21 Sangamon County or Cook County.

22 (50 ILCS 705/6.7 new)

23 Sec. 6.7. Certification and decertification procedures
24 under Act exclusive. Notwithstanding any other law, the

1 certification and decertification procedures, including the
2 conduct of any investigation or hearing, under this Act are the
3 sole and exclusive procedures for certification as law
4 enforcement officers in Illinois and are not subject to
5 collective bargaining under the Illinois Public Labor
6 Relations Act or appealable except as set forth herein. The
7 provisions of any collective bargaining agreement adopted by a
8 governmental agency and covering the law enforcement officer or
9 officers under investigation shall be inapplicable to any
10 investigation or hearing conducted under this Act.

11 An individual has no property interest in employment or
12 otherwise resulting from law enforcement officer certification
13 at the time of initial certification or at any time thereafter,
14 including, but not limited to, after decertification or the
15 officer's certification has been deemed inactive. Nothing in
16 this Act shall be construed to create a requirement that a
17 governmental agency shall continue to employ a law enforcement
18 officer who has been decertified.

19 (50 ILCS 705/7) (from Ch. 85, par. 507)

20 Sec. 7. Rules and standards for schools. The Board shall
21 adopt rules and minimum standards for such schools which shall
22 include, but not be limited to, the following:

- 23 a. The curriculum for probationary law enforcement
24 ~~police~~ officers which shall be offered by all certified
25 schools shall include, but not be limited to, courses of

1 procedural justice, arrest and use and control tactics,
2 search and seizure, including temporary questioning, civil
3 rights, human rights, human relations, cultural
4 competency, including implicit bias and racial and ethnic
5 sensitivity, criminal law, law of criminal procedure,
6 constitutional and proper use of law enforcement
7 authority, vehicle and traffic law including uniform and
8 non-discriminatory enforcement of the Illinois Vehicle
9 Code, traffic control and accident investigation,
10 techniques of obtaining physical evidence, court
11 testimonies, statements, reports, firearms training,
12 training in the use of electronic control devices,
13 including the psychological and physiological effects of
14 the use of those devices on humans, first-aid (including
15 cardiopulmonary resuscitation), training in the
16 administration of opioid antagonists as defined in
17 paragraph (1) of subsection (e) of Section 5-23 of the
18 Substance Use Disorder Act, handling of juvenile
19 offenders, recognition of mental conditions and crises,
20 including, but not limited to, the disease of addiction,
21 which require immediate assistance and response and
22 methods to safeguard and provide assistance to a person in
23 need of mental treatment, recognition of abuse, neglect,
24 financial exploitation, and self-neglect of adults with
25 disabilities and older adults, as defined in Section 2 of
26 the Adult Protective Services Act, crimes against the

1 elderly, law of evidence, the hazards of high-speed police
2 vehicle chases with an emphasis on alternatives to the
3 high-speed chase, and physical training. The curriculum
4 shall include specific training in techniques for
5 immediate response to and investigation of cases of
6 domestic violence and of sexual assault of adults and
7 children, including cultural perceptions and common myths
8 of sexual assault and sexual abuse as well as interview
9 techniques that are age sensitive and are trauma informed,
10 victim centered, and victim sensitive. The curriculum
11 shall include training in techniques designed to promote
12 effective communication at the initial contact with crime
13 victims and ways to comprehensively explain to victims and
14 witnesses their rights under the Rights of Crime Victims
15 and Witnesses Act and the Crime Victims Compensation Act.
16 The curriculum shall also include training in effective
17 recognition of and responses to stress, trauma, and
18 post-traumatic stress experienced by law enforcement
19 ~~police~~ officers that is consistent with Section 25 of the
20 Illinois Mental Health First Aid Training Act in a peer
21 setting, including recognizing signs and symptoms of
22 work-related cumulative stress, issues that may lead to
23 suicide, and solutions for intervention with peer support
24 resources. The curriculum shall include a block of
25 instruction addressing the mandatory reporting
26 requirements under the Abused and Neglected Child

1 Reporting Act. The curriculum shall also include a block of
2 instruction aimed at identifying and interacting with
3 persons with autism and other developmental or physical
4 disabilities, reducing barriers to reporting crimes
5 against persons with autism, and addressing the unique
6 challenges presented by cases involving victims or
7 witnesses with autism and other developmental
8 disabilities. The curriculum shall include training in the
9 detection and investigation of all forms of human
10 trafficking. The curriculum shall also include instruction
11 in trauma-informed responses designed to ensure the
12 physical safety and well-being of a child of an arrested
13 parent or immediate family member; this instruction must
14 include, but is not limited to: (1) understanding the
15 trauma experienced by the child while maintaining the
16 integrity of the arrest and safety of officers, suspects,
17 and other involved individuals; (2) de-escalation tactics
18 that would include the use of force when reasonably
19 necessary; and (3) inquiring whether a child will require
20 supervision and care. The curriculum for permanent law
21 enforcement ~~police~~ officers shall include, but not be
22 limited to: (1) refresher and in-service training in any of
23 the courses listed above in this subparagraph, (2) advanced
24 courses in any of the subjects listed above in this
25 subparagraph, (3) training for supervisory personnel, and
26 (4) specialized training in subjects and fields to be

1 selected by the board. The training in the use of
2 electronic control devices shall be conducted for
3 probationary law enforcement ~~police~~ officers, including
4 University police officers.

5 b. Minimum courses of study, attendance requirements
6 and equipment requirements.

7 c. Minimum requirements for instructors.

8 d. Minimum basic training requirements, which a
9 probationary law enforcement ~~police~~ officer must
10 satisfactorily complete before being eligible for
11 permanent employment as a local law enforcement officer for
12 a participating local governmental or state governmental
13 agency. Those requirements shall include training in first
14 aid (including cardiopulmonary resuscitation).

15 e. Minimum basic training requirements, which a
16 probationary county corrections officer must
17 satisfactorily complete before being eligible for
18 permanent employment as a county corrections officer for a
19 participating local governmental agency.

20 f. Minimum basic training requirements which a
21 probationary court security officer must satisfactorily
22 complete before being eligible for permanent employment as
23 a court security officer for a participating local
24 governmental agency. The Board shall establish those
25 training requirements which it considers appropriate for
26 court security officers and shall certify schools to

1 conduct that training.

2 A person hired to serve as a court security officer
3 must obtain from the Board a certificate (i) attesting to
4 the officer's ~~his or her~~ successful completion of the
5 training course; (ii) attesting to the officer's ~~his or her~~
6 satisfactory completion of a training program of similar
7 content and number of hours that has been found acceptable
8 by the Board under the provisions of this Act; or (iii)
9 attesting to the Board's determination that the training
10 course is unnecessary because of the person's extensive
11 prior law enforcement experience.

12 Individuals who currently serve as court security
13 officers shall be deemed qualified to continue to serve in
14 that capacity so long as they are certified as provided by
15 this Act within 24 months of June 1, 1997 (the effective
16 date of Public Act 89-685). Failure to be so certified,
17 absent a waiver from the Board, shall cause the officer to
18 forfeit his or her position.

19 All individuals hired as court security officers on or
20 after June 1, 1997 (the effective date of Public Act
21 89-685) shall be certified within 12 months of the date of
22 their hire, unless a waiver has been obtained by the Board,
23 or they shall forfeit their positions.

24 The Sheriff's Merit Commission, if one exists, or the
25 Sheriff's Office if there is no Sheriff's Merit Commission,
26 shall maintain a list of all individuals who have filed

1 applications to become court security officers and who meet
2 the eligibility requirements established under this Act.
3 Either the Sheriff's Merit Commission, or the Sheriff's
4 Office if no Sheriff's Merit Commission exists, shall
5 establish a schedule of reasonable intervals for
6 verification of the applicants' qualifications under this
7 Act and as established by the Board.

8 g. Minimum in-service training requirements, which a
9 law enforcement ~~police~~ officer must satisfactorily
10 complete every 3 years. Those requirements shall include
11 constitutional and proper use of law enforcement
12 authority, procedural justice, civil rights, human rights,
13 mental health awareness and response, officer wellness,
14 reporting child abuse and neglect, and cultural
15 competency.

16 h. Minimum in-service training requirements, which a
17 law enforcement ~~police~~ officer must satisfactorily
18 complete at least annually. Those requirements shall
19 include law updates and use of force training which shall
20 include scenario based training, or similar training
21 approved by the Board.

22 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;
23 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.
24 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,
25 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;
26 101-564, eff. 1-1-20; revised 9-10-19.)

1 (50 ILCS 705/7.5)

2 Sec. 7.5. Law enforcement ~~Police~~ pursuit guidelines. The
3 Board shall annually review police pursuit procedures and make
4 available suggested law enforcement ~~police~~ pursuit guidelines
5 for law enforcement agencies. This Section does not alter the
6 effect of previously existing law, including the immunities
7 established under the Local Governmental and Governmental
8 Employees Tort Immunity Act.

9 (Source: P.A. 88-637, eff. 9-9-94.)

10 (50 ILCS 705/8) (from Ch. 85, par. 508)

11 Sec. 8. Participation required. All home rule local
12 governmental units shall comply with Sections 6.3, 8.1, and 8.2
13 and any other mandatory provisions of this Act. This Act is a
14 limitation on home rule powers under subsection (i) of Section
15 6 of Article VII of the Illinois Constitution.

16 (Source: P.A. 89-170, eff. 1-1-96.)

17 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

18 Sec. 8.1. Full-time law enforcement ~~police~~ and county
19 corrections officers.

20 (a) ~~No~~ ~~After January 1, 1976,~~ no person shall receive a
21 permanent appointment as a law enforcement officer or ~~as~~
22 ~~defined in this Act nor shall any person receive, after the~~
23 ~~effective date of this amendatory Act of 1984,~~ a permanent

1 appointment as a county corrections officer unless that person
2 has been awarded, within 6 months of the officer's ~~his or her~~
3 initial full-time employment, a certificate attesting to the
4 officer's ~~his or her~~ successful completion of the Minimum
5 Standards Basic Law Enforcement or ~~and~~ County Correctional
6 Training Course as prescribed by the Board; or has been awarded
7 a certificate attesting to the officer's ~~his or her~~
8 satisfactory completion of a training program of similar
9 content and number of hours and which course has been found
10 acceptable by the Board under the provisions of this Act; or a
11 training waiver by reason of extensive prior law enforcement or
12 county corrections experience the basic training requirement
13 is determined by the Board to be illogical and unreasonable.

14 If such training is required and not completed within the
15 applicable 6 months, then the officer must forfeit the
16 officer's ~~his or her~~ position, or the employing agency must
17 obtain a waiver from the Board extending the period for
18 compliance. Such waiver shall be issued only for good and
19 justifiable reasons, and in no case shall extend more than 90
20 days beyond the initial 6 months. Any hiring agency that fails
21 to train a law enforcement officer within this period shall be
22 prohibited from employing this individual in a law enforcement
23 capacity for one year from the date training was to be
24 completed. If an agency again fails to train the individual a
25 second time, the agency shall be permanently barred from
26 employing this individual in a law enforcement capacity.

1 An individual who is not certified by the Board or whose
2 certified status is inactive shall not function as a law
3 enforcement officer, be assigned the duties of a law
4 enforcement officer by an employing agency, or be authorized to
5 carry firearms under the authority of the employer, except as
6 otherwise authorized to carry a firearm under State or federal
7 law. Sheriffs who are elected as of the effective date of this
8 Amendatory Act of the 101st General Assembly, are exempt from
9 the requirement of certified status. Failure to be certified in
10 accordance with this Act shall cause the officer to forfeit the
11 officer's position.

12 An employing agency may not grant a person status as a law
13 enforcement officer unless the person has been granted an
14 active law enforcement officer certification by the Board.

15 (b) Inactive status. A person who has an inactive law
16 enforcement officer certification has no law enforcement
17 authority.

18 (1) A law enforcement officer's certification becomes
19 inactive upon termination, resignation, retirement, or
20 separation from the officer's employing governmental
21 agency for any reason. The Board shall re-activate a
22 certification upon written application from the law
23 enforcement officer's governmental agency that shows the
24 law enforcement officer: (i) has accepted a full-time law
25 enforcement position with that governmental agency, (ii)
26 is not the subject of a decertification proceeding, and

1 (iii) meets all other criteria for re-activation required
2 by the Board. The Board may also establish special training
3 requirements to be completed as a condition for
4 re-activation.

5 A law enforcement officer who is refused reactivation
6 under this Section may request a hearing in accordance with
7 the hearing procedures as outlined in subsection (h) of
8 Section 6.3 of this Act.

9 The Board may refuse to re-activate the certification
10 of a law enforcement officer who was involuntarily
11 terminated for good cause by his or her governmental agency
12 for conduct subject to decertification under this Act or
13 resigned or retired after receiving notice of a
14 governmental agency's investigation.

15 (2) A law enforcement officer who is currently
16 certified can place his or her certificate on inactive
17 status by sending a written request to the Board. A law
18 enforcement officer whose certificate has been placed on
19 inactive status shall not function as a law enforcement
20 officer until the officer has completed any requirements
21 for reactivating the certificate as required by the Board.
22 A request for inactive status in this subsection shall be
23 in writing, accompanied by verifying documentation, and
24 shall be submitted to the Board with a copy to the chief
25 administrator of the law enforcement officer's
26 governmental agency.

1 (3) Certification that has become inactive under
2 paragraph (2) of this subsection (b), shall be reactivated
3 by written notice from the law enforcement officer's agency
4 upon a showing that the law enforcement officer is: (i)
5 employed in a full-time law enforcement position with the
6 same governmental agency (ii) not the subject of a
7 decertification proceeding, and (iii) meets all other
8 criteria for re-activation required by the Board.

9 (4) Notwithstanding paragraph (3) of this subsection
10 (b), a law enforcement officer whose certification has
11 become inactive under paragraph (2) may have the officer's
12 governmental agency submit a request for a waiver of
13 training requirements to the Board. A grant of a waiver is
14 within the discretion of the Board. Within 7 days of
15 receiving a request for a waiver under this section, the
16 Board shall notify the law enforcement officer and the
17 chief administrator of the law enforcement officer's
18 governmental agency, whether the request has been granted,
19 denied, or if the Board will take additional time for
20 information. A law enforcement officer whose request for a
21 waiver under this subsection is denied is entitled to
22 appeal the denial to the Board within 20 days of the waiver
23 being denied.

24 ~~(c) (b) No provision of this Section shall be construed to~~
25 ~~mean that a law enforcement officer employed by a local~~
26 ~~governmental agency at the time of the effective date of this~~

1 ~~amendatory Act, either as a probationary police officer or as a~~
2 ~~permanent police officer, shall require certification under~~
3 ~~the provisions of this Section.~~ No provision of this Section
4 shall be construed to mean that a county corrections officer
5 employed by a ~~local~~ governmental agency at the time of the
6 effective date of this amendatory Act ~~of 1984~~, either as a
7 probationary county corrections or as a permanent county
8 corrections officer, shall require certification under the
9 provisions of this Section. No provision of this Section shall
10 be construed to apply to certification of elected county
11 sheriffs.

12 (d) Within 14 days, a law enforcement officer shall report
13 to the Board: (1) any name change; (2) any change in
14 employment; or (3) the filing of any criminal indictment or
15 charges against the officer alleging that the officer committed
16 any offense as enumerated in section 6.1 of this Act.

17 (e) All law enforcement officers must report the completion
18 of the training requirements required in this Act in compliance
19 with Section 8.4 of this Act.

20 (e-1) Each employing governmental agency shall allow and
21 provide an opportunity for a law enforcement officer to
22 complete the mandated requirements in this Act.

23 (f) ~~(e)~~ This Section does not apply to part-time law
24 enforcement ~~police~~ officers or probationary part-time law
25 enforcement ~~police~~ officers.

26 (Source: P.A. 101-187, eff. 1-1-20.)

1 (50 ILCS 705/8.2)

2 Sec. 8.2. Part-time law enforcement ~~police~~ officers.

3 (a) A person hired to serve as a part-time law enforcement
4 ~~police~~ officer must obtain from the Board a certificate (i)
5 attesting to the officer's ~~his or her~~ successful completion of
6 the part-time police training course; (ii) attesting to the
7 officer's ~~his or her~~ satisfactory completion of a training
8 program of similar content and number of hours that has been
9 found acceptable by the Board under the provisions of this Act;
10 or (iii) a training waiver attesting to the Board's
11 determination that the part-time police training course is
12 unnecessary because of the person's extensive prior law
13 enforcement experience. A person hired on or after the
14 effective date of this amendatory Act of the 92nd General
15 Assembly must obtain this certificate within 18 months after
16 the initial date of hire as a probationary part-time law
17 enforcement ~~police~~ officer in the State of Illinois. The
18 probationary part-time law enforcement ~~police~~ officer must be
19 enrolled and accepted into a Board-approved course within 6
20 months after active employment by any department in the State.
21 A person hired on or after January 1, 1996 and before the
22 effective date of this amendatory Act of the 92nd General
23 Assembly must obtain this certificate within 18 months after
24 the date of hire. A person hired before January 1, 1996 must
25 obtain this certificate within 24 months after the effective

1 date of this amendatory Act of 1995.

2 The employing agency may seek an extension ~~a~~ waiver from
3 the Board extending the period for compliance. An extension ~~A~~
4 waiver shall be issued only for good and justifiable reasons,
5 and the probationary part-time law enforcement ~~police~~ officer
6 may not practice as a part-time law enforcement ~~police~~ officer
7 during the extension waiver period. If training is required and
8 not completed within the applicable time period, as extended by
9 any waiver that may be granted, then the officer must forfeit
10 the officer's ~~his or her~~ position.

11 An individual who is not certified by the Board or whose
12 certified status is inactive shall not function as a law
13 enforcement officer, be assigned the duties of a law
14 enforcement officer by an agency, or be authorized to carry
15 firearms under the authority of the employer, except that
16 sheriffs who are elected are exempt from the requirement of
17 certified status. Failure to be in accordance with this Act
18 shall cause the officer to forfeit the officer's position.

19 A part-time probationary officer shall be allowed to
20 complete six months of a part-time police training course and
21 function as a law enforcement officer with a waiver from the
22 Board, provided the part-time law enforcement officer is still
23 enrolled in the training course. If the part-time probationary
24 officer withdraws from the course for any reason or does not
25 complete the course within the applicable time period, as
26 extended by any waiver that may be granted, then the officer

1 must forfeit the officer's position.

2 A governmental agency may not grant a person status as a
3 law enforcement officer unless the person has been granted an
4 active law enforcement officer certification by the Board.

5 (b) Inactive status. A person who has an inactive law
6 enforcement officer certification has no law enforcement
7 authority. ~~(Blank).~~

8 (1) A law enforcement officer's certification becomes
9 inactive upon termination, resignation, retirement, or
10 separation from the governmental agency for any reason. The
11 Board shall re-activate a certification upon written
12 application from the law enforcement officer's
13 governmental agency that shows the law enforcement
14 officer: (i) has accepted a part-time law enforcement
15 position with that a governmental agency, (ii) is not the
16 subject of a decertification proceeding, and (iii) meets
17 all other criteria for re-activation required by the Board.

18 The Board may refuse to re-activate the certification
19 of a law enforcement officer who was involuntarily
20 terminated for good cause by the officer's governmental
21 agency for conduct subject to decertification under this
22 Act or resigned or retired after receiving notice of a
23 governmental agency's investigation.

24 (2) A law enforcement officer who is currently
25 certified can place his or her certificate on inactive
26 status by sending a written request to the Board. A law

1 enforcement officer whose certificate has been placed on
2 inactive status shall not function as a law enforcement
3 officer until the officer has completed any requirements
4 for reactivating the certificate as required by the Board.
5 A request for inactive status in this subsection shall be
6 in writing, accompanied by verifying documentation, and
7 shall be submitted to the Board by the law enforcement
8 officer's governmental agency.

9 (3) Certification that has become inactive under
10 paragraph (2) of this subsection (b), shall be reactivated
11 by written notice from the law enforcement officer's agency
12 upon a showing that the law enforcement officer is: (i)
13 employed in a full-time law enforcement position with the
14 same governmental agency, (ii) not the subject of a
15 decertification proceeding, and (iii) meets all other
16 criteria for re-activation required by the Board. The Board
17 may also establish special training requirements to be
18 completed as a condition for re-activation.

19 A law enforcement officer who is refused reactivation
20 under this Section may request a hearing in accordance with
21 the hearing procedures as outlined in subsection (h) of
22 Section 6.3 of this Act.

23 (4) Notwithstanding paragraph (3) of this Section, a
24 law enforcement officer whose certification has become
25 inactive under paragraph (2) may have the officer's
26 governmental agency submit a request for a waiver of

1 training requirements to the Board. A grant of a waiver is
2 within the discretion of the Board. Within 7 days of
3 receiving a request for a waiver under this section, the
4 Board shall notify the law enforcement officer and the
5 chief administrator of the law enforcement officer's
6 governmental agency, whether the request has been granted,
7 denied, or if the Board will take additional time for
8 information. A law enforcement officer whose request for a
9 waiver under this subsection is denied is entitled to
10 appeal the denial to the Board within 20 days of the waiver
11 being denied.

12 (c) The part-time police training course referred to in
13 this Section shall be of similar content and the same number of
14 hours as the courses for full-time officers and shall be
15 provided by Mobile Team In-Service Training Units under the
16 Intergovernmental Law Enforcement Officer's In-Service
17 Training Act or by another approved program or facility in a
18 manner prescribed by the Board.

19 (d) Within 14 days, a law enforcement officer shall report
20 to the Board: (1) any name change; (2) any change in
21 employment; or (3) the filing of any criminal indictment or
22 charges against the officer alleging that the officer committed
23 any offense as enumerated in section 6.1 of this Act.

24 (e) All law enforcement officers must report the completion
25 of the training requirements required in this Act in compliance
26 with Section 8.4 of this Act.

1 (e-1) Each employing agency shall allow and provide an
2 opportunity for a law enforcement officer to complete the
3 requirements in this Act.

4 (f) ~~(d)~~ For the purposes of this Section, the Board shall
5 adopt rules defining what constitutes employment on a part-time
6 basis.

7 (Source: P.A. 92-533, eff. 3-14-02.)

8 (50 ILCS 705/8.3 new)

9 Sec. 8.3. Emergency order of suspension.

10 (a) The Board, upon being notified that a law enforcement
11 officer has been arrested or indicted on any felony charge or
12 charges, may immediately suspend the law enforcement officer's
13 certification. The Board shall also notify the chief
14 administrator of any governmental agency currently employing
15 the officer. The Board shall have authority to dissolve an
16 emergency order of suspension at any time for any reason.

17 (b) Notice of the immediate suspension shall be served on
18 the law enforcement officer, the governmental agency, the chief
19 executive of the municipality, and state the reason for
20 suspension within seven days.

21 (c) Upon service of the notice, the law enforcement officer
22 shall have 30 days to request to be heard by the Panel. The
23 hearing, if requested by the licensee, shall follow the hearing
24 procedures as outlined in subsection (h) of Section 6.3 of this
25 Act.

1 (d) At the meeting, the law enforcement officer may present
2 evidence, witnesses and argument as to why the officer's
3 certification should not be suspended. The Panel shall review
4 the suspension, and if the Panel finds that the proof is
5 evident or the presumption great that the officer has committed
6 the offense charged, the Panel can sustain or reduce the length
7 of the suspension. If the Panel does not find that the proof is
8 evident or the presumption great that the officer has committed
9 the offense charged, the Panel can reverse the suspension.

10 If the law enforcement officer does not request to be heard
11 or does not appear, the Panel may hold the hearing in the
12 officer's absence. The law enforcement officer and the
13 governmental agency shall be notified of the decision of the
14 Panel within 7 days. The law enforcement officer may request to
15 suspend the hearing until after the officer's criminal trial
16 has occurred, however the suspension will remain intact until
17 the hearing.

18 (e) Findings and conclusions made in hearing for an
19 emergency suspension shall not be binding on any party in any
20 subsequent proceeding under this Act.

21 (f) A Panel member acting in good faith, and not in a
22 willful and wanton manner, in accordance with this Section,
23 shall not, as a result of such actions, be subject to criminal
24 prosecution or civil damages, including but not limited to lost
25 wages.

1 (50 ILCS 705/8.4 new)

2 Sec. 8.4. Law Enforcement Compliance Verification.

3 (a)(1) Unless on inactive status under subsection (b) of
4 Section 8.1 or subsection (b) of Section 8.2, every law
5 enforcement officer subject to this Act shall submit a
6 verification form that confirms compliance with this Act. The
7 verification shall apply to the 3 calendar years preceding the
8 date of verification. Law enforcement officers shall submit the
9 officer's first report by January 30 during the initial
10 three-year reporting period, as determined on the basis of the
11 law enforcement officer's last name under paragraph (2) of this
12 subsection then every third year of the officer's applicable
13 three-year report period as determined by the Board. At the
14 conclusion of each law enforcement officer's applicable
15 reporting period, the chief administrative officer of the
16 officer's governmental agency is to determine the compliance of
17 each officer under this Section. An officer may verify their
18 successful completion of training requirements with their
19 governmental agency. Each law enforcement officer is
20 responsible for reporting and demonstrating compliance to the
21 officer's chief administrative officer.

22 (2) The applicable three-year reporting period shall begin
23 on January 30, 2023 for law enforcement officers whose last
24 names being with the letters A through G, on January 30, 2024
25 for law enforcement officers whose last names being with the
26 letters H through O, and January 30, 2025 for law enforcement

1 officers whose last names being with the letters P through Z.

2 (3) The compliance verification form shall be in a form and
3 manner prescribed by the Board and, at a minimum, include the
4 following: (i) verification that the law enforcement officer
5 has completed the mandatory training programs in the preceding
6 3 years; (ii) the law enforcement officer's current employment
7 information, including but not limited to, the termination of
8 any previous law enforcement or security employment in the
9 relevant time period; and (iii) a statement verifying that the
10 officer has not committed misconduct under Section 6.1.

11 (b) (1) On October 1 of each year, the Board shall send
12 notice to all certified law enforcement officers, unless
13 exempted in (a), of the upcoming deadline to submit the
14 compliance verification form. No later than March 1 of each
15 year, the Board shall send notice to all certified law
16 enforcement officers who have failed to submit the compliance
17 verification form, as well as the officer's governmental
18 agencies. The Board shall not send a notice of noncompliance to
19 law enforcement officers whom the Board knows, based on the
20 status of the law enforcement officer's certification status,
21 are inactive or retired. The Board may accept compliance
22 verification forms until April 1 of the year in which a law
23 enforcement officer is required to submit the form.

24 (2) No earlier than April 1 of the year in which a law
25 enforcement officer is required to submit a verification form,
26 the Board may determine a law enforcement officer's

1 certification to be inactive if the law enforcement officer
2 failed to either: (1) submit a compliance verification in
3 accordance with this Section; or (2) report an exemption from
4 the requirements of this Section. The Board shall then send
5 notice, by mail or email, to any such law enforcement officer
6 and the officer's governmental agency that the officer's
7 certificate will be deemed inactive on the date specified in
8 the notice, which shall be no sooner than 21 days from the date
9 of the notice, because of the officer's failure to comply or
10 report compliance, or failure to report an exemption. The Board
11 shall deem inactive the certificate of such law enforcement
12 officers on the date specified in the notice unless the Board
13 determines before that date that the law enforcement officer
14 has complied. A determination that a certificate is inactive
15 under this section is not a disciplinary sanction.

16 (3) A law enforcement officer who was on voluntary inactive
17 status shall, upon return to active status, be required to
18 complete the deferred training programs within 1 year.

19 (4) The Board may waive the reporting requirements, as
20 required in this section, if the law enforcement officer or the
21 officer's governmental agency demonstrates the existence of
22 mitigating circumstances justifying the law enforcement
23 officer's failure to obtain the training requirements due to
24 failure of the officer's governmental agency or the Board to
25 offer the training requirement during the officer's required
26 compliance verification period. If the Board finds that the law

1 enforcement officer can meet the training requirements with
2 extended time, the Board may allow the law enforcement officer
3 a maximum of six additional months to complete the
4 requirements.

5 (5) A request for a training waiver under this subsection
6 due to the mitigating circumstance shall be in writing,
7 accompanied by verifying documentation, and shall be submitted
8 to the Board not less than 30 days before the end of the law
9 enforcement officer's required compliance verification period.

10 (6) A law enforcement officer whose request for waiver
11 under this subsection is denied, is entitled to a request for a
12 review by the Board. The law enforcement officer or the
13 officer's governmental agency must request a review within 20
14 days of the waiver being denied. The burden of proof shall be
15 on the law enforcement officer to show why the officer is
16 entitled to a waiver.

17 (c) Recordkeeping and Audits.

18 (1) For four years after the end of each reporting
19 period, each certified law enforcement officer shall
20 maintain sufficient documentation necessary to corroborate
21 compliance with the mandatory training requirements under
22 this Act.

23 (2) Notwithstanding any other provision in state law,
24 for four years after the end of each reporting period, each
25 governmental agency shall maintain sufficient
26 documentation necessary to corroborate compliance with the

1 mandatory training requirements under this Act of each
2 officer it employs or employed within the relevant time
3 period.

4 (3) The Board may audit compliance verification forms
5 submitted to determine the accuracy of the submissions. The
6 audit may include but is not limited to, training
7 verification and a law enforcement officer background
8 check.

9 (d) Audits that Reveal an Inaccurate Verification.

10 (1) If an audit conducted under paragraph (3) of
11 subsection (c) of this Section reveals inaccurate
12 information, the Board shall provide the law enforcement
13 officer and employing governmental agency with written
14 notice containing: (i) the results of the audit, specifying
15 each alleged inaccuracy; (ii) a summary of the basis of
16 that determination; and (iii) a deadline, which shall be at
17 least 30 days from the date of the notice, for the law
18 enforcement officer to file a written response if the law
19 enforcement officer objects to any of the contents of the
20 notice.

21 (2) After considering any response from the law
22 enforcement officer, if the Board determines that the law
23 enforcement officer filed an inaccurate verification, the
24 law enforcement officer shall be given 60 days in which to
25 file an amended verification form, together with all
26 documentation specified in paragraph (e) (1), demonstrating

1 full compliance with the applicable requirements.

2 (3) If the results of the audit suggest that the law
3 enforcement officer willfully filed a false verification
4 form, the Board shall submit a formal complaint to the
5 Panel for decertification. An officer who has been
6 decertified for willfully filing a false verification form
7 shall not be eligible for reactivation under subsection
8 (e).

9 (e) Reactivation. A law enforcement officer who has been
10 deemed inactive due to noncompliance with the reporting
11 requirements under paragraph (a)(1) may request to have the
12 Board re-activate his or her certification upon submitting a
13 compliance verification form that shows full compliance for the
14 period in which the law enforcement officer was deemed inactive
15 due to noncompliance. The Board shall make a determination
16 regarding a submission under this subsection active no later
17 than 7 days after the Board determines full compliance or
18 continued noncompliance.

19 (50 ILCS 705/9) (from Ch. 85, par. 509)

20 Sec. 9. A special fund is hereby established in the State
21 Treasury to be known as the Traffic and Criminal Conviction
22 Surcharge Fund. Moneys in this Fund shall be expended as
23 follows:

24 (1) a portion of the total amount deposited in the Fund
25 may be used, as appropriated by the General Assembly, for

1 the ordinary and contingent expenses of the Illinois Law
2 Enforcement Training Standards Board;

3 (2) a portion of the total amount deposited in the Fund
4 shall be appropriated for the reimbursement of local
5 governmental agencies participating in training programs
6 certified by the Board, in an amount equaling 1/2 of the
7 total sum paid by such agencies during the State's previous
8 fiscal year for mandated training for probationary law
9 enforcement ~~police~~ officers or probationary county
10 corrections officers and for optional advanced and
11 specialized law enforcement or county corrections
12 training; these reimbursements may include the costs for
13 tuition at training schools, the salaries of trainees while
14 in schools, and the necessary travel and room and board
15 expenses for each trainee; if the appropriations under this
16 paragraph (2) are not sufficient to fully reimburse the
17 participating local governmental agencies, the available
18 funds shall be apportioned among such agencies, with
19 priority first given to repayment of the costs of mandatory
20 training given to law enforcement officer or county
21 corrections officer recruits, then to repayment of costs of
22 advanced or specialized training for permanent law
23 enforcement ~~police~~ officers or permanent county
24 corrections officers;

25 (3) a portion of the total amount deposited in the Fund
26 may be used to fund the Intergovernmental Law Enforcement

1 Officer's In-Service Training Act, veto overridden October
2 29, 1981, as now or hereafter amended, at a rate and method
3 to be determined by the board;

4 (4) a portion of the Fund also may be used by the
5 Illinois Department of State Police for expenses incurred
6 in the training of employees from any State, county or
7 municipal agency whose function includes enforcement of
8 criminal or traffic law;

9 (5) a portion of the Fund may be used by the Board to
10 fund grant-in-aid programs and services for the training of
11 employees from any county or municipal agency whose
12 functions include corrections or the enforcement of
13 criminal or traffic law;

14 (6) for fiscal years 2013 through 2017 only, a portion
15 of the Fund also may be used by the Department of State
16 Police to finance any of its lawful purposes or functions;

17 (7) a portion of the Fund may be used by the Board,
18 subject to appropriation, to administer grants to local law
19 enforcement agencies for the purpose of purchasing
20 bulletproof vests under the Law Enforcement Officer
21 Bulletproof Vest Act; and

22 (8) a portion of the Fund may be used by the Board to
23 create a law enforcement grant program available for units
24 of local government to fund crime prevention programs,
25 training, and interdiction efforts, including enforcement
26 and prevention efforts, relating to the illegal cannabis

1 market and driving under the influence of cannabis.

2 All payments from the Traffic and Criminal Conviction
3 Surcharge Fund shall be made each year from moneys appropriated
4 for the purposes specified in this Section. No more than 50% of
5 any appropriation under this Act shall be spent in any city
6 having a population of more than 500,000. The State Comptroller
7 and the State Treasurer shall from time to time, at the
8 direction of the Governor, transfer from the Traffic and
9 Criminal Conviction Surcharge Fund to the General Revenue Fund
10 in the State Treasury such amounts as the Governor determines
11 are in excess of the amounts required to meet the obligations
12 of the Traffic and Criminal Conviction Surcharge Fund.

13 (Source: P.A. 100-987, eff. 7-1-19; 101-27, eff. 6-25-19.)

14 (50 ILCS 705/9.2 new)

15 Sec. 9.2. Officer professional conduct database;
16 Transparency.

17 (a) All governmental agencies and the Illinois State Police
18 shall notify the Board of any final determination of a willful
19 violation of department, agency, or the Illinois State Police
20 policy, official misconduct, or violation of law within 10 days
21 when:

22 (1) the determination leads to a suspension of at least
23 10 days;

24 (2) any infraction that would trigger an official or
25 formal investigation under a governmental agency or the

1 Illinois State Police policy;

2 (3) there is an allegation of misconduct or regarding
3 truthfulness as to a material fact, bias, or integrity; or

4 (4) the officer resigns or retires during the course of
5 an investigation and the officer has been served notice
6 that the officer is under investigation.

7 Agencies and the Illinois State Police may report to the
8 Board any conduct they deem appropriate to disseminate to
9 another governmental agency regarding a law enforcement
10 officer.

11 The agency or the Illinois State Police shall report to the
12 Board within 10 days of a final determination and final
13 exhaustion of any administrative appeal, or the law enforcement
14 officer's resignation or retirement, and shall provide
15 information regarding the nature of the violation. This
16 notification shall not necessarily trigger certification
17 review.

18 A governmental agency and the Illinois State Police shall
19 be immune from liability for a disclosure made as described in
20 this subsection, unless the disclosure would constitute
21 intentional misrepresentation or gross negligence.

22 (b) Upon receiving notification from a governmental agency
23 or the Illinois State Police, the Board must notify the law
24 enforcement officer of the report and the officer's right to
25 provide a statement regarding the reported violation.

26 (c) The Board shall maintain a database readily available

1 to any chief administrative officer, or the officer's designee,
2 of a governmental agency and the Illinois State Police that
3 shall show for each law enforcement officer: (i) dates of
4 certification, decertification, and inactive status; (ii) each
5 sustained instance of departmental misconduct that lead to a
6 suspension at least 10 days or any infraction that would
7 trigger an official or formal investigation under the
8 governmental agency policy, any allegation of misconduct
9 regarding truthfulness as to a material fact, bias, or
10 integrity, or any other reported violation, the nature of the
11 violation, the reason for the final decision of discharge or
12 dismissal, and any statement provided by the officer; (iii)
13 date of separation from employment from any local or state
14 governmental agency; (iv) the reason for separation from
15 employment, including, but not limited to: whether the
16 separation was based on misconduct or occurred while the local
17 or State governmental agency was conducting an investigation of
18 the certified individual for a violation of an employing
19 agency's rules, policy or procedure or other misconduct or
20 improper action.

21 (1) This database shall also be accessible to the
22 State's Attorney of any county in this State and the
23 Attorney General for the purpose of complying with
24 obligations under Brady v. Maryland (373 U.S. 83) or Giglio
25 v. United States (405 U.S. 150). This database shall also
26 be accessible to the chief administrative officer of any

1 governmental agency for the purposes of hiring law
2 enforcement officers. This database shall not be
3 accessible to anyone not listed in this subsection.

4 (2) Before a governmental agency may appoint a law
5 enforcement officer or a person seeking a certification as
6 a law enforcement officer in this State, the chief
7 administrative officer or designee must check the Officer
8 Professional Conduct Database, contact each person's
9 previous law enforcement employers, and document the
10 contact. This documentation must be available for review by
11 the Board for a minimum of five years after the law
12 enforcement officer's termination, retirement, resignation
13 or separation with that agency.

14 (3) The database, documents, materials, or other
15 information in the possession or control of the Board that
16 are obtained by or disclosed to the Board under this
17 subsection shall be confidential by law and privileged,
18 shall not be subject to subpoena, and shall not be subject
19 to discovery or admissible in evidence in any private civil
20 action. However, the Board is authorized to use such
21 documents, materials, or other information in furtherance
22 of any regulatory or legal action brought as part of the
23 Board's official duties. Unless otherwise required by law,
24 the Board shall not disclose the database or make such
25 documents, materials, or other information public without
26 the prior written consent of the governmental agency and

1 the law enforcement officer. Neither the Board nor any
2 person who received documents, materials or other
3 information shared under this subsection shall be required
4 to testify in any private civil action concerning the
5 database or any confidential documents, materials, or
6 information subject to this subsection.

7 Nothing in this Section shall exempt a governmental agency
8 from disclosing public records in accordance with the Freedom
9 of Information Act.

10 (d) The Board shall maintain a searchable database of law
11 enforcement officers accessible to the public that shall
12 include: (i) the law enforcement officer's local or state
13 governmental agency; (ii) the date of the officer's initial
14 certification and the officer's current certification status;
15 and (iii) any sustained complaint of misconduct that resulted
16 in decertification and the date thereof; provided, however,
17 that information shall not be included in the database that
18 would allow the public to ascertain the home address of an
19 officer or another person; provided further, that information
20 regarding an officer's or another person's family member shall
21 not be included in the database. The Board shall make the
22 database publicly available on its website.

23 (e) The Board shall maintain a searchable database of all
24 completed investigations against law enforcement officers
25 related to decertification. The database shall identify each
26 law enforcement officer by a confidential and anonymous number

1 and include: (i) the law enforcement officer's local or state
2 governmental agency; (ii) the date of the incident referenced
3 in the complaint; (iii) the location of the incident; (iv) the
4 race and ethnicity of each officer involved in the incident;
5 (v) the age, gender, race and ethnicity of each person involved
6 in the incident, if known; (vi) whether a person in the
7 complaint, including a law enforcement officer, was injured,
8 received emergency medical care, was hospitalized or died as a
9 result of the incident; (vii) the governmental agency or other
10 entity assigned to conduct an investigation of the incident;
11 (viii) when the investigation was completed; (ix) whether the
12 complaint was sustained; and (x) the type of misconduct
13 investigated; provided, however, that the Board shall redact or
14 withhold such information as necessary to prevent the
15 disclosure of the identity of an officer. The Board shall make
16 the database publicly available on its website.

17 (e-1) An investigation is complete when the investigation
18 has either been terminated or the decertification action,
19 including the administrative review process, has been
20 completed, whichever is later.

21 (f) Annual report. The Board shall submit an annual report
22 to the Governor, Attorney General, President and Minority
23 Leader of the Senate, and the Speaker and Minority Leader of
24 the House of Representatives beginning on March 1, 2023, and
25 every year thereafter indicating:

26 (1) the number of complaints received in the preceding

1 calendar year, including but not limited to the race,
2 gender, and type of complaints received;

3 (2) the number of investigations initiated in the
4 preceding calendar year since the date of the last report;

5 (3) the number of investigations concluded in the
6 preceding calendar year;

7 (4) the number of investigations pending as of the
8 reporting date;

9 (5) the number of hearings held in the preceding
10 calendar year; and

11 (6) the number of officers decertified in the preceding
12 calendar year.

13 (50 ILCS 705/10) (from Ch. 85, par. 510)

14 Sec. 10. The Board may make, amend and rescind such rules
15 and regulations as may be necessary to carry out the provisions
16 of this Act, including those relating to the annual
17 certification of retired law enforcement officers qualified
18 under federal law to carry a concealed weapon. A copy of all
19 rules and regulations and amendments or rescissions thereof
20 shall be filed with the Secretary of State within a reasonable
21 time after their adoption. The schools certified by the Board
22 and participating in the training program may dismiss from the
23 school any trainee prior to the officer's ~~his~~ completion of the
24 course, if in the opinion of the person in charge of the
25 training school, the trainee is unable or unwilling to

1 satisfactorily complete the prescribed course of training.

2 The Board shall adopt emergency rules to administer this
3 Act in accordance with Section 5-45 of the Illinois
4 Administrative Procedure Act. For the purposes of the Illinois
5 Administrative Procedure Act, the General Assembly finds that
6 the adoption of rules to implement this Act is deemed an
7 emergency and necessary to the public interest, safety, and
8 welfare.

9 (Source: P.A. 94-103, eff. 7-1-05.)

10 (50 ILCS 705/10.1) (from Ch. 85, par. 510.1)

11 Sec. 10.1. Additional training programs. The Board shall
12 initiate, administer, and conduct training programs for
13 permanent law enforcement ~~police~~ officers and permanent county
14 corrections officers in addition to the basic recruit training
15 program. The Board may initiate, administer, and conduct
16 training programs for part-time law enforcement ~~police~~
17 officers in addition to the basic part-time law enforcement
18 ~~police~~ training course. The training for permanent and
19 part-time law enforcement ~~police~~ officers and permanent county
20 corrections officers may be given in any schools selected by
21 the Board. Such training may include all or any part of the
22 subjects enumerated in Section 7 of this Act.

23 The corporate authorities of all participating local
24 governmental agencies may elect to participate in the advanced
25 training for permanent and part-time law enforcement ~~police~~

1 officers and permanent county corrections officers but
2 nonparticipation in this program shall not in any way affect
3 the mandatory responsibility of governmental units to
4 participate in the basic recruit training programs for
5 probationary full-time and part-time law enforcement ~~police~~
6 and permanent county corrections officers. The failure of any
7 permanent or part-time law enforcement ~~police~~ officer or
8 permanent county corrections officer to successfully complete
9 any course authorized under this Section shall not affect the
10 officer's status as a member of the police department or county
11 sheriff's office of any local governmental agency.

12 The Board may initiate, administer, and conduct training
13 programs for clerks of circuit courts. Those training programs,
14 at the Board's discretion, may be the same or variations of
15 training programs for law enforcement officers.

16 The Board shall initiate, administer, and conduct a
17 training program regarding the set up and operation of portable
18 scales for all municipal and county police officers,
19 technicians, and employees who set up and operate portable
20 scales. This training program must include classroom and field
21 training.

22 (Source: P.A. 90-271, eff. 7-30-97, 91-129, eff. 7-16-99.)

23 (50 ILCS 705/10.2)

24 Sec. 10.2. Criminal background investigations.

25 (a) On and after March 14, 2002 (the effective date of

1 ~~Public Act 92-533) this amendatory Act of the 92nd General~~
2 ~~Assembly,~~ an applicant for employment as a peace officer, or
3 for annual certification as a retired law enforcement officer
4 qualified under federal law to carry a concealed weapon, shall
5 authorize an investigation to determine if the applicant has
6 been convicted of, ~~or entered a plea of guilty to,~~ any criminal
7 offense that disqualifies the person as a peace officer.

8 (b) No governmental ~~law enforcement~~ agency may knowingly
9 employ a person, or certify a retired law enforcement officer
10 qualified under federal law to carry a concealed weapon, unless
11 (i) a criminal background investigation of that person has been
12 completed and (ii) that investigation reveals no convictions of
13 or pleas of guilty to ~~of~~ offenses specified in subsection (a)
14 of Section 6.1 of this Act.

15 (Source: P.A. 101-187, eff. 1-1-20; revised 9-23-19.)

16 (50 ILCS 705/10.3)

17 Sec. 10.3. Training of law enforcement ~~police~~ officers to
18 conduct electronic interrogations.

19 (a) From appropriations made to it for that purpose, the
20 Board shall initiate, administer, and conduct training
21 programs for permanent law enforcement ~~police~~ officers,
22 part-time law enforcement ~~police~~ officers, and recruits on the
23 methods and technical aspects of conducting electronic
24 recordings of interrogations.

25 (b) Subject to appropriation, the Board shall develop

1 technical guidelines for the mandated recording of custodial
2 interrogations in all homicide investigations by law
3 enforcement agencies. These guidelines shall be developed in
4 conjunction with law enforcement agencies and technology
5 accreditation groups to provide guidance for law enforcement
6 agencies in implementing the mandated recording of custodial
7 interrogations in all homicide investigations.

8 (Source: P.A. 95-688, eff. 10-23-07.)

9 (50 ILCS 705/10.7)

10 Sec. 10.7. Mandatory training; police chief and deputy
11 police chief. Each police chief and deputy police chief shall
12 obtain at least 20 hours of training each year. The training
13 must be approved by the Illinois Law Enforcement Training ~~and~~
14 Standards Board and must be related to law enforcement,
15 management or executive development, or ethics. This
16 requirement may be satisfied by attending any training portion
17 of a conference held by an association that represents chiefs
18 of police that has been approved by the Illinois Law
19 Enforcement Training ~~and~~ Standards Board. Any police chief and
20 any deputy police chief, upon presentation of a certificate of
21 completion from the person or entity conducting the training,
22 shall be reimbursed by the municipality in accordance with the
23 municipal policy regulating the terms of reimbursement, for the
24 officer's ~~his or her~~ reasonable expenses in obtaining the
25 training required under this Section. No police chief or deputy

1 police chief may attend any recognized training offering
2 without the prior approval of the officer's ~~his or her~~
3 municipal mayor, manager, or immediate supervisor.

4 This Section does not apply to the City of Chicago or the
5 Sheriff's Police Department in Cook County.

6 (Source: P.A. 94-354, eff. 1-1-06; revised 11-16-20.)

7 (50 ILCS 705/10.11)

8 Sec. 10.11. Training; death and homicide investigation.
9 The Illinois Law Enforcement Training ~~and~~ Standards Board shall
10 conduct or approve a training program in death and homicide
11 investigation for the training of law enforcement officers of
12 local government agencies. Only law enforcement officers who
13 successfully complete the training program may be assigned as
14 lead investigators in death and homicide investigations.
15 Satisfactory completion of the training program shall be
16 evidenced by a certificate issued to the law enforcement
17 officer by the Illinois Law Enforcement Training ~~and~~ Standards
18 Board.

19 The Illinois Law Enforcement Training ~~and~~ Standards Board
20 shall develop a process for waiver applications sent by a local
21 governmental ~~law enforcement~~ agency administrator for those
22 officers whose prior training and experience as homicide
23 investigators may qualify them for a waiver. The Board may
24 issue a waiver at its discretion, based solely on the prior
25 training and experience of an officer as a homicide

1 investigator. This Section does not affect or impede the powers
2 of the office of the coroner to investigate all deaths as
3 provided in Division 3-3 of the Counties Code and the Coroner
4 Training Board Act.

5 (Source: P.A. 99-408, eff. 1-1-16; revised 11-16-20.)

6 (50 ILCS 705/10.12)

7 Sec. 10.12. Police dog training standards. All police dogs
8 used by State and local governmental ~~law enforcement~~ agencies
9 for drug enforcement purposes pursuant to the Cannabis Control
10 Act, the Illinois Controlled Substances Act, or the
11 Methamphetamine Control and Community Protection Act shall be
12 trained by programs that meet the minimum certification
13 requirements set by the Board.

14 (Source: P.A. 101-27, eff. 6-25-19.)

15 (50 ILCS 705/10.13)

16 Sec. 10.13. Training; Post-Traumatic Stress Disorder
17 (PTSD). The Illinois Law Enforcement Training Standards Board
18 shall conduct or approve a training program in Post-Traumatic
19 Stress Disorder (PTSD) for law enforcement officers of local
20 governmental ~~government~~ agencies. The purpose of that training
21 shall be to equip law enforcement officers of local
22 governmental ~~government~~ agencies to identify the symptoms of
23 PTSD and to respond appropriately to individuals exhibiting
24 those symptoms.

1 (Source: P.A. 97-1040, eff. 1-1-13.)

2 (50 ILCS 705/10.16)

3 Sec. 10.16. Veterans' awareness. The Illinois Law
4 Enforcement Training Standards Board may conduct or approve a
5 training program in veterans' awareness for law enforcement
6 officers of local government agencies. The program shall train
7 law enforcement officers to identify issues relating to
8 veterans and provide guidelines dictating how law enforcement
9 officers should respond to and address such issues. Each local
10 governmental ~~government~~ agency is encouraged to designate an
11 individual to respond to veterans' issues.

12 (Source: P.A. 98-960, eff. 1-1-15.)

13 (50 ILCS 705/10.18)

14 Sec. 10.18. Training; administration of opioid
15 antagonists. The Board shall conduct or approve an in-service
16 training program for law enforcement ~~police~~ officers in the
17 administration of opioid antagonists as defined in paragraph
18 (1) of subsection (e) of Section 5-23 of the Substance Use
19 Disorder Act that is in accordance with that Section. As used
20 in this Section, the term "law enforcement ~~police~~ officers"
21 includes full-time or part-time probationary law enforcement
22 ~~police~~ officers, permanent or part-time law enforcement ~~police~~
23 officers, law enforcement officers, recruits, permanent or
24 probationary county corrections officers, permanent or

1 probationary county security officers, and court security
2 officers. The term does not include auxiliary police officers
3 as defined in Section 3.1-30-20 of the Illinois Municipal Code.
4 (Source: P.A. 99-480, eff. 9-9-15; 99-642, eff. 7-28-16;
5 100-759, eff. 1-1-19.)

6 (50 ILCS 705/10.19)

7 Sec. 10.19. Training; administration of epinephrine.

8 (a) This Section, along with Section 40 of the State Police
9 Act, may be referred to as the Annie LeGere Law.

10 (b) For purposes of this Section, "epinephrine
11 auto-injector" means a single-use device used for the automatic
12 injection of a pre-measured dose of epinephrine into the human
13 body prescribed in the name of a local governmental agency.

14 (c) The Board shall conduct or approve an optional advanced
15 training program for law enforcement ~~police~~ officers to
16 recognize and respond to anaphylaxis, including the
17 administration of an epinephrine auto-injector. The training
18 must include, but is not limited to:

19 (1) how to recognize symptoms of an allergic reaction;

20 (2) how to respond to an emergency involving an
21 allergic reaction;

22 (3) how to administer an epinephrine auto-injector;

23 (4) how to respond to an individual with a known
24 allergy as well as an individual with a previously unknown
25 allergy;

1 (5) a test demonstrating competency of the knowledge
2 required to recognize anaphylaxis and administer an
3 epinephrine auto-injector; and

4 (6) other criteria as determined in rules adopted by
5 the Board.

6 (d) A local governmental agency may authorize a law
7 enforcement ~~police~~ officer who has completed an optional
8 advanced training program under subsection (c) to carry,
9 administer, or assist with the administration of epinephrine
10 auto-injectors provided by the local governmental agency
11 whenever the officer ~~he or she~~ is performing official duties.

12 (e) A local governmental agency that authorizes its
13 officers to carry and administer epinephrine auto-injectors
14 under subsection (d) must establish a policy to control the
15 acquisition, storage, transportation, administration, and
16 disposal of epinephrine auto-injectors and to provide
17 continued training in the administration of epinephrine
18 auto-injectors.

19 (f) A physician, physician's assistant with prescriptive
20 authority, or advanced practice registered nurse with
21 prescriptive authority may provide a standing protocol or
22 prescription for epinephrine auto-injectors in the name of a
23 local governmental agency to be maintained for use when
24 necessary.

25 (g) When a law enforcement ~~police~~ officer administers an
26 epinephrine auto-injector in good faith, the law enforcement

1 ~~police~~ officer and local governmental agency, and its employees
2 and agents, including a physician, physician's assistant with
3 prescriptive authority, or advanced practice registered nurse
4 with prescriptive authority who provides a standing order or
5 prescription for an epinephrine auto-injector, incur no civil
6 or professional liability, except for willful and wanton
7 conduct, or as a result of any injury or death arising from the
8 use of an epinephrine auto-injector.

9 (Source: P.A. 99-711, eff. 1-1-17; 100-201, eff. 8-18-17;
10 100-648, eff. 7-31-18.)

11 (50 ILCS 705/10.20)

12 Sec. 10.20. Disposal of medications. The Board shall
13 develop rules and minimum standards for local governmental
14 agencies that authorize law enforcement ~~police~~ officers to
15 dispose of unused medications under Section 18 of the Safe
16 Pharmaceutical Disposal Act.

17 (Source: P.A. 99-648, eff. 1-1-17; 100-201, eff. 8-18-17.)

18 (50 ILCS 705/10.22)

19 Sec. 10.22. School resource officers.

20 (a) The Board shall develop or approve a course for school
21 resource officers as defined in Section 10-20.68 of the School
22 Code.

23 (b) The school resource officer course shall be developed
24 within one year after January 1, 2019 (the effective date of

1 Public Act 100-984) and shall be created in consultation with
2 organizations demonstrating expertise and or experience in the
3 areas of youth and adolescent developmental issues,
4 educational administrative issues, prevention of child abuse
5 and exploitation, youth mental health treatment, and juvenile
6 advocacy.

7 (c) The Board shall develop a process allowing law
8 enforcement agencies to request a waiver of this training
9 requirement for any specific individual assigned as a school
10 resource officer. Applications for these waivers may be
11 submitted by a local governmental ~~law enforcement~~ agency chief
12 administrator for any officer whose prior training and
13 experience may qualify for a waiver of the training requirement
14 of this subsection (c). The Board may issue a waiver at its
15 discretion, based solely on the prior training and experience
16 of an officer.

17 (d) Upon completion, the employing agency shall be issued a
18 certificate attesting to a specific officer's completion of the
19 school resource officer training. Additionally, a letter of
20 approval shall be issued to the employing agency for any
21 officer who is approved for a training waiver under this
22 subsection (d).

23 (Source: P.A. 100-984, eff. 1-1-19; 101-81, eff. 7-12-19.)

24 (50 ILCS 705/13 new)

25 Sec. 13. Admissibility. Notwithstanding any other law or

1 rule of evidence, the fact that a certificate was issued,
2 denied, or revoked by the Board, is admissible in a judicial or
3 administrative proceeding as prima facie evidence of any facts
4 stated.

5 (50 ILCS 705/6.2 rep.)

6 (50 ILCS 705/9.1 rep.)

7 (50 ILCS 705/10.5 rep.)

8 Section 25-45. The Illinois Police Training Act is amended
9 by repealing Sections 6.2, 9.1, and 10.5.

10 Section 25-50. The Counties Code is amended by changing
11 Section 3-6001.5 as follows:

12 (55 ILCS 5/3-6001.5)

13 Sec. 3-6001.5. Sheriff qualifications. ~~A On or after the~~
14 ~~effective date of this amendatory Act of the 98th General~~
15 ~~Assembly, except as otherwise provided in this Section, a~~
16 person is not eligible to be elected or appointed to the office
17 of sheriff, unless that person meets all of the following
18 requirements:

19 (1) Is a United States citizen.

20 (2) Has been a resident of the county for at least one
21 year.

22 (3) Is not a convicted felon.

23 (4) Has a certificate attesting to his or her

1 successful completion of the Minimum Standards Basic Law
2 Enforcement Officers Training Course as prescribed by the
3 Illinois Law Enforcement Training Standards Board or a
4 substantially similar training program of another state or
5 the federal government. This paragraph does not apply to a
6 sheriff currently serving on the effective date of this
7 amendatory Act of the 101st General Assembly.

8 (Source: P.A. 98-115, eff. 7-29-13.)

9 Article 99.

10 General Provisions

11 Section 99-995. No acceleration or delay. Where this Act
12 makes changes in a statute that is represented in this Act by
13 text that is not yet or no longer in effect (for example, a
14 Section represented by multiple versions), the use of that text
15 does not accelerate or delay the taking effect of (i) the
16 changes made by this Act or (ii) provisions derived from any
17 other Public Act.

18 Section 99-997. Severability. The provisions of this Act
19 are severable under Section 1.31 of the Statute on Statutes.

20 Section 99-999. Effective date. This Act takes effect July
21 1, 2021, except that Article 25 takes effect January 1, 2022,
22 Sections 10-105, 10-110, 10-115, 10-120, 10-140, 10-155,
23 10-160, 10-175, 10-180, 10-185, 10-190, 10-195, 10-200,

1 10-205, 10-210, 10-215, 10-255, 10-265, 10-270, 10-275,
2 10-280, 10-285, 10-290, 10-295, 10-300, 10-305, 10-310,
3 10-315, 10-320, and 10-325 take effect January 1, 2023, and
4 Article 2 takes effect January 1, 2025.