



Sen. Elgie R. Sims, Jr.

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1 AMENDMENT TO HOUSE BILL 3653

2 AMENDMENT NO. _____. Amend House Bill 3653 by replacing
3 everything after the enacting clause with the following:

4 "Article 1.
5 Deaths in Custody

6 Section 1-1. Short title. This Article may be cited as the
7 Reporting of Deaths in Custody Act. References in this Article
8 to "this Act" mean this Article.

9 Section 1-5. Report of deaths of persons in custody in
10 correctional institutions.

11 (a) In this Act, "law enforcement agency" includes each law
12 enforcement entity within this State having the authority to
13 arrest and detain persons suspected of, or charged with,
14 committing a criminal offense, and each law enforcement entity
15 that operates a lock up, jail, prison, or any other facility

1 used to detain persons for legitimate law enforcement purposes.

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

3 (1) while in the custody of:

4 (A) a law enforcement agency;

5 (B) a local or State correctional facility in this
6 State; or

7 (C) a peace officer; or

8 (2) as a result of the peace officer's use of force,
9 the law enforcement agency shall investigate and report the
10 death in writing to the Attorney General, no later than 30
11 days after the date on which the person in custody or
12 incarcerated died. The written report shall contain the
13 following information:

14 (A) facts concerning the death that are in the
15 possession of the law enforcement agency in charge of
16 the investigation and the correctional facility where
17 the death occurred including, but not limited to, cause
18 and manner of death, race, age, and gender of the
19 decedent;

20 (B) the jurisdiction, the law enforcement agency
21 providing the investigation, and the local or State
22 facility where the death occurred;

23 (C) if emergency care was requested by the law
24 enforcement agency in response to any illness, injury,
25 self-inflicted or otherwise, or other issue related to
26 rapid deterioration of physical wellness or human

1 subsistence, and details concerning emergency care
2 that were provided to the decedent if emergency care
3 was provided.

4 (c) The law enforcement agency and the involved
5 correctional administrators shall make a good faith effort to
6 obtain all relevant facts and circumstances relevant to the
7 death and include those in the report.

8 (d) The Attorney General shall create a standardized form
9 to be used for the purpose of collecting information as
10 described in subsection (b).

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

13 (1) while in the custody of:

14 (A) a law enforcement agency;

15 (B) a local or State correctional facility in this
16 State; or

17 (C) a peace officer; or

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

19 (f) The Attorney General may determine the manner in which
20 the form is transmitted from a law enforcement agency to the
21 Attorney General.

22 (g) The reports shall be public records within the meaning
23 of subsection (c) of Section 2 of the Freedom of Information
24 Act and are open to public inspection, with the exception of
25 any portion of the report that the Attorney General determines
26 is privileged or protected under Illinois or federal law.

1 (h) The Attorney General shall make available to the public
2 information of all individual reports relating to deaths in
3 custody through the Attorney General's website to be updated on
4 a quarterly basis.

5 (i) The Attorney General shall issue a public annual report
6 tabulating and evaluating trends and information on deaths in
7 custody, including, but not limited to:

8 (1) information regarding cause and manner of death,
9 race, and the gender of the decedent;

10 (2) the jurisdiction, law enforcement agency providing
11 the investigation, and local or State facility where the
12 death occurred; and

13 (3) recommendations and State and local efforts
14 underway to reduce deaths in custody.

15 The report shall be submitted to the Governor and General
16 Assembly and made available to the public on the Attorney
17 General's website the first week of February of each year.

18 (j) So that the State may oversee the healthcare provided
19 to any person in the custody of each law enforcement agency
20 within this State, provision of medical services to these
21 persons, general care and treatment, and any other factors that
22 may contribute to the death of any of these persons, the
23 following information shall be made available to the public on
24 the Attorney General's website:

25 (1) the number of deaths that occurred during the
26 preceding calendar year;

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

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

6 (A) treatment of a person experiencing withdrawal
7 from alcohol or substance use;

8 (B) the facility's provision, or lack of
9 provision, of medications used to treat, mitigate, or
10 address a person's symptoms; and

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

13 (k) The family, next of kin, or any other person reasonably
14 nominated by the decedent as an emergency contact shall be
15 notified as soon as possible in a suitable manner giving an
16 accurate factual account of the cause of death and
17 circumstances surrounding the death in custody.

18 (l) The law enforcement agency or correctional facility
19 shall name a staff person to act as dedicated family liaison
20 officer to be a point of contact for the family, to make and
21 maintain contact with the family, to report ongoing
22 developments and findings of investigations, and to provide
23 information and practical support. If requested by the
24 deceased's next of kin, the law enforcement agency or
25 correctional facility shall arrange for a chaplain, counselor,
26 or other suitable staff member to meet with the family and

1 discuss any faith considerations or concerns. The family has a
2 right to the medical records of a family member who has died in
3 custody and these records shall be disclosed to them.

4 (m) It is unlawful for a person who is required under this
5 Section to investigate a death or file a report to fail to
6 include in the report facts known or discovered in the
7 investigation to the Attorney General. A violation of this
8 Section is a petty offense, with fine not to exceed \$500.

9 Article 3.

10 Statewide Use of Force Standardization

11 Section 3-1. Short title. This Article may be cited as the
12 Statewide Use of Force Standardization Act. References in this
13 Article to "this Act" mean this Article.

14 Section 3-5. Statement of purpose. It is the intent of the
15 General Assembly to establish statewide use of force standards
16 for law enforcement agencies effective January 1, 2022.

17 Article 4.

18 Prison Gerrymandering

19 Section 4-1. Short title. This Article may be cited as the
20 Prison Gerrymandering Act. References in this Article to "this
21 Act" mean this Article.

1 Section 4-5. Prison gerrymandering.

2 (a) By April 1 in the year immediately following where the
3 federal decennial census is taken but in which the United
4 States Bureau of the Census allocates incarcerated persons as
5 residents of correctional facilities, the Department of
6 Corrections shall deliver to the offices of Speaker of the
7 House of Representatives, President of the Senate, Minority
8 Leader of the House, and Minority Leader of the Senate
9 information regarding the last known place of residence prior
10 to incarceration of each inmate incarcerated in a state adult
11 correctional facility, except an inmate whose last known place
12 of residence is outside Illinois.

13 (b) In the year immediately following when the federal
14 decennial census is taken but in which the United States Bureau
15 of the Census allocates incarcerated persons as residents of
16 correctional facilities, the Secretary of State shall request
17 that each agency that operates a federal correctional facility
18 in this State that incarcerates persons convicted of a criminal
19 offense to provide the Secretary of State with a report that
20 includes the last known place of residence prior to
21 incarceration of each inmate, except an inmate whose last known
22 place of residence is outside Illinois. The Secretary of State
23 shall deliver such report to the offices of Speaker of the
24 House of Representatives, President of the Senate, Minority
25 Leader of the House, and Minority Leader of the Senate by April

1 1 of the year immediately following the federal decennial
2 census.

3 (c) For purposes of reapportionment and redistricting, the
4 General Assembly shall count each incarcerated person as
5 residing at his or her last known place of residence, rather
6 than at the institution of his or her incarceration.

7 Article 5.

8 Police Integrity and Accountability

9 Section 5-1. Short title. This Article may be cited as the
10 Police Integrity and Accountability Act. References in this
11 Article to "this Act" mean this Article.

12 Section 5-5. Right of action.

13 (a) A peace officer, as defined in Section 2-13 of the
14 Criminal Code of 2012, who subjects or causes to be subjected,
15 including by failing to intervene, any other person to the
16 deprivation of any individual rights arising under the Illinois
17 Constitution, is liable to the injured party for legal or
18 equitable relief or any other appropriate relief.

19 (b) Sovereign immunities and statutory immunities and
20 statutory limitations on liability, damages, or attorney's
21 fees do not apply to claims brought under this Section. The
22 Local Governmental and Governmental Employees Tort Immunity
23 Act does not apply to claims brought under this Section.

1 (c) Qualified immunity is not a defense to liability under
2 this Section.

3 (d) In any action brought under this Section, a court shall
4 award reasonable attorney's fees and costs to the plaintiff,
5 including expert witness fees and other litigation expenses, if
6 they are a prevailing party as defined in subsection (d) of
7 Section 5 of the Illinois Civil Rights Act of 2003. In actions
8 for injunctive relief, a court shall deem a plaintiff to have
9 prevailed if the plaintiff's suit was a substantial factor or
10 significant catalyst in obtaining the results sought by the
11 litigation. When a judgment is entered in favor of a defendant,
12 the court may award reasonable costs and attorney's fees to the
13 defendant for defending claims the court finds frivolous.

14 (e) A civil action under this Section must be commenced
15 within 5 years after the cause of action accrues.

16 Section 5-10. Reporting of judgments and settlements.

17 (a) Any unit of local government that employs a peace
18 officer who incurs liability under this Act, whether in the
19 form of judgment or settlement entered against the peace
20 officer for claims arising under this Act, shall publicly
21 disclose:

22 (1) the name of any peace officer or officers whose
23 actions or conduct led to the judgment or settlement;

24 (2) the amount of the judgment or settlement, and the
25 portion of that judgment or settlement, if any, indemnified

1 by the unit of local government;

2 (3) any internal discipline taken against the peace
3 officer or officers whose actions or conduct led to the
4 judgment or settlement; and

5 (4) any criminal charges pursued against the peace
6 officer or officers for the actions or conduct that led to
7 the judgment or settlement.

8 (b) The unit of local government shall not disclose the
9 address, social security number, or other unique, non-public
10 personal identifying information of any individual who brings a
11 claim under this Act.

12 Article 10.

13 Amendatory Provisions

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

16 (5 ILCS 70/1.43 new)

17 Sec. 1.43. Reference to bail, bail bond, or conditions of
18 bail. Whenever there is a reference in any Act to "bail", "bail
19 bond", or "conditions of bail", these terms shall be construed
20 as "pretrial release" or "conditions of pretrial release".

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

1 (5 ILCS 140/2.15)

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

3 (a) Arrest reports. The following chronologically
4 maintained arrest and criminal history information maintained
5 by State or local criminal justice agencies shall be furnished
6 as soon as practical, but in no event later than 72 hours after
7 the arrest, notwithstanding the time limits otherwise provided
8 for in Section 3 of this Act: (i) information that identifies
9 the individual, including the name, age, address, and
10 photograph, when and if available; (ii) information detailing
11 any charges relating to the arrest; (iii) the time and location
12 of the arrest; (iv) the name of the investigating or arresting
13 law enforcement agency; (v) if the individual is incarcerated,
14 the conditions of pretrial release ~~amount of any bail or bond~~;
15 and (vi) if the individual is incarcerated, the time and date
16 that the individual was received into, discharged from, or
17 transferred from the arresting agency's custody.

18 (b) Criminal history records. The following documents
19 maintained by a public body pertaining to criminal history
20 record information are public records subject to inspection and
21 copying by the public pursuant to this Act: (i) court records
22 that are public; (ii) records that are otherwise available
23 under State or local law; and (iii) records in which the
24 requesting party is the individual identified, except as
25 provided under Section 7(1)(d)(vi).

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

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

12 (e) Notwithstanding the requirements of subsection (a), a
13 law enforcement agency may not publish booking photographs,
14 commonly known as "mugshots", on its social networking website
15 in connection with civil offenses, petty offenses, business
16 offenses, Class C misdemeanors, and Class B misdemeanors unless
17 the booking photograph is posted to the social networking
18 website to assist in the search for a missing person or to
19 assist in the search for a fugitive, person of interest, or
20 individual wanted in relation to a crime other than a petty
21 offense, business offense, Class C misdemeanor, or Class B
22 misdemeanor. As used in this subsection, "social networking
23 website" has the meaning provided in Section 10 of the Right to
24 Privacy in the Workplace Act.

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

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

3 (5 ILCS 160/4a)

4 Sec. 4a. Arrest records and reports.

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

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

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

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

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

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

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

21 (b) The information required by this Section must be made
22 available to the news media for inspection and copying as soon
23 as practicable, but in no event shall the time period exceed 72
24 hours from the arrest. The information described in paragraphs
25 (3), (4), (5), and (6) of subsection (a), however, may be

1 withheld if it is determined that disclosure would:

2 (1) interfere with pending or actually and reasonably
3 contemplated law enforcement proceedings conducted by any
4 law enforcement or correctional agency;

5 (2) endanger the life or physical safety of law
6 enforcement or correctional personnel or any other person;
7 or

8 (3) compromise the security of any correctional
9 facility.

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

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

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

26 (f) All information, including photographs, made available

1 under this Section is subject to the provisions of Section 2000
2 of the Consumer Fraud and Deceptive Business Practices Act.

3 (g) Notwithstanding the requirements of subsection (a), a
4 law enforcement agency may not publish booking photographs,
5 commonly known as "mugshots", on its social networking website
6 in connection with civil offenses, petty offenses, business
7 offenses, Class C misdemeanors, and Class B misdemeanors unless
8 the booking photograph is posted to the social networking
9 website to assist in the search for a missing person or to
10 assist in the search for a fugitive, person of interest, or
11 individual wanted in relation to a crime other than a petty
12 offense, business offense, Class C misdemeanor, or Class B
13 misdemeanor. As used in this subsection, "social networking
14 website" has the meaning provided in Section 10 of the Right to
15 Privacy in the Workplace Act.

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

17 Section 10-116. The Illinois Public Labor Relations Act is
18 amended by changing Sections 4, 8, 14 and 20 as follows:

19 (5 ILCS 315/4) (from Ch. 48, par. 1604)

20 (Text of Section WITH the changes made by P.A. 98-599,
21 which has been held unconstitutional)

22 Sec. 4. Management Rights. Employers shall not be required
23 to bargain over matters of inherent managerial policy, which
24 shall include such areas of discretion or policy as the

1 functions of the employer, standards of services, its overall
2 budget, the organizational structure and selection of new
3 employees, examination techniques and direction of employees.
4 Employers, however, shall be required to bargain collectively
5 with regard to policy matters directly affecting wages, hours
6 and terms and conditions of employment as well as the impact
7 thereon upon request by employee representatives, except as
8 provided in Section 7.5.

9 To preserve the rights of employers and exclusive
10 representatives which have established collective bargaining
11 relationships or negotiated collective bargaining agreements
12 prior to the effective date of this Act, employers shall be
13 required to bargain collectively with regard to any matter
14 concerning wages, hours or conditions of employment about which
15 they have bargained for and agreed to in a collective
16 bargaining agreement prior to the effective date of this Act,
17 except as provided in Section 7.5.

18 The chief judge of the judicial circuit that employs a
19 public employee who is a court reporter, as defined in the
20 Court Reporters Act, has the authority to hire, appoint,
21 promote, evaluate, discipline, and discharge court reporters
22 within that judicial circuit.

23 Nothing in this amendatory Act of the 94th General Assembly
24 shall be construed to intrude upon the judicial functions of
25 any court. This amendatory Act of the 94th General Assembly
26 applies only to nonjudicial administrative matters relating to

1 the collective bargaining rights of court reporters.

2 (Source: P.A. 98-599, eff. 6-1-14.)

3 (Text of Section WITHOUT the changes made by P.A. 98-599,
4 which has been held unconstitutional)

5 Sec. 4. Management Rights. Employers shall not be required
6 to bargain over matters of inherent managerial policy, which
7 shall include such areas of discretion or policy as the
8 functions of the employer, standards of services, its overall
9 budget, the organizational structure and selection of new
10 employees, examination techniques, ~~and~~ direction of employees,
11 and the discipline or discharge of peace officers. Employers,
12 however, shall be required to bargain collectively with regard
13 to policy matters directly affecting wages, hours and terms and
14 conditions of employment as well as the impact thereon upon
15 request by employee representatives. Notwithstanding any
16 provision of this Act, employers shall not be required to
17 bargain over matters relating to the discipline or discharge of
18 peace officers. Provisions in existing collective bargaining
19 agreements that address the discipline or discharge of peace
20 officers shall lapse by operation of law on the renewal or
21 extension of existing collective bargaining agreements by
22 whatever means, or the approval of a collective bargaining
23 agreement by the corporate authorities of the employer after
24 the effective date of this Act, without imposing a duty to
25 bargain on employers.

1 To preserve the rights of employers and exclusive
2 representatives which have established collective bargaining
3 relationships or negotiated collective bargaining agreements
4 prior to the effective date of this Act, employers shall be
5 required to bargain collectively with regard to any matter
6 concerning wages, hours or conditions of employment about which
7 they have bargained for and agreed to in a collective
8 bargaining agreement prior to the effective date of this Act.

9 The chief judge of the judicial circuit that employs a
10 public employee who is a court reporter, as defined in the
11 Court Reporters Act, has the authority to hire, appoint,
12 promote, evaluate, discipline, and discharge court reporters
13 within that judicial circuit.

14 Nothing in this amendatory Act of the 94th General Assembly
15 shall be construed to intrude upon the judicial functions of
16 any court. This amendatory Act of the 94th General Assembly
17 applies only to nonjudicial administrative matters relating to
18 the collective bargaining rights of court reporters.

19 (Source: P.A. 94-98, eff. 7-1-05.)

20 (5 ILCS 315/8) (from Ch. 48, par. 1608)

21 Sec. 8. Grievance Procedure. The collective bargaining
22 agreement negotiated between the employer and the exclusive
23 representative shall contain a grievance resolution procedure
24 which shall apply to all employees in the bargaining unit,
25 except as to disputes regarding the discipline or discharge of

1 peace officers, and shall provide for final and binding
2 arbitration of disputes concerning the administration or
3 interpretation of the agreement unless mutually agreed
4 otherwise. Any agreement containing a final and binding
5 arbitration provision shall also contain a provision
6 prohibiting strikes for the duration of the agreement. The
7 grievance and arbitration provisions of any collective
8 bargaining agreement shall be subject to the Illinois "Uniform
9 Arbitration Act". The costs of such arbitration shall be borne
10 equally by the employer and the employee organization.

11 (Source: P.A. 83-1012.)

12 (5 ILCS 315/14) (from Ch. 48, par. 1614)

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

15 (a) In the case of collective bargaining agreements
16 involving units of security employees of a public employer,
17 Peace Officer Units, or units of fire fighters or paramedics,
18 and in the case of disputes under Section 18, unless the
19 parties mutually agree to some other time limit, mediation
20 shall commence 30 days prior to the expiration date of such
21 agreement or at such later time as the mediation services
22 chosen under subsection (b) of Section 12 can be provided to
23 the parties. In the case of negotiations for an initial
24 collective bargaining agreement, mediation shall commence upon
25 15 days notice from either party or at such later time as the

1 mediation services chosen pursuant to subsection (b) of Section
2 12 can be provided to the parties. In mediation under this
3 Section, if either party requests the use of mediation services
4 from the Federal Mediation and Conciliation Service, the other
5 party shall either join in such request or bear the additional
6 cost of mediation services from another source. The mediator
7 shall have a duty to keep the Board informed on the progress of
8 the mediation. If any dispute has not been resolved within 15
9 days after the first meeting of the parties and the mediator,
10 or within such other time limit as may be mutually agreed upon
11 by the parties, either the exclusive representative or employer
12 may request of the other, in writing, arbitration, and shall
13 submit a copy of the request to the Board.

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

20 (c) Within 7 days after the request of either party, the
21 parties shall request a panel of impartial arbitrators from
22 which they shall select the neutral chairman according to the
23 procedures provided in this Section. If the parties have agreed
24 to a contract that contains a grievance resolution procedure as
25 provided in Section 8, the chairman shall be selected using
26 their agreed contract procedure unless they mutually agree to

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

25 (d) The chairman shall call a hearing to begin within 15
26 days and give reasonable notice of the time and place of the

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

25 (e) The arbitration panel may administer oaths, require the
26 attendance of witnesses, and the production of such books,

1 papers, contracts, agreements and documents as may be deemed by
2 it material to a just determination of the issues in dispute,
3 and for such purpose may issue subpoenas. If any person refuses
4 to obey a subpoena, or refuses to be sworn or to testify, or if
5 any witness, party or attorney is guilty of any contempt while
6 in attendance at any hearing, the arbitration panel may, or the
7 attorney general if requested shall, invoke the aid of any
8 circuit court within the jurisdiction in which the hearing is
9 being held, which court shall issue an appropriate order. Any
10 failure to obey the order may be punished by the court as
11 contempt.

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

21 (g) At or before the conclusion of the hearing held
22 pursuant to subsection (d), the arbitration panel shall
23 identify the economic issues in dispute, and direct each of the
24 parties to submit, within such time limit as the panel shall
25 prescribe, to the arbitration panel and to each other its last
26 offer of settlement on each economic issue. The determination

1 of the arbitration panel as to the issues in dispute and as to
2 which of these issues are economic shall be conclusive. The
3 arbitration panel, within 30 days after the conclusion of the
4 hearing, or such further additional periods to which the
5 parties may agree, shall make written findings of fact and
6 promulgate a written opinion and shall mail or otherwise
7 deliver a true copy thereof to the parties and their
8 representatives and to the Board. As to each economic issue,
9 the arbitration panel shall adopt the last offer of settlement
10 which, in the opinion of the arbitration panel, more nearly
11 complies with the applicable factors prescribed in subsection
12 (h). The findings, opinions and order as to all other issues
13 shall be based upon the applicable factors prescribed in
14 subsection (h).

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

23 (1) The lawful authority of the employer.

24 (2) Stipulations of the parties.

25 (3) The interests and welfare of the public and the
26 financial ability of the unit of government to meet those

1 costs.

2 (4) Comparison of the wages, hours and conditions of
3 employment of the employees involved in the arbitration
4 proceeding with the wages, hours and conditions of
5 employment of other employees performing similar services
6 and with other employees generally:

7 (A) In public employment in comparable
8 communities.

9 (B) In private employment in comparable
10 communities.

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

13 (6) The overall compensation presently received by the
14 employees, including direct wage compensation, vacations,
15 holidays and other excused time, insurance and pensions,
16 medical and hospitalization benefits, the continuity and
17 stability of employment and all other benefits received.

18 (7) Changes in any of the foregoing circumstances
19 during the pendency of the arbitration proceedings.

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

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

22 In the case of fire fighter, and fire department or fire
23 district paramedic matters, the arbitration decision shall be
24 limited to wages, hours, and conditions of employment
25 (including manning and also including residency requirements
26 in municipalities with a population under 1,000,000, but those

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

20 The changes to this subsection (i) made by Public Act
21 90-385 (relating to residency requirements) do not apply to
22 persons who are employed by a combined department that performs
23 both police and firefighting services; these persons shall be
24 governed by the provisions of this subsection (i) relating to
25 peace officers, as they existed before the amendment by Public
26 Act 90-385.

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

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

1 (k) Orders of the arbitration panel shall be reviewable,
2 upon appropriate petition by either the public employer or the
3 exclusive bargaining representative, by the circuit court for
4 the county in which the dispute arose or in which a majority of
5 the affected employees reside, but only for reasons that the
6 arbitration panel was without or exceeded its statutory
7 authority; the order is arbitrary, or capricious; or the order
8 was procured by fraud, collusion or other similar and unlawful
9 means. Such petitions for review must be filed with the
10 appropriate circuit court within 90 days following the issuance
11 of the arbitration order. The pendency of such proceeding for
12 review shall not automatically stay the order of the
13 arbitration panel. The party against whom the final decision of
14 any such court shall be adverse, if such court finds such
15 appeal or petition to be frivolous, shall pay reasonable
16 attorneys' fees and costs to the successful party as determined
17 by said court in its discretion. If said court's decision
18 affirms the award of money, such award, if retroactive, shall
19 bear interest at the rate of 12 percent per annum from the
20 effective retroactive date.

21 (l) During the pendency of proceedings before the
22 arbitration panel, existing wages, hours, and other conditions
23 of employment shall not be changed by action of either party
24 without the consent of the other but a party may so consent
25 without prejudice to his rights or position under this Act. The
26 proceedings are deemed to be pending before the arbitration

1 panel upon the initiation of arbitration procedures under this
2 Act.

3 (m) Security officers of public employers, and Peace
4 Officers, Fire Fighters and fire department and fire protection
5 district paramedics, covered by this Section may not withhold
6 services, nor may public employers lock out or prevent such
7 employees from performing services at any time.

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

12 The governing body shall review each term decided by the
13 arbitration panel. If the governing body fails to reject one or
14 more terms of the arbitration panel's decision by a 3/5 vote of
15 those duly elected and qualified members of the governing body,
16 within 20 days of issuance, or in the case of firefighters
17 employed by a state university, at the next regularly scheduled
18 meeting of the governing body after issuance, such term or
19 terms shall become a part of the collective bargaining
20 agreement of the parties. If the governing body affirmatively
21 rejects one or more terms of the arbitration panel's decision,
22 it must provide reasons for such rejection with respect to each
23 term so rejected, within 20 days of such rejection and the
24 parties shall return to the arbitration panel for further
25 proceedings and issuance of a supplemental decision with
26 respect to the rejected terms. Any supplemental decision by an

1 arbitration panel or other decision maker agreed to by the
2 parties shall be submitted to the governing body for
3 ratification and adoption in accordance with the procedures and
4 voting requirements set forth in this Section. The voting
5 requirements of this subsection shall apply to all disputes
6 submitted to arbitration pursuant to this Section
7 notwithstanding any contrary voting requirements contained in
8 any existing collective bargaining agreement between the
9 parties.

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

18 (p) Notwithstanding the provisions of this Section the
19 employer and exclusive representative may agree to submit
20 unresolved disputes concerning wages, hours, terms and
21 conditions of employment to an alternative form of impasse
22 resolution.

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

24 (5 ILCS 315/20) (from Ch. 48, par. 1620)

25 Sec. 20. Prohibitions.

1 (a) Nothing in this Act shall be construed to require an
2 individual employee to render labor or service without his
3 consent, nor shall anything in this Act be construed to make
4 the quitting of his labor by an individual employee an illegal
5 act; nor shall any court issue any process to compel the
6 performance by an individual employee of such labor or service,
7 without his consent; nor shall the quitting of labor by an
8 employee or employees in good faith because of abnormally
9 dangerous conditions for work at the place of employment of
10 such employee be deemed a strike under this Act.

11 (b) This Act shall not be applicable to units of local
12 government employing less than 5 employees at the time the
13 Petition for Certification or Representation is filed with the
14 Board. This prohibition shall not apply to bargaining units in
15 existence on the effective date of this Act and units of local
16 government employing more than 5 employees where the total
17 number of employees falls below 5 after the Board has certified
18 a bargaining unit.

19 (c) On or after the effective date of this amendatory Act
20 of the 101st General Assembly, no collective bargaining
21 agreement applicable to peace officers, including, but not
22 limited to, the Illinois State Police, shall be entered into
23 containing any provision that does not pertain directly to
24 wages or benefits, or both, including any provision pertaining
25 to discipline.

26 (Source: P.A. 93-442, eff. 1-1-04; 93-1080, eff. 6-1-05; 94-67,

1 eff. 1-1-06.)

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

6 (5 ILCS 820/1)

7 Sec. 1. Short title. This Act may be cited as the
8 Community-Law Enforcement and Other First Responder
9 Partnership for Deflection and Substance Use Disorder
10 Treatment Act.

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

12 (5 ILCS 820/5)

13 Sec. 5. Purposes. The General Assembly hereby acknowledges
14 that opioid use disorders, overdoses, and deaths in Illinois
15 are persistent and growing concerns for Illinois communities.
16 These concerns compound existing challenges to adequately
17 address and manage substance use and mental health disorders.
18 Law enforcement officers, other first responders, and
19 co-responders have a unique opportunity to facilitate
20 connections to community-based behavioral health interventions
21 that provide substance use treatment and can help save and
22 restore lives; help reduce drug use, overdose incidence,
23 criminal offending, and recidivism; and help prevent arrest and

1 conviction records that destabilize health, families, and
2 opportunities for community citizenship and self-sufficiency.
3 These efforts are bolstered when pursued in partnership with
4 licensed behavioral health treatment providers and community
5 members or organizations. It is the intent of the General
6 Assembly to authorize law enforcement and other first
7 responders to develop and implement collaborative deflection
8 programs in Illinois that offer immediate pathways to substance
9 use treatment and other services as an alternative to
10 traditional case processing and involvement in the criminal
11 justice system, and to unnecessary admission to emergency
12 departments.

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

14 (5 ILCS 820/10)

15 Sec. 10. Definitions. In this Act:

16 "Case management" means those services which will assist
17 persons in gaining access to needed social, educational,
18 medical, substance use and mental health treatment, and other
19 services.

20 "Community member or organization" means an individual
21 volunteer, resident, public office, or a not-for-profit
22 organization, religious institution, charitable organization,
23 or other public body committed to the improvement of individual
24 and family mental and physical well-being and the overall
25 social welfare of the community, and may include persons with

1 lived experience in recovery from substance use disorder,
2 either themselves or as family members.

3 "Other first responder" means and includes emergency
4 medical services providers that are public units of government,
5 fire departments and districts, and officials and responders
6 representing and employed by these entities.

7 "Deflection program" means a program in which a peace
8 officer or member of a law enforcement agency or other first
9 responder facilitates contact between an individual and a
10 licensed substance use treatment provider or clinician for
11 assessment and coordination of treatment planning, including
12 co-responder approaches that incorporate behavioral health,
13 peer, or social work professionals with law enforcement or
14 other first responders at the scene. This facilitation includes
15 defined criteria for eligibility and communication protocols
16 agreed to by the law enforcement agency or other first
17 responder entity and the licensed treatment provider for the
18 purpose of providing substance use treatment to those persons
19 in lieu of arrest or further justice system involvement, or
20 unnecessary admissions to the emergency department. Deflection
21 programs may include, but are not limited to, the following
22 types of responses:

23 (1) a post-overdose deflection response initiated by a
24 peace officer or law enforcement agency subsequent to
25 emergency administration of medication to reverse an
26 overdose, or in cases of severe substance use disorder with

1 acute risk for overdose;

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

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

10 (4) an officer or other first responder prevention
11 deflection response initiated by a peace officer or law
12 enforcement agency in response to a community call when no
13 criminal charges are present; and

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

17 "Law enforcement agency" means a municipal police
18 department or county sheriff's office of this State, the
19 Department of State Police, or other law enforcement agency
20 whose officers, by statute, are granted and authorized to
21 exercise powers similar to those conferred upon any peace
22 officer employed by a law enforcement agency of this State.

23 "Licensed treatment provider" means an organization
24 licensed by the Department of Human Services to perform an
25 activity or service, or a coordinated range of those activities
26 or services, as the Department of Human Services may establish

1 by rule, such as the broad range of emergency, outpatient,
2 intensive outpatient, and residential services and care,
3 including assessment, diagnosis, case management, medical,
4 psychiatric, psychological and social services,
5 medication-assisted treatment, care and counseling, and
6 recovery support, which may be extended to persons to assess or
7 treat substance use disorder or to families of those persons.

8 "Peace officer" means any peace officer or member of any
9 duly organized State, county, or municipal peace officer unit,
10 any police force of another State, or any police force whose
11 members, by statute, are granted and authorized to exercise
12 powers similar to those conferred upon any peace officer
13 employed by a law enforcement agency of this State.

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

19 "Treatment" means the broad range of emergency,
20 outpatient, intensive outpatient, and residential services and
21 care (including assessment, diagnosis, case management,
22 medical, psychiatric, psychological and social services,
23 medication-assisted treatment, care and counseling, and
24 recovery support) which may be extended to persons who have
25 substance use disorders, persons with mental illness, or
26 families of those persons.

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

2 (5 ILCS 820/15)

3 Sec. 15. Authorization.

4 (a) Any law enforcement agency or other first responder
5 entity may establish a deflection program subject to the
6 provisions of this Act in partnership with one or more licensed
7 providers of substance use disorder treatment services and one
8 or more community members or organizations. Programs
9 established by another first responder entity shall also
10 include a law enforcement agency.

11 (b) The deflection program may involve a post-overdose
12 deflection response, a self-referral deflection response, an
13 active outreach deflection response, an officer or other first
14 responder prevention deflection response, or an officer
15 intervention deflection response, or any combination of those.

16 (c) Nothing shall preclude the General Assembly from adding
17 other responses to a deflection program, or preclude a law
18 enforcement agency or other first responder entity from
19 developing a deflection program response based on a model
20 unique and responsive to local issues, substance use or mental
21 health needs, and partnerships, using sound and promising or
22 evidence-based practices.

23 (c-5) Whenever appropriate and available, case management
24 should be provided by a licensed treatment provider or other
25 appropriate provider and may include peer recovery support

1 approaches.

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

5 (1) the involvement of one or more licensed treatment
6 programs and one or more community members or
7 organizations; and

8 (2) an agreement with the Illinois Criminal Justice
9 Information Authority to collect and evaluate relevant
10 statistical data related to the program, as established by
11 the Illinois Criminal Justice Information Authority in
12 paragraph (2) of subsection (a) of Section 25 of this Act.

13 (3) an agreement with participating licensed treatment
14 providers authorizing the release of statistical data to
15 the Illinois Criminal Justice Information Authority, in
16 compliance with State and Federal law, as established by
17 the Illinois Criminal Justice Information Authority in
18 paragraph (2) of subsection (a) of Section 25 of this Act.

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

20 (5 ILCS 820/20)

21 Sec. 20. Procedure. The law enforcement agency or other
22 first responder entity, licensed treatment providers, and
23 community members or organizations shall establish a local
24 deflection program plan that includes protocols and procedures
25 for participant identification, screening or assessment,

1 treatment facilitation, reporting, and ongoing involvement of
2 the law enforcement agency. Licensed substance use disorder
3 treatment organizations shall adhere to 42 CFR Part 2 regarding
4 confidentiality regulations for information exchange or
5 release. Substance use disorder treatment services shall
6 adhere to all regulations specified in Department of Human
7 Services Administrative Rules, Parts 2060 and 2090.

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

9 (5 ILCS 820/21 new)

10 Sec. 21. Training. The law enforcement agency or other
11 first responder entity in programs that receive funding for
12 services under Section 35 of this Act shall and that receive
13 training under subsection (a.1) of Section 35 shall be trained
14 in all of the following:

15 (a) Neuroscience of Addiction for Law Enforcement.

16 (b) Medication-Assisted Treatment.

17 (c) Criminogenic Risk-Need for Health and Safety.

18 (d) Why Drug Treatment Works.

19 (e) Eliminating Stigma for People with Substance-Use
20 Disorders and Mental Health.

21 (f) Avoiding Racial Bias in Deflection Program.

22 (g) Promotion Racial and Gender Equity in Deflection.

23 (h) Working With Community Partnerships.

24 (i) Deflection in Rural Communities.

1 (5 ILCS 820/30)

2 Sec. 30. Exemption from civil liability. The law
3 enforcement agency or peace officer or other first responder
4 acting in good faith shall not, as the result of acts or
5 omissions in providing services under Section 15 of this Act,
6 be liable for civil damages, unless the acts or omissions
7 constitute willful and wanton misconduct.

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

9 (5 ILCS 820/35)

10 Sec. 35. Funding.

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

17 (a.1) Up to 10 percent of appropriated funds may be
18 expended on activities related to knowledge dissemination,
19 training, technical assistance, or other similar activities
20 intended to increase practitioner and public awareness of
21 deflection or to support its implementation. The Illinois
22 Criminal Justice Information Authority may adopt guidelines
23 and requirements to direct the distribution of funds for these
24 activities.

25 (b) For all appropriated funds not distributed under

1 subsection a.1, the ~~The~~ Illinois Criminal Justice Information
2 Authority may adopt guidelines and requirements to direct the
3 distribution of funds for expenses related to deflection
4 programs. Funding shall be made available to support both new
5 and existing deflection programs in a broad spectrum of
6 geographic regions in this State, including urban, suburban,
7 and rural communities. Funding for deflection programs shall be
8 prioritized for communities that have been impacted by the war
9 on drugs, communities that have a police/community relations
10 issue, and communities that have a disproportionate lack of
11 access to mental health and drug treatment. Activities eligible
12 for funding under this Act may include, but are not limited to,
13 the following:

14 (1) activities related to program administration,
15 coordination, or management, including, but not limited
16 to, the development of collaborative partnerships with
17 licensed treatment providers and community members or
18 organizations; collection of program data; or monitoring
19 of compliance with a local deflection program plan;

20 (2) case management including case management provided
21 prior to assessment, diagnosis, and engagement in
22 treatment, as well as assistance navigating and gaining
23 access to various treatment modalities and support
24 services;

25 (3) peer recovery or recovery support services that
26 include the perspectives of persons with the experience of

1 recovering from a substance use disorder, either
2 themselves or as family members;

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

5 (5) program evaluation activities.

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

10 (7) treatment necessary to prevent gaps in service
11 delivery between linkage and coverage by other funding
12 sources when otherwise non-reimbursable.

13 (c) Specific linkage agreements with recovery support
14 services or self-help entities may be a requirement of the
15 program services protocols. All deflection programs shall
16 encourage the involvement of key family members and significant
17 others as a part of a family-based approach to treatment. All
18 deflection programs are encouraged to use evidence-based
19 practices and outcome measures in the provision of substance
20 use disorder treatment and medication-assisted treatment for
21 persons with opioid use disorders.

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

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

1 (15 ILCS 205/10 new)

2 Sec. 10. Executive officers.

3 (a) As used in this Section:

4 (1) "Governmental authority" means any local
5 governmental unit in this State, any municipal corporation
6 in this State, or any governmental unit of the State of
7 Illinois. This includes any office, officer, department,
8 division, bureau, board, commission, or agency of the
9 State.

10 (2) "Officer" means any probationary law enforcement
11 officer, probationary part-time law enforcement officer,
12 permanent law enforcement officer, part-time law
13 enforcement officer, law enforcement officer, recruit,
14 probationary county corrections officer, permanent county
15 corrections officer, county corrections officer,
16 probationary court security officer, permanent court
17 security officer, or court security officer as defined in
18 Section 2 of the Police Training Act.

19 (b) No governmental authority, or agent of a governmental
20 authority, or person acting on behalf of a governmental
21 authority, shall engage in a pattern or practice of conduct by
22 officers that deprives any person of rights, privileges, or
23 immunities secured or protected by the Constitution or laws of
24 the United States or by the Constitution or laws of Illinois.

25 (c) Whenever the Illinois Attorney General has reasonable
26 cause to believe that a violation of subsection (b) has

1 occurred, the Illinois Attorney General may commence a civil
2 action in the name of the People of the State to obtain
3 appropriate equitable and declaratory relief to eliminate the
4 pattern or practice. Venue for this civil action shall be
5 Sangamon County or Cook County. Such actions shall be commenced
6 no later than 5 years after the occurrence or the termination
7 of an alleged violation, whichever occurs last.

8 (d) Prior to initiating a civil action, the Attorney
9 General may conduct a preliminary investigation to determine
10 whether there is reasonable cause to believe that a violation
11 of subsection (b) has occurred. In conducting this
12 investigation, the Attorney General may:

13 (1) require the individual or entity to file a
14 statement or report in writing under oath or otherwise, as
15 to all information the Attorney General may consider
16 necessary;

17 (2) examine under oath any person alleged to have
18 participated in or with knowledge of the alleged pattern
19 and practice violation; or

20 (3) issue subpoenas or conduct hearings in aid of any
21 investigation.

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

25 (1) personally by delivery of a duly executed copy
26 thereof to the person to be served or, if a person is not a

1 natural person, in the manner provided in the Code of Civil
2 Procedure when a complaint is filed; or

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

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

11 (f) (1) In any civil action brought pursuant to subsection
12 (c) of this Section, the Attorney General may obtain as a
13 remedy equitable and declaratory relief (including any
14 permanent or preliminary injunction, temporary restraining
15 order, or other order, including an order enjoining the
16 defendant from engaging in such violation or ordering any
17 action as may be appropriate). In addition, the Attorney
18 General may request and the Court may impose a civil penalty to
19 vindicate the public interest in an amount not exceeding
20 \$25,000 per violation, or if the defendant has been adjudged to
21 have committed one other civil rights violation under this
22 Section within 5 years of the occurrence of the violation that
23 is the basis of the complaint, in an amount not exceeding
24 \$50,000.

25 (2) A civil penalty imposed under this subsection shall be
26 deposited into the Attorney General Court Ordered and Voluntary

1 Compliance Payment Projects Fund, which is a special fund in
2 the State Treasury. Moneys in the Fund shall be used, subject
3 to appropriation, for the performance of any function
4 pertaining to the exercise of the duties of the Attorney
5 General including but not limited to enforcement of any law of
6 this State and conducting public education programs; however,
7 any moneys in the Fund that are required by the court or by an
8 agreement to be used for a particular purpose shall be used for
9 that purpose.

10 Section 10-117. The Illinois Identification Card Act is
11 amended by changing Section 4 as follows:

12 (15 ILCS 335/4) (from Ch. 124, par. 24)

13 Sec. 4. Identification card.

14 (a) The Secretary of State shall issue a standard Illinois
15 Identification Card to any natural person who is a resident of
16 the State of Illinois who applies for such card, or renewal
17 thereof. No identification card shall be issued to any person
18 who holds a valid foreign state identification card, license,
19 or permit unless the person first surrenders to the Secretary
20 of State the valid foreign state identification card, license,
21 or permit. The card shall be prepared and supplied by the
22 Secretary of State and shall include a photograph and signature
23 or mark of the applicant. However, the Secretary of State may
24 provide by rule for the issuance of Illinois Identification

1 Cards without photographs if the applicant has a bona fide
2 religious objection to being photographed or to the display of
3 his or her photograph. The Illinois Identification Card may be
4 used for identification purposes in any lawful situation only
5 by the person to whom it was issued. As used in this Act,
6 "photograph" means any color photograph or digitally produced
7 and captured image of an applicant for an identification card.
8 As used in this Act, "signature" means the name of a person as
9 written by that person and captured in a manner acceptable to
10 the Secretary of State.

11 (a-5) If an applicant for an identification card has a
12 current driver's license or instruction permit issued by the
13 Secretary of State, the Secretary may require the applicant to
14 utilize the same residence address and name on the
15 identification card, driver's license, and instruction permit
16 records maintained by the Secretary. The Secretary may
17 promulgate rules to implement this provision.

18 (a-10) If the applicant is a judicial officer as defined in
19 Section 1-10 of the Judicial Privacy Act or a peace officer,
20 the applicant may elect to have his or her office or work
21 address listed on the card instead of the applicant's residence
22 or mailing address. The Secretary may promulgate rules to
23 implement this provision. For the purposes of this subsection
24 (a-10), "peace officer" means any person who by virtue of his
25 or her office or public employment is vested by law with a duty
26 to maintain public order or to make arrests for a violation of

1 any penal statute of this State, whether that duty extends to
2 all violations or is limited to specific violations.

3 (a-15) The Secretary of State may provide for an expedited
4 process for the issuance of an Illinois Identification Card.
5 The Secretary shall charge an additional fee for the expedited
6 issuance of an Illinois Identification Card, to be set by rule,
7 not to exceed \$75. All fees collected by the Secretary for
8 expedited Illinois Identification Card service shall be
9 deposited into the Secretary of State Special Services Fund.
10 The Secretary may adopt rules regarding the eligibility,
11 process, and fee for an expedited Illinois Identification Card.
12 If the Secretary of State determines that the volume of
13 expedited identification card requests received on a given day
14 exceeds the ability of the Secretary to process those requests
15 in an expedited manner, the Secretary may decline to provide
16 expedited services, and the additional fee for the expedited
17 service shall be refunded to the applicant.

18 (a-20) The Secretary of State shall issue a standard
19 Illinois Identification Card to a committed person upon release
20 on parole, mandatory supervised release, aftercare release,
21 final discharge, or pardon from the Department of Corrections
22 or Department of Juvenile Justice, if the released person
23 presents a certified copy of his or her birth certificate,
24 social security card or other documents authorized by the
25 Secretary, and 2 documents proving his or her Illinois
26 residence address. Documents proving residence address may

1 include any official document of the Department of Corrections
2 or the Department of Juvenile Justice showing the released
3 person's address after release and a Secretary of State
4 prescribed certificate of residency form, which may be executed
5 by Department of Corrections or Department of Juvenile Justice
6 personnel.

7 (a-25) The Secretary of State shall issue a limited-term
8 Illinois Identification Card valid for 90 days to a committed
9 person upon release on parole, mandatory supervised release,
10 aftercare release, final discharge, or pardon from the
11 Department of Corrections or Department of Juvenile Justice, if
12 the released person is unable to present a certified copy of
13 his or her birth certificate and social security card or other
14 documents authorized by the Secretary, but does present a
15 Secretary of State prescribed verification form completed by
16 the Department of Corrections or Department of Juvenile
17 Justice, verifying the released person's date of birth and
18 social security number and 2 documents proving his or her
19 Illinois residence address. The verification form must have
20 been completed no more than 30 days prior to the date of
21 application for the Illinois Identification Card. Documents
22 proving residence address shall include any official document
23 of the Department of Corrections or the Department of Juvenile
24 Justice showing the person's address after release and a
25 Secretary of State prescribed certificate of residency, which
26 may be executed by Department of Corrections or Department of

1 Juvenile Justice personnel.

2 Prior to the expiration of the 90-day period of the
3 limited-term Illinois Identification Card, if the released
4 person submits to the Secretary of State a certified copy of
5 his or her birth certificate and his or her social security
6 card or other documents authorized by the Secretary, a standard
7 Illinois Identification Card shall be issued. A limited-term
8 Illinois Identification Card may not be renewed.

9 (a-26) The Secretary of State shall track and issue an
10 annual report to the General Assembly detailing the number of
11 permanent Illinois Identification Cards issued by the
12 Secretary of State to persons presenting verification forms
13 issued by the Department of Juvenile Justice and Department of
14 Corrections. The report shall include comparable data from the
15 previous calendar year and shall reflect any increases or
16 decreases. The Secretary of State shall publish the report on
17 the Secretary of State's website.

18 (a-30) The Secretary of State shall issue a standard
19 Illinois Identification Card to a person upon conditional
20 release or absolute discharge from the custody of the
21 Department of Human Services, if the person presents a
22 certified copy of his or her birth certificate, social security
23 card, or other documents authorized by the Secretary, and a
24 document proving his or her Illinois residence address. The
25 Secretary of State shall issue a standard Illinois
26 Identification Card to a person no sooner than 14 days prior to

1 his or her conditional release or absolute discharge if
2 personnel from the Department of Human Services bring the
3 person to a Secretary of State location with the required
4 documents. Documents proving residence address may include any
5 official document of the Department of Human Services showing
6 the person's address after release and a Secretary of State
7 prescribed verification form, which may be executed by
8 personnel of the Department of Human Services.

9 (a-35) The Secretary of State shall issue a limited-term
10 Illinois Identification Card valid for 90 days to a person upon
11 conditional release or absolute discharge from the custody of
12 the Department of Human Services, if the person is unable to
13 present a certified copy of his or her birth certificate and
14 social security card or other documents authorized by the
15 Secretary, but does present a Secretary of State prescribed
16 verification form completed by the Department of Human
17 Services, verifying the person's date of birth and social
18 security number, and a document proving his or her Illinois
19 residence address. The verification form must have been
20 completed no more than 30 days prior to the date of application
21 for the Illinois Identification Card. The Secretary of State
22 shall issue a limited-term Illinois Identification Card to a
23 person no sooner than 14 days prior to his or her conditional
24 release or absolute discharge if personnel from the Department
25 of Human Services bring the person to a Secretary of State
26 location with the required documents. Documents proving

1 residence address shall include any official document of the
2 Department of Human Services showing the person's address after
3 release and a Secretary of State prescribed verification form,
4 which may be executed by personnel of the Department of Human
5 Services.

6 (b) The Secretary of State shall issue a special Illinois
7 Identification Card, which shall be known as an Illinois Person
8 with a Disability Identification Card, to any natural person
9 who is a resident of the State of Illinois, who is a person
10 with a disability as defined in Section 4A of this Act, who
11 applies for such card, or renewal thereof. No Illinois Person
12 with a Disability Identification Card shall be issued to any
13 person who holds a valid foreign state identification card,
14 license, or permit unless the person first surrenders to the
15 Secretary of State the valid foreign state identification card,
16 license, or permit. The Secretary of State shall charge no fee
17 to issue such card. The card shall be prepared and supplied by
18 the Secretary of State, and shall include a photograph and
19 signature or mark of the applicant, a designation indicating
20 that the card is an Illinois Person with a Disability
21 Identification Card, and shall include a comprehensible
22 designation of the type and classification of the applicant's
23 disability as set out in Section 4A of this Act. However, the
24 Secretary of State may provide by rule for the issuance of
25 Illinois Person with a Disability Identification Cards without
26 photographs if the applicant has a bona fide religious

1 objection to being photographed or to the display of his or her
2 photograph. If the applicant so requests, the card shall
3 include a description of the applicant's disability and any
4 information about the applicant's disability or medical
5 history which the Secretary determines would be helpful to the
6 applicant in securing emergency medical care. If a mark is used
7 in lieu of a signature, such mark shall be affixed to the card
8 in the presence of two witnesses who attest to the authenticity
9 of the mark. The Illinois Person with a Disability
10 Identification Card may be used for identification purposes in
11 any lawful situation by the person to whom it was issued.

12 The Illinois Person with a Disability Identification Card
13 may be used as adequate documentation of disability in lieu of
14 a physician's determination of disability, a determination of
15 disability from a physician assistant, a determination of
16 disability from an advanced practice registered nurse, or any
17 other documentation of disability whenever any State law
18 requires that a person with a disability provide such
19 documentation of disability, however an Illinois Person with a
20 Disability Identification Card shall not qualify the
21 cardholder to participate in any program or to receive any
22 benefit which is not available to all persons with like
23 disabilities. Notwithstanding any other provisions of law, an
24 Illinois Person with a Disability Identification Card, or
25 evidence that the Secretary of State has issued an Illinois
26 Person with a Disability Identification Card, shall not be used

1 by any person other than the person named on such card to prove
2 that the person named on such card is a person with a
3 disability or for any other purpose unless the card is used for
4 the benefit of the person named on such card, and the person
5 named on such card consents to such use at the time the card is
6 so used.

7 An optometrist's determination of a visual disability
8 under Section 4A of this Act is acceptable as documentation for
9 the purpose of issuing an Illinois Person with a Disability
10 Identification Card.

11 When medical information is contained on an Illinois Person
12 with a Disability Identification Card, the Office of the
13 Secretary of State shall not be liable for any actions taken
14 based upon that medical information.

15 (c) The Secretary of State shall provide that each original
16 or renewal Illinois Identification Card or Illinois Person with
17 a Disability Identification Card issued to a person under the
18 age of 21 shall be of a distinct nature from those Illinois
19 Identification Cards or Illinois Person with a Disability
20 Identification Cards issued to individuals 21 years of age or
21 older. The color designated for Illinois Identification Cards
22 or Illinois Person with a Disability Identification Cards for
23 persons under the age of 21 shall be at the discretion of the
24 Secretary of State.

25 (c-1) Each original or renewal Illinois Identification
26 Card or Illinois Person with a Disability Identification Card

1 issued to a person under the age of 21 shall display the date
2 upon which the person becomes 18 years of age and the date upon
3 which the person becomes 21 years of age.

4 (c-3) The General Assembly recognizes the need to identify
5 military veterans living in this State for the purpose of
6 ensuring that they receive all of the services and benefits to
7 which they are legally entitled, including healthcare,
8 education assistance, and job placement. To assist the State in
9 identifying these veterans and delivering these vital services
10 and benefits, the Secretary of State is authorized to issue
11 Illinois Identification Cards and Illinois Person with a
12 Disability Identification Cards with the word "veteran"
13 appearing on the face of the cards. This authorization is
14 predicated on the unique status of veterans. The Secretary may
15 not issue any other identification card which identifies an
16 occupation, status, affiliation, hobby, or other unique
17 characteristics of the identification card holder which is
18 unrelated to the purpose of the identification card.

19 (c-5) Beginning on or before July 1, 2015, the Secretary of
20 State shall designate a space on each original or renewal
21 identification card where, at the request of the applicant, the
22 word "veteran" shall be placed. The veteran designation shall
23 be available to a person identified as a veteran under
24 subsection (b) of Section 5 of this Act who was discharged or
25 separated under honorable conditions.

26 (d) The Secretary of State may issue a Senior Citizen

1 discount card, to any natural person who is a resident of the
2 State of Illinois who is 60 years of age or older and who
3 applies for such a card or renewal thereof. The Secretary of
4 State shall charge no fee to issue such card. The card shall be
5 issued in every county and applications shall be made available
6 at, but not limited to, nutrition sites, senior citizen centers
7 and Area Agencies on Aging. The applicant, upon receipt of such
8 card and prior to its use for any purpose, shall have affixed
9 thereon in the space provided therefor his signature or mark.

10 (e) The Secretary of State, in his or her discretion, may
11 designate on each Illinois Identification Card or Illinois
12 Person with a Disability Identification Card a space where the
13 card holder may place a sticker or decal, issued by the
14 Secretary of State, of uniform size as the Secretary may
15 specify, that shall indicate in appropriate language that the
16 card holder has renewed his or her Illinois Identification Card
17 or Illinois Person with a Disability Identification Card.

18 (Source: P.A. 99-143, eff. 7-27-15; 99-173, eff. 7-29-15;
19 99-305, eff. 1-1-16; 99-642, eff. 7-28-16; 99-907, eff. 7-1-17;
20 100-513, eff. 1-1-18; 100-717, eff. 7-1-19.)

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

24 (20 ILCS 2605/2605-302) (was 20 ILCS 2605/55a in part)

1 Sec. 2605-302. Arrest reports.

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

5 (1) Information that identifies the individual,
6 including the name, age, address, and photograph, when and
7 if available.

8 (2) Information detailing any charges relating to the
9 arrest.

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

11 (4) The name of the investigating or arresting law
12 enforcement agency.

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

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

18 (b) The information required by this Section must be made
19 available to the news media for inspection and copying as soon
20 as practicable, but in no event shall the time period exceed 72
21 hours from the arrest. The information described in items (3),
22 (4), (5), and (6) of subsection (a), however, may be withheld
23 if it is determined that disclosure would (i) interfere with
24 pending or actually and reasonably contemplated law
25 enforcement proceedings conducted by any law enforcement or
26 correctional agency; (ii) endanger the life or physical safety

1 of law enforcement or correctional personnel or any other
2 person; or (iii) compromise the security of any correctional
3 facility.

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

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

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

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

22 Section 10-125. The State Police Act is amended by changing
23 Section 14 and by adding Section 17b as follows:

24 (20 ILCS 2610/14) (from Ch. 121, par. 307.14)

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

19 Before any such officer may be interrogated or examined by
20 or before the Board, or by a departmental agent or investigator
21 specifically assigned to conduct an internal investigation,
22 the results of which hearing, interrogation or examination may
23 be the basis for filing charges seeking his or her suspension
24 for more than 15 days or his or her removal or discharge, he or
25 she shall be advised in writing as to what specific improper or
26 illegal act he or she is alleged to have committed; he or she

1 shall be advised in writing that his or her admissions made in
2 the course of the hearing, interrogation or examination may be
3 used as the basis for charges seeking his or her suspension,
4 removal or discharge; and he or she shall be advised in writing
5 that he or she has a right to counsel of his or her choosing,
6 who may be present to advise him or her at any hearing,
7 interrogation or examination. A complete record of any hearing,
8 interrogation or examination shall be made, and a complete
9 transcript or electronic recording thereof shall be made
10 available to such officer without charge and without delay.

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

26 If the accused is found not guilty or has served a period

1 of suspension greater than prescribed by the Board, the Board
2 shall order that the officer receive compensation for the
3 period involved. The award of compensation shall include
4 interest at the rate of 7% per annum.

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

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

20 The provisions of the Administrative Review Law, and all
21 amendments and modifications thereof, and the rules adopted
22 pursuant thereto, shall apply to and govern all proceedings for
23 the judicial review of any order of the Board rendered pursuant
24 to the provisions of this Section.

25 Notwithstanding the provisions of this Section, a policy
26 making officer, as defined in the Employee Rights Violation

1 Act, of the Department of State Police shall be discharged from
2 the Department of State Police as provided in the Employee
3 Rights Violation Act, enacted by the 85th General Assembly.

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

5 (20 ILCS 2610/17b new)

6 Sec. 17b. Military equipment surplus program.

7 (a) For purposes of this Section:

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

11 "Camouflage uniform" does not include a woodland or desert
12 pattern or solid color uniform.

13 "Grenade launcher" means a firearm or firearm accessory
14 designed to launch small explosive projectiles.

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

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

1 "Weaponized aircraft, vessel, or vehicle" means any
2 aircraft, vessel, or vehicle with weapons installed.

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

6 (1) tracked armored vehicles;

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

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

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

10 (5) grenade launchers;

11 (6) bayonets;

12 (7) camouflage uniforms;

13 (8) fully automatic weapons;

14 (9) silencers;

15 (10) drones that include military grade surveillance
16 hardware or software; or

17 (11) chemical incapacitants, including tear gas, or
18 other chemical agents.

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

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

1 (20 ILCS 3930/7.7 new)

2 Sec. 7.7. Pretrial data collection.

3 (a) The Executive Director of the Illinois Criminal Justice
4 Information Authority shall convene an oversight board to be
5 known as the Pretrial Practices Data Oversight Board to oversee
6 the collection and analysis of data regarding pretrial
7 practices in circuit court systems. The Board shall include,
8 but is not limited to, designees from the Administrative Office
9 of the Illinois Courts, the Illinois Criminal Justice
10 Information Authority, crime victims' advocates, and other
11 entities that possess a knowledge of pretrial practices and
12 data collection issues. Members of the Board shall serve
13 without compensation.

14 (b) The Oversight Board shall:

15 (1) identify existing data collection processes in
16 various circuit clerk's offices;

17 (2) gather and maintain records of all available
18 pretrial data relating to the topics listed in subsection

19 (c) from circuit clerks' offices;

20 (3) identify resources necessary to systematically
21 collect and report data related to the topics listed in
22 subsections (c) from circuit clerks' offices that are
23 currently not collecting that data;

24 (4) report to the Governor and General Assembly
25 annually on the state of pretrial data collection on the

1 topics listed in subsection (c); and

2 (5) develop a plan to implement data collection
3 processes sufficient to collect data on the topics listed
4 in subsection (c) no later than one year after the
5 effective date of this amendatory Act of the 101st General
6 Assembly.

7 The plan and, once implemented, the reports and analysis
8 shall be published and made publicly available on the Oversight
9 Board's government website.

10 (c) The Pretrial Practices Data Oversight Board shall
11 develop a strategy to collect quarterly, circuit-level data on
12 the following topics; which collection of data shall begin
13 starting one year after the effective date of this amendatory
14 Act of the 101st General Assembly:

15 (1) information on all persons arrested and charged
16 with misdemeanor or felony charges, or both, including
17 information on persons released directly from law
18 enforcement custody;

19 (2) information on the outcomes of pretrial conditions
20 and pretrial detention hearings in the circuit courts,
21 including, but not limited to, the number of hearings held,
22 the number of defendants detained, the number of defendants
23 released, and the number of defendants released with
24 electronic monitoring;

25 (3) information regarding persons detained in the
26 county jail pretrial, including, but not limited to, the

1 number of persons detained in the jail pretrial and the
2 number detained in the jail for other reasons, the
3 demographics of the pretrial jail population, including
4 race, sex, age, and ethnicity, the charges on which
5 pretrial defendants are detained, the average length of
6 stay of pretrial defendants; and

7 (4) information regarding persons placed on electronic
8 monitoring programs pretrial, including, but not limited
9 to, the number of participants, the demographics
10 participant population, including race, sex, age, and
11 ethnicity, the charges on which participants are ordered to
12 the program, and the average length of participation in the
13 program;

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

25 (6) information on the pretrial rearrest of
26 individuals released pretrial, including the number

1 arrested and charged with a new misdemeanor offense while
2 released, the number arrested and charged with a new felony
3 offense while released, and the number arrested and charged
4 with a new forcible felony offense while released, and how
5 long after release these arrests occurred;

6 (7) information on the pretrial failure to appear rates
7 of individuals released pretrial, including the number who
8 missed one or more court dates and did not have a warrant
9 issued for their arrest, how many warrants for failures to
10 appear were issued, and how many individuals were detained
11 pretrial or placed on electronic monitoring pretrial after
12 a failure to appear in court;

13 (8) Instances of Violations of any Protective Order
14 while a defendant is released pretrial, instances of
15 repeated prohibited victim contact during the pretrial
16 release, filing of new protective orders during the
17 pendency of a case, and any other relevant issues related
18 to protective orders;

19 (9) what, if any, validated risk assessment tools are
20 in use in each jurisdiction, and comparisons of the
21 pretrial release and pretrial detention decisions of
22 judges and the risk assessment scores of individuals; and

23 (10) any other information the Pretrial Practices Data
24 Oversight Board considers important and probative of the
25 effectiveness of pretrial practices in the State of
26 Illinois.

1 (20 ILCS 3930/7.8 new)

2 Sec. 7.8. Domestic Violence Pretrial Practices Working
3 Group.

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

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

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

23 (d) Members of the working group shall serve without
24 compensation.

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

3 (50 ILCS 105/4.1 new)

4 Sec. 4.1. Retaliation against a whistleblower.

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

9 (1) reports an improper governmental action under this
10 Section;

11 (2) cooperates with an investigation by an auditing
12 official related to a report of improper governmental
13 action; or

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

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

25 (c) Each auditing official shall establish written

1 processes and procedures for managing complaints filed under
2 this Section, and each auditing official shall investigate and
3 dispose of reports of improper governmental action in
4 accordance with these processes and procedures. If an auditing
5 official concludes that an improper governmental action has
6 taken place or concludes that the relevant unit of local
7 government, department, agency, or supervisory officials have
8 hindered the auditing official's investigation into the
9 report, the auditing official shall notify in writing the chief
10 executive of the unit of local government and any other
11 individual or entity the auditing official deems necessary in
12 the circumstances.

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

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

25 (f) The following remedies are available to employees
26 subjected to adverse actions for reporting improper government

1 action:

2 (1) Auditing officials may reinstate, reimburse for
3 lost wages or expenses incurred, promote, or provide some
4 other form of restitution.

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

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

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

22 (i) As used in this Section:

23 "Auditing official" means any elected, appointed, or hired
24 individual, by whatever name, in a unit of local government
25 whose duties are similar to, but not limited to, receiving,
26 registering, and investigating complaints and information

1 concerning misconduct, inefficiency, and waste within the unit
2 of local government; investigating the performance of
3 officers, employees, functions, and programs; and promoting
4 economy, efficiency, effectiveness and integrity in the
5 administration of the programs and operations of the
6 municipality. If a unit of local government does not have an
7 "auditing official", the "auditing official" shall be a State's
8 Attorney of the county in which the unit of local government is
9 located within.

10 "Employee" means anyone employed by a unit of local
11 government, whether in a permanent or temporary position,
12 including full-time, part-time, and intermittent workers.
13 "Employee" also includes members of appointed boards or
14 commissions, whether or not paid. "Employee" also includes
15 persons who have been terminated because of any report or
16 complaint submitted under this Section.

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

1 committee member's official duties to be subject to a claim of
2 "improper governmental action". "Improper governmental action"
3 does not include a unit of local government personnel actions,
4 including, but not limited to employee grievances, complaints,
5 appointments, promotions, transfers, assignments,
6 reassignments, reinstatements, restorations, reemployment,
7 performance evaluations, reductions in pay, dismissals,
8 suspensions, demotions, reprimands, or violations of
9 collective bargaining agreements, except to the extent that the
10 action amounts to retaliation.

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

23 Section 10-140. The Local Records Act is amended by
24 changing Section 3b and by adding Section 25 as follows:

1 (50 ILCS 205/3b)

2 Sec. 3b. Arrest records and reports.

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

6 (1) Information that identifies the individual,
7 including the name, age, address, and photograph, when and
8 if available.

9 (2) Information detailing any charges relating to the
10 arrest.

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

12 (4) The name of the investigating or arresting law
13 enforcement agency.

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

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

19 (b) The information required by this Section must be made
20 available to the news media for inspection and copying as soon
21 as practicable, but in no event shall the time period exceed 72
22 hours from the arrest. The information described in paragraphs
23 (3), (4), (5), and (6) of subsection (a), however, may be
24 withheld if it is determined that disclosure would:

25 (1) interfere with pending or actually and reasonably
26 contemplated law enforcement proceedings conducted by any

1 law enforcement or correctional agency;

2 (2) endanger the life or physical safety of law
3 enforcement or correctional personnel or any other person;
4 or

5 (3) compromise the security of any correctional
6 facility.

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

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

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

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

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

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.

1 b. To establish appropriate mandatory minimum
2 standards relating to the training of probationary local
3 law enforcement officers or probationary county
4 corrections officers, and in-service training of permanent
5 police officers.

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

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

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

1 investigators who shall enforce the duties conferred upon
2 the Board by this Act.

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

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

8 (50 ILCS 705/6.2)

9 Sec. 6.2. Officer professional conduct database.

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

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

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

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

24 (b) Upon receiving notification from a law enforcement
25 agency, the Board must notify the law enforcement officer of

1 the report and his or her right to provide a statement
2 regarding the reported violation.

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

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

11 (50 ILCS 705/7) (from Ch. 85, par. 507)

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

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

1 and accident investigation, techniques of obtaining
2 physical evidence, court testimonies, statements, reports,
3 firearms training, training in the use of electronic
4 control devices, including the psychological and
5 physiological effects of the use of those devices on
6 humans, first-aid (including cardiopulmonary
7 resuscitation), training in the administration of opioid
8 antagonists as defined in paragraph (1) of subsection (e)
9 of Section 5-23 of the Substance Use Disorder Act, handling
10 of juvenile offenders, recognition of mental conditions
11 and crises, including, but not limited to, the disease of
12 addiction, which require immediate assistance and response
13 and methods to safeguard and provide assistance to a person
14 in 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 2 3
8 years. Those requirements shall include constitutional and
9 proper use of law enforcement authority, procedural
10 justice, civil rights, human rights, ~~mental health~~
11 ~~awareness and response, officer wellness,~~ reporting child
12 abuse and neglect, and cultural competency, including
13 implicit bias 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 advanced first-aid training and certification, crisis
18 intervention training, and officer wellness and mental
19 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 2
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 2
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 for law enforcement recruits addressing specialized policing
11 responses to people with mental illnesses. The Board shall
12 conduct Crisis Intervention Team (CIT) training programs that
13 train officers to identify signs and symptoms of mental
14 illness, to de-escalate situations involving individuals who
15 appear to have a mental illness, and connect that person in
16 crisis to treatment. Crisis Intervention Team (CIT) training
17 programs shall be a collaboration between law enforcement
18 professionals, mental health providers, families, and consumer
19 advocates and must minimally include the following components:

20 (1) basic information about mental illnesses and how to
21 recognize them; (2) information about mental health laws and
22 resources; (3) learning from family members of individuals with
23 mental illness and their experiences; and (4) verbal
24 de-escalation training and role-plays. Officers who have
25 successfully completed this program shall be issued a

1 certificate attesting to their attendance of a Crisis
2 Intervention Team (CIT) training 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 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 with populations of 500,000 or
7 more, body cameras shall be implemented by January 1, 2022;

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

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

14 (4) for municipalities under 50,000, body cameras
15 shall be implemented by January 1, 2025.

16 (c) Any municipality or county which oversees a law
17 enforcement agency which fails to comply with this Section
18 shall be subject to a reduction in Local Government
19 Distributive Fund (LGDF) funding at a rate of 20% per year
20 until the requirements of this Section are met.

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

22 (50 ILCS 706/10-20)

23 Sec. 10-20. Requirements.

24 (a) The Board shall develop basic guidelines for the use of
25 officer-worn body cameras by law enforcement agencies. The

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

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

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

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

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

23 (B) Officer-worn body cameras may be turned off
24 when the officer is inside of a patrol car which is
25 equipped with a functioning in-car camera; however,
26 the officer must turn on the camera upon exiting the

1 patrol vehicle for law enforcement-related encounters.

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

5 (4) Cameras must be turned off when:

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

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

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

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

24 (4.5) Cameras may be turned off when the officer is
25 engaged in community caretaking functions. However, the
26 camera must be turned on when the officer has reason to

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

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

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

22 (B) The recording officer's assigned field
23 training officer may access and review recordings for
24 training purposes. Any detective or investigator
25 directly involved in the investigation of a matter may
26 access and review recordings which pertain to that

1 investigation but may not have access to delete or
2 alter such recordings.

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

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

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

16 (i) a formal or informal complaint has been
17 filed;

18 (ii) the officer discharged his or her firearm
19 or used force during the encounter;

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

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

26 (v) the officer is the subject of an internal

1 investigation or otherwise being investigated for
2 possible misconduct;

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

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

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

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

26 (9) Recordings shall not be used to discipline law

1 enforcement officers unless:

2 (A) a formal or informal complaint of misconduct
3 has been made;

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

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

8 (D) as corroboration of other evidence of
9 misconduct.

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

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

22 (11) No officer may hinder or prohibit any person, not
23 a law enforcement officer, from recording a law enforcement
24 officer in the performance of his or her duties in a public
25 place or when the officer has no reasonable expectation of
26 privacy. The law enforcement agency's written policy shall

1 indicate the potential criminal penalties, as well as any
2 departmental discipline, which may result from unlawful
3 confiscation or destruction of the recording medium of a
4 person who is not a law enforcement officer. However, an
5 officer may take reasonable action to maintain safety and
6 control, secure crime scenes and accident sites, protect
7 the integrity and confidentiality of investigations, and
8 protect the public safety and order.

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

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

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

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

24 (2) except as provided in paragraph (1) of this
25 subsection (b), any recording which is flagged due to the
26 filing of a complaint, discharge of a firearm, use of

1 force, arrest or detention, or resulting death or bodily
2 harm shall be disclosed in accordance with the Freedom of
3 Information Act; and

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

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

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

25 (c) Nothing in this Section shall limit access to a camera
26 recording for the purposes of complying with Supreme Court

1 rules or the rules of evidence.

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

3 (50 ILCS 706/10-25)

4 Sec. 10-25. Reporting.

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

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

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

14 (3) any technical issues with the equipment and how
15 those issues were remedied;

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

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

21 (A) the time, date, location, and precinct of the
22 incident;

23 (B) the offense charged and the date charges were
24 filed; and

25 (6) any other information relevant to the

1 administration of the program.

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

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

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

9 (50 ILCS 709/5-10)

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

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

23 (50 ILCS 709/5-11 new)

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

9 (50 ILCS 709/5-12)

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

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

22 (2) beginning January 1, 2017, a report on any instance
23 when a law enforcement officer discharges his or her
24 firearm causing a non-fatal injury to a person, during the
25 performance of his or her official duties or in the line of

1 duty;

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

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

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

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

25 (7) beginning on July 1, 2021, a report on any incident
26 where a law enforcement officer was dispatched to deal with

1 a person experiencing a mental health crisis or incident.
2 The report shall include the number of incidents, the level
3 of law enforcement response and the outcome of each
4 incident; and

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

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

12 (50 ILCS 709/5-20)

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

1 rate of 20% per year until the requirements of this Section are
2 met.

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

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

7 (50 ILCS 725/3.2) (from Ch. 85, par. 2555)

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

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

16 (50 ILCS 725/3.4) (from Ch. 85, par. 2557)

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

1 during any interrogation except at a public administrative
2 hearing.

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

4 (50 ILCS 725/3.8) (from Ch. 85, par. 2561)

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

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

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

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

24 Section 10-155. The Police and Community Relations

1 Improvement Act is amended by adding Section 1-35 as follows:

2 (50 ILCS 727/1-35 new)

3 Sec. 1-35. Anonymous complaint policy.

4 (a) Each law enforcement agency shall adopt a written
5 policy outlining the process for the handling of anonymous
6 complaints. The written policy shall include, at a minimum, the
7 following:

8 (1) the location where anonymous complaints can be
9 submitted;

10 (2) the officer or department which will review and
11 investigate the complaints;

12 (3) the process by which a person can determine the
13 current status of the complaint;

14 (4) each complaint shall be reviewed and investigated
15 by the highest ranking law enforcement officer of the
16 agency, or his or her designee; and

17 (5) within 30 days of receipt, each complaint shall be
18 reviewed and a determination shall be made on whether to
19 forward the complaint on for internal investigation, to the
20 Illinois Law Enforcement Training Standards Board, local
21 State's Attorney, Attorney General's Office or other
22 overseeing entity.

23 (b) The policy required by this Section shall be made
24 publicly accessible on the law enforcement agency's website. If
25 no such website exists, the policy shall be posted in a highly

1 conspicuous, visible location in the each law enforcement
2 agency office.

3 Section 10-160. The Counties Code is amended by changing
4 Sections 3-9008, 4-5001, 4-12001, and 4-12001.1 and by adding
5 Section 3-6041 as follows:

6 (55 ILCS 5/3-6041 new)

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

8 (a) For purposes of this Section:

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

12 "Camouflage uniform" does not include a woodland or desert
13 pattern or solid color uniform.

14 "Grenade launcher" means a firearm or firearm accessory
15 designed to launch small explosive projectiles.

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

24 "Tracked armored vehicle" means a vehicle that provides

1 ballistic protection to its occupants and utilizes a tracked
2 system installed of wheels for forward motion.

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

5 (b) A sheriff's department shall not request or receive
6 from any military equipment surplus program nor purchase or
7 otherwise utilize the following equipment:

8 (1) tracked armored vehicles;

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

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

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

12 (5) grenade launchers;

13 (6) bayonets; or

14 (7) camouflage uniforms.

15 (c) A home rule county may not regulate the acquisition of
16 equipment in a manner inconsistent with this Section. This
17 Section is a limitation under subsection (i) of Section 6 of
18 Article VII of the Illinois Constitution on the concurrent
19 exercise by home rule counties of powers and functions
20 exercised by the State.

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

1 Sec. 3-9008. Appointment of attorney to perform duties.

2 (a) (Blank).

3 (a-5) The court on its own motion, or an interested person
4 in a cause or proceeding, civil or criminal, may file a
5 petition alleging that the State's Attorney is sick, absent, or
6 unable to fulfill his or her duties. The court shall consider
7 the petition, any documents filed in response, and if
8 necessary, grant a hearing to determine whether the State's
9 Attorney is sick, absent, or otherwise unable to fulfill his or
10 her duties. If the court finds that the State's Attorney is
11 sick, absent, or otherwise unable to fulfill his or her duties,
12 the court may appoint some competent attorney to prosecute or
13 defend the cause or proceeding.

14 (a-10) The court on its own motion, or an interested person
15 in a cause or proceeding, civil or criminal, may file a
16 petition alleging that the State's Attorney has an actual
17 conflict of interest in the cause or proceeding. The court
18 shall consider the petition, any documents filed in response,
19 and if necessary, grant a hearing to determine whether the
20 State's Attorney has an actual conflict of interest in the
21 cause or proceeding. If the court finds that the petitioner has
22 proven by sufficient facts and evidence that the State's
23 Attorney has an actual conflict of interest in a specific case,
24 the court may appoint some competent attorney to prosecute or
25 defend the cause or proceeding.

26 (a-15) Notwithstanding subsections (a-5) and (a-10) of

1 this Section, the State's Attorney may file a petition to
2 recuse himself or herself from a cause or proceeding for any
3 other reason he or she deems appropriate and the court shall
4 appoint a special prosecutor as provided in this Section.

5 (a-17) In a county exceeding a population of 3,000,000, if
6 the court determines that the appointment of a special
7 prosecutor is required under subsection (a-10) or (a-15), the
8 court shall request the Office of the State's Attorneys
9 Appellate Prosecutor to serve as the special prosecutor if the
10 cause or proceeding is an officer-involved death, as that term
11 is defined in Section 1-5 of the Police and Community Relations
12 Improvement Act. If the Office of the State's Attorneys
13 Appellate Prosecutor accepts the request, the Office of the
14 State's Attorneys Appellate Prosecutor shall be appointed by
15 the court and shall have the same power and authority in
16 relation to the cause or proceeding as the State's Attorney
17 would have had if present and attending to the cause or
18 proceedings.

19 (a-20) Except as provided in subsection (a-17), prior ~~Prior~~
20 to appointing a private attorney under this Section, the court
21 shall contact public agencies, including, but not limited to,
22 the Office of Attorney General, Office of the State's Attorneys
23 Appellate Prosecutor, or local State's Attorney's Offices
24 throughout the State, to determine a public prosecutor's
25 availability to serve as a special prosecutor at no cost to the
26 county and shall appoint a public agency if they are able and

1 willing to accept the appointment. An attorney so appointed
2 shall have the same power and authority in relation to the
3 cause or proceeding as the State's Attorney would have if
4 present and attending to the cause or proceedings.

5 (b) In case of a vacancy of more than one year occurring in
6 any county in the office of State's attorney, by death,
7 resignation or otherwise, and it becomes necessary for the
8 transaction of the public business, that some competent
9 attorney act as State's attorney in and for such county during
10 the period between the time of the occurrence of such vacancy
11 and the election and qualification of a State's attorney, as
12 provided by law, the vacancy shall be filled upon the written
13 request of a majority of the circuit judges of the circuit in
14 which is located the county where such vacancy exists, by
15 appointment as provided in The Election Code of some competent
16 attorney to perform and discharge all the duties of a State's
17 attorney in the said county, such appointment and all authority
18 thereunder to cease upon the election and qualification of a
19 State's attorney, as provided by law. Any attorney appointed
20 for any reason under this Section shall possess all the powers
21 and discharge all the duties of a regularly elected State's
22 attorney under the laws of the State to the extent necessary to
23 fulfill the purpose of such appointment, and shall be paid by
24 the county he serves not to exceed in any one period of 12
25 months, for the reasonable amount of time actually expended in
26 carrying out the purpose of such appointment, the same

1 compensation as provided by law for the State's attorney of the
2 county, apportioned, in the case of lesser amounts of
3 compensation, as to the time of service reasonably and actually
4 expended. The county shall participate in all agreements on the
5 rate of compensation of a special prosecutor.

6 (c) An order granting authority to a special prosecutor
7 must be construed strictly and narrowly by the court. The power
8 and authority of a special prosecutor shall not be expanded
9 without prior notice to the county. In the case of the proposed
10 expansion of a special prosecutor's power and authority, a
11 county may provide the court with information on the financial
12 impact of an expansion on the county. Prior to the signing of
13 an order requiring a county to pay for attorney's fees or
14 litigation expenses, the county shall be provided with a
15 detailed copy of the invoice describing the fees, and the
16 invoice shall include all activities performed in relation to
17 the case and the amount of time spent on each activity.

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

19 (55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

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

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

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

3 For serving or attempting to serve each garnishee in each
4 county, \$10.

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

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

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

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

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

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

17 For advertising property for sale, \$5.

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

19 Mileage for each mile of necessary travel to serve any such
20 process as Stated above, calculating from the place of holding
21 court to the place of residence of the defendant, or witness,
22 50¢ each way.

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

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

1 all counties.

2 For taking possession of and removing property levied on,
3 the officer shall be allowed to tax the actual cost of such
4 possession or removal.

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

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

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

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

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

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

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

26 For making certificates of sale, and making and filing

1 duplicate, in counties of first class, \$3; in counties of the
2 second class, \$3.

3 For making certificate of redemption, \$3.

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

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

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

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

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

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

23 The fees provided for transporting persons to the
24 penitentiary, reformatories, Illinois State Training School
25 for Boys, Illinois State Training School for Girls and
26 Reception Centers shall be paid for each trip so made. Mileage

1 as used in this Section means the shortest practical route,
2 between the place from which the person is to be transported,
3 to the penitentiary, reformatories, Illinois State Training
4 School for Boys, Illinois State Training School for Girls and
5 Reception Centers and all fees per mile shall be computed on
6 such basis.

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

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

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

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

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

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

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

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

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

25 The fee requirements of this Section do not apply to police
26 departments or other law enforcement agencies. For the purposes

1 of this Section, "law enforcement agency" means an agency of
2 the State or unit of local government which is vested by law or
3 ordinance with the duty to maintain public order and to enforce
4 criminal laws.

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

6 (55 ILCS 5/4-12001) (from Ch. 34, par. 4-12001)

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

12 Fees for Sheriff

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

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, \$35.

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

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

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

25 For summoning each juror, \$10.

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

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

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, \$35, 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, \$35.

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, \$8, 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, \$20.

22 For making certificate of sale and making and filing
23 duplicate for record, \$15, 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, \$15; for

1 preparing, executing and acknowledging all other deeds on sale
2 of real estate, \$10.

3 For making and filing certificate of redemption, \$15, 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, \$11, 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, \$10.

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

11 For returning each process, \$15.

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, \$9 per day.

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

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 \$3.

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, \$3.

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

4 For discharging such prisoners, \$3.

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, 20¢ 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 20¢ per mile for the first and 15¢ 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 20¢ per mile for
17 the first, 15¢ per mile for the second and 10¢ per mile for
18 each 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 \$900 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, \$100;

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

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

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 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 or ordinances.

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

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

6 (55 ILCS 5/4-12001.1) (from Ch. 34, par. 4-12001.1)

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

14 Fees for Sheriff

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

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

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

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

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

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

2 For summoning each juror, \$4.

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

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

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

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

13 For levying to satisfy an order in an action for
14 attachment, \$25.

15 For executing order of court to seize personal property,
16 \$25.

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

23 For advertising property for sale, \$3.

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

1 For preparing, executing and acknowledging deed on
2 redemption from a court sale of real estate, \$6; for preparing,
3 executing and acknowledging all other deeds on sale of real
4 estate, \$4.

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

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

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

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

13 For returning each process, \$5.

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

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

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

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

21 For committing to or discharging each prisoner from jail,
22 \$1.

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

1 For committing each prisoner to jail under the laws of the
2 United States, to be paid by the marshal or other person
3 requiring his confinement, \$1.

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

6 For discharging such prisoners, \$1.

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

21 The fees provided for herein for transporting persons to
22 the penitentiary, reformatories, Illinois State Training
23 School for Boys, Illinois State Training School for Girls,
24 Reception Centers and Illinois Security Hospital, shall be paid
25 for each trip so made. Mileage as used in this Section means
26 the shortest route on a hard surfaced road, (either State Bond

1 Issue Route or Federal highways) or railroad, whichever is
2 shorter, between the place from which the person is to be
3 transported, to the penitentiary, reformatories, Illinois
4 State Training School for Boys, Illinois State Training School
5 for Girls, Reception Centers and Illinois Security Hospital,
6 and all fees per mile shall be computed on such basis.

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

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

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

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

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

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

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

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

4 (65 ILCS 5/11-5.1-2 new)

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

6 (a) For purposes of this Section:

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

10 "Camouflage uniform" does not include woodland or desert
11 patterns or solid color uniforms.

12 "Grenade launcher" means a firearm or firearm accessory
13 designed to launch small explosive projectiles.

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

23 "Tracked armored vehicle" means a vehicle that provides
24 ballistic protection to its occupants and utilizes a tracked

1 system installed of wheels for forward motion.

2 "Weaponized aircraft, vessels, or vehicles" means any
3 aircraft, vessel, or vehicle with weapons installed.

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

7 (1) tracked armored vehicles;

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

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

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

11 (5) grenade launchers, grenades, or similar
12 explosives;

13 (6) bayonets; or

14 (7) camouflage uniforms.

15 (c) A home rule municipality may not regulate the
16 acquisition of equipment in a manner inconsistent with this
17 Section. This Section is a limitation under subsection (i) of
18 Section 6 of Article VII of the Illinois Constitution on the
19 concurrent exercise by home rule municipalities of powers and
20 functions exercised by the State.

21 (d) If a police department requests property from a
22 military equipment surplus program, the police department
23 shall publish notice of the request on a publicly accessible
24 website maintained by the police department or the municipality
25 within 14 days after the request.

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

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

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

6 (110 ILCS 12/15)

7 Sec. 15. Arrest reports.

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

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

14 (2) Information detailing any charges relating to the
15 arrest.

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

17 (4) The name of the investigating or arresting law
18 enforcement agency.

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

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

24 (b) The information required by this Section must be made

1 available to the news media for inspection and copying as soon
2 as practicable, but in no event shall the time period exceed 72
3 hours from the arrest. The information described in paragraphs
4 (3), (4), (5), and (6) of subsection (a), however, may be
5 withheld if it is determined that disclosure would:

6 (1) interfere with pending or actually and reasonably
7 contemplated law enforcement proceedings conducted by any
8 law enforcement or correctional agency;

9 (2) endanger the life or physical safety of law
10 enforcement or correctional personnel or any other person;
11 or

12 (3) compromise the security of any correctional
13 facility.

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

22 (d) Each law enforcement or correctional agency may charge
23 fees for arrest records, but in no instance may the fee exceed
24 the actual cost of copying and reproduction. The fees may not
25 include the cost of the labor used to reproduce the arrest
26 record.

1 (e) The provisions of this Section do not supersede the
2 confidentiality provisions for arrest records of the Juvenile
3 Court Act of 1987.

4 (Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01;
5 92-335, eff. 8-10-01.)

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

8 (215 ILCS 5/143.19) (from Ch. 73, par. 755.19)

9 Sec. 143.19. Cancellation of automobile insurance policy;
10 grounds. After a policy of automobile insurance as defined in
11 Section 143.13(a) has been effective for 60 days, or if such
12 policy is a renewal policy, the insurer shall not exercise its
13 option to cancel such policy except for one or more of the
14 following reasons:

15 a. Nonpayment of premium;

16 b. The policy was obtained through a material
17 misrepresentation;

18 c. Any insured violated any of the terms and conditions
19 of the policy;

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

23 e. Any insured made a false or fraudulent claim or
24 knowingly aided or abetted another in the presentation of

1 such a claim;

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

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

8 2. is or becomes subject to epilepsy or heart
9 attacks, and such individual does not produce a
10 certificate from a physician testifying to his
11 unqualified ability to operate a motor vehicle safely;

12 3. has an accident record, conviction record
13 (criminal or traffic), physical, or mental condition
14 which is such that his operation of an automobile might
15 endanger the public safety;

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

19 5. has been convicted, or violated conditions of
20 pretrial release ~~forfeited bail~~, during the 36 months
21 immediately preceding the notice of cancellation, for
22 any felony, criminal negligence resulting in death,
23 homicide or assault arising out of the operation of a
24 motor vehicle, operating a motor vehicle while in an
25 intoxicated condition or while under the influence of
26 drugs, being intoxicated while in, or about, an

1 automobile or while having custody of an automobile,
2 leaving the scene of an accident without stopping to
3 report, theft or unlawful taking of a motor vehicle,
4 making false statements in an application for an
5 operator's or chauffeur's license or has been
6 convicted or pretrial release has been revoked
7 ~~forfeited bail~~ for 3 or more violations within the 12
8 months immediately preceding the notice of
9 cancellation, of any law, ordinance, or regulation
10 limiting the speed of motor vehicles or any of the
11 provisions of the motor vehicle laws of any state,
12 violation of which constitutes a misdemeanor, whether
13 or not the violations were repetitions of the same
14 offense or different offenses;

15 g. The insured automobile is:

16 1. so mechanically defective that its operation
17 might endanger public safety;

18 2. used in carrying passengers for hire or
19 compensation (the use of an automobile for a car pool
20 shall not be considered use of an automobile for hire
21 or compensation);

22 3. used in the business of transportation of
23 flammables or explosives;

24 4. an authorized emergency vehicle;

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

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

3 Nothing in this Section shall apply to nonrenewal.

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

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

6 Sec. 143.19.1. Limits on exercise of right of nonrenewal.
7 After a policy of automobile insurance, as defined in Section
8 143.13, has been effective or renewed for 5 or more years, the
9 company shall not exercise its right of non-renewal unless:

10 a. The policy was obtained through a material
11 misrepresentation; or

12 b. Any insured violated any of the terms and conditions of
13 the policy; or

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

18 d. Any insured made a false or fraudulent claim or
19 knowingly aided or abetted another in the presentation of such
20 a claim; or

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

24 1. Has, within the 12 months prior to the notice of
25 non-renewal had his drivers license under suspension or

1 revocation; or

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

6 3. Has an accident record, conviction record (criminal
7 or traffic), or a physical or mental condition which is
8 such that his operation of an automobile might endanger the
9 public safety; or

10 4. Has, within the 36 months prior to the notice of
11 non-renewal, been addicted to the use of narcotics or other
12 drugs; or

13 5. Has been convicted or pretrial release has been
14 revoked ~~forfeited bail~~, during the 36 months immediately
15 preceding the notice of non-renewal, for any felony,
16 criminal negligence resulting in death, homicide or
17 assault arising out of the operation of a motor vehicle,
18 operating a motor vehicle while in an intoxicated condition
19 or while under the influence of drugs, being intoxicated
20 while in or about an automobile or while having custody of
21 an automobile, leaving the scene of an accident without
22 stopping to report, theft or unlawful taking of a motor
23 vehicle, making false statements in an application for an
24 operators or chauffeurs license, or has been convicted or
25 pretrial release has been revoked ~~forfeited bail~~ for 3 or
26 more violations within the 12 months immediately preceding

1 the notice of non-renewal, of any law, ordinance or
2 regulation limiting the speed of motor vehicles or any of
3 the provisions of the motor vehicle laws of any state,
4 violation of which constitutes a misdemeanor, whether or
5 not the violations were repetitions of the same offense or
6 different offenses; or

7 f. The insured automobile is:

8 1. So mechanically defective that its operation might
9 endanger public safety; or

10 2. Used in carrying passengers for hire or compensation
11 (the use of an automobile for a car pool shall not be
12 considered use of an automobile for hire or compensation);
13 or

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

16 4. An authorized emergency vehicle; or

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

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

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

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

25 (215 ILCS 5/205) (from Ch. 73, par. 817)

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

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

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

6 (i) The reasonable expenses of the Illinois
7 Insurance Guaranty Fund, the Illinois Life and Health
8 Insurance Guaranty Association, and the Illinois
9 Health Maintenance Organization Guaranty Association
10 and of any similar organization in any other state,
11 including overhead, salaries, and other general
12 administrative expenses allocable to the receivership
13 (administrative and claims handling expenses and
14 expenses in connection with arrangements for ongoing
15 coverage), but excluding expenses incurred in the
16 performance of duties under Section 547 or similar
17 duties under the statute governing a similar
18 organization in another state. For property and
19 casualty insurance guaranty associations that guaranty
20 certain obligations of any member company as defined by
21 Section 534.5, expenses shall include, but not be
22 limited to, loss adjustment expenses, which shall
23 include adjusting and other expenses and defense and
24 cost containment expenses. The expenses of such
25 property and casualty guaranty associations, including
26 the Illinois Insurance Guaranty Fund, shall be

1 reimbursed as prescribed by Section 545, but shall be
2 subordinate to all other costs and expenses of
3 administration, including the expenses reimbursed
4 pursuant to subparagraph (ii) of this paragraph (a).

5 (ii) The expenses expressly approved or ratified
6 by the Director as liquidator or rehabilitator,
7 including, but not limited to, the following:

8 (1) the actual and necessary costs of
9 preserving or recovering the property of the
10 insurer;

11 (2) reasonable compensation for all services
12 rendered on behalf of the administrative
13 supervisor or receiver;

14 (3) any necessary filing fees;

15 (4) the fees and mileage payable to witnesses;

16 (5) unsecured loans obtained by the receiver;

17 and

18 (6) expenses approved by the conservator or
19 rehabilitator of the insurer, if any, incurred in the
20 course of the conservation or rehabilitation that are
21 unpaid at the time of the entry of the order of
22 liquidation.

23 Any unsecured loan falling under item (5) of
24 subparagraph (ii) of this paragraph (a) shall have priority
25 over all other costs and expenses of administration, unless
26 the lender agrees otherwise. Absent agreement to the

1 contrary, all other costs and expenses of administration
2 shall be shared on a pro-rata basis, except for the
3 expenses of property and casualty guaranty associations,
4 which shall have a lower priority pursuant to subparagraph
5 (i) of this paragraph (a).

6 (b) Secured claims, including claims for taxes and
7 debts due the federal or any state or local government,
8 that are secured by liens perfected prior to the filing of
9 the complaint.

10 (c) Claims for wages actually owing to employees for
11 services rendered within 3 months prior to the date of the
12 filing of the complaint, not exceeding \$1,000 to each
13 employee unless there are claims due the federal government
14 under paragraph (f), then the claims for wages shall have a
15 priority of distribution immediately following that of
16 federal claims under paragraph (f) and immediately
17 preceding claims of general creditors under paragraph (g).

18 (d) Claims by policyholders, beneficiaries, and
19 insureds, under insurance policies, annuity contracts, and
20 funding agreements, liability claims against insureds
21 covered under insurance policies and insurance contracts
22 issued by the company, claims of obligees (and, subject to
23 the discretion of the receiver, completion contractors)
24 under surety bonds and surety undertakings (not to include
25 ~~bail bonds~~, mortgage or financial guaranty, or other forms
26 of insurance offering protection against investment risk),

1 claims by principals under surety bonds and surety
2 undertakings for wrongful dissipation of collateral by the
3 insurer or its agents, and claims incurred during any
4 extension of coverage provided under subsection (5) of
5 Section 193, and claims of the Illinois Insurance Guaranty
6 Fund, the Illinois Life and Health Insurance Guaranty
7 Association, the Illinois Health Maintenance Organization
8 Guaranty Association, and any similar organization in
9 another state as prescribed in Section 545. For purposes of
10 this Section, "funding agreement" means an agreement
11 whereby an insurer authorized to write business under Class
12 1 of Section 4 of this Code may accept and accumulate funds
13 and make one or more payments at future dates in amounts
14 that are not based upon mortality or morbidity
15 contingencies.

16 (e) Claims by policyholders, beneficiaries, and
17 insureds, the allowed values of which were determined by
18 estimation under paragraph (b) of subsection (4) of Section
19 209.

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

21 (g) All other claims of general creditors not falling
22 within any other priority under this Section including
23 claims for taxes and debts due any state or local
24 government which are not secured claims and claims for
25 attorneys' fees incurred by the company in contesting its
26 conservation, rehabilitation, or liquidation.

1 (h) Claims of guaranty fund certificate holders,
2 guaranty capital shareholders, capital note holders, and
3 surplus note holders.

4 (i) Proprietary claims of shareholders, members, or
5 other owners.

6 Every claim under a written agreement, statute, or rule
7 providing that the assets in a separate account are not
8 chargeable with the liabilities arising out of any other
9 business of the insurer shall be satisfied out of the funded
10 assets in the separate account equal to, but not to exceed, the
11 reserves maintained in the separate account under the separate
12 account agreement, and to the extent, if any, the claim is not
13 fully discharged thereby, the remainder of the claim shall be
14 treated as a priority level (d) claim under paragraph (d) of
15 this subsection to the extent that reserves have been
16 established in the insurer's general account pursuant to
17 statute, rule, or the separate account agreement.

18 For purposes of this provision, "separate account
19 policies, contracts, or agreements" means any policies,
20 contracts, or agreements that provide for separate accounts as
21 contemplated by Section 245.21.

22 To the extent that any assets of an insurer, other than
23 those assets properly allocated to and maintained in a separate
24 account, have been used to fund or pay any expenses, taxes, or
25 policyholder benefits that are attributable to a separate
26 account policy, contract, or agreement that should have been

1 paid by a separate account prior to the commencement of
2 receivership proceedings, then upon the commencement of
3 receivership proceedings, the separate accounts that benefited
4 from this payment or funding shall first be used to repay or
5 reimburse the company's general assets or account for any
6 unreimbursed net sums due at the commencement of receivership
7 proceedings prior to the application of the separate account
8 assets to the satisfaction of liabilities or the corresponding
9 separate account policies, contracts, and agreements.

10 To the extent, if any, reserves or assets maintained in the
11 separate account are in excess of the amounts needed to satisfy
12 claims under the separate account contracts, the excess shall
13 be treated as part of the general assets of the insurer's
14 estate.

15 (2) Within 120 days after the issuance of an Order of
16 Liquidation with a finding of insolvency against a domestic
17 company, the Director shall make application to the court
18 requesting authority to disburse funds to the Illinois
19 Insurance Guaranty Fund, the Illinois Life and Health Insurance
20 Guaranty Association, the Illinois Health Maintenance
21 Organization Guaranty Association, and similar organizations
22 in other states from time to time out of the company's
23 marshaled assets as funds become available in amounts equal to
24 disbursements made by the Illinois Insurance Guaranty Fund, the
25 Illinois Life and Health Insurance Guaranty Association, the
26 Illinois Health Maintenance Organization Guaranty Association,

1 and similar organizations in other states for covered claims
2 obligations on the presentation of evidence that such
3 disbursements have been made by the Illinois Insurance Guaranty
4 Fund, the Illinois Life and Health Insurance Guaranty
5 Association, the Illinois Health Maintenance Organization
6 Guaranty Association, and similar organizations in other
7 states.

8 The Director shall establish procedures for the ratable
9 allocation and distribution of disbursements to the Illinois
10 Insurance Guaranty Fund, the Illinois Life and Health Insurance
11 Guaranty Association, the Illinois Health Maintenance
12 Organization Guaranty Association, and similar organizations
13 in other states. In determining the amounts available for
14 disbursement, the Director shall reserve sufficient assets for
15 the payment of the expenses of administration described in
16 paragraph (1)(a) of this Section. All funds available for
17 disbursement after the establishment of the prescribed reserve
18 shall be promptly distributed. As a condition to receipt of
19 funds in reimbursement of covered claims obligations, the
20 Director shall secure from the Illinois Insurance Guaranty
21 Fund, the Illinois Life and Health Insurance Guaranty
22 Association, the Illinois Health Maintenance Organization
23 Guaranty Association, and each similar organization in other
24 states, an agreement to return to the Director on demand funds
25 previously received as may be required to pay claims of secured
26 creditors and claims falling within the priorities established

1 in paragraphs (a), (b), (c), and (d) of subsection (1) of this
2 Section in accordance with such priorities.

3 (3) The changes made in this Section by this amendatory Act
4 of the 100th General Assembly apply to all liquidation,
5 rehabilitation, or conservation proceedings that are pending
6 on the effective date of this amendatory Act of the 100th
7 General Assembly and to all future liquidation,
8 rehabilitation, or conservation proceedings.

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

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

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

14 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

15 Sec. 5.1. Disclosure of records.

16 (a) Notwithstanding any applicable statutory provision to
17 the contrary, the Board shall, on written request from any
18 person, provide information furnished by an applicant or
19 licensee concerning the applicant or licensee, his products,
20 services or gambling enterprises and his business holdings, as
21 follows:

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

24 (2) An identification of any applicant or licensee

1 including, if an applicant or licensee is not an
2 individual, the names and addresses of all stockholders and
3 directors, if the entity is a corporation; the names and
4 addresses of all members, if the entity is a limited
5 liability company; the names and addresses of all partners,
6 both general and limited, if the entity is a partnership;
7 and the names and addresses of all beneficiaries, if the
8 entity is a trust. If an applicant or licensee has a
9 pending registration statement filed with the Securities
10 and Exchange Commission, only the names of those persons or
11 entities holding interest of 5% or more must be provided.

12 (3) An identification of any business, including, if
13 applicable, the state of incorporation or registration, in
14 which an applicant or licensee or an applicant's or
15 licensee's spouse or children has an equity interest of
16 more than 1%. If an applicant or licensee is a corporation,
17 partnership or other business entity, the applicant or
18 licensee shall identify any other corporation, partnership
19 or business entity in which it has an equity interest of 1%
20 or more, including, if applicable, the state of
21 incorporation or registration. This information need not
22 be provided by a corporation, partnership or other business
23 entity that has a pending registration statement filed with
24 the Securities and Exchange Commission.

25 (4) Whether an applicant or licensee has been indicted,
26 convicted, pleaded guilty or nolo contendere, or pretrial

1 release has been revoked ~~forfeited bail~~ concerning any
2 criminal offense under the laws of any jurisdiction, either
3 felony or misdemeanor (except for traffic violations),
4 including the date, the name and location of the court,
5 arresting agency and prosecuting agency, the case number,
6 the offense, the disposition and the location and length of
7 incarceration.

8 (5) Whether an applicant or licensee has had any
9 license or certificate issued by a licensing authority in
10 Illinois or any other jurisdiction denied, restricted,
11 suspended, revoked or not renewed and a statement
12 describing the facts and circumstances concerning the
13 denial, restriction, suspension, revocation or
14 non-renewal, including the licensing authority, the date
15 each such action was taken, and the reason for each such
16 action.

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

23 (7) Whether an applicant or licensee has filed, or been
24 served with a complaint or other notice filed with any
25 public body, regarding the delinquency in the payment of,
26 or a dispute over the filings concerning the payment of,

1 any tax required under federal, State or local law,
2 including the amount, type of tax, the taxing agency and
3 time periods involved.

4 (8) A statement listing the names and titles of all
5 public officials or officers of any unit of government, and
6 relatives of said public officials or officers who,
7 directly or indirectly, own any financial interest in, have
8 any beneficial interest in, are the creditors of or hold
9 any debt instrument issued by, or hold or have any interest
10 in any contractual or service relationship with, an
11 applicant or licensee.

12 (9) Whether an applicant or licensee has made, directly
13 or indirectly, any political contribution, or any loans,
14 donations or other payments, to any candidate or office
15 holder, within 5 years from the date of filing the
16 application, including the amount and the method of
17 payment.

18 (10) The name and business telephone number of the
19 counsel representing an applicant or licensee in matters
20 before the Board.

21 (11) A description of any proposed or approved gambling
22 operation, including the type of boat, home dock, or casino
23 or gaming location, expected economic benefit to the
24 community, anticipated or actual number of employees, any
25 statement from an applicant or licensee regarding
26 compliance with federal and State affirmative action

1 guidelines, projected or actual admissions and projected
2 or actual adjusted gross gaming receipts.

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

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

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

11 (2) Whenever the Board finds an applicant for an
12 owner's license unsuitable for licensing, a copy of the
13 written letter outlining the reasons for the denial.

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

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

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

20 (2) The statutes, rules, regulations or
21 intergovernmental agreements of any jurisdiction.

22 (d) The Board may assess fees for the copying of
23 information in accordance with Section 6 of the Freedom of
24 Information Act.

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

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

3 (410 ILCS 70/7.5)

4 Sec. 7.5. Prohibition on billing sexual assault survivors
5 directly for certain services; written notice; billing
6 protocols.

7 (a) A hospital, approved pediatric health care facility,
8 health care professional, ambulance provider, laboratory, or
9 pharmacy furnishing medical forensic services, transportation,
10 follow-up healthcare, or medication to a sexual assault
11 survivor shall not:

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

17 (2) communicate with, harass, or intimidate the sexual
18 assault survivor for payment of services, including, but
19 not limited to, repeatedly calling or writing to the sexual
20 assault survivor and threatening to refer the matter to a
21 debt collection agency or to an attorney for collection,
22 enforcement, or filing of other process;

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

25 (4) contact or distribute information to affect the

1 sexual assault survivor's credit rating; or

2 (5) take any other action adverse to the sexual assault
3 survivor or his or her family on account of providing
4 services to the sexual assault survivor.

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

9 (c) Every hospital and approved pediatric health care
10 facility providing treatment services to sexual assault
11 survivors in accordance with a plan approved under Section 2 of
12 this Act shall provide a written notice to a sexual assault
13 survivor. The written notice must include, but is not limited
14 to, the following:

15 (1) a statement that the sexual assault survivor should
16 not be directly billed by any ambulance provider providing
17 transportation services, or by any hospital, approved
18 pediatric health care facility, health care professional,
19 laboratory, or pharmacy for the services the sexual assault
20 survivor received as an outpatient at the hospital or
21 approved pediatric health care facility;

22 (2) a statement that a sexual assault survivor who is
23 admitted to a hospital may be billed for inpatient services
24 provided by a hospital, health care professional,
25 laboratory, or pharmacy;

26 (3) a statement that prior to leaving the hospital or

1 approved pediatric health care facility, the hospital or
2 approved pediatric health care facility will give the
3 sexual assault survivor a sexual assault services voucher
4 for follow-up healthcare if the sexual assault survivor is
5 eligible to receive a sexual assault services voucher;

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

8 (5) a phone number the sexual assault survivor may call
9 should the sexual assault survivor receive a bill from the
10 hospital or approved pediatric health care facility for
11 medical forensic services;

12 (6) the toll-free phone number of the Office of the
13 Illinois Attorney General, ~~Crime Victim Services Division,~~
14 which the sexual assault survivor may call should the
15 sexual assault survivor receive a bill from an ambulance
16 provider, approved pediatric health care facility, a
17 health care professional, a laboratory, or a pharmacy.

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

21 (d) Within 60 days after the effective date of this
22 amendatory Act of the 99th General Assembly, every health care
23 professional, except for those employed by a hospital or
24 hospital affiliate, as defined in the Hospital Licensing Act,
25 or those employed by a hospital operated under the University
26 of Illinois Hospital Act, who bills separately for medical or

1 forensic services must develop a billing protocol that ensures
2 that no survivor of sexual assault will be sent a bill for any
3 medical forensic services and submit the billing protocol to
4 the ~~Crime Victim Services Division of the~~ Office of the
5 Attorney General for approval. Within 60 days after the
6 commencement of the provision of medical forensic services,
7 every health care professional, except for those employed by a
8 hospital or hospital affiliate, as defined in the Hospital
9 Licensing Act, or those employed by a hospital operated under
10 the University of Illinois Hospital Act, who bills separately
11 for medical or forensic services must develop a billing
12 protocol that ensures that no survivor of sexual assault is
13 sent a bill for any medical forensic services and submit the
14 billing protocol to the ~~Crime Victim Services Division of the~~
15 ~~Office of the~~ Attorney General for approval. Health care
16 professionals who bill as a legal entity may submit a single
17 billing protocol for the billing entity.

18 Within 60 days after the Department's approval of a
19 treatment plan, an approved pediatric health care facility and
20 any health care professional employed by an approved pediatric
21 health care facility must develop a billing protocol that
22 ensures that no survivor of sexual assault is sent a bill for
23 any medical forensic services and submit the billing protocol
24 to the ~~Crime Victim Services Division of the~~ Office of the
25 Attorney General for approval.

26 The billing protocol must include at a minimum:

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

3 (2) a written acknowledgement signed by a person who
4 has completed the training that the person will not bill
5 survivors of sexual assault;

6 (3) prohibitions on submitting any bill for any portion
7 of medical forensic services provided to a survivor of
8 sexual assault to a collection agency;

9 (4) prohibitions on taking any action that would
10 adversely affect the credit of the survivor of sexual
11 assault;

12 (5) the termination of all collection activities if the
13 protocol is violated; and

14 (6) the actions to be taken if a bill is sent to a
15 collection agency or the failure to pay is reported to any
16 credit reporting agency.

17 The ~~Crime Victim Services Division of the~~ Office of the
18 Attorney General may provide a sample acceptable billing
19 protocol upon request.

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

24 If the Office of the Attorney General determines that
25 implementation of the protocol could result in the billing of a
26 survivor of sexual assault for medical forensic services, the

1 Office of the Attorney General shall provide the health care
2 professional or approved pediatric health care facility with a
3 written statement of the deficiencies in the protocol. The
4 health care professional or approved pediatric health care
5 facility shall have 30 days to submit a revised billing
6 protocol addressing the deficiencies to the Office of the
7 Attorney General. The health care professional or approved
8 pediatric health care facility shall implement the protocol
9 upon approval by the ~~Crime Victim Services Division of the~~
10 Office of the Attorney General.

11 The health care professional or approved pediatric health
12 care facility shall submit any proposed revision to or
13 modification of an approved billing protocol to the ~~Crime~~
14 ~~Victim Services Division of the~~ Office of the Attorney General
15 for approval. The health care professional or approved
16 pediatric health care facility shall implement the revised or
17 modified billing protocol upon approval by the ~~Crime Victim~~
18 ~~Services Division of the~~ Office of the Illinois Attorney
19 General.

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

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

22 Section 10-190. The Illinois Vehicle Code is amended by
23 changing Sections 6-204, 6-206, 6-209.1, 6-308, 6-500, 6-601,
24 11-208.3, 11-208.6, 11-208.8, 11-208.9, 11-1201.1, and 16-103
25 as follows:

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

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

3 (a) For the purpose of providing to the Secretary of State
4 the records essential to the performance of the Secretary's
5 duties under this Code to cancel, revoke or suspend the
6 driver's license and privilege to drive motor vehicles of
7 certain minors and of persons found guilty of the criminal
8 offenses or traffic violations which this Code recognizes as
9 evidence relating to unfitness to safely operate motor
10 vehicles, the following duties are imposed upon public
11 officials:

12 (1) Whenever any person is convicted of any offense for
13 which this Code makes mandatory the cancellation or
14 revocation of the driver's license or permit of such person
15 by the Secretary of State, the judge of the court in which
16 such conviction is had shall require the surrender to the
17 clerk of the court of all driver's licenses or permits then
18 held by the person so convicted, and the clerk of the court
19 shall, within 5 days thereafter, forward the same, together
20 with a report of such conviction, to the Secretary.

21 (2) Whenever any person is convicted of any offense
22 under this Code or similar offenses under a municipal
23 ordinance, other than regulations governing standing,
24 parking or weights of vehicles, and excepting the following
25 enumerated Sections of this Code: Sections 11-1406

1 (obstruction to driver's view or control), 11-1407
2 (improper opening of door into traffic), 11-1410 (coasting
3 on downgrade), 11-1411 (following fire apparatus),
4 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
5 vehicle which is in unsafe condition or improperly
6 equipped), 12-201(a) (daytime lights on motorcycles),
7 12-202 (clearance, identification and side marker lamps),
8 12-204 (lamp or flag on projecting load), 12-205 (failure
9 to display the safety lights required), 12-401
10 (restrictions as to tire equipment), 12-502 (mirrors),
11 12-503 (windshields must be unobstructed and equipped with
12 wipers), 12-601 (horns and warning devices), 12-602
13 (mufflers, prevention of noise or smoke), 12-603 (seat
14 safety belts), 12-702 (certain vehicles to carry flares or
15 other warning devices), 12-703 (vehicles for oiling roads
16 operated on highways), 12-710 (splash guards and
17 replacements), 13-101 (safety tests), 15-101 (size, weight
18 and load), 15-102 (width), 15-103 (height), 15-104 (name
19 and address on second division vehicles), 15-107 (length of
20 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),
21 15-112 (weights), 15-301 (weights), 15-316 (weights),
22 15-318 (weights), and also excepting the following
23 enumerated Sections of the Chicago Municipal Code:
24 Sections 27-245 (following fire apparatus), 27-254
25 (obstruction of traffic), 27-258 (driving vehicle which is
26 in unsafe condition), 27-259 (coasting on downgrade),

1 27-264 (use of horns and signal devices), 27-265
2 (obstruction to driver's view or driver mechanism), 27-267
3 (dimming of headlights), 27-268 (unattended motor
4 vehicle), 27-272 (illegal funeral procession), 27-273
5 (funeral procession on boulevard), 27-275 (driving freight
6 hauling vehicles on boulevard), 27-276 (stopping and
7 standing of buses or taxicabs), 27-277 (cruising of public
8 passenger vehicles), 27-305 (parallel parking), 27-306
9 (diagonal parking), 27-307 (parking not to obstruct
10 traffic), 27-308 (stopping, standing or parking
11 regulated), 27-311 (parking regulations), 27-312 (parking
12 regulations), 27-313 (parking regulations), 27-314
13 (parking regulations), 27-315 (parking regulations),
14 27-316 (parking regulations), 27-317 (parking
15 regulations), 27-318 (parking regulations), 27-319
16 (parking regulations), 27-320 (parking regulations),
17 27-321 (parking regulations), 27-322 (parking
18 regulations), 27-324 (loading and unloading at an angle),
19 27-333 (wheel and axle loads), 27-334 (load restrictions in
20 the downtown district), 27-335 (load restrictions in
21 residential areas), 27-338 (width of vehicles), 27-339
22 (height of vehicles), 27-340 (length of vehicles), 27-352
23 (reflectors on trailers), 27-353 (mufflers), 27-354
24 (display of plates), 27-355 (display of city vehicle tax
25 sticker), 27-357 (identification of vehicles), 27-358
26 (projecting of loads), and also excepting the following

1 enumerated paragraphs of Section 2-201 of the Rules and
2 Regulations of the Illinois State Toll Highway Authority:
3 (l) (driving unsafe vehicle on tollway), (m) (vehicles
4 transporting dangerous cargo not properly indicated), it
5 shall be the duty of the clerk of the court in which such
6 conviction is had within 5 days thereafter to forward to
7 the Secretary of State a report of the conviction and the
8 court may recommend the suspension of the driver's license
9 or permit of the person so convicted.

10 The reporting requirements of this subsection shall
11 apply to all violations stated in paragraphs (1) and (2) of
12 this subsection when the individual has been adjudicated
13 under the Juvenile Court Act or the Juvenile Court Act of
14 1987. Such reporting requirements shall also apply to
15 individuals adjudicated under the Juvenile Court Act or the
16 Juvenile Court Act of 1987 who have committed a violation
17 of Section 11-501 of this Code, or similar provision of a
18 local ordinance, or Section 9-3 of the Criminal Code of
19 1961 or the Criminal Code of 2012, relating to the offense
20 of reckless homicide, or Section 5-7 of the Snowmobile
21 Registration and Safety Act or Section 5-16 of the Boat
22 Registration and Safety Act, relating to the offense of
23 operating a snowmobile or a watercraft while under the
24 influence of alcohol, other drug or drugs, intoxicating
25 compound or compounds, or combination thereof. These
26 reporting requirements also apply to individuals

1 adjudicated under the Juvenile Court Act of 1987 based on
2 any offense determined to have been committed in
3 furtherance of the criminal activities of an organized
4 gang, as provided in Section 5-710 of that Act, if those
5 activities involved the operation or use of a motor
6 vehicle. It shall be the duty of the clerk of the court in
7 which adjudication is had within 5 days thereafter to
8 forward to the Secretary of State a report of the
9 adjudication and the court order requiring the Secretary of
10 State to suspend the minor's driver's license and driving
11 privilege for such time as determined by the court, but
12 only until he or she attains the age of 18 years. All
13 juvenile court dispositions reported to the Secretary of
14 State under this provision shall be processed by the
15 Secretary of State as if the cases had been adjudicated in
16 traffic or criminal court. However, information reported
17 relative to the offense of reckless homicide, or Section
18 11-501 of this Code, or a similar provision of a local
19 ordinance, shall be privileged and available only to the
20 Secretary of State, courts, and police officers.

21 The reporting requirements of this subsection (a)
22 apply to all violations listed in paragraphs (1) and (2) of
23 this subsection (a), excluding parking violations, when
24 the driver holds a CLP or CDL, regardless of the type of
25 vehicle in which the violation occurred, or when any driver
26 committed the violation in a commercial motor vehicle as

1 defined in Section 6-500 of this Code.

2 (3) Whenever an order is entered vacating the
3 conditions of pretrial release ~~forfeiture of any bail,~~
4 ~~security or bond~~ given to secure appearance for any offense
5 under this Code or similar offenses under municipal
6 ordinance, it shall be the duty of the clerk of the court
7 in which such vacation was had or the judge of such court
8 if such court has no clerk, within 5 days thereafter to
9 forward to the Secretary of State a report of the vacation.

10 (4) A report of any disposition of court supervision
11 for a violation of Sections 6-303, 11-401, 11-501 or a
12 similar provision of a local ordinance, 11-503, 11-504, and
13 11-506 of this Code, Section 5-7 of the Snowmobile
14 Registration and Safety Act, and Section 5-16 of the Boat
15 Registration and Safety Act shall be forwarded to the
16 Secretary of State. A report of any disposition of court
17 supervision for a violation of an offense defined as a
18 serious traffic violation in this Code or a similar
19 provision of a local ordinance committed by a person under
20 the age of 21 years shall be forwarded to the Secretary of
21 State.

22 (5) Reports of conviction under this Code and
23 sentencing hearings under the Juvenile Court Act of 1987 in
24 an electronic format or a computer processible medium shall
25 be forwarded to the Secretary of State via the Supreme
26 Court in the form and format required by the Illinois

1 Supreme Court and established by a written agreement
2 between the Supreme Court and the Secretary of State. In
3 counties with a population over 300,000, instead of
4 forwarding reports to the Supreme Court, reports of
5 conviction under this Code and sentencing hearings under
6 the Juvenile Court Act of 1987 in an electronic format or a
7 computer processible medium may be forwarded to the
8 Secretary of State by the Circuit Court Clerk in a form and
9 format required by the Secretary of State and established
10 by written agreement between the Circuit Court Clerk and
11 the Secretary of State. Failure to forward the reports of
12 conviction or sentencing hearing under the Juvenile Court
13 Act of 1987 as required by this Section shall be deemed an
14 omission of duty and it shall be the duty of the several
15 State's Attorneys to enforce the requirements of this
16 Section.

17 (b) Whenever a restricted driving permit is forwarded to a
18 court, as a result of confiscation by a police officer pursuant
19 to the authority in Section 6-113(f), it shall be the duty of
20 the clerk, or judge, if the court has no clerk, to forward such
21 restricted driving permit and a facsimile of the officer's
22 citation to the Secretary of State as expeditiously as
23 practicable.

24 (c) For the purposes of this Code, a violation of the
25 conditions of pretrial release ~~forfeiture of bail or collateral~~
26 ~~deposited to secure a defendant's appearance in court~~ when the

1 conditions of pretrial release have ~~forfeiture has~~ not been
2 vacated, or the failure of a defendant to appear for trial
3 after depositing his driver's license in lieu of other bail,
4 shall be equivalent to a conviction.

5 (d) For the purpose of providing the Secretary of State
6 with records necessary to properly monitor and assess driver
7 performance and assist the courts in the proper disposition of
8 repeat traffic law offenders, the clerk of the court shall
9 forward to the Secretary of State, on a form prescribed by the
10 Secretary, records of a driver's participation in a driver
11 remedial or rehabilitative program which was required, through
12 a court order or court supervision, in relation to the driver's
13 arrest for a violation of Section 11-501 of this Code or a
14 similar provision of a local ordinance. The clerk of the court
15 shall also forward to the Secretary, either on paper or in an
16 electronic format or a computer processible medium as required
17 under paragraph (5) of subsection (a) of this Section, any
18 disposition of court supervision for any traffic violation,
19 excluding those offenses listed in paragraph (2) of subsection
20 (a) of this Section. These reports shall be sent within 5 days
21 after disposition, or, if the driver is referred to a driver
22 remedial or rehabilitative program, within 5 days of the
23 driver's referral to that program. These reports received by
24 the Secretary of State, including those required to be
25 forwarded under paragraph (a)(4), shall be privileged
26 information, available only (i) to the affected driver, (ii) to

1 the parent or guardian of a person under the age of 18 years
2 holding an instruction permit or a graduated driver's license,
3 and (iii) for use by the courts, police officers, prosecuting
4 authorities, the Secretary of State, and the driver licensing
5 administrator of any other state. In accordance with 49 C.F.R.
6 Part 384, all reports of court supervision, except violations
7 related to parking, shall be forwarded to the Secretary of
8 State for all holders of a CLP or CDL or any driver who commits
9 an offense while driving a commercial motor vehicle. These
10 reports shall be recorded to the driver's record as a
11 conviction for use in the disqualification of the driver's
12 commercial motor vehicle privileges and shall not be privileged
13 information.

14 (Source: P.A. 100-74, eff. 8-11-17; 101-623, eff. 7-1-20.)

15 (625 ILCS 5/6-206)

16 (Text of Section before amendment by P.A. 101-90, 101-470,
17 and 101-623)

18 Sec. 6-206. Discretionary authority to suspend or revoke
19 license or permit; right to a hearing.

20 (a) The Secretary of State is authorized to suspend or
21 revoke the driving privileges of any person without preliminary
22 hearing upon a showing of the person's records or other
23 sufficient evidence that the person:

24 1. Has committed an offense for which mandatory
25 revocation of a driver's license or permit is required upon

1 conviction;

2 2. Has been convicted of not less than 3 offenses
3 against traffic regulations governing the movement of
4 vehicles committed within any 12-month ~~12-month~~ period. No
5 revocation or suspension shall be entered more than 6
6 months after the date of last conviction;

7 3. Has been repeatedly involved as a driver in motor
8 vehicle collisions or has been repeatedly convicted of
9 offenses against laws and ordinances regulating the
10 movement of traffic, to a degree that indicates lack of
11 ability to exercise ordinary and reasonable care in the
12 safe operation of a motor vehicle or disrespect for the
13 traffic laws and the safety of other persons upon the
14 highway;

15 4. Has by the unlawful operation of a motor vehicle
16 caused or contributed to an accident resulting in injury
17 requiring immediate professional treatment in a medical
18 facility or doctor's office to any person, except that any
19 suspension or revocation imposed by the Secretary of State
20 under the provisions of this subsection shall start no
21 later than 6 months after being convicted of violating a
22 law or ordinance regulating the movement of traffic, which
23 violation is related to the accident, or shall start not
24 more than one year after the date of the accident,
25 whichever date occurs later;

26 5. Has permitted an unlawful or fraudulent use of a

1 driver's license, identification card, or permit;

2 6. Has been lawfully convicted of an offense or
3 offenses in another state, including the authorization
4 contained in Section 6-203.1, which if committed within
5 this State would be grounds for suspension or revocation;

6 7. Has refused or failed to submit to an examination
7 provided for by Section 6-207 or has failed to pass the
8 examination;

9 8. Is ineligible for a driver's license or permit under
10 the provisions of Section 6-103;

11 9. Has made a false statement or knowingly concealed a
12 material fact or has used false information or
13 identification in any application for a license,
14 identification card, or permit;

15 10. Has possessed, displayed, or attempted to
16 fraudulently use any license, identification card, or
17 permit not issued to the person;

18 11. Has operated a motor vehicle upon a highway of this
19 State when the person's driving privilege or privilege to
20 obtain a driver's license or permit was revoked or
21 suspended unless the operation was authorized by a
22 monitoring device driving permit, judicial driving permit
23 issued prior to January 1, 2009, probationary license to
24 drive, or ~~a~~ restricted driving permit issued under this
25 Code;

26 12. Has submitted to any portion of the application

1 process for another person or has obtained the services of
2 another person to submit to any portion of the application
3 process for the purpose of obtaining a license,
4 identification card, or permit for some other person;

5 13. Has operated a motor vehicle upon a highway of this
6 State when the person's driver's license or permit was
7 invalid under the provisions of Sections 6-107.1 and 6-110;

8 14. Has committed a violation of Section 6-301,
9 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
10 14B of the Illinois Identification Card Act;

11 15. Has been convicted of violating Section 21-2 of the
12 Criminal Code of 1961 or the Criminal Code of 2012 relating
13 to criminal trespass to vehicles in which case, the
14 suspension shall be for one year;

15 16. Has been convicted of violating Section 11-204 of
16 this Code relating to fleeing from a peace officer;

17 17. Has refused to submit to a test, or tests, as
18 required under Section 11-501.1 of this Code and the person
19 has not sought a hearing as provided for in Section
20 11-501.1;

21 18. Has, since issuance of a driver's license or
22 permit, been adjudged to be afflicted with or suffering
23 from any mental disability or disease;

24 19. Has committed a violation of paragraph (a) or (b)
25 of Section 6-101 relating to driving without a driver's
26 license;

1 20. Has been convicted of violating Section 6-104
2 relating to classification of driver's license;

3 21. Has been convicted of violating Section 11-402 of
4 this Code relating to leaving the scene of an accident
5 resulting in damage to a vehicle in excess of \$1,000, in
6 which case the suspension shall be for one year;

7 22. Has used a motor vehicle in violating paragraph
8 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
9 the Criminal Code of 1961 or the Criminal Code of 2012
10 relating to unlawful use of weapons, in which case the
11 suspension shall be for one year;

12 23. Has, as a driver, been convicted of committing a
13 violation of paragraph (a) of Section 11-502 of this Code
14 for a second or subsequent time within one year of a
15 similar violation;

16 24. Has been convicted by a court-martial or punished
17 by non-judicial punishment by military authorities of the
18 United States at a military installation in Illinois or in
19 another state of or for a traffic-related ~~traffic-related~~
20 offense that is the same as or similar to an offense
21 specified under Section 6-205 or 6-206 of this Code;

22 25. Has permitted any form of identification to be used
23 by another in the application process in order to obtain or
24 attempt to obtain a license, identification card, or
25 permit;

26 26. Has altered or attempted to alter a license or has

1 possessed an altered license, identification card, or
2 permit;

3 27. Has violated Section 6-16 of the Liquor Control Act
4 of 1934;

5 28. Has been convicted for a first time of the illegal
6 possession, while operating or in actual physical control,
7 as a driver, of a motor vehicle, of any controlled
8 substance prohibited under the Illinois Controlled
9 Substances Act, any cannabis prohibited under the Cannabis
10 Control Act, or any methamphetamine prohibited under the
11 Methamphetamine Control and Community Protection Act, in
12 which case the person's driving privileges shall be
13 suspended for one year. Any defendant found guilty of this
14 offense while operating a motor vehicle, shall have an
15 entry made in the court record by the presiding judge that
16 this offense did occur while the defendant was operating a
17 motor vehicle and order the clerk of the court to report
18 the violation to the Secretary of State;

19 29. Has been convicted of the following offenses that
20 were committed while the person was operating or in actual
21 physical control, as a driver, of a motor vehicle: criminal
22 sexual assault, predatory criminal sexual assault of a
23 child, aggravated criminal sexual assault, criminal sexual
24 abuse, aggravated criminal sexual abuse, juvenile pimping,
25 soliciting for a juvenile prostitute, promoting juvenile
26 prostitution as described in subdivision (a) (1), (a) (2),

1 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961
2 or the Criminal Code of 2012, and the manufacture, sale or
3 delivery of controlled substances or instruments used for
4 illegal drug use or abuse in which case the driver's
5 driving privileges shall be suspended for one year;

6 30. Has been convicted a second or subsequent time for
7 any combination of the offenses named in paragraph 29 of
8 this subsection, in which case the person's driving
9 privileges shall be suspended for 5 years;

10 31. Has refused to submit to a test as required by
11 Section 11-501.6 of this Code or Section 5-16c of the Boat
12 Registration and Safety Act or has submitted to a test
13 resulting in an alcohol concentration of 0.08 or more or
14 any amount of a drug, substance, or compound resulting from
15 the unlawful use or consumption of cannabis as listed in
16 the Cannabis Control Act, a controlled substance as listed
17 in the Illinois Controlled Substances Act, an intoxicating
18 compound as listed in the Use of Intoxicating Compounds
19 Act, or methamphetamine as listed in the Methamphetamine
20 Control and Community Protection Act, in which case the
21 penalty shall be as prescribed in Section 6-208.1;

22 32. Has been convicted of Section 24-1.2 of the
23 Criminal Code of 1961 or the Criminal Code of 2012 relating
24 to the aggravated discharge of a firearm if the offender
25 was located in a motor vehicle at the time the firearm was
26 discharged, in which case the suspension shall be for 3

1 years;

2 33. Has as a driver, who was less than 21 years of age
3 on the date of the offense, been convicted a first time of
4 a violation of paragraph (a) of Section 11-502 of this Code
5 or a similar provision of a local ordinance;

6 34. Has committed a violation of Section 11-1301.5 of
7 this Code or a similar provision of a local ordinance;

8 35. Has committed a violation of Section 11-1301.6 of
9 this Code or a similar provision of a local ordinance;

10 36. Is under the age of 21 years at the time of arrest
11 and has been convicted of not less than 2 offenses against
12 traffic regulations governing the movement of vehicles
13 committed within any 24-month ~~24-month~~ period. No
14 revocation or suspension shall be entered more than 6
15 months after the date of last conviction;

16 37. Has committed a violation of subsection (c) of
17 Section 11-907 of this Code that resulted in damage to the
18 property of another or the death or injury of another;

19 38. Has been convicted of a violation of Section 6-20
20 of the Liquor Control Act of 1934 or a similar provision of
21 a local ordinance;

22 39. Has committed a second or subsequent violation of
23 Section 11-1201 of this Code;

24 40. Has committed a violation of subsection (a-1) of
25 Section 11-908 of this Code;

26 41. Has committed a second or subsequent violation of

1 Section 11-605.1 of this Code, a similar provision of a
2 local ordinance, or a similar violation in any other state
3 within 2 years of the date of the previous violation, in
4 which case the suspension shall be for 90 days;

5 42. Has committed a violation of subsection (a-1) of
6 Section 11-1301.3 of this Code or a similar provision of a
7 local ordinance;

8 43. Has received a disposition of court supervision for
9 a violation of subsection (a), (d), or (e) of Section 6-20
10 of the Liquor Control Act of 1934 or a similar provision of
11 a local ordinance, in which case the suspension shall be
12 for a period of 3 months;

13 44. Is under the age of 21 years at the time of arrest
14 and has been convicted of an offense against traffic
15 regulations governing the movement of vehicles after
16 having previously had his or her driving privileges
17 suspended or revoked pursuant to subparagraph 36 of this
18 Section;

19 45. Has, in connection with or during the course of a
20 formal hearing conducted under Section 2-118 of this Code:
21 (i) committed perjury; (ii) submitted fraudulent or
22 falsified documents; (iii) submitted documents that have
23 been materially altered; or (iv) submitted, as his or her
24 own, documents that were in fact prepared or composed for
25 another person;

26 46. Has committed a violation of subsection (j) of

1 Section 3-413 of this Code;

2 47. Has committed a violation of Section 11-502.1 of
3 this Code; or

4 48. Has submitted a falsified or altered medical
5 examiner's certificate to the Secretary of State or
6 provided false information to obtain a medical examiner's
7 certificate.

8 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
9 and 27 of this subsection, license means any driver's license,
10 any traffic ticket issued when the person's driver's license is
11 deposited in lieu of bail, a suspension notice issued by the
12 Secretary of State, a duplicate or corrected driver's license,
13 a probationary driver's license, or a temporary driver's
14 license.

15 (b) If any conviction forming the basis of a suspension or
16 revocation authorized under this Section is appealed, the
17 Secretary of State may rescind or withhold the entry of the
18 order of suspension or revocation, as the case may be, provided
19 that a certified copy of a stay order of a court is filed with
20 the Secretary of State. If the conviction is affirmed on
21 appeal, the date of the conviction shall relate back to the
22 time the original judgment of conviction was entered and the
23 6-month ~~6-month~~ limitation prescribed shall not apply.

24 (c) 1. Upon suspending or revoking the driver's license or
25 permit of any person as authorized in this Section, the
26 Secretary of State shall immediately notify the person in

1 writing of the revocation or suspension. The notice to be
2 deposited in the United States mail, postage prepaid, to the
3 last known address of the person.

4 2. If the Secretary of State suspends the driver's license
5 of a person under subsection 2 of paragraph (a) of this
6 Section, a person's privilege to operate a vehicle as an
7 occupation shall not be suspended, provided an affidavit is
8 properly completed, the appropriate fee received, and a permit
9 issued prior to the effective date of the suspension, unless 5
10 offenses were committed, at least 2 of which occurred while
11 operating a commercial vehicle in connection with the driver's
12 regular occupation. All other driving privileges shall be
13 suspended by the Secretary of State. Any driver prior to
14 operating a vehicle for occupational purposes only must submit
15 the affidavit on forms to be provided by the Secretary of State
16 setting forth the facts of the person's occupation. The
17 affidavit shall also state the number of offenses committed
18 while operating a vehicle in connection with the driver's
19 regular occupation. The affidavit shall be accompanied by the
20 driver's license. Upon receipt of a properly completed
21 affidavit, the Secretary of State shall issue the driver a
22 permit to operate a vehicle in connection with the driver's
23 regular occupation only. Unless the permit is issued by the
24 Secretary of State prior to the date of suspension, the
25 privilege to drive any motor vehicle shall be suspended as set
26 forth in the notice that was mailed under this Section. If an

1 affidavit is received subsequent to the effective date of this
2 suspension, a permit may be issued for the remainder of the
3 suspension period.

4 The provisions of this subparagraph shall not apply to any
5 driver required to possess a CDL for the purpose of operating a
6 commercial motor vehicle.

7 Any person who falsely states any fact in the affidavit
8 required herein shall be guilty of perjury under Section 6-302
9 and upon conviction thereof shall have all driving privileges
10 revoked without further rights.

11 3. At the conclusion of a hearing under Section 2-118 of
12 this Code, the Secretary of State shall either rescind or
13 continue an order of revocation or shall substitute an order of
14 suspension; or, good cause appearing therefor, rescind,
15 continue, change, or extend the order of suspension. If the
16 Secretary of State does not rescind the order, the Secretary
17 may upon application, to relieve undue hardship (as defined by
18 the rules of the Secretary of State), issue a restricted
19 driving permit granting the privilege of driving a motor
20 vehicle between the petitioner's residence and petitioner's
21 place of employment or within the scope of the petitioner's
22 employment-related ~~employment-related~~ duties, or to allow the
23 petitioner to transport himself or herself, or a family member
24 of the petitioner's household to a medical facility, to receive
25 necessary medical care, to allow the petitioner to transport
26 himself or herself to and from alcohol or drug remedial or

1 rehabilitative activity recommended by a licensed service
2 provider, or to allow the petitioner to transport himself or
3 herself or a family member of the petitioner's household to
4 classes, as a student, at an accredited educational
5 institution, or to allow the petitioner to transport children,
6 elderly persons, or persons with disabilities who do not hold
7 driving privileges and are living in the petitioner's household
8 to and from daycare. The petitioner must demonstrate that no
9 alternative means of transportation is reasonably available
10 and that the petitioner will not endanger the public safety or
11 welfare.

12 (A) If a person's license or permit is revoked or
13 suspended due to 2 or more convictions of violating Section
14 11-501 of this Code or a similar provision of a local
15 ordinance or a similar out-of-state offense, or Section 9-3
16 of the Criminal Code of 1961 or the Criminal Code of 2012,
17 where the use of alcohol or other drugs is recited as an
18 element of the offense, or a similar out-of-state offense,
19 or a combination of these offenses, arising out of separate
20 occurrences, that person, if issued a restricted driving
21 permit, may not operate a vehicle unless it has been
22 equipped with an ignition interlock device as defined in
23 Section 1-129.1.

24 (B) If a person's license or permit is revoked or
25 suspended 2 or more times due to any combination of:

26 (i) a single conviction of violating Section

1 11-501 of this Code or a similar provision of a local
2 ordinance or a similar out-of-state offense or Section
3 9-3 of the Criminal Code of 1961 or the Criminal Code
4 of 2012, where the use of alcohol or other drugs is
5 recited as an element of the offense, or a similar
6 out-of-state offense; or

7 (ii) a statutory summary suspension or revocation
8 under Section 11-501.1; or

9 (iii) a suspension under Section 6-203.1;

10 arising out of separate occurrences; that person, if issued
11 a restricted driving permit, may not operate a vehicle
12 unless it has been equipped with an ignition interlock
13 device as defined in Section 1-129.1.

14 (B-5) If a person's license or permit is revoked or
15 suspended due to a conviction for a violation of
16 subparagraph (C) or (F) of paragraph (1) of subsection (d)
17 of Section 11-501 of this Code, or a similar provision of a
18 local ordinance or similar out-of-state offense, that
19 person, if issued a restricted driving permit, may not
20 operate a vehicle unless it has been equipped with an
21 ignition interlock device as defined in Section 1-129.1.

22 (C) The person issued a permit conditioned upon the use
23 of an ignition interlock device must pay to the Secretary
24 of State DUI Administration Fund an amount not to exceed
25 \$30 per month. The Secretary shall establish by rule the
26 amount and the procedures, terms, and conditions relating

1 to these fees.

2 (D) If the restricted driving permit is issued for
3 employment purposes, then the prohibition against
4 operating a motor vehicle that is not equipped with an
5 ignition interlock device does not apply to the operation
6 of an occupational vehicle owned or leased by that person's
7 employer when used solely for employment purposes. For any
8 person who, within a 5-year period, is convicted of a
9 second or subsequent offense under Section 11-501 of this
10 Code, or a similar provision of a local ordinance or
11 similar out-of-state offense, this employment exemption
12 does not apply until either a one-year period has elapsed
13 during which that person had his or her driving privileges
14 revoked or a one-year period has elapsed during which that
15 person had a restricted driving permit which required the
16 use of an ignition interlock device on every motor vehicle
17 owned or operated by that person.

18 (E) In each case the Secretary may issue a restricted
19 driving permit for a period deemed appropriate, except that
20 all permits shall expire no later than 2 years from the
21 date of issuance. A restricted driving permit issued under
22 this Section shall be subject to cancellation, revocation,
23 and suspension by the Secretary of State in like manner and
24 for like cause as a driver's license issued under this Code
25 may be cancelled, revoked, or suspended; except that a
26 conviction upon one or more offenses against laws or

1 ordinances regulating the movement of traffic shall be
2 deemed sufficient cause for the revocation, suspension, or
3 cancellation of a restricted driving permit. The Secretary
4 of State may, as a condition to the issuance of a
5 restricted driving permit, require the applicant to
6 participate in a designated driver remedial or
7 rehabilitative program. The Secretary of State is
8 authorized to cancel a restricted driving permit if the
9 permit holder does not successfully complete the program.

10 (F) A person subject to the provisions of paragraph 4
11 of subsection (b) of Section 6-208 of this Code may make
12 application for a restricted driving permit at a hearing
13 conducted under Section 2-118 of this Code after the
14 expiration of 5 years from the effective date of the most
15 recent revocation or after 5 years from the date of release
16 from a period of imprisonment resulting from a conviction
17 of the most recent offense, whichever is later, provided
18 the person, in addition to all other requirements of the
19 Secretary, shows by clear and convincing evidence:

20 (i) a minimum of 3 years of uninterrupted
21 abstinence from alcohol and the unlawful use or
22 consumption of cannabis under the Cannabis Control
23 Act, a controlled substance under the Illinois
24 Controlled Substances Act, an intoxicating compound
25 under the Use of Intoxicating Compounds Act, or
26 methamphetamine under the Methamphetamine Control and

1 Community Protection Act; and

2 (ii) the successful completion of any
3 rehabilitative treatment and involvement in any
4 ongoing rehabilitative activity that may be
5 recommended by a properly licensed service provider
6 according to an assessment of the person's alcohol or
7 drug use under Section 11-501.01 of this Code.

8 In determining whether an applicant is eligible for a
9 restricted driving permit under this subparagraph (F), the
10 Secretary may consider any relevant evidence, including,
11 but not limited to, testimony, affidavits, records, and the
12 results of regular alcohol or drug tests. Persons subject
13 to the provisions of paragraph 4 of subsection (b) of
14 Section 6-208 of this Code and who have been convicted of
15 more than one violation of paragraph (3), paragraph (4), or
16 paragraph (5) of subsection (a) of Section 11-501 of this
17 Code shall not be eligible to apply for a restricted
18 driving permit under this subparagraph (F).

19 A restricted driving permit issued under this
20 subparagraph (F) shall provide that the holder may only
21 operate motor vehicles equipped with an ignition interlock
22 device as required under paragraph (2) of subsection (c) of
23 Section 6-205 of this Code and subparagraph (A) of
24 paragraph 3 of subsection (c) of this Section. The
25 Secretary may revoke a restricted driving permit or amend
26 the conditions of a restricted driving permit issued under

1 this subparagraph (F) if the holder operates a vehicle that
2 is not equipped with an ignition interlock device, or for
3 any other reason authorized under this Code.

4 A restricted driving permit issued under this
5 subparagraph (F) shall be revoked, and the holder barred
6 from applying for or being issued a restricted driving
7 permit in the future, if the holder is convicted of a
8 violation of Section 11-501 of this Code, a similar
9 provision of a local ordinance, or a similar offense in
10 another state.

11 (c-3) In the case of a suspension under paragraph 43 of
12 subsection (a), reports received by the Secretary of State
13 under this Section shall, except during the actual time the
14 suspension is in effect, be privileged information and for use
15 only by the courts, police officers, prosecuting authorities,
16 the driver licensing administrator of any other state, the
17 Secretary of State, or the parent or legal guardian of a driver
18 under the age of 18. However, beginning January 1, 2008, if the
19 person is a CDL holder, the suspension shall also be made
20 available to the driver licensing administrator of any other
21 state, the U.S. Department of Transportation, and the affected
22 driver or motor carrier or prospective motor carrier upon
23 request.

24 (c-4) In the case of a suspension under paragraph 43 of
25 subsection (a), the Secretary of State shall notify the person
26 by mail that his or her driving privileges and driver's license

1 will be suspended one month after the date of the mailing of
2 the notice.

3 (c-5) The Secretary of State may, as a condition of the
4 reissuance of a driver's license or permit to an applicant
5 whose driver's license or permit has been suspended before he
6 or she reached the age of 21 years pursuant to any of the
7 provisions of this Section, require the applicant to
8 participate in a driver remedial education course and be
9 retested under Section 6-109 of this Code.

10 (d) This Section is subject to the provisions of the Driver
11 ~~Drivers~~ License Compact.

12 (e) The Secretary of State shall not issue a restricted
13 driving permit to a person under the age of 16 years whose
14 driving privileges have been suspended or revoked under any
15 provisions of this Code.

16 (f) In accordance with 49 C.F.R. 384, the Secretary of
17 State may not issue a restricted driving permit for the
18 operation of a commercial motor vehicle to a person holding a
19 CDL whose driving privileges have been suspended, revoked,
20 cancelled, or disqualified under any provisions of this Code.

21 (Source: P.A. 99-143, eff. 7-27-15; 99-290, eff. 1-1-16;
22 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; 99-607, eff. 7-22-16;
23 99-642, eff. 7-28-16; 100-803, eff. 1-1-19.)

24 (Text of Section after amendment by P.A. 101-90, 101-470,
25 and 101-623)

1 Sec. 6-206. Discretionary authority to suspend or revoke
2 license or permit; right to a hearing.

3 (a) The Secretary of State is authorized to suspend or
4 revoke the driving privileges of any person without preliminary
5 hearing upon a showing of the person's records or other
6 sufficient evidence that the person:

7 1. Has committed an offense for which mandatory
8 revocation of a driver's license or permit is required upon
9 conviction;

10 2. Has been convicted of not less than 3 offenses
11 against traffic regulations governing the movement of
12 vehicles committed within any 12-month ~~12-month~~ period. No
13 revocation or suspension shall be entered more than 6
14 months after the date of last conviction;

15 3. Has been repeatedly involved as a driver in motor
16 vehicle collisions or has been repeatedly convicted of
17 offenses against laws and ordinances regulating the
18 movement of traffic, to a degree that indicates lack of
19 ability to exercise ordinary and reasonable care in the
20 safe operation of a motor vehicle or disrespect for the
21 traffic laws and the safety of other persons upon the
22 highway;

23 4. Has by the unlawful operation of a motor vehicle
24 caused or contributed to an accident resulting in injury
25 requiring immediate professional treatment in a medical
26 facility or doctor's office to any person, except that any

1 suspension or revocation imposed by the Secretary of State
2 under the provisions of this subsection shall start no
3 later than 6 months after being convicted of violating a
4 law or ordinance regulating the movement of traffic, which
5 violation is related to the accident, or shall start not
6 more than one year after the date of the accident,
7 whichever date occurs later;

8 5. Has permitted an unlawful or fraudulent use of a
9 driver's license, identification card, or permit;

10 6. Has been lawfully convicted of an offense or
11 offenses in another state, including the authorization
12 contained in Section 6-203.1, which if committed within
13 this State would be grounds for suspension or revocation;

14 7. Has refused or failed to submit to an examination
15 provided for by Section 6-207 or has failed to pass the
16 examination;

17 8. Is ineligible for a driver's license or permit under
18 the provisions of Section 6-103;

19 9. Has made a false statement or knowingly concealed a
20 material fact or has used false information or
21 identification in any application for a license,
22 identification card, or permit;

23 10. Has possessed, displayed, or attempted to
24 fraudulently use any license, identification card, or
25 permit not issued to the person;

26 11. Has operated a motor vehicle upon a highway of this

1 State when the person's driving privilege or privilege to
2 obtain a driver's license or permit was revoked or
3 suspended unless the operation was authorized by a
4 monitoring device driving permit, judicial driving permit
5 issued prior to January 1, 2009, probationary license to
6 drive, or a restricted driving permit issued under this
7 Code;

8 12. Has submitted to any portion of the application
9 process for another person or has obtained the services of
10 another person to submit to any portion of the application
11 process for the purpose of obtaining a license,
12 identification card, or permit for some other person;

13 13. Has operated a motor vehicle upon a highway of this
14 State when the person's driver's license or permit was
15 invalid under the provisions of Sections 6-107.1 and 6-110;

16 14. Has committed a violation of Section 6-301,
17 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
18 14B of the Illinois Identification Card Act;

19 15. Has been convicted of violating Section 21-2 of the
20 Criminal Code of 1961 or the Criminal Code of 2012 relating
21 to criminal trespass to vehicles if the person exercised
22 actual physical control over the vehicle during the
23 commission of the offense, in which case the suspension
24 shall be for one year;

25 16. Has been convicted of violating Section 11-204 of
26 this Code relating to fleeing from a peace officer;

1 17. Has refused to submit to a test, or tests, as
2 required under Section 11-501.1 of this Code and the person
3 has not sought a hearing as provided for in Section
4 11-501.1;

5 18. (Blank);

6 19. Has committed a violation of paragraph (a) or (b)
7 of Section 6-101 relating to driving without a driver's
8 license;

9 20. Has been convicted of violating Section 6-104
10 relating to classification of driver's license;

11 21. Has been convicted of violating Section 11-402 of
12 this Code relating to leaving the scene of an accident
13 resulting in damage to a vehicle in excess of \$1,000, in
14 which case the suspension shall be for one year;

15 22. Has used a motor vehicle in violating paragraph
16 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
17 the Criminal Code of 1961 or the Criminal Code of 2012
18 relating to unlawful use of weapons, in which case the
19 suspension shall be for one year;

20 23. Has, as a driver, been convicted of committing a
21 violation of paragraph (a) of Section 11-502 of this Code
22 for a second or subsequent time within one year of a
23 similar violation;

24 24. Has been convicted by a court-martial or punished
25 by non-judicial punishment by military authorities of the
26 United States at a military installation in Illinois or in

1 another state of or for a traffic-related ~~traffic-related~~
2 offense that is the same as or similar to an offense
3 specified under Section 6-205 or 6-206 of this Code;

4 25. Has permitted any form of identification to be used
5 by another in the application process in order to obtain or
6 attempt to obtain a license, identification card, or
7 permit;

8 26. Has altered or attempted to alter a license or has
9 possessed an altered license, identification card, or
10 permit;

11 27. (Blank);

12 28. Has been convicted for a first time of the illegal
13 possession, while operating or in actual physical control,
14 as a driver, of a motor vehicle, of any controlled
15 substance prohibited under the Illinois Controlled
16 Substances Act, any cannabis prohibited under the Cannabis
17 Control Act, or any methamphetamine prohibited under the
18 Methamphetamine Control and Community Protection Act, in
19 which case the person's driving privileges shall be
20 suspended for one year. Any defendant found guilty of this
21 offense while operating a motor vehicle, shall have an
22 entry made in the court record by the presiding judge that
23 this offense did occur while the defendant was operating a
24 motor vehicle and order the clerk of the court to report
25 the violation to the Secretary of State;

26 29. Has been convicted of the following offenses that

1 were committed while the person was operating or in actual
2 physical control, as a driver, of a motor vehicle: criminal
3 sexual assault, predatory criminal sexual assault of a
4 child, aggravated criminal sexual assault, criminal sexual
5 abuse, aggravated criminal sexual abuse, juvenile pimping,
6 soliciting for a juvenile prostitute, promoting juvenile
7 prostitution as described in subdivision (a) (1), (a) (2),
8 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961
9 or the Criminal Code of 2012, and the manufacture, sale or
10 delivery of controlled substances or instruments used for
11 illegal drug use or abuse in which case the driver's
12 driving privileges shall be suspended for one year;

13 30. Has been convicted a second or subsequent time for
14 any combination of the offenses named in paragraph 29 of
15 this subsection, in which case the person's driving
16 privileges shall be suspended for 5 years;

17 31. Has refused to submit to a test as required by
18 Section 11-501.6 of this Code or Section 5-16c of the Boat
19 Registration and Safety Act or has submitted to a test
20 resulting in an alcohol concentration of 0.08 or more or
21 any amount of a drug, substance, or compound resulting from
22 the unlawful use or consumption of cannabis as listed in
23 the Cannabis Control Act, a controlled substance as listed
24 in the Illinois Controlled Substances Act, an intoxicating
25 compound as listed in the Use of Intoxicating Compounds
26 Act, or methamphetamine as listed in the Methamphetamine

1 Control and Community Protection Act, in which case the
2 penalty shall be as prescribed in Section 6-208.1;

3 32. Has been convicted of Section 24-1.2 of the
4 Criminal Code of 1961 or the Criminal Code of 2012 relating
5 to the aggravated discharge of a firearm if the offender
6 was located in a motor vehicle at the time the firearm was
7 discharged, in which case the suspension shall be for 3
8 years;

9 33. Has as a driver, who was less than 21 years of age
10 on the date of the offense, been convicted a first time of
11 a violation of paragraph (a) of Section 11-502 of this Code
12 or a similar provision of a local ordinance;

13 34. Has committed a violation of Section 11-1301.5 of
14 this Code or a similar provision of a local ordinance;

15 35. Has committed a violation of Section 11-1301.6 of
16 this Code or a similar provision of a local ordinance;

17 36. Is under the age of 21 years at the time of arrest
18 and has been convicted of not less than 2 offenses against
19 traffic regulations governing the movement of vehicles
20 committed within any 24-month ~~24-month~~ period. No
21 revocation or suspension shall be entered more than 6
22 months after the date of last conviction;

23 37. Has committed a violation of subsection (c) of
24 Section 11-907 of this Code that resulted in damage to the
25 property of another or the death or injury of another;

26 38. Has been convicted of a violation of Section 6-20

1 of the Liquor Control Act of 1934 or a similar provision of
2 a local ordinance and the person was an occupant of a motor
3 vehicle at the time of the violation;

4 39. Has committed a second or subsequent violation of
5 Section 11-1201 of this Code;

6 40. Has committed a violation of subsection (a-1) of
7 Section 11-908 of this Code;

8 41. Has committed a second or subsequent violation of
9 Section 11-605.1 of this Code, a similar provision of a
10 local ordinance, or a similar violation in any other state
11 within 2 years of the date of the previous violation, in
12 which case the suspension shall be for 90 days;

13 42. Has committed a violation of subsection (a-1) of
14 Section 11-1301.3 of this Code or a similar provision of a
15 local ordinance;

16 43. Has received a disposition of court supervision for
17 a violation of subsection (a), (d), or (e) of Section 6-20
18 of the Liquor Control Act of 1934 or a similar provision of
19 a local ordinance and the person was an occupant of a motor
20 vehicle at the time of the violation, in which case the
21 suspension shall be for a period of 3 months;

22 44. Is under the age of 21 years at the time of arrest
23 and has been convicted of an offense against traffic
24 regulations governing the movement of vehicles after
25 having previously had his or her driving privileges
26 suspended or revoked pursuant to subparagraph 36 of this

1 Section;

2 45. Has, in connection with or during the course of a
3 formal hearing conducted under Section 2-118 of this Code:
4 (i) committed perjury; (ii) submitted fraudulent or
5 falsified documents; (iii) submitted documents that have
6 been materially altered; or (iv) submitted, as his or her
7 own, documents that were in fact prepared or composed for
8 another person;

9 46. Has committed a violation of subsection (j) of
10 Section 3-413 of this Code;

11 47. Has committed a violation of subsection (a) of
12 Section 11-502.1 of this Code;

13 48. Has submitted a falsified or altered medical
14 examiner's certificate to the Secretary of State or
15 provided false information to obtain a medical examiner's
16 certificate; ~~or~~

17 49. Has committed a violation of subsection (b-5) of
18 Section 12-610.2 that resulted in great bodily harm,
19 permanent disability, or disfigurement, in which case the
20 driving privileges shall be suspended for 12 months; or

21 50. ~~49.~~ Has been convicted of a violation of Section
22 11-1002 or 11-1002.5 that resulted in a Type A injury to
23 another, in which case the person's driving privileges
24 shall be suspended for 12 months.

25 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
26 and 27 of this subsection, license means any driver's license,

1 any traffic ticket issued when the person's driver's license is
2 deposited in lieu of bail, a suspension notice issued by the
3 Secretary of State, a duplicate or corrected driver's license,
4 a probationary driver's license, or a temporary driver's
5 license.

6 (b) If any conviction forming the basis of a suspension or
7 revocation authorized under this Section is appealed, the
8 Secretary of State may rescind or withhold the entry of the
9 order of suspension or revocation, as the case may be, provided
10 that a certified copy of a stay order of a court is filed with
11 the Secretary of State. If the conviction is affirmed on
12 appeal, the date of the conviction shall relate back to the
13 time the original judgment of conviction was entered and the
14 6-month ~~6-month~~ limitation prescribed shall not apply.

15 (c) 1. Upon suspending or revoking the driver's license or
16 permit of any person as authorized in this Section, the
17 Secretary of State shall immediately notify the person in
18 writing of the revocation or suspension. The notice to be
19 deposited in the United States mail, postage prepaid, to the
20 last known address of the person.

21 2. If the Secretary of State suspends the driver's license
22 of a person under subsection 2 of paragraph (a) of this
23 Section, a person's privilege to operate a vehicle as an
24 occupation shall not be suspended, provided an affidavit is
25 properly completed, the appropriate fee received, and a permit
26 issued prior to the effective date of the suspension, unless 5

1 offenses were committed, at least 2 of which occurred while
2 operating a commercial vehicle in connection with the driver's
3 regular occupation. All other driving privileges shall be
4 suspended by the Secretary of State. Any driver prior to
5 operating a vehicle for occupational purposes only must submit
6 the affidavit on forms to be provided by the Secretary of State
7 setting forth the facts of the person's occupation. The
8 affidavit shall also state the number of offenses committed
9 while operating a vehicle in connection with the driver's
10 regular occupation. The affidavit shall be accompanied by the
11 driver's license. Upon receipt of a properly completed
12 affidavit, the Secretary of State shall issue the driver a
13 permit to operate a vehicle in connection with the driver's
14 regular occupation only. Unless the permit is issued by the
15 Secretary of State prior to the date of suspension, the
16 privilege to drive any motor vehicle shall be suspended as set
17 forth in the notice that was mailed under this Section. If an
18 affidavit is received subsequent to the effective date of this
19 suspension, a permit may be issued for the remainder of the
20 suspension period.

21 The provisions of this subparagraph shall not apply to any
22 driver required to possess a CDL for the purpose of operating a
23 commercial motor vehicle.

24 Any person who falsely states any fact in the affidavit
25 required herein shall be guilty of perjury under Section 6-302
26 and upon conviction thereof shall have all driving privileges

1 revoked without further rights.

2 3. At the conclusion of a hearing under Section 2-118 of
3 this Code, the Secretary of State shall either rescind or
4 continue an order of revocation or shall substitute an order of
5 suspension; or, good cause appearing therefor, rescind,
6 continue, change, or extend the order of suspension. If the
7 Secretary of State does not rescind the order, the Secretary
8 may upon application, to relieve undue hardship (as defined by
9 the rules of the Secretary of State), issue a restricted
10 driving permit granting the privilege of driving a motor
11 vehicle between the petitioner's residence and petitioner's
12 place of employment or within the scope of the petitioner's
13 employment-related ~~employment-related~~ duties, or to allow the
14 petitioner to transport himself or herself, or a family member
15 of the petitioner's household to a medical facility, to receive
16 necessary medical care, to allow the petitioner to transport
17 himself or herself to and from alcohol or drug remedial or
18 rehabilitative activity recommended by a licensed service
19 provider, or to allow the petitioner to transport himself or
20 herself or a family member of the petitioner's household to
21 classes, as a student, at an accredited educational
22 institution, or to allow the petitioner to transport children,
23 elderly persons, or persons with disabilities who do not hold
24 driving privileges and are living in the petitioner's household
25 to and from daycare. The petitioner must demonstrate that no
26 alternative means of transportation is reasonably available

1 and that the petitioner will not endanger the public safety or
2 welfare.

3 (A) If a person's license or permit is revoked or
4 suspended due to 2 or more convictions of violating Section
5 11-501 of this Code or a similar provision of a local
6 ordinance or a similar out-of-state offense, or Section 9-3
7 of the Criminal Code of 1961 or the Criminal Code of 2012,
8 where the use of alcohol or other drugs is recited as an
9 element of the offense, or a similar out-of-state offense,
10 or a combination of these offenses, arising out of separate
11 occurrences, that person, if issued a restricted driving
12 permit, may not operate a vehicle unless it has been
13 equipped with an ignition interlock device as defined in
14 Section 1-129.1.

15 (B) If a person's license or permit is revoked or
16 suspended 2 or more times due to any combination of:

17 (i) a single conviction of violating Section
18 11-501 of this Code or a similar provision of a local
19 ordinance or a similar out-of-state offense or Section
20 9-3 of the Criminal Code of 1961 or the Criminal Code
21 of 2012, where the use of alcohol or other drugs is
22 recited as an element of the offense, or a similar
23 out-of-state offense; or

24 (ii) a statutory summary suspension or revocation
25 under Section 11-501.1; or

26 (iii) a suspension under Section 6-203.1;

1 arising out of separate occurrences; that person, if issued
2 a restricted driving permit, may not operate a vehicle
3 unless it has been equipped with an ignition interlock
4 device as defined in Section 1-129.1.

5 (B-5) If a person's license or permit is revoked or
6 suspended due to a conviction for a violation of
7 subparagraph (C) or (F) of paragraph (1) of subsection (d)
8 of Section 11-501 of this Code, or a similar provision of a
9 local ordinance or similar out-of-state offense, that
10 person, if issued a restricted driving permit, may not
11 operate a vehicle unless it has been equipped with an
12 ignition interlock device as defined in Section 1-129.1.

13 (C) The person issued a permit conditioned upon the use
14 of an ignition interlock device must pay to the Secretary
15 of State DUI Administration Fund an amount not to exceed
16 \$30 per month. The Secretary shall establish by rule the
17 amount and the procedures, terms, and conditions relating
18 to these fees.

19 (D) If the restricted driving permit is issued for
20 employment purposes, then the prohibition against
21 operating a motor vehicle that is not equipped with an
22 ignition interlock device does not apply to the operation
23 of an occupational vehicle owned or leased by that person's
24 employer when used solely for employment purposes. For any
25 person who, within a 5-year period, is convicted of a
26 second or subsequent offense under Section 11-501 of this

1 Code, or a similar provision of a local ordinance or
2 similar out-of-state offense, this employment exemption
3 does not apply until either a one-year period has elapsed
4 during which that person had his or her driving privileges
5 revoked or a one-year period has elapsed during which that
6 person had a restricted driving permit which required the
7 use of an ignition interlock device on every motor vehicle
8 owned or operated by that person.

9 (E) In each case the Secretary may issue a restricted
10 driving permit for a period deemed appropriate, except that
11 all permits shall expire no later than 2 years from the
12 date of issuance. A restricted driving permit issued under
13 this Section shall be subject to cancellation, revocation,
14 and suspension by the Secretary of State in like manner and
15 for like cause as a driver's license issued under this Code
16 may be cancelled, revoked, or suspended; except that a
17 conviction upon one or more offenses against laws or
18 ordinances regulating the movement of traffic shall be
19 deemed sufficient cause for the revocation, suspension, or
20 cancellation of a restricted driving permit. The Secretary
21 of State may, as a condition to the issuance of a
22 restricted driving permit, require the applicant to
23 participate in a designated driver remedial or
24 rehabilitative program. The Secretary of State is
25 authorized to cancel a restricted driving permit if the
26 permit holder does not successfully complete the program.

1 (F) A person subject to the provisions of paragraph 4
2 of subsection (b) of Section 6-208 of this Code may make
3 application for a restricted driving permit at a hearing
4 conducted under Section 2-118 of this Code after the
5 expiration of 5 years from the effective date of the most
6 recent revocation or after 5 years from the date of release
7 from a period of imprisonment resulting from a conviction
8 of the most recent offense, whichever is later, provided
9 the person, in addition to all other requirements of the
10 Secretary, shows by clear and convincing evidence:

11 (i) a minimum of 3 years of uninterrupted
12 abstinence from alcohol and the unlawful use or
13 consumption of cannabis under the Cannabis Control
14 Act, a controlled substance under the Illinois
15 Controlled Substances Act, an intoxicating compound
16 under the Use of Intoxicating Compounds Act, or
17 methamphetamine under the Methamphetamine Control and
18 Community Protection Act; and

19 (ii) the successful completion of any
20 rehabilitative treatment and involvement in any
21 ongoing rehabilitative activity that may be
22 recommended by a properly licensed service provider
23 according to an assessment of the person's alcohol or
24 drug use under Section 11-501.01 of this Code.

25 In determining whether an applicant is eligible for a
26 restricted driving permit under this subparagraph (F), the

1 Secretary may consider any relevant evidence, including,
2 but not limited to, testimony, affidavits, records, and the
3 results of regular alcohol or drug tests. Persons subject
4 to the provisions of paragraph 4 of subsection (b) of
5 Section 6-208 of this Code and who have been convicted of
6 more than one violation of paragraph (3), paragraph (4), or
7 paragraph (5) of subsection (a) of Section 11-501 of this
8 Code shall not be eligible to apply for a restricted
9 driving permit under this subparagraph (F).

10 A restricted driving permit issued under this
11 subparagraph (F) shall provide that the holder may only
12 operate motor vehicles equipped with an ignition interlock
13 device as required under paragraph (2) of subsection (c) of
14 Section 6-205 of this Code and subparagraph (A) of
15 paragraph 3 of subsection (c) of this Section. The
16 Secretary may revoke a restricted driving permit or amend
17 the conditions of a restricted driving permit issued under
18 this subparagraph (F) if the holder operates a vehicle that
19 is not equipped with an ignition interlock device, or for
20 any other reason authorized under this Code.

21 A restricted driving permit issued under this
22 subparagraph (F) shall be revoked, and the holder barred
23 from applying for or being issued a restricted driving
24 permit in the future, if the holder is convicted of a
25 violation of Section 11-501 of this Code, a similar
26 provision of a local ordinance, or a similar offense in

1 another state.

2 (c-3) In the case of a suspension under paragraph 43 of
3 subsection (a), reports received by the Secretary of State
4 under this Section shall, except during the actual time the
5 suspension is in effect, be privileged information and for use
6 only by the courts, police officers, prosecuting authorities,
7 the driver licensing administrator of any other state, the
8 Secretary of State, or the parent or legal guardian of a driver
9 under the age of 18. However, beginning January 1, 2008, if the
10 person is a CDL holder, the suspension shall also be made
11 available to the driver licensing administrator of any other
12 state, the U.S. Department of Transportation, and the affected
13 driver or motor carrier or prospective motor carrier upon
14 request.

15 (c-4) In the case of a suspension under paragraph 43 of
16 subsection (a), the Secretary of State shall notify the person
17 by mail that his or her driving privileges and driver's license
18 will be suspended one month after the date of the mailing of
19 the notice.

20 (c-5) The Secretary of State may, as a condition of the
21 reissuance of a driver's license or permit to an applicant
22 whose driver's license or permit has been suspended before he
23 or she reached the age of 21 years pursuant to any of the
24 provisions of this Section, require the applicant to
25 participate in a driver remedial education course and be
26 retested under Section 6-109 of this Code.

1 (d) This Section is subject to the provisions of the Driver
2 ~~Drivers~~ License Compact.

3 (e) The Secretary of State shall not issue a restricted
4 driving permit to a person under the age of 16 years whose
5 driving privileges have been suspended or revoked under any
6 provisions of this Code.

7 (f) In accordance with 49 C.F.R. 384, the Secretary of
8 State may not issue a restricted driving permit for the
9 operation of a commercial motor vehicle to a person holding a
10 CDL whose driving privileges have been suspended, revoked,
11 cancelled, or disqualified under any provisions of this Code.

12 (Source: P.A. 100-803, eff. 1-1-19; 101-90, eff. 7-1-20;
13 101-470, eff. 7-1-20; 101-623, eff. 7-1-20; revised 1-21-20.)

14 (625 ILCS 5/6-209.1)

15 Sec. 6-209.1. Restoration of driving privileges;
16 revocation; suspension; cancellation.

17 (a) The Secretary shall rescind the suspension or
18 cancellation of a person's driver's license that has been
19 suspended or canceled before July 1, 2020 (the effective date
20 of Public Act 101-623) ~~this amendatory Act of the 101st General~~
21 ~~Assembly~~ due to:

22 (1) the person being convicted of theft of motor fuel
23 under Section ~~Sections~~ 16-25 or 16K-15 of the Criminal Code
24 of 1961 or the Criminal Code of 2012;

25 (2) the person, since the issuance of the driver's

1 license, being adjudged to be afflicted with or suffering
2 from any mental disability or disease;

3 (3) a violation of Section 6-16 of the Liquor Control
4 Act of 1934 or a similar provision of a local ordinance;

5 (4) the person being convicted of a violation of
6 Section 6-20 of the Liquor Control Act of 1934 or a similar
7 provision of a local ordinance, if the person presents a
8 certified copy of a court order that includes a finding
9 that the person was not an occupant of a motor vehicle at
10 the time of the violation;

11 (5) the person receiving a disposition of court
12 supervision for a violation of subsection ~~subsections~~ (a),
13 (d), or (e) of Section 6-20 of the Liquor Control Act of
14 1934 or a similar provision of a local ordinance, if the
15 person presents a certified copy of a court order that
16 includes a finding that the person was not an occupant of a
17 motor vehicle at the time of the violation;

18 (6) the person failing to pay any fine or penalty due
19 or owing as a result of 10 or more violations of a
20 municipality's or county's vehicular standing, parking, or
21 compliance regulations established by ordinance under
22 Section 11-208.3 of this Code;

23 (7) the person failing to satisfy any fine or penalty
24 resulting from a final order issued by the Illinois State
25 Toll Highway Authority relating directly or indirectly to 5
26 or more toll violations, toll evasions, or both;

1 (8) the person being convicted of a violation of
2 Section 4-102 of this Code, if the person presents a
3 certified copy of a court order that includes a finding
4 that the person did not exercise actual physical control of
5 the vehicle at the time of the violation; or

6 (9) the person being convicted of criminal trespass to
7 vehicles under Section 21-2 of the Criminal Code of 2012,
8 if the person presents a certified copy of a court order
9 that includes a finding that the person did not exercise
10 actual physical control of the vehicle at the time of the
11 violation.

12 (b) As soon as practicable and no later than July 1, 2021,
13 the Secretary shall rescind the suspension, cancellation, or
14 prohibition of renewal of a person's driver's license that has
15 been suspended, canceled, or whose renewal has been prohibited
16 before the effective date of this amendatory Act of the 101st
17 General Assembly due to the person having failed to pay any
18 fine or penalty for traffic violations, automated traffic law
19 enforcement system violations as defined in Sections 11-208.6,
20 and 11-208.8, 11-208.9, and 11-1201.1, or abandoned vehicle
21 fees.

22 (Source: P.A. 101-623, eff. 7-1-20; revised 8-18-20.)

23 (625 ILCS 5/6-308)

24 Sec. 6-308. Procedures for traffic violations.

25 (a) Any person cited for violating this Code or a similar

1 provision of a local ordinance for which a violation is a petty
2 offense as defined by Section 5-1-17 of the Unified Code of
3 Corrections, excluding business offenses as defined by Section
4 5-1-2 of the Unified Code of Corrections or a violation of
5 Section 15-111 or subsection (d) of Section 3-401 of this Code,
6 shall not be required to sign the citation ~~or post bond to~~
7 ~~secure bail~~ for his or her release. All other provisions of
8 this Code or similar provisions of local ordinances shall be
9 governed by the pretrial release bail provisions of the
10 Illinois Supreme Court Rules when it is not practical or
11 feasible to take the person before a judge to have conditions
12 of pretrial release bail set or to avoid undue delay because of
13 the hour or circumstances.

14 (b) Whenever a person fails to appear in court, the court
15 may continue the case for a minimum of 30 days and the clerk of
16 the court shall send notice of the continued court date to the
17 person's last known address. If the person does not appear in
18 court on or before the continued court date or satisfy the
19 court that the person's appearance in and surrender to the
20 court is impossible for no fault of the person, the court shall
21 enter an order of failure to appear. The clerk of the court
22 shall notify the Secretary of State, on a report prescribed by
23 the Secretary, of the court's order. The Secretary, when
24 notified by the clerk of the court that an order of failure to
25 appear has been entered, shall immediately suspend the person's
26 driver's license, which shall be designated by the Secretary as

1 a Failure to Appear suspension. The Secretary shall not remove
2 the suspension, nor issue any permit or privileges to the
3 person whose license has been suspended, until notified by the
4 ordering court that the person has appeared and resolved the
5 violation. Upon compliance, the clerk of the court shall
6 present the person with a notice of compliance containing the
7 seal of the court, and shall notify the Secretary that the
8 person has appeared and resolved the violation.

9 (c) Illinois Supreme Court Rules shall govern pretrial
10 release ~~bail~~ and appearance procedures when a person who is a
11 resident of another state that is not a member of the
12 Nonresident Violator Compact of 1977 is cited for violating
13 this Code or a similar provision of a local ordinance.

14 (Source: P.A. 100-674, eff. 1-1-19.)

15 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

16 Sec. 6-500. Definitions of words and phrases.
17 Notwithstanding the definitions set forth elsewhere in this
18 Code, for purposes of the Uniform Commercial Driver's License
19 Act (UCDLA), the words and phrases listed below have the
20 meanings ascribed to them as follows:

21 (1) Alcohol. "Alcohol" means any substance containing any
22 form of alcohol, including but not limited to ethanol,
23 methanol, propanol, and isopropanol.

24 (2) Alcohol concentration. "Alcohol concentration" means:

25 (A) the number of grams of alcohol per 210 liters of

1 breath; or

2 (B) the number of grams of alcohol per 100 milliliters
3 of blood; or

4 (C) the number of grams of alcohol per 67 milliliters
5 of urine.

6 Alcohol tests administered within 2 hours of the driver
7 being "stopped or detained" shall be considered that driver's
8 "alcohol concentration" for the purposes of enforcing this
9 UCCLA.

10 (3) (Blank).

11 (4) (Blank).

12 (5) (Blank).

13 (5.3) CDLIS driver record. "CDLIS driver record" means the
14 electronic record of the individual CDL driver's status and
15 history stored by the State-of-Record as part of the Commercial
16 Driver's License Information System, or CDLIS, established
17 under 49 U.S.C. 31309.

18 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle
19 record" or "CDLIS MVR" means a report generated from the CDLIS
20 driver record meeting the requirements for access to CDLIS
21 information and provided by states to users authorized in 49
22 C.F.R. 384.225(e) (3) and (4), subject to the provisions of the
23 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

24 (5.7) Commercial driver's license downgrade. "Commercial
25 driver's license downgrade" or "CDL downgrade" means either:

26 (A) a state allows the driver to change his or her

1 self-certification to interstate, but operating
2 exclusively in transportation or operation excepted from
3 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
4 391.2, 391.68, or 398.3;

5 (B) a state allows the driver to change his or her
6 self-certification to intrastate only, if the driver
7 qualifies under that state's physical qualification
8 requirements for intrastate only;

9 (C) a state allows the driver to change his or her
10 certification to intrastate, but operating exclusively in
11 transportation or operations excepted from all or part of
12 the state driver qualification requirements; or

13 (D) a state removes the CDL privilege from the driver
14 license.

15 (6) Commercial Motor Vehicle.

16 (A) "Commercial motor vehicle" or "CMV" means a motor
17 vehicle or combination of motor vehicles used in commerce,
18 except those referred to in subdivision (B), designed to
19 transport passengers or property if the motor vehicle:

20 (i) has a gross combination weight rating or gross
21 combination weight of 11,794 kilograms or more (26,001
22 pounds or more), whichever is greater, inclusive of any
23 towed unit with a gross vehicle weight rating or gross
24 vehicle weight of more than 4,536 kilograms (10,000
25 pounds), whichever is greater; or

26 (i-5) has a gross vehicle weight rating or gross

1 vehicle weight of 11,794 or more kilograms (26,001
2 pounds or more), whichever is greater; or

3 (ii) is designed to transport 16 or more persons,
4 including the driver; or

5 (iii) is of any size and is used in transporting
6 hazardous materials as defined in 49 C.F.R. 383.5.

7 (B) Pursuant to the interpretation of the Commercial
8 Motor Vehicle Safety Act of 1986 by the Federal Highway
9 Administration, the definition of "commercial motor
10 vehicle" does not include:

11 (i) recreational vehicles, when operated primarily
12 for personal use;

13 (ii) vehicles owned by or operated under the
14 direction of the United States Department of Defense or
15 the United States Coast Guard only when operated by
16 non-civilian personnel. This includes any operator on
17 active military duty; members of the Reserves;
18 National Guard; personnel on part-time training; and
19 National Guard military technicians (civilians who are
20 required to wear military uniforms and are subject to
21 the Code of Military Justice); or

22 (iii) firefighting, police, and other emergency
23 equipment (including, without limitation, equipment
24 owned or operated by a HazMat or technical rescue team
25 authorized by a county board under Section 5-1127 of
26 the Counties Code), with audible and visual signals,

1 owned or operated by or for a governmental entity,
2 which is necessary to the preservation of life or
3 property or the execution of emergency governmental
4 functions which are normally not subject to general
5 traffic rules and regulations.

6 (7) Controlled Substance. "Controlled substance" shall
7 have the same meaning as defined in Section 102 of the Illinois
8 Controlled Substances Act, and shall also include cannabis as
9 defined in Section 3 of the Cannabis Control Act and
10 methamphetamine as defined in Section 10 of the Methamphetamine
11 Control and Community Protection Act.

12 (8) Conviction. "Conviction" means an unvacated
13 adjudication of guilt or a determination that a person has
14 violated or failed to comply with the law in a court of
15 original jurisdiction or by an authorized administrative
16 tribunal; an unvacated revocation of pretrial release
17 ~~forfeiture of bail or collateral deposited to secure the~~
18 ~~person's appearance in court;~~ a plea of guilty or nolo
19 contendere accepted by the court; the payment of a fine or
20 court cost regardless of whether the imposition of sentence is
21 deferred and ultimately a judgment dismissing the underlying
22 charge is entered; or a violation of a condition of pretrial
23 release ~~without bail~~, regardless of whether or not the penalty
24 is rebated, suspended or probated.

25 (8.5) Day. "Day" means calendar day.

26 (9) (Blank).

1 (10) (Blank).

2 (11) (Blank).

3 (12) (Blank).

4 (13) Driver. "Driver" means any person who drives,
5 operates, or is in physical control of a commercial motor
6 vehicle, any person who is required to hold a CDL, or any
7 person who is a holder of a CDL while operating a
8 non-commercial motor vehicle.

9 (13.5) Driver applicant. "Driver applicant" means an
10 individual who applies to a state or other jurisdiction to
11 obtain, transfer, upgrade, or renew a CDL or to obtain or renew
12 a CLP.

13 (13.8) Electronic device. "Electronic device" includes,
14 but is not limited to, a cellular telephone, personal digital
15 assistant, pager, computer, or any other device used to input,
16 write, send, receive, or read text.

17 (14) Employee. "Employee" means a person who is employed as
18 a commercial motor vehicle driver. A person who is
19 self-employed as a commercial motor vehicle driver must comply
20 with the requirements of this UCDLA pertaining to employees. An
21 owner-operator on a long-term lease shall be considered an
22 employee.

23 (15) Employer. "Employer" means a person (including the
24 United States, a State or a local authority) who owns or leases
25 a commercial motor vehicle or assigns employees to operate such
26 a vehicle. A person who is self-employed as a commercial motor

1 vehicle driver must comply with the requirements of this UCDLA.

2 (15.1) Endorsement. "Endorsement" means an authorization
3 to an individual's CLP or CDL required to permit the individual
4 to operate certain types of commercial motor vehicles.

5 (15.2) Entry-level driver training. "Entry-level driver
6 training" means the training an entry-level driver receives
7 from an entity listed on the Federal Motor Carrier Safety
8 Administration's Training Provider Registry prior to: (i)
9 taking the CDL skills test required to receive the Class A or
10 Class B CDL for the first time; (ii) taking the CDL skills test
11 required to upgrade to a Class A or Class B CDL; or (iii)
12 taking the CDL skills test required to obtain a passenger or
13 school bus endorsement for the first time or the CDL knowledge
14 test required to obtain a hazardous materials endorsement for
15 the first time.

16 (15.3) Excepted interstate. "Excepted interstate" means a
17 person who operates or expects to operate in interstate
18 commerce, but engages exclusively in transportation or
19 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or
20 398.3 from all or part of the qualification requirements of 49
21 C.F.R. Part 391 and is not required to obtain a medical
22 examiner's certificate by 49 C.F.R. 391.45.

23 (15.5) Excepted intrastate. "Excepted intrastate" means a
24 person who operates in intrastate commerce but engages
25 exclusively in transportation or operations excepted from all
26 or parts of the state driver qualification requirements.

1 (16) (Blank).

2 (16.5) Fatality. "Fatality" means the death of a person as
3 a result of a motor vehicle accident.

4 (16.7) Foreign commercial driver. "Foreign commercial
5 driver" means a person licensed to operate a commercial motor
6 vehicle by an authority outside the United States, or a citizen
7 of a foreign country who operates a commercial motor vehicle in
8 the United States.

9 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
10 sovereign jurisdiction that does not fall within the definition
11 of "State".

12 (18) (Blank).

13 (19) (Blank).

14 (20) Hazardous materials. "Hazardous material" means any
15 material that has been designated under 49 U.S.C. 5103 and is
16 required to be placarded under subpart F of 49 C.F.R. part 172
17 or any quantity of a material listed as a select agent or toxin
18 in 42 C.F.R. part 73.

19 (20.5) Imminent Hazard. "Imminent hazard" means the
20 existence of any condition of a vehicle, employee, or
21 commercial motor vehicle operations that substantially
22 increases the likelihood of serious injury or death if not
23 discontinued immediately; or a condition relating to hazardous
24 material that presents a substantial likelihood that death,
25 serious illness, severe personal injury, or a substantial
26 endangerment to health, property, or the environment may occur

1 before the reasonably foreseeable completion date of a formal
2 proceeding begun to lessen the risk of that death, illness,
3 injury or endangerment.

4 (20.6) Issuance. "Issuance" means initial issuance,
5 transfer, renewal, or upgrade of a CLP or CDL and non-domiciled
6 CLP or CDL.

7 (20.7) Issue. "Issue" means initial issuance, transfer,
8 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or
9 non-domiciled CDL.

10 (21) Long-term lease. "Long-term lease" means a lease of a
11 commercial motor vehicle by the owner-lessor to a lessee, for a
12 period of more than 29 days.

13 (21.01) Manual transmission. "Manual transmission" means a
14 transmission utilizing a driver-operated clutch that is
15 activated by a pedal or lever and a gear-shift mechanism
16 operated either by hand or foot including those known as a
17 stick shift, stick, straight drive, or standard transmission.
18 All other transmissions, whether semi-automatic or automatic,
19 shall be considered automatic for the purposes of the
20 standardized restriction code.

21 (21.1) Medical examiner. "Medical examiner" means an
22 individual certified by the Federal Motor Carrier Safety
23 Administration and listed on the National Registry of Certified
24 Medical Examiners in accordance with Federal Motor Carrier
25 Safety Regulations, 49 CFR 390.101 et seq.

26 (21.2) Medical examiner's certificate. "Medical examiner's

1 certificate" means either (1) prior to June 22, 2021, a
2 document prescribed or approved by the Secretary of State that
3 is issued by a medical examiner to a driver to medically
4 qualify him or her to drive; or (2) beginning June 22, 2021, an
5 electronic submission of results of an examination conducted by
6 a medical examiner listed on the National Registry of Certified
7 Medical Examiners to the Federal Motor Carrier Safety
8 Administration of a driver to medically qualify him or her to
9 drive.

10 (21.5) Medical variance. "Medical variance" means a driver
11 has received one of the following from the Federal Motor
12 Carrier Safety Administration which allows the driver to be
13 issued a medical certificate: (1) an exemption letter
14 permitting operation of a commercial motor vehicle pursuant to
15 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
16 skill performance evaluation (SPE) certificate permitting
17 operation of a commercial motor vehicle pursuant to 49 C.F.R.
18 391.49.

19 (21.7) Mobile telephone. "Mobile telephone" means a mobile
20 communication device that falls under or uses any commercial
21 mobile radio service, as defined in regulations of the Federal
22 Communications Commission, 47 CFR 20.3. It does not include
23 two-way or citizens band radio services.

24 (22) Motor Vehicle. "Motor vehicle" means every vehicle
25 which is self-propelled, and every vehicle which is propelled
26 by electric power obtained from over head trolley wires but not

1 operated upon rails, except vehicles moved solely by human
2 power and motorized wheel chairs.

3 (22.2) Motor vehicle record. "Motor vehicle record" means a
4 report of the driving status and history of a driver generated
5 from the driver record provided to users, such as drivers or
6 employers, and is subject to the provisions of the Driver
7 Privacy Protection Act, 18 U.S.C. 2721-2725.

8 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
9 combination of motor vehicles not defined by the term
10 "commercial motor vehicle" or "CMV" in this Section.

11 (22.7) Non-excepted interstate. "Non-excepted interstate"
12 means a person who operates or expects to operate in interstate
13 commerce, is subject to and meets the qualification
14 requirements under 49 C.F.R. Part 391, and is required to
15 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

16 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
17 means a person who operates only in intrastate commerce and is
18 subject to State driver qualification requirements.

19 (23) Non-domiciled CLP or Non-domiciled CDL.
20 "Non-domiciled CLP" or "Non-domiciled CDL" means a CLP or CDL,
21 respectively, issued by a state or other jurisdiction under
22 either of the following two conditions:

23 (i) to an individual domiciled in a foreign country
24 meeting the requirements of Part 383.23(b)(1) of 49 C.F.R.
25 of the Federal Motor Carrier Safety Administration.

26 (ii) to an individual domiciled in another state

1 meeting the requirements of Part 383.23(b) (2) of 49 C.F.R.
2 of the Federal Motor Carrier Safety Administration.

3 (24) (Blank).

4 (25) (Blank).

5 (25.5) Railroad-Highway Grade Crossing Violation.

6 "Railroad-highway grade crossing violation" means a violation,
7 while operating a commercial motor vehicle, of any of the
8 following:

9 (A) Section 11-1201, 11-1202, or 11-1425 of this Code.

10 (B) Any other similar law or local ordinance of any
11 state relating to railroad-highway grade crossing.

12 (25.7) School Bus. "School bus" means a commercial motor
13 vehicle used to transport pre-primary, primary, or secondary
14 school students from home to school, from school to home, or to
15 and from school-sponsored events. "School bus" does not include
16 a bus used as a common carrier.

17 (26) Serious Traffic Violation. "Serious traffic
18 violation" means:

19 (A) a conviction when operating a commercial motor
20 vehicle, or when operating a non-CMV while holding a CLP or
21 CDL, of:

22 (i) a violation relating to excessive speeding,
23 involving a single speeding charge of 15 miles per hour
24 or more above the legal speed limit; or

25 (ii) a violation relating to reckless driving; or

26 (iii) a violation of any State law or local

1 ordinance relating to motor vehicle traffic control
2 (other than parking violations) arising in connection
3 with a fatal traffic accident; or

4 (iv) a violation of Section 6-501, relating to
5 having multiple driver's licenses; or

6 (v) a violation of paragraph (a) of Section 6-507,
7 relating to the requirement to have a valid CLP or CDL;
8 or

9 (vi) a violation relating to improper or erratic
10 traffic lane changes; or

11 (vii) a violation relating to following another
12 vehicle too closely; or

13 (viii) a violation relating to texting while
14 driving; or

15 (ix) a violation relating to the use of a hand-held
16 mobile telephone while driving; or

17 (B) any other similar violation of a law or local
18 ordinance of any state relating to motor vehicle traffic
19 control, other than a parking violation, which the
20 Secretary of State determines by administrative rule to be
21 serious.

22 (27) State. "State" means a state of the United States, the
23 District of Columbia and any province or territory of Canada.

24 (28) (Blank).

25 (29) (Blank).

26 (30) (Blank).

1 (31) (Blank).

2 (32) Texting. "Texting" means manually entering
3 alphanumeric text into, or reading text from, an electronic
4 device.

5 (1) Texting includes, but is not limited to, short
6 message service, emailing, instant messaging, a command or
7 request to access a World Wide Web page, pressing more than
8 a single button to initiate or terminate a voice
9 communication using a mobile telephone, or engaging in any
10 other form of electronic text retrieval or entry for
11 present or future communication.

12 (2) Texting does not include:

13 (i) inputting, selecting, or reading information
14 on a global positioning system or navigation system; or

15 (ii) pressing a single button to initiate or
16 terminate a voice communication using a mobile
17 telephone; or

18 (iii) using a device capable of performing
19 multiple functions (for example, a fleet management
20 system, dispatching device, smart phone, citizens band
21 radio, or music player) for a purpose that is not
22 otherwise prohibited by Part 392 of the Federal Motor
23 Carrier Safety Regulations.

24 (32.3) Third party skills test examiner. "Third party
25 skills test examiner" means a person employed by a third party
26 tester who is authorized by the State to administer the CDL

1 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

2 (32.5) Third party tester. "Third party tester" means a
3 person (including, but not limited to, another state, a motor
4 carrier, a private driver training facility or other private
5 institution, or a department, agency, or instrumentality of a
6 local government) authorized by the State to employ skills test
7 examiners to administer the CDL skills tests specified in 49
8 C.F.R. Part 383, subparts G and H.

9 (32.7) United States. "United States" means the 50 states
10 and the District of Columbia.

11 (33) Use a hand-held mobile telephone. "Use a hand-held
12 mobile telephone" means:

13 (1) using at least one hand to hold a mobile telephone
14 to conduct a voice communication;

15 (2) dialing or answering a mobile telephone by pressing
16 more than a single button; or

17 (3) reaching for a mobile telephone in a manner that
18 requires a driver to maneuver so that he or she is no
19 longer in a seated driving position, restrained by a seat
20 belt that is installed in accordance with 49 CFR 393.93 and
21 adjusted in accordance with the vehicle manufacturer's
22 instructions.

23 (Source: P.A. 100-223, eff. 8-18-17; 101-185, eff. 1-1-20.)

24 (625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)

25 Sec. 6-601. Penalties.

1 (a) It is a petty offense for any person to violate any of
2 the provisions of this Chapter unless such violation is by this
3 Code or other law of this State declared to be a misdemeanor or
4 a felony.

5 (b) General penalties. Unless another penalty is in this
6 Code or other laws of this State, every person convicted of a
7 petty offense for the violation of any provision of this
8 Chapter shall be punished by a fine of not more than \$500.

9 (c) Unlicensed driving. Except as hereinafter provided a
10 violation of Section 6-101 shall be:

11 1. A Class A misdemeanor if the person failed to obtain
12 a driver's license or permit after expiration of a period
13 of revocation.

14 2. A Class B misdemeanor if the person has been issued
15 a driver's license or permit, which has expired, and if the
16 period of expiration is greater than one year; or if the
17 person has never been issued a driver's license or permit,
18 or is not qualified to obtain a driver's license or permit
19 because of his age.

20 3. A petty offense if the person has been issued a
21 temporary visitor's driver's license or permit and is
22 unable to provide proof of liability insurance as provided
23 in subsection (d-5) of Section 6-105.1.

24 If a licensee under this Code is convicted of violating
25 Section 6-303 for operating a motor vehicle during a time when
26 such licensee's driver's license was suspended under the

1 provisions of Section 6-306.3 or 6-308, then such act shall be
2 a petty offense (provided the licensee has answered the charge
3 which was the basis of the suspension under Section 6-306.3 or
4 6-308), and there shall be imposed no additional like period of
5 suspension as provided in paragraph (b) of Section 6-303.

6 (d) For violations of this Code or a similar provision of a
7 local ordinance for which a violation is a petty offense as
8 defined by Section 5-1-17 of the Unified Code of Corrections,
9 excluding business offenses as defined by Section 5-1-2 of the
10 Unified Code of Corrections or a violation of Section 15-111 or
11 subsection (d) of Section 3-401 of this Code, if the violation
12 may be satisfied without a court appearance, the violator may,
13 pursuant to Supreme Court Rule, satisfy the case with a written
14 plea of guilty and payment of fines, penalties, and costs as
15 ~~equal to the bail amount~~ established by the Supreme Court for
16 the offense.

17 (Source: P.A. 97-1157, eff. 11-28-13; 98-870, eff. 1-1-15;
18 98-1134, eff. 1-1-15.)

19 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

20 Sec. 11-208.3. Administrative adjudication of violations
21 of traffic regulations concerning the standing, parking, or
22 condition of vehicles, automated traffic law violations, and
23 automated speed enforcement system violations.

24 (a) Any municipality or county may provide by ordinance for
25 a system of administrative adjudication of vehicular standing

1 and parking violations and vehicle compliance violations as
2 described in this subsection, automated traffic law violations
3 as defined in Section 11-208.6, 11-208.9, or 11-1201.1, and
4 automated speed enforcement system violations as defined in
5 Section 11-208.8. The administrative system shall have as its
6 purpose the fair and efficient enforcement of municipal or
7 county regulations through the administrative adjudication of
8 automated speed enforcement system or automated traffic law
9 violations and violations of municipal or county ordinances
10 regulating the standing and parking of vehicles, the condition
11 and use of vehicle equipment, and the display of municipal or
12 county wheel tax licenses within the municipality's or county's
13 borders. The administrative system shall only have authority to
14 adjudicate civil offenses carrying fines not in excess of \$500
15 or requiring the completion of a traffic education program, or
16 both, that occur after the effective date of the ordinance
17 adopting such a system under this Section. For purposes of this
18 Section, "compliance violation" means a violation of a
19 municipal or county regulation governing the condition or use
20 of equipment on a vehicle or governing the display of a
21 municipal or county wheel tax license.

22 (b) Any ordinance establishing a system of administrative
23 adjudication under this Section shall provide for:

24 (1) A traffic compliance administrator authorized to
25 adopt, distribute, and process parking, compliance, and
26 automated speed enforcement system or automated traffic

1 law violation notices and other notices required by this
2 Section, collect money paid as fines and penalties for
3 violation of parking and compliance ordinances and
4 automated speed enforcement system or automated traffic
5 law violations, and operate an administrative adjudication
6 system. ~~The traffic compliance administrator also may make~~
7 ~~a certified report to the Secretary of State under Section~~
8 ~~6-306.5.~~

9 (2) A parking, standing, compliance, automated speed
10 enforcement system, or automated traffic law violation
11 notice that shall specify or include the date, time, and
12 place of violation of a parking, standing, compliance,
13 automated speed enforcement system, or automated traffic
14 law regulation; the particular regulation violated; any
15 requirement to complete a traffic education program; the
16 fine and any penalty that may be assessed for late payment
17 or failure to complete a required traffic education
18 program, or both, when so provided by ordinance; the
19 vehicle make or a photograph of the vehicle; the state
20 registration number of the vehicle; and the identification
21 number of the person issuing the notice. With regard to
22 automated speed enforcement system or automated traffic
23 law violations, vehicle make shall be specified on the
24 automated speed enforcement system or automated traffic
25 law violation notice if the notice does not include a
26 photograph of the vehicle and the make is available and

1 readily discernible. With regard to municipalities or
2 counties with a population of 1 million or more, it shall
3 be grounds for dismissal of a parking violation if the
4 state registration number or vehicle make specified is
5 incorrect. The violation notice shall state that the
6 completion of any required traffic education program, the
7 payment of any indicated fine, and the payment of any
8 applicable penalty for late payment or failure to complete
9 a required traffic education program, or both, shall
10 operate as a final disposition of the violation. The notice
11 also shall contain information as to the availability of a
12 hearing in which the violation may be contested on its
13 merits. The violation notice shall specify the time and
14 manner in which a hearing may be had.

15 (3) Service of a parking, standing, or compliance
16 violation notice by: (i) affixing the original or a
17 facsimile of the notice to an unlawfully parked or standing
18 vehicle; (ii) handing the notice to the operator of a
19 vehicle if he or she is present; or (iii) mailing the
20 notice to the address of the registered owner or lessee of
21 the cited vehicle as recorded with the Secretary of State
22 or the lessor of the motor vehicle within 30 days after the
23 Secretary of State or the lessor of the motor vehicle
24 notifies the municipality or county of the identity of the
25 owner or lessee of the vehicle, but not later than 90 days
26 after the date of the violation, except that in the case of

1 a lessee of a motor vehicle, service of a parking,
2 standing, or compliance violation notice may occur no later
3 than 210 days after the violation; and service of an
4 automated speed enforcement system or automated traffic
5 law violation notice by mail to the address of the
6 registered owner or lessee of the cited vehicle as recorded
7 with the Secretary of State or the lessor of the motor
8 vehicle within 30 days after the Secretary of State or the
9 lessor of the motor vehicle notifies the municipality or
10 county of the identity of the owner or lessee of the
11 vehicle, but not later than 90 days after the violation,
12 except that in the case of a lessee of a motor vehicle,
13 service of an automated traffic law violation notice may
14 occur no later than 210 days after the violation. A person
15 authorized by ordinance to issue and serve parking,
16 standing, and compliance violation notices shall certify
17 as to the correctness of the facts entered on the violation
18 notice by signing his or her name to the notice at the time
19 of service or, in the case of a notice produced by a
20 computerized device, by signing a single certificate to be
21 kept by the traffic compliance administrator attesting to
22 the correctness of all notices produced by the device while
23 it was under his or her control. In the case of an
24 automated traffic law violation, the ordinance shall
25 require a determination by a technician employed or
26 contracted by the municipality or county that, based on

1 inspection of recorded images, the motor vehicle was being
2 operated in violation of Section 11-208.6, 11-208.9, or
3 11-1201.1 or a local ordinance. If the technician
4 determines that the vehicle entered the intersection as
5 part of a funeral procession or in order to yield the
6 right-of-way to an emergency vehicle, a citation shall not
7 be issued. In municipalities with a population of less than
8 1,000,000 inhabitants and counties with a population of
9 less than 3,000,000 inhabitants, the automated traffic law
10 ordinance shall require that all determinations by a
11 technician that a motor vehicle was being operated in
12 violation of Section 11-208.6, 11-208.9, or 11-1201.1 or a
13 local ordinance must be reviewed and approved by a law
14 enforcement officer or retired law enforcement officer of
15 the municipality or county issuing the violation. In
16 municipalities with a population of 1,000,000 or more
17 inhabitants and counties with a population of 3,000,000 or
18 more inhabitants, the automated traffic law ordinance
19 shall require that all determinations by a technician that
20 a motor vehicle was being operated in violation of Section
21 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance must
22 be reviewed and approved by a law enforcement officer or
23 retired law enforcement officer of the municipality or
24 county issuing the violation or by an additional fully
25 trained ~~fully trained~~ reviewing technician who is not
26 employed by the contractor who employs the technician who

1 made the initial determination. In the case of an automated
2 speed enforcement system violation, the ordinance shall
3 require a determination by a technician employed by the
4 municipality, based upon an inspection of recorded images,
5 video or other documentation, including documentation of
6 the speed limit and automated speed enforcement signage,
7 and documentation of the inspection, calibration, and
8 certification of the speed equipment, that the vehicle was
9 being operated in violation of Article VI of Chapter 11 of
10 this Code or a similar local ordinance. If the technician
11 determines that the vehicle speed was not determined by a
12 calibrated, certified speed equipment device based upon
13 the speed equipment documentation, or if the vehicle was an
14 emergency vehicle, a citation may not be issued. The
15 automated speed enforcement ordinance shall require that
16 all determinations by a technician that a violation
17 occurred be reviewed and approved by a law enforcement
18 officer or retired law enforcement officer of the
19 municipality issuing the violation or by an additional
20 fully trained reviewing technician who is not employed by
21 the contractor who employs the technician who made the
22 initial determination. Routine and independent calibration
23 of the speeds produced by automated speed enforcement
24 systems and equipment shall be conducted annually by a
25 qualified technician. Speeds produced by an automated
26 speed enforcement system shall be compared with speeds

1 produced by lidar or other independent equipment. Radar or
2 lidar equipment shall undergo an internal validation test
3 no less frequently than once each week. Qualified
4 technicians shall test loop-based ~~loop-based~~ equipment no
5 less frequently than once a year. Radar equipment shall be
6 checked for accuracy by a qualified technician when the
7 unit is serviced, when unusual or suspect readings persist,
8 or when deemed necessary by a reviewing technician. Radar
9 equipment shall be checked with the internal frequency
10 generator and the internal circuit test whenever the radar
11 is turned on. Technicians must be alert for any unusual or
12 suspect readings, and if unusual or suspect readings of a
13 radar unit persist, that unit shall immediately be removed
14 from service and not returned to service until it has been
15 checked by a qualified technician and determined to be
16 functioning properly. Documentation of the annual
17 calibration results, including the equipment tested, test
18 date, technician performing the test, and test results,
19 shall be maintained and available for use in the
20 determination of an automated speed enforcement system
21 violation and issuance of a citation. The technician
22 performing the calibration and testing of the automated
23 speed enforcement equipment shall be trained and certified
24 in the use of equipment for speed enforcement purposes.
25 Training on the speed enforcement equipment may be
26 conducted by law enforcement, civilian, or manufacturer's

1 personnel and if applicable may be equivalent to the
2 equipment use and operations training included in the Speed
3 Measuring Device Operator Program developed by the
4 National Highway Traffic Safety Administration (NHTSA).
5 The vendor or technician who performs the work shall keep
6 accurate records on each piece of equipment the technician
7 calibrates and tests. As used in this paragraph, "fully
8 trained ~~fully trained~~ reviewing technician" means a person
9 who has received at least 40 hours of supervised training
10 in subjects which shall include image inspection and
11 interpretation, the elements necessary to prove a
12 violation, license plate identification, and traffic
13 safety and management. In all municipalities and counties,
14 the automated speed enforcement system or automated
15 traffic law ordinance shall require that no additional fee
16 shall be charged to the alleged violator for exercising his
17 or her right to an administrative hearing, and persons
18 shall be given at least 25 days following an administrative
19 hearing to pay any civil penalty imposed by a finding that
20 Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a
21 similar local ordinance has been violated. The original or
22 a facsimile of the violation notice or, in the case of a
23 notice produced by a computerized device, a printed record
24 generated by the device showing the facts entered on the
25 notice, shall be retained by the traffic compliance
26 administrator, and shall be a record kept in the ordinary

1 course of business. A parking, standing, compliance,
2 automated speed enforcement system, or automated traffic
3 law violation notice issued, signed, and served in
4 accordance with this Section, a copy of the notice, or the
5 computer-generated ~~computer-generated~~ record shall be
6 prima facie correct and shall be prima facie evidence of
7 the correctness of the facts shown on the notice. The
8 notice, copy, or computer-generated ~~computer-generated~~
9 record shall be admissible in any subsequent
10 administrative or legal proceedings.

11 (4) An opportunity for a hearing for the registered
12 owner of the vehicle cited in the parking, standing,
13 compliance, automated speed enforcement system, or
14 automated traffic law violation notice in which the owner
15 may contest the merits of the alleged violation, and during
16 which formal or technical rules of evidence shall not
17 apply; provided, however, that under Section 11-1306 of
18 this Code the lessee of a vehicle cited in the violation
19 notice likewise shall be provided an opportunity for a
20 hearing of the same kind afforded the registered owner. The
21 hearings shall be recorded, and the person conducting the
22 hearing on behalf of the traffic compliance administrator
23 shall be empowered to administer oaths and to secure by
24 subpoena both the attendance and testimony of witnesses and
25 the production of relevant books and papers. Persons
26 appearing at a hearing under this Section may be

1 represented by counsel at their expense. The ordinance may
2 also provide for internal administrative review following
3 the decision of the hearing officer.

4 (5) Service of additional notices, sent by first class
5 United States mail, postage prepaid, to the address of the
6 registered owner of the cited vehicle as recorded with the
7 Secretary of State or, if any notice to that address is
8 returned as undeliverable, to the last known address
9 recorded in a United States Post Office approved database,
10 or, under Section 11-1306 or subsection (p) of Section
11 11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8
12 of this Code, to the lessee of the cited vehicle at the
13 last address known to the lessor of the cited vehicle at
14 the time of lease or, if any notice to that address is
15 returned as undeliverable, to the last known address
16 recorded in a United States Post Office approved database.
17 The service shall be deemed complete as of the date of
18 deposit in the United States mail. The notices shall be in
19 the following sequence and shall include, but not be
20 limited to the information specified herein:

21 (i) A second notice of parking, standing, or
22 compliance violation if the first notice of the
23 violation was issued by affixing the original or a
24 facsimile of the notice to the unlawfully parked
25 vehicle or by handing the notice to the operator. This
26 notice shall specify or include the date and location

1 of the violation cited in the parking, standing, or
2 compliance violation notice, the particular regulation
3 violated, the vehicle make or a photograph of the
4 vehicle, the state registration number of the vehicle,
5 any requirement to complete a traffic education
6 program, the fine and any penalty that may be assessed
7 for late payment or failure to complete a traffic
8 education program, or both, when so provided by
9 ordinance, the availability of a hearing in which the
10 violation may be contested on its merits, and the time
11 and manner in which the hearing may be had. The notice
12 of violation shall also state that failure to complete
13 a required traffic education program, to pay the
14 indicated fine and any applicable penalty, or to appear
15 at a hearing on the merits in the time and manner
16 specified, will result in a final determination of
17 violation liability for the cited violation in the
18 amount of the fine or penalty indicated, and that, upon
19 the occurrence of a final determination of violation
20 liability for the failure, and the exhaustion of, or
21 failure to exhaust, available administrative or
22 judicial procedures for review, any incomplete traffic
23 education program or any unpaid fine or penalty, or
24 both, will constitute a debt due and owing the
25 municipality or county.

26 (ii) A notice of final determination of parking,

1 standing, compliance, automated speed enforcement
2 system, or automated traffic law violation liability.
3 This notice shall be sent following a final
4 determination of parking, standing, compliance,
5 automated speed enforcement system, or automated
6 traffic law violation liability and the conclusion of
7 judicial review procedures taken under this Section.
8 The notice shall state that the incomplete traffic
9 education program or the unpaid fine or penalty, or
10 both, is a debt due and owing the municipality or
11 county. The notice shall contain warnings that failure
12 to complete any required traffic education program or
13 to pay any fine or penalty due and owing the
14 municipality or county, or both, within the time
15 specified may result in the municipality's or county's
16 filing of a petition in the Circuit Court to have the
17 incomplete traffic education program or unpaid fine or
18 penalty, or both, rendered a judgment as provided by
19 this Section, or, where applicable, may result in
20 suspension of the person's driver's ~~drivers~~ license
21 for failure to complete a traffic education program ~~or~~
22 ~~to pay fines or penalties, or both, for 5 or more~~
23 ~~automated traffic law violations under Section~~
24 ~~11-208.6 or 11-208.9 or automated speed enforcement~~
25 ~~system violations under Section 11-208.8.~~

26 (6) A notice of impending driver's ~~drivers~~ license

1 suspension. This notice shall be sent to the person liable
2 for failure to complete a required traffic education
3 program ~~or to pay any fine or penalty that remains due and~~
4 ~~owing, or both, on 5 or more unpaid automated speed~~
5 ~~enforcement system or automated traffic law violations.~~

6 The notice shall state that failure to complete a required
7 traffic education program ~~or to pay the fine or penalty~~
8 ~~owing, or both,~~ within 45 days of the notice's date will
9 result in the municipality or county notifying the
10 Secretary of State that the person is eligible for
11 initiation of suspension proceedings under Section 6-306.5
12 of this Code. The notice shall also state that the person
13 may obtain a photostatic copy of an original ticket
14 imposing a fine or penalty by sending a self-addressed ~~self~~
15 ~~addressed~~, stamped envelope to the municipality or county
16 along with a request for the photostatic copy. The notice
17 of impending driver's ~~drivers~~ license suspension shall be
18 sent by first class United States mail, postage prepaid, to
19 the address recorded with the Secretary of State or, if any
20 notice to that address is returned as undeliverable, to the
21 last known address recorded in a United States Post Office
22 approved database.

23 (7) Final determinations of violation liability. A
24 final determination of violation liability shall occur
25 following failure to complete the required traffic
26 education program or to pay the fine or penalty, or both,

1 after a hearing officer's determination of violation
2 liability and the exhaustion of or failure to exhaust any
3 administrative review procedures provided by ordinance.
4 Where a person fails to appear at a hearing to contest the
5 alleged violation in the time and manner specified in a
6 prior mailed notice, the hearing officer's determination
7 of violation liability shall become final: (A) upon denial
8 of a timely petition to set aside that determination, or
9 (B) upon expiration of the period for filing the petition
10 without a filing having been made.

11 (8) A petition to set aside a determination of parking,
12 standing, compliance, automated speed enforcement system,
13 or automated traffic law violation liability that may be
14 filed by a person owing an unpaid fine or penalty. A
15 petition to set aside a determination of liability may also
16 be filed by a person required to complete a traffic
17 education program. The petition shall be filed with and
18 ruled upon by the traffic compliance administrator in the
19 manner and within the time specified by ordinance. The
20 grounds for the petition may be limited to: (A) the person
21 not having been the owner or lessee of the cited vehicle on
22 the date the violation notice was issued, (B) the person
23 having already completed the required traffic education
24 program or paid the fine or penalty, or both, for the
25 violation in question, and (C) excusable failure to appear
26 at or request a new date for a hearing. With regard to

1 municipalities or counties with a population of 1 million
2 or more, it shall be grounds for dismissal of a parking
3 violation if the state registration number or vehicle make,
4 only if specified in the violation notice, is incorrect.
5 After the determination of parking, standing, compliance,
6 automated speed enforcement system, or automated traffic
7 law violation liability has been set aside upon a showing
8 of just cause, the registered owner shall be provided with
9 a hearing on the merits for that violation.

10 (9) Procedures for non-residents. Procedures by which
11 persons who are not residents of the municipality or county
12 may contest the merits of the alleged violation without
13 attending a hearing.

14 (10) A schedule of civil fines for violations of
15 vehicular standing, parking, compliance, automated speed
16 enforcement system, or automated traffic law regulations
17 enacted by ordinance pursuant to this Section, and a
18 schedule of penalties for late payment of the fines or
19 failure to complete required traffic education programs,
20 provided, however, that the total amount of the fine and
21 penalty for any one violation shall not exceed \$250, except
22 as provided in subsection (c) of Section 11-1301.3 of this
23 Code.

24 (11) Other provisions as are necessary and proper to
25 carry into effect the powers granted and purposes stated in
26 this Section.

1 (c) Any municipality or county establishing vehicular
2 standing, parking, compliance, automated speed enforcement
3 system, or automated traffic law regulations under this Section
4 may also provide by ordinance for a program of vehicle
5 immobilization for the purpose of facilitating enforcement of
6 those regulations. The program of vehicle immobilization shall
7 provide for immobilizing any eligible vehicle upon the public
8 way by presence of a restraint in a manner to prevent operation
9 of the vehicle. Any ordinance establishing a program of vehicle
10 immobilization under this Section shall provide:

11 (1) Criteria for the designation of vehicles eligible
12 for immobilization. A vehicle shall be eligible for
13 immobilization when the registered owner of the vehicle has
14 accumulated the number of incomplete traffic education
15 programs or unpaid final determinations of parking,
16 standing, compliance, automated speed enforcement system,
17 or automated traffic law violation liability, or both, as
18 determined by ordinance.

19 (2) A notice of impending vehicle immobilization and a
20 right to a hearing to challenge the validity of the notice
21 by disproving liability for the incomplete traffic
22 education programs or unpaid final determinations of
23 parking, standing, compliance, automated speed enforcement
24 system, or automated traffic law violation liability, or
25 both, listed on the notice.

26 (3) The right to a prompt hearing after a vehicle has

1 been immobilized or subsequently towed without the
2 completion of the required traffic education program or
3 payment of the outstanding fines and penalties on parking,
4 standing, compliance, automated speed enforcement system,
5 or automated traffic law violations, or both, for which
6 final determinations have been issued. An order issued
7 after the hearing is a final administrative decision within
8 the meaning of Section 3-101 of the Code of Civil
9 Procedure.

10 (4) A post immobilization and post-towing notice
11 advising the registered owner of the vehicle of the right
12 to a hearing to challenge the validity of the impoundment.

13 (d) Judicial review of final determinations of parking,
14 standing, compliance, automated speed enforcement system, or
15 automated traffic law violations and final administrative
16 decisions issued after hearings regarding vehicle
17 immobilization and impoundment made under this Section shall be
18 subject to the provisions of the Administrative Review Law.

19 (e) Any fine, penalty, incomplete traffic education
20 program, or part of any fine or any penalty remaining unpaid
21 after the exhaustion of, or the failure to exhaust,
22 administrative remedies created under this Section and the
23 conclusion of any judicial review procedures shall be a debt
24 due and owing the municipality or county and, as such, may be
25 collected in accordance with applicable law. Completion of any
26 required traffic education program and payment in full of any

1 fine or penalty resulting from a standing, parking, compliance,
2 automated speed enforcement system, or automated traffic law
3 violation shall constitute a final disposition of that
4 violation.

5 (f) After the expiration of the period within which
6 judicial review may be sought for a final determination of
7 parking, standing, compliance, automated speed enforcement
8 system, or automated traffic law violation, the municipality or
9 county may commence a proceeding in the Circuit Court for
10 purposes of obtaining a judgment on the final determination of
11 violation. Nothing in this Section shall prevent a municipality
12 or county from consolidating multiple final determinations of
13 parking, standing, compliance, automated speed enforcement
14 system, or automated traffic law violations against a person in
15 a proceeding. Upon commencement of the action, the municipality
16 or county shall file a certified copy or record of the final
17 determination of parking, standing, compliance, automated
18 speed enforcement system, or automated traffic law violation,
19 which shall be accompanied by a certification that recites
20 facts sufficient to show that the final determination of
21 violation was issued in accordance with this Section and the
22 applicable municipal or county ordinance. Service of the
23 summons and a copy of the petition may be by any method
24 provided by Section 2-203 of the Code of Civil Procedure or by
25 certified mail, return receipt requested, provided that the
26 total amount of fines and penalties for final determinations of

1 parking, standing, compliance, automated speed enforcement
2 system, or automated traffic law violations does not exceed
3 \$2500. If the court is satisfied that the final determination
4 of parking, standing, compliance, automated speed enforcement
5 system, or automated traffic law violation was entered in
6 accordance with the requirements of this Section and the
7 applicable municipal or county ordinance, and that the
8 registered owner or the lessee, as the case may be, had an
9 opportunity for an administrative hearing and for judicial
10 review as provided in this Section, the court shall render
11 judgment in favor of the municipality or county and against the
12 registered owner or the lessee for the amount indicated in the
13 final determination of parking, standing, compliance,
14 automated speed enforcement system, or automated traffic law
15 violation, plus costs. The judgment shall have the same effect
16 and may be enforced in the same manner as other judgments for
17 the recovery of money.

18 (g) The fee for participating in a traffic education
19 program under this Section shall not exceed \$25.

20 A low-income individual required to complete a traffic
21 education program under this Section who provides proof of
22 eligibility for the federal earned income tax credit under
23 Section 32 of the Internal Revenue Code or the Illinois earned
24 income tax credit under Section 212 of the Illinois Income Tax
25 Act shall not be required to pay any fee for participating in a
26 required traffic education program.

1 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;
2 revised 8-4-20.)

3 (625 ILCS 5/11-208.6)

4 Sec. 11-208.6. Automated traffic law enforcement system.

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 a red light signal
8 to produce recorded images of motor vehicles entering an
9 intersection against a red signal indication in violation of
10 Section 11-306 of this Code or a similar provision of a local
11 ordinance.

12 An automated traffic law enforcement system is a system, in
13 a municipality or county operated by a governmental agency,
14 that produces a recorded image of a motor vehicle's violation
15 of a provision of this Code or a local ordinance and is
16 designed to obtain a clear recorded image of the vehicle and
17 the vehicle's license plate. The recorded image must also
18 display the time, date, and location of the violation.

19 (b) As used in this Section, "recorded images" means images
20 recorded by an automated traffic law enforcement system on:

21 (1) 2 or more photographs;

22 (2) 2 or more microphotographs;

23 (3) 2 or more electronic images; or

24 (4) a video recording showing the motor vehicle and, on
25 at least one image or portion of the recording, clearly

1 identifying the registration plate or digital registration
2 plate number of the motor vehicle.

3 (b-5) A municipality or county that produces a recorded
4 image of a motor vehicle's violation of a provision of this
5 Code or a local ordinance must make the recorded images of a
6 violation accessible to the alleged violator by providing the
7 alleged violator with a website address, accessible through the
8 Internet.

9 (c) Except as provided under Section 11-208.8 of this Code,
10 a county or municipality, including a home rule county or
11 municipality, may not use an automated traffic law enforcement
12 system to provide recorded images of a motor vehicle for the
13 purpose of recording its speed. Except as provided under
14 Section 11-208.8 of this Code, the regulation of the use of
15 automated traffic law enforcement systems to record vehicle
16 speeds is an exclusive power and function of the State. This
17 subsection (c) is a denial and limitation of home rule powers
18 and functions under subsection (h) of Section 6 of Article VII
19 of the Illinois Constitution.

20 (c-5) A county or municipality, including a home rule
21 county or municipality, may not use an automated traffic law
22 enforcement system to issue violations in instances where the
23 motor vehicle comes to a complete stop and does not enter the
24 intersection, as defined by Section 1-132 of this Code, during
25 the cycle of the red signal indication unless one or more
26 pedestrians or bicyclists are present, even if the motor

1 vehicle stops at a point past a stop line or crosswalk where a
2 driver is required to stop, as specified in subsection (c) of
3 Section 11-306 of this Code or a similar provision of a local
4 ordinance.

5 (c-6) A county, or a municipality with less than 2,000,000
6 inhabitants, including a home rule county or municipality, may
7 not use an automated traffic law enforcement system to issue
8 violations in instances where a motorcyclist enters an
9 intersection against a red signal indication when the red
10 signal fails to change to a green signal within a reasonable
11 period of time not less than 120 seconds because of a signal
12 malfunction or because the signal has failed to detect the
13 arrival of the motorcycle due to the motorcycle's size or
14 weight.

15 (d) For each violation of a provision of this Code or a
16 local ordinance recorded by an automatic traffic law
17 enforcement system, the county or municipality having
18 jurisdiction shall issue a written notice of the violation to
19 the registered owner of the vehicle as the alleged violator.
20 The notice shall be delivered to the registered owner of the
21 vehicle, by mail, within 30 days after the Secretary of State
22 notifies the municipality or county of the identity of the
23 owner of the vehicle, but in no event later than 90 days after
24 the violation.

25 The notice shall include:

26 (1) the name and address of the registered owner of the

1 vehicle;

2 (2) the registration number of the motor vehicle
3 involved in the violation;

4 (3) the violation charged;

5 (4) the location where the violation occurred;

6 (5) the date and time of the violation;

7 (6) a copy of the recorded images;

8 (7) the amount of the civil penalty imposed and the
9 requirements of any traffic education program imposed and
10 the date by which the civil penalty should be paid and the
11 traffic education program should be completed;

12 (8) a statement that recorded images are evidence of a
13 violation of a red light signal;

14 (9) a warning that failure to pay the civil penalty, to
15 complete a required traffic education program, or to
16 contest liability in a timely manner is an admission of
17 liability ~~and may result in a suspension of the driving~~
18 ~~privileges of the registered owner of the vehicle;~~

19 (10) a statement that the person may elect to proceed
20 by:

21 (A) paying the fine, completing a required traffic
22 education program, or both; or

23 (B) challenging the charge in court, by mail, or by
24 administrative hearing; and

25 (11) a website address, accessible through the
26 Internet, where the person may view the recorded images of

1 the violation.

2 (e) (Blank). ~~If a person charged with a traffic violation,~~
3 ~~as a result of an automated traffic law enforcement system,~~
4 ~~does not pay the fine or complete a required traffic education~~
5 ~~program, or both, 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~~
9 ~~complete a required traffic education program or to pay any~~
10 ~~fine or penalty due and owing, or both, as a result of a~~
11 ~~combination of 5 violations of the automated traffic law~~
12 ~~enforcement system or the automated speed enforcement system~~
13 ~~under Section 11-208.8 of this Code.~~

14 (f) Based on inspection of recorded images produced by an
15 automated traffic law enforcement system, a notice alleging
16 that the violation occurred shall be evidence of the facts
17 contained in the notice and admissible in any proceeding
18 alleging a violation under this Section.

19 (g) Recorded images made by an automatic traffic law
20 enforcement system are confidential and shall be made available
21 only to the alleged violator and governmental and law
22 enforcement agencies for purposes of adjudicating a violation
23 of this Section, for statistical purposes, or for other
24 governmental purposes. Any recorded image evidencing a
25 violation of this Section, however, may be admissible in any
26 proceeding resulting from the issuance of the citation.

1 (h) The court or hearing officer may consider in defense of
2 a violation:

3 (1) that the motor vehicle or registration plates or
4 digital registration plates of the motor vehicle were
5 stolen before the violation occurred and not under the
6 control of or in the possession of the owner at the time of
7 the violation;

8 (2) that the driver of the vehicle passed through the
9 intersection when the light was red either (i) in order to
10 yield the right-of-way to an emergency vehicle or (ii) as
11 part of a funeral procession; and

12 (3) any other evidence or issues provided by municipal
13 or county ordinance.

14 (i) To demonstrate that the motor vehicle or the
15 registration plates or digital registration plates were stolen
16 before the violation occurred and were not under the control or
17 possession of the owner at the time of the violation, the owner
18 must submit proof that a report concerning the stolen motor
19 vehicle or registration plates was filed with a law enforcement
20 agency in a timely manner.

21 (j) Unless the driver of the motor vehicle received a
22 Uniform Traffic Citation from a police officer at the time of
23 the violation, the motor vehicle owner is subject to a civil
24 penalty not exceeding \$100 or the completion of a traffic
25 education program, or both, plus an additional penalty of not
26 more than \$100 for failure to pay the original penalty or to

1 complete a required traffic education program, or both, in a
2 timely manner, if the motor vehicle is recorded by an automated
3 traffic law enforcement system. A violation for which a civil
4 penalty is imposed under this Section is not a violation of a
5 traffic regulation governing the movement of vehicles and may
6 not be recorded on the driving record of the owner of the
7 vehicle.

8 (j-3) A registered owner who is a holder of a valid
9 commercial driver's license is not required to complete a
10 traffic education program.

11 (j-5) For purposes of the required traffic education
12 program only, a registered owner may submit an affidavit to the
13 court or hearing officer swearing that at the time of the
14 alleged violation, the vehicle was in the custody and control
15 of another person. The affidavit must identify the person in
16 custody and control of the vehicle, including the person's name
17 and current address. The person in custody and control of the
18 vehicle at the time of the violation is required to complete
19 the required traffic education program. If the person in
20 custody and control of the vehicle at the time of the violation
21 completes the required traffic education program, the
22 registered owner of the vehicle is not required to complete a
23 traffic education program.

24 (k) An intersection equipped with an automated traffic law
25 enforcement system must be posted with a sign visible to
26 approaching traffic indicating that the intersection is being

1 monitored by an automated traffic law enforcement system.

2 (k-3) A municipality or county that has one or more
3 intersections equipped with an automated traffic law
4 enforcement system must provide notice to drivers by posting
5 the locations of automated traffic law systems on the
6 municipality or county website.

7 (k-5) An intersection equipped with an automated traffic
8 law enforcement system must have a yellow change interval that
9 conforms with the Illinois Manual on Uniform Traffic Control
10 Devices (IMUTCD) published by the Illinois Department of
11 Transportation.

12 (k-7) A municipality or county operating an automated
13 traffic law enforcement system shall conduct a statistical
14 analysis to assess the safety impact of each automated traffic
15 law enforcement system at an intersection following
16 installation of the system. The statistical analysis shall be
17 based upon the best available crash, traffic, and other data,
18 and shall cover a period of time before and after installation
19 of the system sufficient to provide a statistically valid
20 comparison of safety impact. The statistical analysis shall be
21 consistent with professional judgment and acceptable industry
22 practice. The statistical analysis also shall be consistent
23 with the data required for valid comparisons of before and
24 after conditions and shall be conducted within a reasonable
25 period following the installation of the automated traffic law
26 enforcement system. The statistical analysis required by this

1 subsection (k-7) shall be made available to the public and
2 shall be published on the website of the municipality or
3 county. If the statistical analysis for the 36 month period
4 following installation of the system indicates that there has
5 been an increase in the rate of accidents at the approach to
6 the intersection monitored by the system, the municipality or
7 county shall undertake additional studies to determine the
8 cause and severity of the accidents, and may take any action
9 that it determines is necessary or appropriate to reduce the
10 number or severity of the accidents at that intersection.

11 (l) The compensation paid for an automated traffic law
12 enforcement system must be based on the value of the equipment
13 or the services provided and may not be based on the number of
14 traffic citations issued or the revenue generated by the
15 system.

16 (m) This Section applies only to the counties of Cook,
17 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
18 to municipalities located within those counties.

19 (n) The fee for participating in a traffic education
20 program under this Section shall not exceed \$25.

21 A low-income individual required to complete a traffic
22 education program under this Section who provides proof of
23 eligibility for the federal earned income tax credit under
24 Section 32 of the Internal Revenue Code or the Illinois earned
25 income tax credit under Section 212 of the Illinois Income Tax
26 Act shall not be required to pay any fee for participating in a

1 required traffic education program.

2 (o) (Blank). ~~A municipality or county shall make a~~
3 ~~certified report to the Secretary of State pursuant to Section~~
4 ~~6-306.5 of this Code whenever a registered owner of a vehicle~~
5 ~~has failed to pay any fine or penalty due and owing as a result~~
6 ~~of a combination of 5 offenses for automated traffic law or~~
7 ~~speed enforcement system violations.~~

8 (p) No person who is the lessor of a motor vehicle pursuant
9 to a written lease agreement shall be liable for an automated
10 speed or traffic law enforcement system violation involving
11 such motor vehicle during the period of the lease; provided
12 that upon the request of the appropriate authority received
13 within 120 days after the violation occurred, the lessor
14 provides within 60 days after such receipt the name and address
15 of the lessee. ~~The drivers license number of a lessee may be~~
16 ~~subsequently individually requested by the appropriate~~
17 ~~authority if needed for enforcement of this Section.~~

18 Upon the provision of information by the lessor pursuant to
19 this subsection, the county or municipality may issue the
20 violation to the lessee of the vehicle in the same manner as it
21 would issue a violation to a registered owner of a vehicle
22 pursuant to this Section, and the lessee may be held liable for
23 the violation.

24 (Source: P.A. 101-395, eff. 8-16-19.)

25 (625 ILCS 5/11-208.8)

1 Sec. 11-208.8. Automated speed enforcement systems in
2 safety zones.

3 (a) As used in this Section:

4 "Automated speed enforcement system" means a photographic
5 device, radar device, laser device, or other electrical or
6 mechanical device or devices installed or utilized in a safety
7 zone and designed to record the speed of a vehicle and obtain a
8 clear photograph or other recorded image of the vehicle and the
9 vehicle's registration plate or digital registration plate
10 while the driver is violating Article VI of Chapter 11 of this
11 Code or a similar provision of a local ordinance.

12 An automated speed enforcement system is a system, located
13 in a safety zone which is under the jurisdiction of a
14 municipality, that produces a recorded image of a motor
15 vehicle's violation of a provision of this Code or a local
16 ordinance and is designed to obtain a clear recorded image of
17 the vehicle and the vehicle's license plate. The recorded image
18 must also display the time, date, and location of the
19 violation.

20 "Owner" means the person or entity to whom the vehicle is
21 registered.

22 "Recorded image" means images recorded by an automated
23 speed enforcement system on:

- 24 (1) 2 or more photographs;
25 (2) 2 or more microphotographs;
26 (3) 2 or more electronic images; or

1 (4) a video recording showing the motor vehicle and, on
2 at least one image or portion of the recording, clearly
3 identifying the registration plate or digital registration
4 plate number of the motor vehicle.

5 "Safety zone" means an area that is within one-eighth of a
6 mile from the nearest property line of any public or private
7 elementary or secondary school, or from the nearest property
8 line of any facility, area, or land owned by a school district
9 that is used for educational purposes approved by the Illinois
10 State Board of Education, not including school district
11 headquarters or administrative buildings. A safety zone also
12 includes an area that is within one-eighth of a mile from the
13 nearest property line of any facility, area, or land owned by a
14 park district used for recreational purposes. However, if any
15 portion of a roadway is within either one-eighth mile radius,
16 the safety zone also shall include the roadway extended to the
17 furthest portion of the next furthest intersection. The term
18 "safety zone" does not include any portion of the roadway known
19 as Lake Shore Drive or any controlled access highway with 8 or
20 more lanes of traffic.

21 (a-5) The automated speed enforcement system shall be
22 operational and violations shall be recorded only at the
23 following times:

24 (i) if the safety zone is based upon the property line
25 of any facility, area, or land owned by a school district,
26 only on school days and no earlier than 6 a.m. and no later

1 than 8:30 p.m. if the school day is during the period of
2 Monday through Thursday, or 9 p.m. if the school day is a
3 Friday; and

4 (ii) if the safety zone is based upon the property line
5 of any facility, area, or land owned by a park district, no
6 earlier than one hour prior to the time that the facility,
7 area, or land is open to the public or other patrons, and
8 no later than one hour after the facility, area, or land is
9 closed to the public or other patrons.

10 (b) A municipality that produces a recorded image of a
11 motor vehicle's violation of a provision of this Code or a
12 local ordinance must make the recorded images of a violation
13 accessible to the alleged violator by providing the alleged
14 violator with a website address, accessible through the
15 Internet.

16 (c) Notwithstanding any penalties for any other violations
17 of this Code, the owner of a motor vehicle used in a traffic
18 violation recorded by an automated speed enforcement system
19 shall be subject to the following penalties:

20 (1) if the recorded speed is no less than 6 miles per
21 hour and no more than 10 miles per hour over the legal
22 speed limit, a civil penalty not exceeding \$50, plus an
23 additional penalty of not more than \$50 for failure to pay
24 the original penalty in a timely manner; or

25 (2) if the recorded speed is more than 10 miles per
26 hour over the legal speed limit, a civil penalty not

1 exceeding \$100, plus an additional penalty of not more than
2 \$100 for failure to pay the original penalty in a timely
3 manner.

4 A penalty may not be imposed under this Section if the
5 driver of the motor vehicle received a Uniform Traffic Citation
6 from a police officer for a speeding violation occurring within
7 one-eighth of a mile and 15 minutes of the violation that was
8 recorded by the system. A violation for which a civil penalty
9 is imposed under this Section is not a violation of a traffic
10 regulation governing the movement of vehicles and may not be
11 recorded on the driving record of the owner of the vehicle. A
12 law enforcement officer is not required to be present or to
13 witness the violation. No penalty may be imposed under this
14 Section if the recorded speed of a vehicle is 5 miles per hour
15 or less over the legal speed limit. The municipality may send,
16 in the same manner that notices are sent under this Section, a
17 speed violation warning notice where the violation involves a
18 speed of 5 miles per hour or less above the legal speed limit.

19 (d) The net proceeds that a municipality receives from
20 civil penalties imposed under an automated speed enforcement
21 system, after deducting all non-personnel and personnel costs
22 associated with the operation and maintenance of such system,
23 shall be expended or obligated by the municipality for the
24 following purposes:

25 (i) public safety initiatives to ensure safe passage
26 around schools, and to provide police protection and

1 surveillance around schools and parks, including but not
2 limited to: (1) personnel costs; and (2) non-personnel
3 costs such as construction and maintenance of public safety
4 infrastructure and equipment;

5 (ii) initiatives to improve pedestrian and traffic
6 safety;

7 (iii) construction and maintenance of infrastructure
8 within the municipality, including but not limited to roads
9 and bridges; and

10 (iv) after school programs.

11 (e) For each violation of a provision of this Code or a
12 local ordinance recorded by an automated speed enforcement
13 system, the municipality having jurisdiction shall issue a
14 written notice of the violation to the registered owner of the
15 vehicle as the alleged violator. The notice shall be delivered
16 to the registered owner of the vehicle, by mail, within 30 days
17 after the Secretary of State notifies the municipality of the
18 identity of the owner of the vehicle, but in no event later
19 than 90 days after the violation.

20 (f) The notice required under subsection (e) of this
21 Section shall include:

22 (1) the name and address of the registered owner of the
23 vehicle;

24 (2) the registration number of the motor vehicle
25 involved in the violation;

26 (3) the violation charged;

1 (4) the date, time, and location where the violation
2 occurred;

3 (5) a copy of the recorded image or images;

4 (6) the amount of the civil penalty imposed and the
5 date by which the civil penalty should be paid;

6 (7) a statement that recorded images are evidence of a
7 violation of a speed restriction;

8 (8) a warning that failure to pay the civil penalty or
9 to contest liability in a timely manner is an admission of
10 liability ~~and may result in a suspension of the driving~~
11 ~~privileges of the registered owner of the vehicle;~~

12 (9) a statement that the person may elect to proceed
13 by:

14 (A) paying the fine; or

15 (B) challenging the charge in court, by mail, or by
16 administrative hearing; and

17 (10) a website address, accessible through the
18 Internet, where the person may view the recorded images of
19 the violation.

20 (g) (Blank). ~~If a person charged with a traffic violation,~~
21 ~~as a result of an automated speed enforcement system, does not~~
22 ~~pay the fine or successfully contest the civil penalty~~
23 ~~resulting from that violation, the Secretary of State shall~~
24 ~~suspend the driving privileges of the registered owner of the~~
25 ~~vehicle under Section 6-306.5 of this Code for failing to pay~~
26 ~~any fine or penalty due and owing, or both, as a result of a~~

1 ~~combination of 5 violations of the automated speed enforcement~~
2 ~~system or the automated traffic law under Section 11-208.6 of~~
3 ~~this Code.~~

4 (h) Based on inspection of recorded images produced by an
5 automated speed enforcement system, a notice alleging that the
6 violation occurred shall be evidence of the facts contained in
7 the notice and admissible in any proceeding alleging a
8 violation under this Section.

9 (i) Recorded images made by an automated speed enforcement
10 system are confidential and shall be made available only to the
11 alleged violator and governmental and law enforcement agencies
12 for purposes of adjudicating a violation of this Section, for
13 statistical purposes, or for other governmental purposes. Any
14 recorded image evidencing a violation of this Section, however,
15 may be admissible in any proceeding resulting from the issuance
16 of the citation.

17 (j) The court or hearing officer may consider in defense of
18 a violation:

19 (1) that the motor vehicle or registration plates or
20 digital registration plates of the motor vehicle were
21 stolen before the violation occurred and not under the
22 control or in the possession of the owner at the time of
23 the violation;

24 (2) that the driver of the motor vehicle received a
25 Uniform Traffic Citation from a police officer for a
26 speeding violation occurring within one-eighth of a mile

1 and 15 minutes of the violation that was recorded by the
2 system; and

3 (3) any other evidence or issues provided by municipal
4 ordinance.

5 (k) To demonstrate that the motor vehicle or the
6 registration plates or digital registration plates were stolen
7 before the violation occurred and were not under the control or
8 possession of the owner at the time of the violation, the owner
9 must submit proof that a report concerning the stolen motor
10 vehicle or registration plates was filed with a law enforcement
11 agency in a timely manner.

12 (l) A roadway equipped with an automated speed enforcement
13 system shall be posted with a sign conforming to the national
14 Manual on Uniform Traffic Control Devices that is visible to
15 approaching traffic stating that vehicle speeds are being
16 photo-enforced and indicating the speed limit. The
17 municipality shall install such additional signage as it
18 determines is necessary to give reasonable notice to drivers as
19 to where automated speed enforcement systems are installed.

20 (m) A roadway where a new automated speed enforcement
21 system is installed shall be posted with signs providing 30
22 days notice of the use of a new automated speed enforcement
23 system prior to the issuance of any citations through the
24 automated speed enforcement system.

25 (n) The compensation paid for an automated speed
26 enforcement system must be based on the value of the equipment

1 or the services provided and may not be based on the number of
2 traffic citations issued or the revenue generated by the
3 system.

4 (o) (Blank). ~~A municipality shall make a certified report~~
5 ~~to the Secretary of State pursuant to Section 6 306.5 of this~~
6 ~~Code whenever a registered owner of a vehicle has failed to pay~~
7 ~~any fine or penalty due and owing as a result of a combination~~
8 ~~of 5 offenses for automated speed or traffic law enforcement~~
9 ~~system violations.~~

10 (p) No person who is the lessor of a motor vehicle pursuant
11 to a written lease agreement shall be liable for an automated
12 speed or traffic law enforcement system violation involving
13 such motor vehicle during the period of the lease; provided
14 that upon the request of the appropriate authority received
15 within 120 days after the violation occurred, the lessor
16 provides within 60 days after such receipt the name and address
17 of the lessee. The drivers license number of a lessee may be
18 subsequently individually requested by the appropriate
19 authority if needed for enforcement of this Section.

20 Upon the provision of information by the lessor pursuant to
21 this subsection, the municipality may issue the violation to
22 the lessee of the vehicle in the same manner as it would issue
23 a violation to a registered owner of a vehicle pursuant to this
24 Section, and the lessee may be held liable for the violation.

25 (q) A municipality using an automated speed enforcement
26 system must provide notice to drivers by publishing the

1 locations of all safety zones where system equipment is
2 installed on the website of the municipality.

3 (r) A municipality operating an automated speed
4 enforcement system shall conduct a statistical analysis to
5 assess the safety impact of the system. The statistical
6 analysis shall be based upon the best available crash, traffic,
7 and other data, and shall cover a period of time before and
8 after installation of the system sufficient to provide a
9 statistically valid comparison of safety impact. The
10 statistical analysis shall be consistent with professional
11 judgment and acceptable industry practice. The statistical
12 analysis also shall be consistent with the data required for
13 valid comparisons of before and after conditions and shall be
14 conducted within a reasonable period following the
15 installation of the automated traffic law enforcement system.
16 The statistical analysis required by this subsection shall be
17 made available to the public and shall be published on the
18 website of the municipality.

19 (s) This Section applies only to municipalities with a
20 population of 1,000,000 or more inhabitants.

21 (Source: P.A. 101-395, eff. 8-16-19.)

22 (625 ILCS 5/11-208.9)

23 Sec. 11-208.9. Automated traffic law enforcement system;
24 approaching, overtaking, and passing a school bus.

25 (a) As used in this Section, "automated traffic law

1 enforcement system" means a device with one or more motor
2 vehicle sensors working in conjunction with the visual signals
3 on a school bus, as specified in Sections 12-803 and 12-805 of
4 this Code, to produce recorded images of motor vehicles that
5 fail to stop before meeting or overtaking, from either
6 direction, any school bus stopped at any location for the
7 purpose of receiving or discharging pupils in violation of
8 Section 11-1414 of this Code or a similar provision of a local
9 ordinance.

10 An automated traffic law enforcement system is a system, in
11 a municipality or county operated by a governmental agency,
12 that produces a recorded image of a motor vehicle's violation
13 of a provision of this Code or a local ordinance and is
14 designed to obtain a clear recorded image of the vehicle and
15 the vehicle's license plate. The recorded image must also
16 display the time, date, and location of the violation.

17 (b) As used in this Section, "recorded images" means images
18 recorded by an automated traffic law enforcement system on:

19 (1) 2 or more photographs;

20 (2) 2 or more microphotographs;

21 (3) 2 or more electronic images; or

22 (4) a video recording showing the motor vehicle and, on
23 at least one image or portion of the recording, clearly
24 identifying the registration plate or digital registration
25 plate number of the motor vehicle.

26 (c) A municipality or county that produces a recorded image

1 of a motor vehicle's violation of a provision of this Code or a
2 local ordinance must make the recorded images of a violation
3 accessible to the alleged violator by providing the alleged
4 violator with a website address, accessible through the
5 Internet.

6 (d) For each violation of a provision of this Code or a
7 local ordinance recorded by an automated traffic law
8 enforcement system, the county or municipality having
9 jurisdiction shall issue a written notice of the violation to
10 the registered owner of the vehicle as the alleged violator.
11 The notice shall be delivered to the registered owner of the
12 vehicle, by mail, within 30 days after the Secretary of State
13 notifies the municipality or county of the identity of the
14 owner of the vehicle, but in no event later than 90 days after
15 the violation.

16 (e) The notice required under subsection (d) shall include:

17 (1) the name and address of the registered owner of the
18 vehicle;

19 (2) the registration number of the motor vehicle
20 involved in the violation;

21 (3) the violation charged;

22 (4) the location where the violation occurred;

23 (5) the date and time of the violation;

24 (6) a copy of the recorded images;

25 (7) the amount of the civil penalty imposed and the
26 date by which the civil penalty should be paid;

1 (8) a statement that recorded images are evidence of a
2 violation of overtaking or passing a school bus stopped for
3 the purpose of receiving or discharging pupils;

4 (9) a warning that failure to pay the civil penalty or
5 to contest liability in a timely manner is an admission of
6 liability ~~and may result in a suspension of the driving~~
7 ~~privileges of the registered owner of the vehicle;~~

8 (10) a statement that the person may elect to proceed
9 by:

10 (A) paying the fine; or

11 (B) challenging the charge in court, by mail, or by
12 administrative hearing; and

13 (11) a website address, accessible through the
14 Internet, where the person may view the recorded images of
15 the violation.

16 (f) (Blank). ~~If a person charged with a traffic violation,~~
17 ~~as a result of an automated traffic law enforcement system~~
18 ~~under this Section, does not pay the fine or successfully~~
19 ~~contest the civil penalty resulting from that violation, the~~
20 ~~Secretary of State shall suspend the driving privileges of the~~
21 ~~registered owner of the vehicle under Section 6-306.5 of this~~
22 ~~Code for failing to pay any fine or penalty due and owing as a~~
23 ~~result of a combination of 5 violations of the automated~~
24 ~~traffic law enforcement system or the automated speed~~
25 ~~enforcement system under Section 11-208.8 of this Code.~~

26 (g) Based on inspection of recorded images produced by an

1 automated traffic law enforcement system, a notice alleging
2 that the violation occurred shall be evidence of the facts
3 contained in the notice and admissible in any proceeding
4 alleging a violation under this Section.

5 (h) Recorded images made by an automated traffic law
6 enforcement system are confidential and shall be made available
7 only to the alleged violator and governmental and law
8 enforcement agencies for purposes of adjudicating a violation
9 of this Section, for statistical purposes, or for other
10 governmental purposes. Any recorded image evidencing a
11 violation of this Section, however, may be admissible in any
12 proceeding resulting from the issuance of the citation.

13 (i) The court or hearing officer may consider in defense of
14 a violation:

15 (1) that the motor vehicle or registration plates or
16 digital registration plates of the motor vehicle were
17 stolen before the violation occurred and not under the
18 control of or in the possession of the owner at the time of
19 the violation;

20 (2) that the driver of the motor vehicle received a
21 Uniform Traffic Citation from a police officer for a
22 violation of Section 11-1414 of this Code within one-eighth
23 of a mile and 15 minutes of the violation that was recorded
24 by the system;

25 (3) that the visual signals required by Sections 12-803
26 and 12-805 of this Code were damaged, not activated, not

1 present in violation of Sections 12-803 and 12-805, or
2 inoperable; and

3 (4) any other evidence or issues provided by municipal
4 or county ordinance.

5 (j) To demonstrate that the motor vehicle or the
6 registration plates or digital registration plates were stolen
7 before the violation occurred and were not under the control or
8 possession of the owner at the time of the violation, the owner
9 must submit proof that a report concerning the stolen motor
10 vehicle or registration plates was filed with a law enforcement
11 agency in a timely manner.

12 (k) Unless the driver of the motor vehicle received a
13 Uniform Traffic Citation from a police officer at the time of
14 the violation, the motor vehicle owner is subject to a civil
15 penalty not exceeding \$150 for a first time violation or \$500
16 for a second or subsequent violation, plus an additional
17 penalty of not more than \$100 for failure to pay the original
18 penalty in a timely manner, if the motor vehicle is recorded by
19 an automated traffic law enforcement system. A violation for
20 which a civil penalty is imposed under this Section is not a
21 violation of a traffic regulation governing the movement of
22 vehicles and may not be recorded on the driving record of the
23 owner of the vehicle, but may be recorded by the municipality
24 or county for the purpose of determining if a person is subject
25 to the higher fine for a second or subsequent offense.

26 (l) A school bus equipped with an automated traffic law

1 enforcement system must be posted with a sign indicating that
2 the school bus is being monitored by an automated traffic law
3 enforcement system.

4 (m) A municipality or county that has one or more school
5 buses equipped with an automated traffic law enforcement system
6 must provide notice to drivers by posting a list of school
7 districts using school buses equipped with an automated traffic
8 law enforcement system on the municipality or county website.
9 School districts that have one or more school buses equipped
10 with an automated traffic law enforcement system must provide
11 notice to drivers by posting that information on their
12 websites.

13 (n) A municipality or county operating an automated traffic
14 law enforcement system shall conduct a statistical analysis to
15 assess the safety impact in each school district using school
16 buses equipped with an automated traffic law enforcement system
17 following installation of the system. The statistical analysis
18 shall be based upon the best available crash, traffic, and
19 other data, and shall cover a period of time before and after
20 installation of the system sufficient to provide a
21 statistically valid comparison of safety impact. The
22 statistical analysis shall be consistent with professional
23 judgment and acceptable industry practice. The statistical
24 analysis also shall be consistent with the data required for
25 valid comparisons of before and after conditions and shall be
26 conducted within a reasonable period following the

1 installation of the automated traffic law enforcement system.
2 The statistical analysis required by this subsection shall be
3 made available to the public and shall be published on the
4 website of the municipality or county. If the statistical
5 analysis for the 36-month period following installation of the
6 system indicates that there has been an increase in the rate of
7 accidents at the approach to school buses monitored by the
8 system, the municipality or county shall undertake additional
9 studies to determine the cause and severity of the accidents,
10 and may take any action that it determines is necessary or
11 appropriate to reduce the number or severity of the accidents
12 involving school buses equipped with an automated traffic law
13 enforcement system.

14 (o) The compensation paid for an automated traffic law
15 enforcement system must be based on the value of the equipment
16 or the services provided and may not be based on the number of
17 traffic citations issued or the revenue generated by the
18 system.

19 (p) No person who is the lessor of a motor vehicle pursuant
20 to a written lease agreement shall be liable for an automated
21 speed or traffic law enforcement system violation involving
22 such motor vehicle during the period of the lease; provided
23 that upon the request of the appropriate authority received
24 within 120 days after the violation occurred, the lessor
25 provides within 60 days after such receipt the name and address
26 of the lessee. ~~The drivers license number of a lessee may be~~

1 ~~subsequently individually requested by the appropriate~~
2 ~~authority if needed for enforcement of this Section.~~

3 Upon the provision of information by the lessor pursuant to
4 this subsection, the county or municipality may issue the
5 violation to the lessee of the vehicle in the same manner as it
6 would issue a violation to a registered owner of a vehicle
7 pursuant to this Section, and the lessee may be held liable for
8 the violation.

9 (q) (Blank). ~~A municipality or county shall make a~~
10 ~~certified report to the Secretary of State pursuant to Section~~
11 ~~6-306.5 of this Code whenever a registered owner of a vehicle~~
12 ~~has failed to pay any fine or penalty due and owing as a result~~
13 ~~of a combination of 5 offenses for automated traffic law or~~
14 ~~speed enforcement system violations.~~

15 (r) After a municipality or county enacts an ordinance
16 providing for automated traffic law enforcement systems under
17 this Section, each school district within that municipality or
18 county's jurisdiction may implement an automated traffic law
19 enforcement system under this Section. The elected school board
20 for that district must approve the implementation of an
21 automated traffic law enforcement system. The school district
22 shall be responsible for entering into a contract, approved by
23 the elected school board of that district, with vendors for the
24 installation, maintenance, and operation of the automated
25 traffic law enforcement system. The school district must enter
26 into an intergovernmental agreement, approved by the elected

1 school board of that district, with the municipality or county
2 with jurisdiction over that school district for the
3 administration of the automated traffic law enforcement
4 system. The proceeds from a school district's automated traffic
5 law enforcement system's fines shall be divided equally between
6 the school district and the municipality or county
7 administering the automated traffic law enforcement system.

8 (Source: P.A. 101-395, eff. 8-16-19.)

9 (625 ILCS 5/11-1201.1)

10 Sec. 11-1201.1. Automated Railroad Crossing Enforcement
11 System.

12 (a) For the purposes of this Section, an automated railroad
13 grade crossing enforcement system is a system in a municipality
14 or county operated by a governmental agency that produces a
15 recorded image of a motor vehicle's violation of a provision of
16 this Code or local ordinance and is designed to obtain a clear
17 recorded image of the vehicle and vehicle's license plate. The
18 recorded image must also display the time, date, and location
19 of the violation.

20 As used in this Section, "recorded images" means images
21 recorded by an automated railroad grade crossing enforcement
22 system on:

- 23 (1) 2 or more photographs;
24 (2) 2 or more microphotographs;
25 (3) 2 or more electronic images; or

1 (4) a video recording showing the motor vehicle and, on
2 at least one image or portion of the recording, clearly
3 identifying the registration plate or digital registration
4 plate number of the motor vehicle.

5 (b) The Illinois Commerce Commission may, in cooperation
6 with a local law enforcement agency, establish in any county or
7 municipality an automated railroad grade crossing enforcement
8 system at any railroad grade crossing equipped with a crossing
9 gate designated by local authorities. Local authorities
10 desiring the establishment of an automated railroad crossing
11 enforcement system must initiate the process by enacting a
12 local ordinance requesting the creation of such a system. After
13 the ordinance has been enacted, and before any additional steps
14 toward the establishment of the system are undertaken, the
15 local authorities and the Commission must agree to a plan for
16 obtaining, from any combination of federal, State, and local
17 funding sources, the moneys required for the purchase and
18 installation of any necessary equipment.

19 (b-1) (Blank.)

20 (c) For each violation of Section 11-1201 of this Code or a
21 local ordinance recorded by an automated railroad grade
22 crossing enforcement system, the county or municipality having
23 jurisdiction shall issue a written notice of the violation to
24 the registered owner of the vehicle as the alleged violator.
25 The notice shall be delivered to the registered owner of the
26 vehicle, by mail, no later than 90 days after the violation.

1 The notice 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 location where the violation occurred;

8 (5) the date and time of the violation;

9 (6) a copy of the recorded images;

10 (7) the amount of the civil penalty imposed and the
11 date by which the civil penalty should be paid;

12 (8) a statement that recorded images are evidence of a
13 violation of a railroad grade crossing;

14 (9) 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;~~ and

18 (10) 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.

23 (d) (Blank). ~~If a person charged with a traffic violation,~~
24 ~~as a result of an automated railroad grade crossing enforcement~~
25 ~~system, does not pay or successfully contest the civil penalty~~
26 ~~resulting from that violation, the Secretary of State shall~~

1 ~~suspend the driving privileges of the registered owner of the~~
2 ~~vehicle under Section 6-306.5 of this Code for failing to pay~~
3 ~~any fine or penalty due and owing as a result of 5 violations~~
4 ~~of the automated railroad grade crossing enforcement system.~~

5 (d-1) (Blank.)

6 (d-2) (Blank.)

7 (e) Based on inspection of recorded images produced by an
8 automated railroad grade crossing enforcement system, a notice
9 alleging that the violation occurred shall be evidence of the
10 facts contained in the notice and admissible in any proceeding
11 alleging a violation under this Section.

12 (e-1) Recorded images made by an automated railroad grade
13 crossing enforcement system are confidential and shall be made
14 available only to the alleged violator and governmental and law
15 enforcement agencies for purposes of adjudicating a violation
16 of this Section, for statistical purposes, or for other
17 governmental purposes. Any recorded image evidencing a
18 violation of this Section, however, may be admissible in any
19 proceeding resulting from the issuance of the citation.

20 (e-2) The court or hearing officer may consider the
21 following in the defense of a violation:

22 (1) that the motor vehicle or registration plates or
23 digital registration plates of the motor vehicle were
24 stolen before the violation occurred and not under the
25 control of or in the possession of the owner at the time of
26 the violation;

1 (2) that the driver of the motor vehicle received a
2 Uniform Traffic Citation from a police officer at the time
3 of the violation for the same offense;

4 (3) any other evidence or issues provided by municipal
5 or county ordinance.

6 (e-3) To demonstrate that the motor vehicle or the
7 registration plates or digital registration plates were stolen
8 before the violation occurred and were not under the control or
9 possession of the owner at the time of the violation, the owner
10 must submit proof that a report concerning the stolen motor
11 vehicle or registration plates was filed with a law enforcement
12 agency in a timely manner.

13 (f) Rail crossings equipped with an automatic railroad
14 grade crossing enforcement system shall be posted with a sign
15 visible to approaching traffic stating that the railroad grade
16 crossing is being monitored, that citations will be issued, and
17 the amount of the fine for violation.

18 (g) The compensation paid for an automated railroad grade
19 crossing enforcement system must be based on the value of the
20 equipment or the services provided and may not be based on the
21 number of citations issued or the revenue generated by the
22 system.

23 (h) (Blank.)

24 (i) If any part or parts of this Section are held by a
25 court of competent jurisdiction to be unconstitutional, the
26 unconstitutionality shall not affect the validity of the

1 remaining parts of this Section. The General Assembly hereby
2 declares that it would have passed the remaining parts of this
3 Section if it had known that the other part or parts of this
4 Section would be declared unconstitutional.

5 (j) Penalty. A civil fine of \$250 shall be imposed for a
6 first violation of this Section, and a civil fine of \$500 shall
7 be imposed for a second or subsequent violation of this
8 Section.

9 (Source: P.A. 101-395, eff. 8-16-19.)

10 (625 ILCS 5/16-103) (from Ch. 95 1/2, par. 16-103)

11 Sec. 16-103. Arrest outside county where violation
12 committed.

13 Whenever a defendant is arrested upon a warrant charging a
14 violation of this Act in a county other than that in which such
15 warrant was issued, the arresting officer, immediately upon the
16 request of the defendant, shall take such defendant before a
17 circuit judge or associate circuit judge in the county in which
18 the arrest was made who shall admit the defendant to pretrial
19 release ~~bail~~ for his appearance before the court named in the
20 warrant. On setting the conditions of pretrial release ~~taking~~
21 ~~such bail~~ the circuit judge or associate circuit judge shall
22 certify such fact on the warrant and deliver the warrant and
23 conditions of pretrial release ~~undertaking of bail or other~~
24 ~~security~~, or the drivers license of such defendant if
25 deposited, under the law relating to such licenses, in lieu of

1 such security, to the officer having charge of the defendant.
2 Such officer shall then immediately discharge the defendant
3 from arrest and without delay deliver such warrant and such
4 acknowledgment by the defendant of his or her receiving the
5 conditions of pretrial release ~~undertaking of bail, or other~~
6 ~~security~~ or drivers license to the court before which the
7 defendant is required to appear.

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

9 (625 ILCS 5/4-214.1 rep.)

10 (625 ILCS 5/6-306.5 rep.)

11 (625 ILCS 5/6-306.6 rep.)

12 Section 10-193. The Illinois Vehicle Code is amended by
13 repealing Sections 4-214.1, 6-306.5, and 6-306.6.

14 Section 10-195. The Snowmobile Registration and Safety Act
15 is amended by changing Section 5-7 as follows:

16 (625 ILCS 40/5-7)

17 Sec. 5-7. Operating a snowmobile while under the influence
18 of alcohol or other drug or drugs, intoxicating compound or
19 compounds, or a combination of them; criminal penalties;
20 suspension of operating privileges.

21 (a) A person may not operate or be in actual physical
22 control of a snowmobile within this State while:

23 1. The alcohol concentration in that person's blood,

1 other bodily substance, or breath is a concentration at
2 which driving a motor vehicle is prohibited under
3 subdivision (1) of subsection (a) of Section 11-501 of the
4 Illinois Vehicle Code;

5 2. The person is under the influence of alcohol;

6 3. The person is under the influence of any other drug
7 or combination of drugs to a degree that renders that
8 person incapable of safely operating a snowmobile;

9 3.1. The person is under the influence of any
10 intoxicating compound or combination of intoxicating
11 compounds to a degree that renders the person incapable of
12 safely operating a snowmobile;

13 4. The person is under the combined influence of
14 alcohol and any other drug or drugs or intoxicating
15 compound or compounds to a degree that renders that person
16 incapable of safely operating a snowmobile;

17 4.3. The person who is not a CDL holder has a
18 tetrahydrocannabinol concentration in the person's whole
19 blood or other bodily substance at which driving a motor
20 vehicle is prohibited under subdivision (7) of subsection
21 (a) of Section 11-501 of the Illinois Vehicle Code;

22 4.5. The person who is a CDL holder has any amount of a
23 drug, substance, or compound in the person's breath, blood,
24 other bodily substance, or urine resulting from the
25 unlawful use or consumption of cannabis listed in the
26 Cannabis Control Act; or

1 5. There is any amount of a drug, substance, or
2 compound in that person's breath, blood, other bodily
3 substance, or urine resulting from the unlawful use or
4 consumption of a controlled substance listed in the
5 Illinois Controlled Substances Act, methamphetamine as
6 listed in the Methamphetamine Control and Community
7 Protection Act, or intoxicating compound listed in the use
8 of Intoxicating Compounds Act.

9 (b) The fact that a person charged with violating this
10 Section is or has been legally entitled to use alcohol, other
11 drug or drugs, any intoxicating compound or compounds, or any
12 combination of them does not constitute a defense against a
13 charge of violating this Section.

14 (c) Every person convicted of violating this Section or a
15 similar provision of a local ordinance is guilty of a Class A
16 misdemeanor, except as otherwise provided in this Section.

17 (c-1) As used in this Section, "first time offender" means
18 any person who has not had a previous conviction or been
19 assigned supervision for violating this Section or a similar
20 provision of a local ordinance, or any person who has not had a
21 suspension imposed under subsection (e) of Section 5-7.1.

22 (c-2) For purposes of this Section, the following are
23 equivalent to a conviction:

24 (1) a violation of the terms of pretrial release when
25 the court has not relieved the defendant of complying with
26 the terms of pretrial release ~~forfeiture of bail or~~

1 ~~collateral deposited to secure a defendant's appearance in~~
2 ~~court when forfeiture has not been vacated; or~~

3 (2) the failure of a defendant to appear for trial.

4 (d) Every person convicted of violating this Section is
5 guilty of a Class 4 felony if:

6 1. The person has a previous conviction under this
7 Section;

8 2. The offense results in personal injury where a
9 person other than the operator suffers great bodily harm or
10 permanent disability or disfigurement, when the violation
11 was a proximate cause of the injuries. A person guilty of a
12 Class 4 felony under this paragraph 2, if sentenced to a
13 term of imprisonment, shall be sentenced to not less than
14 one year nor more than 12 years; or

15 3. The offense occurred during a period in which the
16 person's privileges to operate a snowmobile are revoked or
17 suspended, and the revocation or suspension was for a
18 violation of this Section or was imposed under Section
19 5-7.1.

20 (e) Every person convicted of violating this Section is
21 guilty of a Class 2 felony if the offense results in the death
22 of a person. A person guilty of a Class 2 felony under this
23 subsection (e), if sentenced to a term of imprisonment, shall
24 be sentenced to a term of not less than 3 years and not more
25 than 14 years.

26 (e-1) Every person convicted of violating this Section or a

1 similar provision of a local ordinance who had a child under
2 the age of 16 on board the snowmobile at the time of offense
3 shall be subject to a mandatory minimum fine of \$500 and shall
4 be subject to a mandatory minimum of 5 days of community
5 service in a program benefiting children. The assignment under
6 this subsection shall not be subject to suspension nor shall
7 the person be eligible for probation in order to reduce the
8 assignment.

9 (e-2) Every person found guilty of violating this Section,
10 whose operation of a snowmobile while in violation of this
11 Section proximately caused any incident resulting in an
12 appropriate emergency response, shall be liable for the expense
13 of an emergency response as provided in subsection (i) of
14 Section 11-501.01 of the Illinois Vehicle Code.

15 (e-3) In addition to any other penalties and liabilities, a
16 person who is found guilty of violating this Section, including
17 any person placed on court supervision, shall be fined \$100,
18 payable to the circuit clerk, who shall distribute the money to
19 the law enforcement agency that made the arrest. In the event
20 that more than one agency is responsible for the arrest, the
21 \$100 shall be shared equally. Any moneys received by a law
22 enforcement agency under this subsection (e-3) shall be used to
23 purchase law enforcement equipment or to provide law
24 enforcement training that will assist in the prevention of
25 alcohol related criminal violence throughout the State. Law
26 enforcement equipment shall include, but is not limited to,

1 in-car video cameras, radar and laser speed detection devices,
2 and alcohol breath testers.

3 (f) In addition to any criminal penalties imposed, the
4 Department of Natural Resources shall suspend the snowmobile
5 operation privileges of a person convicted or found guilty of a
6 misdemeanor under this Section for a period of one year, except
7 that first-time offenders are exempt from this mandatory one
8 year suspension.

9 (g) In addition to any criminal penalties imposed, the
10 Department of Natural Resources shall suspend for a period of 5
11 years the snowmobile operation privileges of any person
12 convicted or found guilty of a felony under this Section.

13 (Source: P.A. 99-697, eff. 7-29-16; 100-201, eff. 8-18-17.)

14 Section 10-200. The Clerks of Courts Act is amended by
15 changing Section 27.3b as follows:

16 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

17 Sec. 27.3b. The clerk of court may accept payment of fines,
18 penalties, or costs by credit card or debit card approved by
19 the clerk from an offender who has been convicted of or placed
20 on court supervision for a traffic offense, petty offense,
21 ordinance offense, or misdemeanor or who has been convicted of
22 a felony offense. The clerk of the circuit court may accept
23 credit card payments over the Internet for fines, penalties, or
24 costs from offenders on voluntary electronic pleas of guilty in

1 minor traffic and conservation offenses to satisfy the
2 requirement of written pleas of guilty as provided in Illinois
3 Supreme Court Rule 529. The clerk of the court may also accept
4 payment of statutory fees by a credit card or debit card. ~~The~~
5 ~~clerk of the court may also accept the credit card or debit~~
6 ~~card for the cash deposit of bail bond fees.~~

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

1 court is authorized to negotiate the assessment of convenience
2 and administrative fees by the third party fund guarantors,
3 facilitators, and service providers with the revenue earned by
4 the clerk of the circuit court to be remitted to the county
5 general revenue fund.

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

7 Section 10-205. The Attorney Act is amended by changing
8 Section 9 as follows:

9 (705 ILCS 205/9) (from Ch. 13, par. 9)

10 Sec. 9. All attorneys and counselors at law, judges, clerks
11 and sheriffs, and all other officers of the several courts
12 within this state, shall be liable to be arrested and held to
13 terms of pretrial release bail, and shall be subject to the
14 same legal process, and may in all respects be prosecuted and
15 proceeded against in the same courts and in the same manner as
16 other persons are, any law, usage or custom to the contrary
17 notwithstanding: Provided, nevertheless, said judges,
18 counselors or attorneys, clerks, sheriffs and other officers of
19 said courts, shall be privileged from arrest while attending
20 courts, and whilst going to and returning from court.

21 (Source: R.S. 1874, p. 169.)

22 Section 10-210. The Juvenile Court Act of 1987 is amended
23 by changing Sections 1-7, 1-8, and 5-150 as follows:

1 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

2 Sec. 1-7. Confidentiality of juvenile law enforcement and
3 municipal ordinance violation records.

4 (A) All juvenile law enforcement records which have not
5 been expunged are confidential and may never be disclosed to
6 the general public or otherwise made widely available. Juvenile
7 law enforcement records may be obtained only under this Section
8 and Section 1-8 and Part 9 of Article V of this Act, when their
9 use is needed for good cause and with an order from the
10 juvenile court, as required by those not authorized to retain
11 them. Inspection, copying, and disclosure of juvenile law
12 enforcement records maintained by law enforcement agencies or
13 records of municipal ordinance violations maintained by any
14 State, local, or municipal agency that relate to a minor who
15 has been investigated, arrested, or taken into custody before
16 his or her 18th birthday shall be restricted to the following:

17 (0.05) The minor who is the subject of the juvenile law
18 enforcement record, his or her parents, guardian, and
19 counsel.

20 (0.10) Judges of the circuit court and members of the
21 staff of the court designated by the judge.

22 (0.15) An administrative adjudication hearing officer
23 or members of the staff designated to assist in the
24 administrative adjudication process.

25 (1) Any local, State, or federal law enforcement

1 officers or designated law enforcement staff of any
2 jurisdiction or agency when necessary for the discharge of
3 their official duties during the investigation or
4 prosecution of a crime or relating to a minor who has been
5 adjudicated delinquent and there has been a previous
6 finding that the act which constitutes the previous offense
7 was committed in furtherance of criminal activities by a
8 criminal street gang, or, when necessary for the discharge
9 of its official duties in connection with a particular
10 investigation of the conduct of a law enforcement officer,
11 an independent agency or its staff created by ordinance and
12 charged by a unit of local government with the duty of
13 investigating the conduct of law enforcement officers. For
14 purposes of this Section, "criminal street gang" has the
15 meaning ascribed to it in Section 10 of the Illinois
16 Streetgang Terrorism Omnibus Prevention Act.

17 (2) Prosecutors, public defenders, probation officers,
18 social workers, or other individuals assigned by the court
19 to conduct a pre-adjudication or pre-disposition
20 investigation, and individuals responsible for supervising
21 or providing temporary or permanent care and custody for
22 minors under the order of the juvenile court, when
23 essential to performing their responsibilities.

24 (3) Federal, State, or local prosecutors, public
25 defenders, probation officers, and designated staff:

26 (a) in the course of a trial when institution of

1 criminal proceedings has been permitted or required
2 under Section 5-805;

3 (b) when institution of criminal proceedings has
4 been permitted or required under Section 5-805 and the
5 minor is the subject of a proceeding to determine the
6 conditions of pretrial release ~~amount of bail~~;

7 (c) when criminal proceedings have been permitted
8 or required under Section 5-805 and the minor is the
9 subject of a pre-trial investigation, pre-sentence
10 investigation, fitness hearing, or proceedings on an
11 application for probation; or

12 (d) in the course of prosecution or administrative
13 adjudication of a violation of a traffic, boating, or
14 fish and game law, or a county or municipal ordinance.

15 (4) Adult and Juvenile Prisoner Review Board.

16 (5) Authorized military personnel.

17 (5.5) Employees of the federal government authorized
18 by law.

19 (6) Persons engaged in bona fide research, with the
20 permission of the Presiding Judge and the chief executive
21 of the respective law enforcement agency; provided that
22 publication of such research results in no disclosure of a
23 minor's identity and protects the confidentiality of the
24 minor's record.

25 (7) Department of Children and Family Services child
26 protection investigators acting in their official

1 capacity.

2 (8) The appropriate school official only if the agency
3 or officer believes that there is an imminent threat of
4 physical harm to students, school personnel, or others who
5 are present in the school or on school grounds.

6 (A) Inspection and copying shall be limited to
7 juvenile law enforcement records transmitted to the
8 appropriate school official or officials whom the
9 school has determined to have a legitimate educational
10 or safety interest by a local law enforcement agency
11 under a reciprocal reporting system established and
12 maintained between the school district and the local
13 law enforcement agency under Section 10-20.14 of the
14 School Code concerning a minor enrolled in a school
15 within the school district who has been arrested or
16 taken into custody for any of the following offenses:

17 (i) any violation of Article 24 of the Criminal
18 Code of 1961 or the Criminal Code of 2012;

19 (ii) a violation of the Illinois Controlled
20 Substances Act;

21 (iii) a violation of the Cannabis Control Act;

22 (iv) a forcible felony as defined in Section
23 2-8 of the Criminal Code of 1961 or the Criminal
24 Code of 2012;

25 (v) a violation of the Methamphetamine Control
26 and Community Protection Act;

1 (vi) a violation of Section 1-2 of the
2 Harassing and Obscene Communications Act;

3 (vii) a violation of the Hazing Act; or

4 (viii) a violation of Section 12-1, 12-2,
5 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
6 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
7 Criminal Code of 1961 or the Criminal Code of 2012.

8 The information derived from the juvenile law
9 enforcement records shall be kept separate from and
10 shall not become a part of the official school record
11 of that child and shall not be a public record. The
12 information shall be used solely by the appropriate
13 school official or officials whom the school has
14 determined to have a legitimate educational or safety
15 interest to aid in the proper rehabilitation of the
16 child and to protect the safety of students and
17 employees in the school. If the designated law
18 enforcement and school officials deem it to be in the
19 best interest of the minor, the student may be referred
20 to in-school or community-based social services if
21 those services are available. "Rehabilitation
22 services" may include interventions by school support
23 personnel, evaluation for eligibility for special
24 education, referrals to community-based agencies such
25 as youth services, behavioral healthcare service
26 providers, drug and alcohol prevention or treatment

1 programs, and other interventions as deemed
2 appropriate for the student.

3 (B) Any information provided to appropriate school
4 officials whom the school has determined to have a
5 legitimate educational or safety interest by local law
6 enforcement officials about a minor who is the subject
7 of a current police investigation that is directly
8 related to school safety shall consist of oral
9 information only, and not written juvenile law
10 enforcement records, and shall be used solely by the
11 appropriate school official or officials to protect
12 the safety of students and employees in the school and
13 aid in the proper rehabilitation of the child. The
14 information derived orally from the local law
15 enforcement officials shall be kept separate from and
16 shall not become a part of the official school record
17 of the child and shall not be a public record. This
18 limitation on the use of information about a minor who
19 is the subject of a current police investigation shall
20 in no way limit the use of this information by
21 prosecutors in pursuing criminal charges arising out
22 of the information disclosed during a police
23 investigation of the minor. For purposes of this
24 paragraph, "investigation" means an official
25 systematic inquiry by a law enforcement agency into
26 actual or suspected criminal activity.

1 (9) Mental health professionals on behalf of the
2 Department of Corrections or the Department of Human
3 Services or prosecutors who are evaluating, prosecuting,
4 or investigating a potential or actual petition brought
5 under the Sexually Violent Persons Commitment Act relating
6 to a person who is the subject of juvenile law enforcement
7 records or the respondent to a petition brought under the
8 Sexually Violent Persons Commitment Act who is the subject
9 of the juvenile law enforcement records sought. Any
10 juvenile law enforcement records and any information
11 obtained from those juvenile law enforcement records under
12 this paragraph (9) may be used only in sexually violent
13 persons commitment proceedings.

14 (10) The president of a park district. Inspection and
15 copying shall be limited to juvenile law enforcement
16 records transmitted to the president of the park district
17 by the Department of State Police under Section 8-23 of the
18 Park District Code or Section 16a-5 of the Chicago Park
19 District Act concerning a person who is seeking employment
20 with that park district and who has been adjudicated a
21 juvenile delinquent for any of the offenses listed in
22 subsection (c) of Section 8-23 of the Park District Code or
23 subsection (c) of Section 16a-5 of the Chicago Park
24 District Act.

25 (11) Persons managing and designated to participate in
26 a court diversion program as designated in subsection (6)

1 of Section 5-105.

2 (12) The Public Access Counselor of the Office of the
3 Attorney General, when reviewing juvenile law enforcement
4 records under its powers and duties under the Freedom of
5 Information Act.

6 (13) Collection agencies, contracted or otherwise
7 engaged by a governmental entity, to collect any debts due
8 and owing to the governmental entity.

9 (B) (1) Except as provided in paragraph (2), no law
10 enforcement officer or other person or agency may knowingly
11 transmit to the Department of Corrections, Department of State
12 Police, or to the Federal Bureau of Investigation any
13 fingerprint or photograph relating to a minor who has been
14 arrested or taken into custody before his or her 18th birthday,
15 unless the court in proceedings under this Act authorizes the
16 transmission or enters an order under Section 5-805 permitting
17 or requiring the institution of criminal proceedings.

18 (2) Law enforcement officers or other persons or agencies
19 shall transmit to the Department of State Police copies of
20 fingerprints and descriptions of all minors who have been
21 arrested or taken into custody before their 18th birthday for
22 the offense of unlawful use of weapons under Article 24 of the
23 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
24 or Class 1 felony, a forcible felony as defined in Section 2-8
25 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
26 Class 2 or greater felony under the Cannabis Control Act, the

1 Illinois Controlled Substances Act, the Methamphetamine
2 Control and Community Protection Act, or Chapter 4 of the
3 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
4 Identification Act. Information reported to the Department
5 pursuant to this Section may be maintained with records that
6 the Department files pursuant to Section 2.1 of the Criminal
7 Identification Act. Nothing in this Act prohibits a law
8 enforcement agency from fingerprinting a minor taken into
9 custody or arrested before his or her 18th birthday for an
10 offense other than those listed in this paragraph (2).

11 (C) The records of law enforcement officers, or of an
12 independent agency created by ordinance and charged by a unit
13 of local government with the duty of investigating the conduct
14 of law enforcement officers, concerning all minors under 18
15 years of age must be maintained separate from the records of
16 arrests and may not be open to public inspection or their
17 contents disclosed to the public. For purposes of obtaining
18 documents under this Section, a civil subpoena is not an order
19 of the court.

20 (1) In cases where the law enforcement, or independent
21 agency, records concern a pending juvenile court case, the
22 party seeking to inspect the records shall provide actual
23 notice to the attorney or guardian ad litem of the minor
24 whose records are sought.

25 (2) In cases where the records concern a juvenile court
26 case that is no longer pending, the party seeking to

1 inspect the records shall provide actual notice to the
2 minor or the minor's parent or legal guardian, and the
3 matter shall be referred to the chief judge presiding over
4 matters pursuant to this Act.

5 (3) In determining whether the records should be
6 available for inspection, the court shall consider the
7 minor's interest in confidentiality and rehabilitation
8 over the moving party's interest in obtaining the
9 information. Any records obtained in violation of this
10 subsection (C) shall not be admissible in any criminal or
11 civil proceeding, or operate to disqualify a minor from
12 subsequently holding public office or securing employment,
13 or operate as a forfeiture of any public benefit, right,
14 privilege, or right to receive any license granted by
15 public authority.

16 (D) Nothing contained in subsection (C) of this Section
17 shall prohibit the inspection or disclosure to victims and
18 witnesses of photographs contained in the records of law
19 enforcement agencies when the inspection and disclosure is
20 conducted in the presence of a law enforcement officer for the
21 purpose of the identification or apprehension of any person
22 subject to the provisions of this Act or for the investigation
23 or prosecution of any crime.

24 (E) Law enforcement officers, and personnel of an
25 independent agency created by ordinance and charged by a unit
26 of local government with the duty of investigating the conduct

1 of law enforcement officers, may not disclose the identity of
2 any minor in releasing information to the general public as to
3 the arrest, investigation or disposition of any case involving
4 a minor.

5 (F) Nothing contained in this Section shall prohibit law
6 enforcement agencies from communicating with each other by
7 letter, memorandum, teletype, or intelligence alert bulletin
8 or other means the identity or other relevant information
9 pertaining to a person under 18 years of age if there are
10 reasonable grounds to believe that the person poses a real and
11 present danger to the safety of the public or law enforcement
12 officers. The information provided under this subsection (F)
13 shall remain confidential and shall not be publicly disclosed,
14 except as otherwise allowed by law.

15 (G) Nothing in this Section shall prohibit the right of a
16 Civil Service Commission or appointing authority of any federal
17 government, state, county or municipality examining the
18 character and fitness of an applicant for employment with a law
19 enforcement agency, correctional institution, or fire
20 department from obtaining and examining the records of any law
21 enforcement agency relating to any record of the applicant
22 having been arrested or taken into custody before the
23 applicant's 18th birthday.

24 (G-5) Information identifying victims and alleged victims
25 of sex offenses shall not be disclosed or open to the public
26 under any circumstances. Nothing in this Section shall prohibit

1 the victim or alleged victim of any sex offense from
2 voluntarily disclosing his or her own identity.

3 (H) The changes made to this Section by Public Act 98-61
4 apply to law enforcement records of a minor who has been
5 arrested or taken into custody on or after January 1, 2014 (the
6 effective date of Public Act 98-61).

7 (H-5) Nothing in this Section shall require any court or
8 adjudicative proceeding for traffic, boating, fish and game
9 law, or municipal and county ordinance violations to be closed
10 to the public.

11 (I) Willful violation of this Section is a Class C
12 misdemeanor and each violation is subject to a fine of \$1,000.
13 This subsection (I) shall not apply to the person who is the
14 subject of the record.

15 (J) A person convicted of violating this Section is liable
16 for damages in the amount of \$1,000 or actual damages,
17 whichever is greater.

18 (Source: P.A. 99-298, eff. 8-6-15; 100-285, eff. 1-1-18;
19 100-720, eff. 8-3-18; 100-863, eff. 8-14-18; 100-1162, eff.
20 12-20-18.)

21 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

22 Sec. 1-8. Confidentiality and accessibility of juvenile
23 court records.

24 (A) A juvenile adjudication shall never be considered a
25 conviction nor shall an adjudicated individual be considered a

1 criminal. Unless expressly allowed by law, a juvenile
2 adjudication shall not operate to impose upon the individual
3 any of the civil disabilities ordinarily imposed by or
4 resulting from conviction. Unless expressly allowed by law,
5 adjudications shall not prejudice or disqualify the individual
6 in any civil service application or appointment, from holding
7 public office, or from receiving any license granted by public
8 authority. All juvenile court records which have not been
9 expunged are sealed and may never be disclosed to the general
10 public or otherwise made widely available. Sealed juvenile
11 court records may be obtained only under this Section and
12 Section 1-7 and Part 9 of Article V of this Act, when their use
13 is needed for good cause and with an order from the juvenile
14 court. Inspection and copying of juvenile court records
15 relating to a minor who is the subject of a proceeding under
16 this Act shall be restricted to the following:

17 (1) The minor who is the subject of record, his or her
18 parents, guardian, and counsel.

19 (2) Law enforcement officers and law enforcement
20 agencies when such information is essential to executing an
21 arrest or search warrant or other compulsory process, or to
22 conducting an ongoing investigation or relating to a minor
23 who has been adjudicated delinquent and there has been a
24 previous finding that the act which constitutes the
25 previous offense was committed in furtherance of criminal
26 activities by a criminal street gang.

1 Before July 1, 1994, for the purposes of this Section,
2 "criminal street gang" means any ongoing organization,
3 association, or group of 3 or more persons, whether formal
4 or informal, having as one of its primary activities the
5 commission of one or more criminal acts and that has a
6 common name or common identifying sign, symbol or specific
7 color apparel displayed, and whose members individually or
8 collectively engage in or have engaged in a pattern of
9 criminal activity.

10 Beginning July 1, 1994, for purposes of this Section,
11 "criminal street gang" has the meaning ascribed to it in
12 Section 10 of the Illinois Streetgang Terrorism Omnibus
13 Prevention Act.

14 (3) Judges, hearing officers, prosecutors, public
15 defenders, probation officers, social workers, or other
16 individuals assigned by the court to conduct a
17 pre-adjudication or pre-disposition investigation, and
18 individuals responsible for supervising or providing
19 temporary or permanent care and custody for minors under
20 the order of the juvenile court when essential to
21 performing their responsibilities.

22 (4) Judges, federal, State, and local prosecutors,
23 public defenders, probation officers, and designated
24 staff:

25 (a) in the course of a trial when institution of
26 criminal proceedings has been permitted or required

1 under Section 5-805;

2 (b) when criminal proceedings have been permitted
3 or required under Section 5-805 and a minor is the
4 subject of a proceeding to determine the conditions of
5 pretrial release ~~amount of bail~~;

6 (c) when criminal proceedings have been permitted
7 or required under Section 5-805 and a minor is the
8 subject of a pre-trial investigation, pre-sentence
9 investigation or fitness hearing, or proceedings on an
10 application for probation; or

11 (d) when a minor becomes 18 years of age or older,
12 and is the subject of criminal proceedings, including a
13 hearing to determine the conditions of pretrial
14 release ~~amount of bail~~, a pre-trial investigation, a
15 pre-sentence investigation, a fitness hearing, or
16 proceedings on an application for probation.

17 (5) Adult and Juvenile Prisoner Review Boards.

18 (6) Authorized military personnel.

19 (6.5) Employees of the federal government authorized
20 by law.

21 (7) Victims, their subrogees and legal
22 representatives; however, such persons shall have access
23 only to the name and address of the minor and information
24 pertaining to the disposition or alternative adjustment
25 plan of the juvenile court.

26 (8) Persons engaged in bona fide research, with the

1 permission of the presiding judge of the juvenile court and
2 the chief executive of the agency that prepared the
3 particular records; provided that publication of such
4 research results in no disclosure of a minor's identity and
5 protects the confidentiality of the record.

6 (9) The Secretary of State to whom the Clerk of the
7 Court shall report the disposition of all cases, as
8 required in Section 6-204 of the Illinois Vehicle Code.
9 However, information reported relative to these offenses
10 shall be privileged and available only to the Secretary of
11 State, courts, and police officers.

12 (10) The administrator of a bonafide substance abuse
13 student assistance program with the permission of the
14 presiding judge of the juvenile court.

15 (11) Mental health professionals on behalf of the
16 Department of Corrections or the Department of Human
17 Services or prosecutors who are evaluating, prosecuting,
18 or investigating a potential or actual petition brought
19 under the Sexually Violent Persons Commitment Act relating
20 to a person who is the subject of juvenile court records or
21 the respondent to a petition brought under the Sexually
22 Violent Persons Commitment Act, who is the subject of
23 juvenile court records sought. Any records and any
24 information obtained from those records under this
25 paragraph (11) may be used only in sexually violent persons
26 commitment proceedings.

1 (12) Collection agencies, contracted or otherwise
2 engaged by a governmental entity, to collect any debts due
3 and owing to the governmental entity.

4 (A-1) Findings and exclusions of paternity entered in
5 proceedings occurring under Article II of this Act shall be
6 disclosed, in a manner and form approved by the Presiding Judge
7 of the Juvenile Court, to the Department of Healthcare and
8 Family Services when necessary to discharge the duties of the
9 Department of Healthcare and Family Services under Article X of
10 the Illinois Public Aid Code.

11 (B) A minor who is the victim in a juvenile proceeding
12 shall be provided the same confidentiality regarding
13 disclosure of identity as the minor who is the subject of
14 record.

15 (C)(0.1) In cases where the records concern a pending
16 juvenile court case, the requesting party seeking to inspect
17 the juvenile court records shall provide actual notice to the
18 attorney or guardian ad litem of the minor whose records are
19 sought.

20 (0.2) In cases where the juvenile court records concern a
21 juvenile court case that is no longer pending, the requesting
22 party seeking to inspect the juvenile court records shall
23 provide actual notice to the minor or the minor's parent or
24 legal guardian, and the matter shall be referred to the chief
25 judge presiding over matters pursuant to this Act.

26 (0.3) In determining whether juvenile court records should

1 be made available for inspection and whether inspection should
2 be limited to certain parts of the file, the court shall
3 consider the minor's interest in confidentiality and
4 rehabilitation over the requesting party's interest in
5 obtaining the information. The State's Attorney, the minor, and
6 the minor's parents, guardian, and counsel shall at all times
7 have the right to examine court files and records.

8 (0.4) Any records obtained in violation of this Section
9 shall not be admissible in any criminal or civil proceeding, or
10 operate to disqualify a minor from subsequently holding public
11 office, or operate as a forfeiture of any public benefit,
12 right, privilege, or right to receive any license granted by
13 public authority.

14 (D) Pending or following any adjudication of delinquency
15 for any offense defined in Sections 11-1.20 through 11-1.60 or
16 12-13 through 12-16 of the Criminal Code of 1961 or the
17 Criminal Code of 2012, the victim of any such offense shall
18 receive the rights set out in Sections 4 and 6 of the Bill of
19 Rights for Victims and Witnesses of Violent Crime Act; and the
20 juvenile who is the subject of the adjudication,
21 notwithstanding any other provision of this Act, shall be
22 treated as an adult for the purpose of affording such rights to
23 the victim.

24 (E) Nothing in this Section shall affect the right of a
25 Civil Service Commission or appointing authority of the federal
26 government, or any state, county, or municipality examining the

1 character and fitness of an applicant for employment with a law
2 enforcement agency, correctional institution, or fire
3 department to ascertain whether that applicant was ever
4 adjudicated to be a delinquent minor and, if so, to examine the
5 records of disposition or evidence which were made in
6 proceedings under this Act.

7 (F) Following any adjudication of delinquency for a crime
8 which would be a felony if committed by an adult, or following
9 any adjudication of delinquency for a violation of Section
10 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, the State's Attorney shall ascertain
12 whether the minor respondent is enrolled in school and, if so,
13 shall provide a copy of the dispositional order to the
14 principal or chief administrative officer of the school. Access
15 to the dispositional order shall be limited to the principal or
16 chief administrative officer of the school and any guidance
17 counselor designated by him or her.

18 (G) Nothing contained in this Act prevents the sharing or
19 disclosure of information or records relating or pertaining to
20 juveniles subject to the provisions of the Serious Habitual
21 Offender Comprehensive Action Program when that information is
22 used to assist in the early identification and treatment of
23 habitual juvenile offenders.

24 (H) When a court hearing a proceeding under Article II of
25 this Act becomes aware that an earlier proceeding under Article
26 II had been heard in a different county, that court shall

1 request, and the court in which the earlier proceedings were
2 initiated shall transmit, an authenticated copy of the juvenile
3 court record, including all documents, petitions, and orders
4 filed and the minute orders, transcript of proceedings, and
5 docket entries of the court.

6 (I) The Clerk of the Circuit Court shall report to the
7 Department of State Police, in the form and manner required by
8 the Department of State Police, the final disposition of each
9 minor who has been arrested or taken into custody before his or
10 her 18th birthday for those offenses required to be reported
11 under Section 5 of the Criminal Identification Act. Information
12 reported to the Department under this Section may be maintained
13 with records that the Department files under Section 2.1 of the
14 Criminal Identification Act.

15 (J) The changes made to this Section by Public Act 98-61
16 apply to juvenile law enforcement records of a minor who has
17 been arrested or taken into custody on or after January 1, 2014
18 (the effective date of Public Act 98-61).

19 (K) Willful violation of this Section is a Class C
20 misdemeanor and each violation is subject to a fine of \$1,000.
21 This subsection (K) shall not apply to the person who is the
22 subject of the record.

23 (L) A person convicted of violating this Section is liable
24 for damages in the amount of \$1,000 or actual damages,
25 whichever is greater.

26 (Source: P.A. 100-285, eff. 1-1-18; 100-720, eff. 8-3-18;

1 100-1162, eff. 12-20-18.)

2 (705 ILCS 405/5-150)

3 Sec. 5-150. Admissibility of evidence and adjudications in
4 other proceedings.

5 (1) Evidence and adjudications in proceedings under this
6 Act shall be admissible:

7 (a) in subsequent proceedings under this Act
8 concerning the same minor; or

9 (b) in criminal proceedings when the court is to
10 determine the conditions of pretrial release ~~amount of~~
11 ~~bail~~, fitness of the defendant or in sentencing under the
12 Unified Code of Corrections; or

13 (c) in proceedings under this Act or in criminal
14 proceedings in which anyone who has been adjudicated
15 delinquent under Section 5-105 is to be a witness including
16 the minor or defendant if he or she testifies, and then
17 only for purposes of impeachment and pursuant to the rules
18 of evidence for criminal trials; or

19 (d) in civil proceedings concerning causes of action
20 arising out of the incident or incidents which initially
21 gave rise to the proceedings under this Act.

22 (2) No adjudication or disposition under this Act shall
23 operate to disqualify a minor from subsequently holding public
24 office nor shall operate as a forfeiture of any right,
25 privilege or right to receive any license granted by public

1 authority.

2 (3) The court which adjudicated that a minor has committed
3 any offense relating to motor vehicles prescribed in Sections
4 4-102 and 4-103 of the Illinois Vehicle Code shall notify the
5 Secretary of State of that adjudication and the notice shall
6 constitute sufficient grounds for revoking that minor's
7 driver's license or permit as provided in Section 6-205 of the
8 Illinois Vehicle Code; no minor shall be considered a criminal
9 by reason thereof, nor shall any such adjudication be
10 considered a conviction.

11 (Source: P.A. 90-590, eff. 1-1-99.)

12 Section 10-215. The Criminal Code of 2012 is amended by
13 changing Sections 7-5, 7-5.5, 7-9, 9-1, 26.5-5, 31-1, 31A-0.1,
14 32-10, 32-15, and 33-3 and by adding Sections 7-15, 7-16, and
15 33-9 as follows:

16 (720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

17 Sec. 7-5. Peace officer's use of force in making arrest.

18 (a) A peace officer, or any person whom he has summoned or
19 directed to assist him, need not retreat or desist from efforts
20 to make a lawful arrest because of resistance or threatened
21 resistance to the arrest. He is justified in the use of any
22 force which he reasonably believes, based on the totality of
23 the circumstances, to be necessary to effect the arrest and of
24 any force which he reasonably believes, based on the totality

1 of the circumstances, to be necessary to defend himself or
2 another from bodily harm while making the arrest. However, he
3 is justified in using force likely to cause death or great
4 bodily harm only when he reasonably believes, based on the
5 totality of the circumstances, that such force is necessary to
6 prevent death or great bodily harm to himself or such other
7 person, or when he reasonably believes, based on the totality
8 of the circumstances, both that:

9 (1) Such force is necessary to prevent the arrest from
10 being defeated by resistance or escape; the officer
11 reasonably believes that the person to be arrested cannot
12 be apprehended at a later date, and the officer reasonably
13 believes that the person to be arrested is likely to cause
14 great bodily harm to another; and

15 (2) The person to be arrested just ~~has~~ committed or
16 attempted a forcible felony which involves the infliction
17 or threatened infliction of great bodily harm or is
18 attempting to escape by use of a deadly weapon, or
19 otherwise indicates that he will endanger human life or
20 inflict great bodily harm unless arrested without delay.

21 As used in this subsection, "retreat" does not mean
22 tactical repositioning or other de-escalation tactics.

23 (a-5) Where feasible, a peace officer shall, prior to the
24 use of force, make reasonable efforts to identify himself or
25 herself as a peace officer and to warn that deadly force may be
26 used, unless the officer has reasonable grounds to believe that

1 the person is aware of those facts.

2 (a-10) A peace officer shall not use deadly force against a
3 person based on the danger that the person poses to himself or
4 herself if an reasonable officer would believe the person does
5 not pose an imminent threat of death or serious bodily injury
6 to the peace officer or to another person.

7 (a-15) A peace officer shall not use deadly force against a
8 person who is suspected of committing a property offense,
9 unless that offense is terrorism or unless deadly force is
10 otherwise authorized by law.

11 (b) A peace officer making an arrest pursuant to an invalid
12 warrant is justified in the use of any force which he would be
13 justified in using if the warrant were valid, unless he knows
14 that the warrant is invalid.

15 (c) The authority to use physical force conferred on peace
16 officers by this Article is a serious responsibility that shall
17 be exercised judiciously and with respect for human rights and
18 dignity and for the sanctity of every human life.

19 (d) Peace officers shall use deadly force only when
20 reasonably necessary in defense of human life. In determining
21 whether deadly force is reasonably necessary, officers shall
22 evaluate each situation in light of the particular
23 circumstances of each case and shall use other available
24 resources and techniques, if reasonably safe and feasible to a
25 reasonable officer.

26 (e) The decision by a peace officer to use force shall be

1 evaluated carefully and thoroughly, in a manner that reflects
2 the gravity of that authority and the serious consequences of
3 the use of force by peace officers, in order to ensure that
4 officers use force consistent with law and agency policies.

5 (f) The decision by a peace officer to use force shall be
6 evaluated from the perspective of a reasonable officer in the
7 same situation, based on the totality of the circumstances
8 known to or perceived by the officer at the time of the
9 decision, rather than with the benefit of hindsight, and that
10 the totality of the circumstances shall account for occasions
11 when officers may be forced to make quick judgments about using
12 force.

13 (g) Law enforcement agencies are encouraged to adopt and
14 develop policies designed to protect individuals with
15 physical, mental health, developmental, or intellectual
16 disabilities, who are significantly more likely to experience
17 greater levels of physical force during police interactions, as
18 these disabilities may affect the ability of a person to
19 understand or comply with commands from peace officers.

20 (h) As used in this Section:

21 (1) "Deadly force" means any use of force that creates
22 a substantial risk of causing death or serious bodily
23 injury, including, but not limited to, the discharge of a
24 firearm.

25 (2) A threat of death or serious bodily injury is
26 "imminent" when, based on the totality of the

1 circumstances, a reasonable officer in the same situation
2 would believe that a person has the present ability,
3 opportunity, and apparent intent to immediately cause
4 death or serious bodily injury to the peace officer or
5 another person. An imminent harm is not merely a fear of
6 future harm, no matter how great the fear and no matter how
7 great the likelihood of the harm, but is one that, from
8 appearances, must be instantly confronted and addressed.

9 (3) "Totality of the circumstances" means all facts
10 known to the peace officer at the time, or that would be
11 known to a reasonable officer in the same situation,
12 including the conduct of the officer and the subject
13 leading up to the use of deadly force.

14 (Source: P.A. 84-1426.)

15 (720 ILCS 5/7-5.5)

16 Sec. 7-5.5. Prohibited use of force by a peace officer.

17 (a) A peace officer, or any person acting on behalf of a
18 peace officer, shall not use a chokehold or restraint above the
19 shoulders with risk of asphyxiation in the performance of his
20 or her duties, ~~unless deadly force is justified under Article 7~~
21 ~~of this Code.~~

22 (b) A peace officer, or any person acting on behalf of a
23 peace officer, shall not use a chokehold or restraint above the
24 shoulders with risk of asphyxiation, or any lesser contact with
25 the throat or neck area of another, in order to prevent the

1 destruction of evidence by ingestion.

2 (c) As used in this Section, "chokehold" means applying any
3 direct pressure to the throat, windpipe, or airway of another
4 ~~with the intent to reduce or prevent the intake of air.~~
5 ~~"Chokehold" does not include any holding involving contact with~~
6 ~~the neck that is not intended to reduce the intake of air.~~

7 (d) As used in this Section, "restraint above the shoulders
8 with risk of positional asphyxiation" means a use of a
9 technique used to restrain a person above the shoulders,
10 including the neck or head, in a position which interferes with
11 the person's ability to breathe after the person no longer
12 poses a threat to the officer or any other person.

13 (e) A peace officer, or any person acting on behalf of a
14 peace officer, shall not:

15 (i) use force as punishment or retaliation;

16 (ii) discharge kinetic impact projectiles and all
17 other non-or less-lethal projectiles in a manner that
18 targets the head, pelvis, or back;

19 (iii) discharge kinetic impact projectiles
20 indiscriminately into a crowd; or

21 (iv) use chemical agents or irritants, including
22 pepper spray and tear gas, prior to issuing an order to
23 disperse in a sufficient manner to ensure the order is
24 heard and repeated if necessary, followed by sufficient
25 time and space to allow compliance with the order.

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

1 (720 ILCS 5/7-9) (from Ch. 38, par. 7-9)

2 Sec. 7-9. Use of force to prevent escape.

3 (a) A peace officer or other person who has an arrested
4 person in his custody is justified in the use of ~~such~~ force,
5 except deadly force, to prevent the escape of the arrested
6 person from custody as he would be justified in using if he
7 were arresting such person.

8 (b) A guard or other peace officer is justified in the use
9 of force, ~~including force likely to cause death or great bodily~~
10 ~~harm~~, which he reasonably believes to be necessary to prevent
11 the escape from a penal institution of a person whom the
12 officer reasonably believes to be lawfully detained in such
13 institution under sentence for an offense or awaiting trial or
14 commitment for an offense.

15 (c) Deadly force shall not be used to prevent escape under
16 this Section unless, based on the totality of the
17 circumstances, deadly force is necessary to prevent death or
18 great bodily harm to himself or such other person.

19 (Source: Laws 1961, p. 1983.)

20 (720 ILCS 5/7-15 new)

21 Sec. 7-15. Duty to render aid. It is the policy of the
22 State of Illinois that all law enforcement officers must, as
23 soon as reasonably practical, determine if a person is injured,
24 whether as a result of a use of force or otherwise, and render

1 medical aid and assistance consistent with training and request
2 emergency medical assistance if necessary. "Render medical aid
3 and assistance" includes, but is not limited to, (i) performing
4 emergency life-saving procedures such as cardiopulmonary
5 resuscitation or the administration of an automated external
6 defibrillator; and (ii) the carrying, or the making of
7 arrangements for the carrying, of such person to a physician,
8 surgeon, or hospital for medical or surgical treatment if it is
9 apparent that treatment is necessary, or if such carrying is
10 requested by the injured person.

11 (720 ILCS 5/7-16 new)

12 Sec. 7-16. Duty to intervene.

13 (a) A peace officer, or any person acting on behalf of a
14 peace officer, shall have an affirmative duty to intervene to
15 prevent or stop another peace officer in his or her presence
16 from using any unauthorized force or force that exceeds the
17 degree of force permitted, if any without regard for chain of
18 command.

19 (b) A peace officer, or any person acting on behalf of a
20 peace officer, who intervenes as required by this Section shall
21 report the intervention to the person designated/identified by
22 the law enforcement entity in a manner prescribed by the
23 agency. The report required by this Section must include the
24 date, time, and place of the occurrence; the identity, if
25 known, and description of the participants; and a description

1 of the intervention actions taken and whether they were
2 successful. In no event shall the report be submitted more than
3 5 days after the incident.

4 (c) A member of a law enforcement agency shall not
5 discipline nor retaliate in any way against a peace officer for
6 intervening as required in this Section or for reporting
7 unconstitutional or unlawful conduct, or for failing to follow
8 what the officer reasonably believes is an unconstitutional or
9 unlawful directive.

10 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

11 Sec. 9-1. First degree murder; death penalties;
12 exceptions; separate hearings; proof; findings; appellate
13 procedures; reversals.

14 (a) A person who kills an individual without lawful
15 justification commits first degree murder if, in performing the
16 acts which cause the death:

17 (1) he or she either intends to kill or do great bodily
18 harm to that individual or another, or knows that such acts
19 will cause death to that individual or another; or

20 (2) he or she knows that such acts create a strong
21 probability of death or great bodily harm to that
22 individual or another; ~~or~~

23 (3) he or she commits or attempts to commit ~~is~~
24 ~~attempting or committing~~ a forcible felony other than
25 second degree murder and, in the course of and in

1 furtherance of the crime, he or she personally causes the
2 death of an individual; or-

3 (4) he or she, when acting with one or more
4 participants, commits or attempts to commit a forcible
5 felony other than second degree murder, and in the course
6 of and in furtherance of the offense, another participant
7 in the offense causes the death of an individual, and he or
8 she knew that the other participant would engage in conduct
9 that would result in death or great bodily harm.

10 (b) Aggravating Factors. A defendant who at the time of the
11 commission of the offense has attained the age of 18 or more
12 and who has been found guilty of first degree murder may be
13 sentenced to death if:

14 (1) the murdered individual was a peace officer or
15 fireman killed in the course of performing his official
16 duties, to prevent the performance of his or her official
17 duties, or in retaliation for performing his or her
18 official duties, and the defendant knew or should have
19 known that the murdered individual was a peace officer or
20 fireman; or

21 (2) the murdered individual was an employee of an
22 institution or facility of the Department of Corrections,
23 or any similar local correctional agency, killed in the
24 course of performing his or her official duties, to prevent
25 the performance of his or her official duties, or in
26 retaliation for performing his or her official duties, or

1 the murdered individual was an inmate at such institution
2 or facility and was killed on the grounds thereof, or the
3 murdered individual was otherwise present in such
4 institution or facility with the knowledge and approval of
5 the chief administrative officer thereof; or

6 (3) the defendant has been convicted of murdering two
7 or more individuals under subsection (a) of this Section or
8 under any law of the United States or of any state which is
9 substantially similar to subsection (a) of this Section
10 regardless of whether the deaths occurred as the result of
11 the same act or of several related or unrelated acts so
12 long as the deaths were the result of either an intent to
13 kill more than one person or of separate acts which the
14 defendant knew would cause death or create a strong
15 probability of death or great bodily harm to the murdered
16 individual or another; or

17 (4) the murdered individual was killed as a result of
18 the hijacking of an airplane, train, ship, bus, or other
19 public conveyance; or

20 (5) the defendant committed the murder pursuant to a
21 contract, agreement, or understanding by which he or she
22 was to receive money or anything of value in return for
23 committing the murder or procured another to commit the
24 murder for money or anything of value; or

25 (6) the murdered individual was killed in the course of
26 another felony if:

1 (a) the murdered individual:
2 (i) was actually killed by the defendant, or
3 (ii) received physical injuries personally
4 inflicted by the defendant substantially
5 contemporaneously with physical injuries caused by
6 one or more persons for whose conduct the defendant
7 is legally accountable under Section 5-2 of this
8 Code, and the physical injuries inflicted by
9 either the defendant or the other person or persons
10 for whose conduct he is legally accountable caused
11 the death of the murdered individual; and

12 (b) in performing the acts which caused the death
13 of the murdered individual or which resulted in
14 physical injuries personally inflicted by the
15 defendant on the murdered individual under the
16 circumstances of subdivision (ii) of subparagraph (a)
17 of paragraph (6) of subsection (b) of this Section, the
18 defendant acted with the intent to kill the murdered
19 individual or with the knowledge that his acts created
20 a strong probability of death or great bodily harm to
21 the murdered individual or another; and

22 (c) the other felony was an inherently violent
23 crime or the attempt to commit an inherently violent
24 crime. In this subparagraph (c), "inherently violent
25 crime" includes, but is not limited to, armed robbery,
26 robbery, predatory criminal sexual assault of a child,

1 aggravated criminal sexual assault, aggravated
2 kidnapping, aggravated vehicular hijacking, aggravated
3 arson, aggravated stalking, residential burglary, and
4 home invasion; or

5 (7) the murdered individual was under 12 years of age
6 and the death resulted from exceptionally brutal or heinous
7 behavior indicative of wanton cruelty; or

8 (8) the defendant committed the murder with intent to
9 prevent the murdered individual from testifying or
10 participating in any criminal investigation or prosecution
11 or giving material assistance to the State in any
12 investigation or prosecution, either against the defendant
13 or another; or the defendant committed the murder because
14 the murdered individual was a witness in any prosecution or
15 gave material assistance to the State in any investigation
16 or prosecution, either against the defendant or another;
17 for purposes of this paragraph (8), "participating in any
18 criminal investigation or prosecution" is intended to
19 include those appearing in the proceedings in any capacity
20 such as trial judges, prosecutors, defense attorneys,
21 investigators, witnesses, or jurors; or

22 (9) the defendant, while committing an offense
23 punishable under Sections 401, 401.1, 401.2, 405, 405.2,
24 407 or 407.1 or subsection (b) of Section 404 of the
25 Illinois Controlled Substances Act, or while engaged in a
26 conspiracy or solicitation to commit such offense,

1 intentionally killed an individual or counseled,
2 commanded, induced, procured or caused the intentional
3 killing of the murdered individual; or

4 (10) the defendant was incarcerated in an institution
5 or facility of the Department of Corrections at the time of
6 the murder, and while committing an offense punishable as a
7 felony under Illinois law, or while engaged in a conspiracy
8 or solicitation to commit such offense, intentionally
9 killed an individual or counseled, commanded, induced,
10 procured or caused the intentional killing of the murdered
11 individual; or

12 (11) the murder was committed in a cold, calculated and
13 premeditated manner pursuant to a preconceived plan,
14 scheme or design to take a human life by unlawful means,
15 and the conduct of the defendant created a reasonable
16 expectation that the death of a human being would result
17 therefrom; or

18 (12) the murdered individual was an emergency medical
19 technician - ambulance, emergency medical technician -
20 intermediate, emergency medical technician - paramedic,
21 ambulance driver, or other medical assistance or first aid
22 personnel, employed by a municipality or other
23 governmental unit, killed in the course of performing his
24 official duties, to prevent the performance of his official
25 duties, or in retaliation for performing his official
26 duties, and the defendant knew or should have known that

1 the murdered individual was an emergency medical
2 technician - ambulance, emergency medical technician -
3 intermediate, emergency medical technician - paramedic,
4 ambulance driver, or other medical assistance or first aid
5 personnel; or

6 (13) the defendant was a principal administrator,
7 organizer, or leader of a calculated criminal drug
8 conspiracy consisting of a hierarchical position of
9 authority superior to that of all other members of the
10 conspiracy, and the defendant counseled, commanded,
11 induced, procured, or caused the intentional killing of the
12 murdered person; or

13 (14) the murder was intentional and involved the
14 infliction of torture. For the purpose of this Section
15 torture means the infliction of or subjection to extreme
16 physical pain, motivated by an intent to increase or
17 prolong the pain, suffering or agony of the victim; or

18 (15) the murder was committed as a result of the
19 intentional discharge of a firearm by the defendant from a
20 motor vehicle and the victim was not present within the
21 motor vehicle; or

22 (16) the murdered individual was 60 years of age or
23 older and the death resulted from exceptionally brutal or
24 heinous behavior indicative of wanton cruelty; or

25 (17) the murdered individual was a person with a
26 disability and the defendant knew or should have known that

1 the murdered individual was a person with a disability. For
2 purposes of this paragraph (17), "person with a disability"
3 means a person who suffers from a permanent physical or
4 mental impairment resulting from disease, an injury, a
5 functional disorder, or a congenital condition that
6 renders the person incapable of adequately providing for
7 his or her own health or personal care; or

8 (18) the murder was committed by reason of any person's
9 activity as a community policing volunteer or to prevent
10 any person from engaging in activity as a community
11 policing volunteer; or

12 (19) the murdered individual was subject to an order of
13 protection and the murder was committed by a person against
14 whom the same order of protection was issued under the
15 Illinois Domestic Violence Act of 1986; or

16 (20) the murdered individual was known by the defendant
17 to be a teacher or other person employed in any school and
18 the teacher or other employee is upon the grounds of a
19 school or grounds adjacent to a school, or is in any part
20 of a building used for school purposes; or

21 (21) the murder was committed by the defendant in
22 connection with or as a result of the offense of terrorism
23 as defined in Section 29D-14.9 of this Code; or

24 (22) the murdered individual was a member of a
25 congregation engaged in prayer or other religious
26 activities at a church, synagogue, mosque, or other

1 building, structure, or place used for religious worship.

2 (b-5) Aggravating Factor; Natural Life Imprisonment. A
3 defendant who has been found guilty of first degree murder and
4 who at the time of the commission of the offense had attained
5 the age of 18 years or more may be sentenced to natural life
6 imprisonment if (i) the murdered individual was a physician,
7 physician assistant, psychologist, nurse, or advanced practice
8 registered nurse, (ii) the defendant knew or should have known
9 that the murdered individual was a physician, physician
10 assistant, psychologist, nurse, or advanced practice
11 registered nurse, and (iii) the murdered individual was killed
12 in the course of acting in his or her capacity as a physician,
13 physician assistant, psychologist, nurse, or advanced practice
14 registered nurse, or to prevent him or her from acting in that
15 capacity, or in retaliation for his or her acting in that
16 capacity.

17 (c) Consideration of factors in Aggravation and
18 Mitigation.

19 The court shall consider, or shall instruct the jury to
20 consider any aggravating and any mitigating factors which are
21 relevant to the imposition of the death penalty. Aggravating
22 factors may include but need not be limited to those factors
23 set forth in subsection (b). Mitigating factors may include but
24 need not be limited to the following:

25 (1) the defendant has no significant history of prior
26 criminal activity;

1 (2) the murder was committed while the defendant was
2 under the influence of extreme mental or emotional
3 disturbance, although not such as to constitute a defense
4 to prosecution;

5 (3) the murdered individual was a participant in the
6 defendant's homicidal conduct or consented to the
7 homicidal act;

8 (4) the defendant acted under the compulsion of threat
9 or menace of the imminent infliction of death or great
10 bodily harm;

11 (5) the defendant was not personally present during
12 commission of the act or acts causing death;

13 (6) the defendant's background includes a history of
14 extreme emotional or physical abuse;

15 (7) the defendant suffers from a reduced mental
16 capacity.

17 Provided, however, that an action that does not otherwise
18 mitigate first degree murder cannot qualify as a mitigating
19 factor for first degree murder because of the discovery,
20 knowledge, or disclosure of the victim's sexual orientation as
21 defined in Section 1-103 of the Illinois Human Rights Act.

22 (d) Separate sentencing hearing.

23 Where requested by the State, the court shall conduct a
24 separate sentencing proceeding to determine the existence of
25 factors set forth in subsection (b) and to consider any
26 aggravating or mitigating factors as indicated in subsection

1 (c). The proceeding shall be conducted:

2 (1) before the jury that determined the defendant's
3 guilt; or

4 (2) before a jury impanelled for the purpose of the
5 proceeding if:

6 A. the defendant was convicted upon a plea of
7 guilty; or

8 B. the defendant was convicted after a trial before
9 the court sitting without a jury; or

10 C. the court for good cause shown discharges the
11 jury that determined the defendant's guilt; or

12 (3) before the court alone if the defendant waives a
13 jury for the separate proceeding.

14 (e) Evidence and Argument.

15 During the proceeding any information relevant to any of
16 the factors set forth in subsection (b) may be presented by
17 either the State or the defendant under the rules governing the
18 admission of evidence at criminal trials. Any information
19 relevant to any additional aggravating factors or any
20 mitigating factors indicated in subsection (c) may be presented
21 by the State or defendant regardless of its admissibility under
22 the rules governing the admission of evidence at criminal
23 trials. The State and the defendant shall be given fair
24 opportunity to rebut any information received at the hearing.

25 (f) Proof.

26 The burden of proof of establishing the existence of any of

1 the factors set forth in subsection (b) is on the State and
2 shall not be satisfied unless established beyond a reasonable
3 doubt.

4 (g) Procedure - Jury.

5 If at the separate sentencing proceeding the jury finds
6 that none of the factors set forth in subsection (b) exists,
7 the court shall sentence the defendant to a term of
8 imprisonment under Chapter V of the Unified Code of
9 Corrections. If there is a unanimous finding by the jury that
10 one or more of the factors set forth in subsection (b) exist,
11 the jury shall consider aggravating and mitigating factors as
12 instructed by the court and shall determine whether the
13 sentence of death shall be imposed. If the jury determines
14 unanimously, after weighing the factors in aggravation and
15 mitigation, that death is the appropriate sentence, the court
16 shall sentence the defendant to death. If the court does not
17 concur with the jury determination that death is the
18 appropriate sentence, the court shall set forth reasons in
19 writing including what facts or circumstances the court relied
20 upon, along with any relevant documents, that compelled the
21 court to non-concur with the sentence. This document and any
22 attachments shall be part of the record for appellate review.
23 The court shall be bound by the jury's sentencing
24 determination.

25 If after weighing the factors in aggravation and
26 mitigation, one or more jurors determines that death is not the

1 appropriate sentence, the court shall sentence the defendant to
2 a term of imprisonment under Chapter V of the Unified Code of
3 Corrections.

4 (h) Procedure - No Jury.

5 In a proceeding before the court alone, if the court finds
6 that none of the factors found in subsection (b) exists, the
7 court shall sentence the defendant to a term of imprisonment
8 under Chapter V of the Unified Code of Corrections.

9 If the Court determines that one or more of the factors set
10 forth in subsection (b) exists, the Court shall consider any
11 aggravating and mitigating factors as indicated in subsection
12 (c). If the Court determines, after weighing the factors in
13 aggravation and mitigation, that death is the appropriate
14 sentence, the Court shall sentence the defendant to death.

15 If the court finds that death is not the appropriate
16 sentence, the court shall sentence the defendant to a term of
17 imprisonment under Chapter V of the Unified Code of
18 Corrections.

19 (h-5) Decertification as a capital case.

20 In a case in which the defendant has been found guilty of
21 first degree murder by a judge or jury, or a case on remand for
22 resentencing, and the State seeks the death penalty as an
23 appropriate sentence, on the court's own motion or the written
24 motion of the defendant, the court may decertify the case as a
25 death penalty case if the court finds that the only evidence
26 supporting the defendant's conviction is the uncorroborated

1 testimony of an informant witness, as defined in Section 115-21
2 of the Code of Criminal Procedure of 1963, concerning the
3 confession or admission of the defendant or that the sole
4 evidence against the defendant is a single eyewitness or single
5 accomplice without any other corroborating evidence. If the
6 court decertifies the case as a capital case under either of
7 the grounds set forth above, the court shall issue a written
8 finding. The State may pursue its right to appeal the
9 decertification pursuant to Supreme Court Rule 604(a)(1). If
10 the court does not decertify the case as a capital case, the
11 matter shall proceed to the eligibility phase of the sentencing
12 hearing.

13 (i) Appellate Procedure.

14 The conviction and sentence of death shall be subject to
15 automatic review by the Supreme Court. Such review shall be in
16 accordance with rules promulgated by the Supreme Court. The
17 Illinois Supreme Court may overturn the death sentence, and
18 order the imposition of imprisonment under Chapter V of the
19 Unified Code of Corrections if the court finds that the death
20 sentence is fundamentally unjust as applied to the particular
21 case. If the Illinois Supreme Court finds that the death
22 sentence is fundamentally unjust as applied to the particular
23 case, independent of any procedural grounds for relief, the
24 Illinois Supreme Court shall issue a written opinion explaining
25 this finding.

26 (j) Disposition of reversed death sentence.

1 In the event that the death penalty in this Act is held to
2 be unconstitutional by the Supreme Court of the United States
3 or of the State of Illinois, any person convicted of first
4 degree murder shall be sentenced by the court to a term of
5 imprisonment under Chapter V of the Unified Code of
6 Corrections.

7 In the event that any death sentence pursuant to the
8 sentencing provisions of this Section is declared
9 unconstitutional by the Supreme Court of the United States or
10 of the State of Illinois, the court having jurisdiction over a
11 person previously sentenced to death shall cause the defendant
12 to be brought before the court, and the court shall sentence
13 the defendant to a term of imprisonment under Chapter V of the
14 Unified Code of Corrections.

15 (k) Guidelines for seeking the death penalty.

16 The Attorney General and State's Attorneys Association
17 shall consult on voluntary guidelines for procedures governing
18 whether or not to seek the death penalty. The guidelines do not
19 have the force of law and are only advisory in nature.

20 (Source: P.A. 100-460, eff. 1-1-18; 100-513, eff. 1-1-18;
21 100-863, eff. 8-14-18; 101-223, eff. 1-1-20.)

22 (720 ILCS 5/26.5-5)

23 Sec. 26.5-5. Sentence.

24 (a) Except as provided in subsection (b), a person who
25 violates any of the provisions of Section 26.5-1, 26.5-2, or

1 26.5-3 of this Article is guilty of a Class B misdemeanor.
2 Except as provided in subsection (b), a second or subsequent
3 violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article
4 is a Class A misdemeanor, for which the court shall impose a
5 minimum of 14 days in jail or, if public or community service
6 is established in the county in which the offender was
7 convicted, 240 hours of public or community service.

8 (b) In any of the following circumstances, a person who
9 violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article
10 shall be guilty of a Class 4 felony:

11 (1) The person has 3 or more prior violations in the
12 last 10 years of harassment by telephone, harassment
13 through electronic communications, or any similar offense
14 of any other state;

15 (2) The person has previously violated the harassment
16 by telephone provisions, or the harassment through
17 electronic communications provisions, or committed any
18 similar offense in any other state with the same victim or
19 a member of the victim's family or household;

20 (3) At the time of the offense, the offender was under
21 conditions of pretrial release ~~bail~~, probation,
22 conditional discharge, mandatory supervised release or was
23 the subject of an order of protection, in this or any other
24 state, prohibiting contact with the victim or any member of
25 the victim's family or household;

26 (4) In the course of the offense, the offender

1 threatened to kill the victim or any member of the victim's
2 family or household;

3 (5) The person has been convicted in the last 10 years
4 of a forcible felony as defined in Section 2-8 of the
5 Criminal Code of 1961 or the Criminal Code of 2012;

6 (6) The person violates paragraph (5) of Section 26.5-2
7 or paragraph (4) of Section 26.5-3; or

8 (7) The person was at least 18 years of age at the time
9 of the commission of the offense and the victim was under
10 18 years of age at the time of the commission of the
11 offense.

12 (c) The court may order any person convicted under this
13 Article to submit to a psychiatric examination.

14 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)

15 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

16 Sec. 31-1. Resisting or obstructing a peace officer,
17 firefighter, or correctional institution employee.

18 (a) A person who knowingly resists or obstructs the
19 performance by one known to the person to be a peace officer,
20 firefighter, or correctional institution employee of any
21 authorized act within his or her official capacity commits a
22 Class A misdemeanor.

23 (a-5) In addition to any other sentence that may be
24 imposed, a court shall order any person convicted of resisting
25 or obstructing a peace officer, firefighter, or correctional

1 institution employee to be sentenced to a minimum of 48
2 consecutive hours of imprisonment or ordered to perform
3 community service for not less than 100 hours as may be
4 determined by the court. The person shall not be eligible for
5 probation in order to reduce the sentence of imprisonment or
6 community service.

7 (a-7) A person convicted for a violation of this Section
8 whose violation was the proximate cause of an injury to a peace
9 officer, firefighter, or correctional institution employee is
10 guilty of a Class 4 felony.

11 (b) For purposes of this Section, "correctional
12 institution employee" means any person employed to supervise
13 and control inmates incarcerated in a penitentiary, State farm,
14 reformatory, prison, jail, house of correction, police
15 detention area, half-way house, or other institution or place
16 for the incarceration or custody of persons under sentence for
17 offenses or awaiting trial or sentence for offenses, under
18 arrest for an offense, a violation of probation, a violation of
19 parole, a violation of aftercare release, a violation of
20 mandatory supervised release, or awaiting a ~~bail setting~~
21 hearing or preliminary hearing on setting the conditions of
22 pretrial release, or who are sexually dangerous persons or who
23 are sexually violent persons; and "firefighter" means any
24 individual, either as an employee or volunteer, of a regularly
25 constituted fire department of a municipality or fire
26 protection district who performs fire fighting duties,

1 including, but not limited to, the fire chief, assistant fire
2 chief, captain, engineer, driver, ladder person, hose person,
3 pipe person, and any other member of a regularly constituted
4 fire department. "Firefighter" also means a person employed by
5 the Office of the State Fire Marshal to conduct arson
6 investigations.

7 (c) It is an affirmative defense to a violation of this
8 Section if a person resists or obstructs the performance of one
9 known by the person to be a firefighter by returning to or
10 remaining in a dwelling, residence, building, or other
11 structure to rescue or to attempt to rescue any person.

12 (d) A person shall not be subject to arrest under this
13 Section unless there is an underlying offense for which the
14 person was initially subject to arrest.

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

16 (720 ILCS 5/31A-0.1)

17 Sec. 31A-0.1. Definitions. For the purposes of this
18 Article:

19 "Deliver" or "delivery" means the actual, constructive or
20 attempted transfer of possession of an item of contraband, with
21 or without consideration, whether or not there is an agency
22 relationship.

23 "Employee" means any elected or appointed officer, trustee
24 or employee of a penal institution or of the governing
25 authority of the penal institution, or any person who performs

1 services for the penal institution pursuant to contract with
2 the penal institution or its governing authority.

3 "Item of contraband" means any of the following:

4 (i) "Alcoholic liquor" as that term is defined in
5 Section 1-3.05 of the Liquor Control Act of 1934.

6 (ii) "Cannabis" as that term is defined in subsection
7 (a) of Section 3 of the Cannabis Control Act.

8 (iii) "Controlled substance" as that term is defined in
9 the Illinois Controlled Substances Act.

10 (iii-a) "Methamphetamine" as that term is defined in
11 the Illinois Controlled Substances Act or the
12 Methamphetamine Control and Community Protection Act.

13 (iv) "Hypodermic syringe" or hypodermic needle, or any
14 instrument adapted for use of controlled substances or
15 cannabis by subcutaneous injection.

16 (v) "Weapon" means any knife, dagger, dirk, billy,
17 razor, stiletto, broken bottle, or other piece of glass
18 which could be used as a dangerous weapon. This term
19 includes any of the devices or implements designated in
20 subsections (a)(1), (a)(3) and (a)(6) of Section 24-1 of
21 this Code, or any other dangerous weapon or instrument of
22 like character.

23 (vi) "Firearm" means any device, by whatever name
24 known, which is designed to expel a projectile or
25 projectiles by the action of an explosion, expansion of gas
26 or escape of gas, including but not limited to:

1 (A) any pneumatic gun, spring gun, or B-B gun which
2 expels a single globular projectile not exceeding .18
3 inch in diameter; or

4 (B) any device used exclusively for signaling or
5 safety and required as recommended by the United States
6 Coast Guard or the Interstate Commerce Commission; or

7 (C) any device used exclusively for the firing of
8 stud cartridges, explosive rivets or industrial
9 ammunition; or

10 (D) any device which is powered by electrical
11 charging units, such as batteries, and which fires one
12 or several barbs attached to a length of wire and
13 which, upon hitting a human, can send out current
14 capable of disrupting the person's nervous system in
15 such a manner as to render him or her incapable of
16 normal functioning, commonly referred to as a stun gun
17 or taser.

18 (vii) "Firearm ammunition" means any self-contained
19 cartridge or shotgun shell, by whatever name known, which
20 is designed to be used or adaptable to use in a firearm,
21 including but not limited to:

22 (A) any ammunition exclusively designed for use
23 with a device used exclusively for signaling or safety
24 and required or recommended by the United States Coast
25 Guard or the Interstate Commerce Commission; or

26 (B) any ammunition designed exclusively for use

1 with a stud or rivet driver or other similar industrial
2 ammunition.

3 (viii) "Explosive" means, but is not limited to, bomb,
4 bombshell, grenade, bottle or other container containing
5 an explosive substance of over one-quarter ounce for like
6 purposes such as black powder bombs and Molotov cocktails
7 or artillery projectiles.

8 (ix) "Tool to defeat security mechanisms" means, but is
9 not limited to, handcuff or security restraint key, tool
10 designed to pick locks, popper, or any device or instrument
11 used to or capable of unlocking or preventing from locking
12 any handcuff or security restraints, doors to cells, rooms,
13 gates or other areas of the penal institution.

14 (x) "Cutting tool" means, but is not limited to,
15 hacksaw blade, wirecutter, or device, instrument or file
16 capable of cutting through metal.

17 (xi) "Electronic contraband" for the purposes of
18 Section 31A-1.1 of this Article means, but is not limited
19 to, any electronic, video recording device, computer, or
20 cellular communications equipment, including, but not
21 limited to, cellular telephones, cellular telephone
22 batteries, videotape recorders, pagers, computers, and
23 computer peripheral equipment brought into or possessed in
24 a penal institution without the written authorization of
25 the Chief Administrative Officer. "Electronic contraband"
26 for the purposes of Section 31A-1.2 of this Article, means,

1 but is not limited to, any electronic, video recording
2 device, computer, or cellular communications equipment,
3 including, but not limited to, cellular telephones,
4 cellular telephone batteries, videotape recorders, pagers,
5 computers, and computer peripheral equipment.

6 "Penal institution" means any penitentiary, State farm,
7 reformatory, prison, jail, house of correction, police
8 detention area, half-way house or other institution or place
9 for the incarceration or custody of persons under sentence for
10 offenses awaiting trial or sentence for offenses, under arrest
11 for an offense, a violation of probation, a violation of
12 parole, a violation of aftercare release, or a violation of
13 mandatory supervised release, or awaiting a ~~bail setting~~
14 hearing on the setting of conditions of pretrial release or
15 preliminary hearing; provided that where the place for
16 incarceration or custody is housed within another public
17 building this Article shall not apply to that part of the
18 building unrelated to the incarceration or custody of persons.

19 (Source: P.A. 97-1108, eff. 1-1-13; 98-558, eff. 1-1-14.)

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

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

23 (a) Whoever, having been released pretrial under
24 conditions ~~admitted to bail~~ for appearance before any court of
25 this State, incurs a violation of conditions of pretrial

1 ~~release forfeiture of the bail~~ and knowingly fails to surrender
2 himself or herself within 30 days following the date of the
3 violation forfeiture, commits, if the conditions of pretrial
4 release ~~bail~~ was given in connection with a charge of felony
5 or pending appeal or certiorari after conviction of any
6 offense, ~~a felony of the next lower Class or a Class A~~
7 misdemeanor if the underlying offense was a ~~Class 4~~ felony . If
8 the violation of pretrial conditions were made, ~~or, if the bail~~
9 ~~was given~~ in connection with a charge of committing a
10 misdemeanor, or for appearance as a witness, commits ~~a~~
11 ~~misdemeanor of the next lower Class, but not less than a Class~~
12 C misdemeanor.

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

18 (b) Whoever, having been released pretrial under
19 conditions ~~admitted to bail~~ for appearance before any court of
20 this State, while charged with a criminal offense in which the
21 victim is a family or household member as defined in Article
22 112A of the Code of Criminal Procedure of 1963, knowingly
23 violates a condition of that release as set forth in Section
24 110-10, subsection (d) of the Code of Criminal Procedure of
25 1963, commits a Class A misdemeanor.

26 (c) Whoever, having been released pretrial under

1 ~~conditions admitted to bail~~ for appearance before any court of
2 this State for a felony, Class A misdemeanor or a criminal
3 offense in which the victim is a family or household member as
4 defined in Article 112A of the Code of Criminal Procedure of
5 1963, is charged with any other felony, Class A misdemeanor, or
6 a criminal offense in which the victim is a family or household
7 member as defined in Article 112A of the Code of Criminal
8 Procedure of 1963 while on this release, must appear before the
9 court ~~before bail is statutorily set.~~

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

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

17 (720 ILCS 5/32-15)

18 Sec. 32-15. Pretrial release ~~Bail bond~~ false statement. Any
19 person who in any affidavit, document, schedule or other
20 application to ensure compliance of another with the terms of
21 pretrial release ~~become surety or bail for another on any bail~~
22 ~~bond or recognizance~~ in any civil or criminal proceeding then
23 pending or about to be started against the other person, having
24 taken a lawful oath or made affirmation, shall swear or affirm
25 wilfully, corruptly and falsely as to the factors the court

1 relied on to approve the conditions of the other person's
2 pretrial release ~~ownership or liens or incumbrances upon or the~~
3 ~~value of any real or personal property alleged to be owned by~~
4 the person proposed to ensure those conditions ~~as surety or~~
5 ~~bail, the financial worth or standing of the person proposed as~~
6 ~~surety or bail, or as to the number or total penalties of all~~
7 ~~other bonds or recognizances signed by and standing against the~~
8 ~~proposed surety or bail, or any person who, having taken a~~
9 lawful oath or made affirmation, shall testify wilfully,
10 corruptly and falsely as to any of said matters for the purpose
11 of inducing the approval of any such conditions of pretrial
12 release ~~bail bond~~ or recognizance; or for the purpose of
13 justifying on any such conditions of pretrial release ~~bail bond~~
14 or recognizance, or who shall suborn any other person to so
15 swear, affirm or testify as aforesaid, shall be deemed and
16 adjudged guilty of perjury or subornation of perjury (as the
17 case may be) and punished accordingly.

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

19 (720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

20 Sec. 33-3. Official misconduct.

21 (a) A public officer or employee or special government
22 agent commits misconduct when, in his official capacity or
23 capacity as a special government agent, he or she commits any
24 of the following acts:

25 (1) Intentionally or recklessly fails to perform any

1 mandatory duty as required by law; or

2 (2) Knowingly performs an act which he knows he is
3 forbidden by law to perform; or

4 (3) With intent to obtain a personal advantage for
5 himself or another, he performs an act in excess of his
6 lawful authority; or

7 (4) Solicits or knowingly accepts for the performance
8 of any act a fee or reward which he knows is not authorized
9 by law.

10 (b) An employee of a law enforcement agency commits
11 misconduct when he or she knowingly uses or communicates,
12 directly or indirectly, information acquired in the course of
13 employment, with the intent to obstruct, impede, or prevent the
14 investigation, apprehension, or prosecution of any criminal
15 offense or person. Nothing in this subsection (b) shall be
16 construed to impose liability for communicating to a
17 confidential resource, who is participating or aiding law
18 enforcement, in an ongoing investigation.

19 (c) A public officer or employee or special government
20 agent convicted of violating any provision of this Section
21 forfeits his or her office or employment or position as a
22 special government agent. In addition, he or she commits a
23 Class 3 felony.

24 (d) For purposes of this Section:

25 "Special , ~~"special~~ government agent" has the meaning
26 ascribed to it in subsection (1) of Section 4A-101 of the

1 Illinois Governmental Ethics Act.

2 (Source: P.A. 98-867, eff. 1-1-15.)

3 (720 ILCS 5/33-9 new)

4 Sec. 33-9. Law enforcement misconduct.

5 (a) A law enforcement officer or a person acting on behalf
6 of a law enforcement officer commits law enforcement misconduct
7 when, in the performance of his or her official duties, he or
8 she knowingly and intentionally:

9 (1) misrepresents facts describing an incident in any
10 report or during any investigations regarding the law
11 enforcement employee's conduct;

12 (2) withholds any knowledge of the misrepresentations
13 of another law enforcement officer from the law enforcement
14 employee's supervisor, investigator, or other person or
15 entity tasked with holding the law enforcement officer
16 accountable;

17 (3) fails to comply with the provisions of Section
18 10-20 of the Law Enforcement Officer-Worn Body Camera Act;
19 or

20 (4) commits any other act with intent to avoid
21 culpability or liability for himself or another.

22 (b) Sentence. Law enforcement misconduct is a Class 3
23 felony.

24 Section 10-255. The Code of Criminal Procedure of 1963 is

1 amended by changing the heading of Article 110 by changing
2 Sections 102-6, 102-7, 103-2, 103-3, 103-5, 103-7, 103-9,
3 104-13, 104-17, 106D-1, 107-4, 107-9, 108-8, 109-1, 109-2,
4 109-3, 109-3.1, 110-1, 110-2, 110-3, 110-4, 110-5, 110-5.2,
5 110-6, 110-6.1, 110-6.2, 110-6.4, 110-10, 110-11, 110-12,
6 111-2, 112A-23, 114-1, 115-4.1, and 122-6 and by adding Section
7 110-1.5 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
24 himself to comply with such conditions as are set forth

1 therein.

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

3 (725 ILCS 5/103-2) (from Ch. 38, par. 103-2)

4 Sec. 103-2. Treatment while in custody.

5 (a) On being taken into custody every person shall have the
6 right to remain silent.

7 (b) No unlawful means of any kind shall be used to obtain a
8 statement, admission or confession from any person in custody.

9 (c) Persons in custody shall be treated humanely and
10 provided with proper food, shelter and, if required, medical
11 treatment without unreasonable delay if the need for the 15
12 treatment is apparent.

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

14 (725 ILCS 5/103-3) (from Ch. 38, par. 103-3)

15 Sec. 103-3. Right to communicate with attorney and family;
16 transfers.

17 (a) (Blank). ~~Persons who are arrested shall have the right~~
18 ~~to communicate with an attorney of their choice and a member of~~
19 ~~their family by making a reasonable number of telephone calls~~
20 ~~or in any other reasonable manner. Such communication shall be~~
21 ~~permitted within a reasonable time after arrival at the first~~
22 ~~place of custody.~~

23 (a-5) Persons who are in police custody have the right to
24 communicate free of charge with an attorney of their choice and

1 members of their family as soon as possible upon being taken
2 18into police custody, but no later than one hour after arrival
3 at the first place of custody and before any questioning by law
4 enforcement occurs. Persons in police custody must be given:

5 (1) access to use a telephone via a land line or
6 cellular phone to make three phone calls; and

7 (2) the ability to retrieve phone numbers contained in
8 his or her contact list on his or her cellular phone prior
9 to the phone being placed into inventory.

10 (a-10) In accordance with Section 103-7, at every facility
11 where a person is in police custody a sign containing, at
12 minimum, the following information in bold block type must be
13 posted in a conspicuous place:

14 (1) a short statement notifying persons who are in
15 police custody of their right to have access to a phone
16 within one hour after being taken into police custody; and

17 (2) persons who are in police custody have the right to
18 make three phone calls within one hour after being taken
19 into custody, at no charge.

20 (a-15) In addition to the information listed in subsection
21 (a-10), if the place of custody is located in a jurisdiction
22 where the court has appointed the public defender or other
23 attorney to represent persons who are in police custody, the
24 telephone number to the public defender or appointed attorney's
25 office must also be displayed. The telephone call to the public
26 defender or other attorney must not be monitored, eavesdropped

1 upon, or recorded.

2 (b) (Blank). ~~In the event the accused is transferred to a~~
3 ~~new place of custody his right to communicate with an attorney~~
4 ~~and a member of his family is renewed.~~

5 (c) In the event a person who is in police custody is
6 transferred to a new place of custody, his or her right to make
7 telephone calls under this Section within one hour after
8 arrival is renewed.

9 (d) In this Section "custody" means the restriction of a
10 person's freedom of movement by a law enforcement officer's
11 exercise of his or her lawful authority.

12 (e) The one hour requirement shall not apply while the
13 person in police custody is asleep, unconscious, or otherwise
14 incapacitated.

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

16 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

17 Sec. 103-5. Speedy trial.)

18 (a) Every person in custody in this State for an alleged
19 offense shall be tried by the court having jurisdiction within
20 120 days from the date he or she was taken into custody unless
21 delay is occasioned by the defendant, by an examination for
22 fitness ordered pursuant to Section 104-13 of this Act, by a
23 fitness hearing, by an adjudication of unfitness to stand
24 trial, by a continuance allowed pursuant to Section 114-4 of
25 this Act after a court's determination of the defendant's

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

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

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

26 For purposes of computing the 160 day period under this

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

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

22 (d) Every person not tried in accordance with subsections
23 (a), (b) and (c) of this Section shall be discharged from
24 custody or released from the obligations of his pretrial
25 release ~~bail~~ or recognizance.

26 (e) If a person is simultaneously in custody upon more than

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

1 that if the court determines that the State has exercised
2 without success due diligence to obtain evidence material to
3 the case and that there are reasonable grounds to believe that
4 such evidence may be obtained at a later day the court may
5 continue the cause on application of the State for not more
6 than an additional 60 days.

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

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

21 (725 ILCS 5/103-7) (from Ch. 38, par. 103-7)

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

23 Every sheriff, chief of police or other person who is in
24 charge of any jail, police station or other building where
25 persons under arrest are held in custody pending investigation,

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

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

19 (725 ILCS 5/103-9) (from Ch. 38, par. 103-9)

20 Sec. 103-9. Bail bondsmen. No bail bondsman from any state
21 may seize or transport unwillingly any person found in this
22 State who is allegedly in violation of a bail bond posted in
23 some other state or conditions of pretrial release. The return
24 of any such person to another state may be accomplished only as
25 provided by the laws of this State. Any bail bondsman who

1 violates this Section is fully subject to the criminal and
2 civil penalties provided by the laws of this State for his
3 actions.

4 (Source: P.A. 84-694.)

5 (725 ILCS 5/104-13) (from Ch. 38, par. 104-13)

6 Sec. 104-13. Fitness Examination.

7 (a) When the issue of fitness involves the defendant's
8 mental condition, the court shall order an examination of the
9 defendant by one or more licensed physicians, clinical
10 psychologists, or psychiatrists chosen by the court. No
11 physician, clinical psychologist or psychiatrist employed by
12 the Department of Human Services shall be ordered to perform,
13 in his official capacity, an examination under this Section.

14 (b) If the issue of fitness involves the defendant's
15 physical condition, the court shall appoint one or more
16 physicians and in addition, such other experts as it may deem
17 appropriate to examine the defendant and to report to the court
18 regarding the defendant's condition.

19 (c) An examination ordered under this Section shall be
20 given at the place designated by the person who will conduct
21 the examination, except that if the defendant is being held in
22 custody, the examination shall take place at such location as
23 the court directs. No examinations under this Section shall be
24 ordered to take place at mental health or developmental
25 disabilities facilities operated by the Department of Human

1 Services. If the defendant fails to keep appointments without
2 reasonable cause or if the person conducting the examination
3 reports to the court that diagnosis requires hospitalization or
4 extended observation, the court may order the defendant
5 admitted to an appropriate facility for an examination, other
6 than a screening examination, for not more than 7 days. The
7 court may, upon a showing of good cause, grant an additional 7
8 days to complete the examination.

9 (d) Release on pretrial release ~~bail~~ or on recognizance
10 shall not be revoked and an application therefor shall not be
11 denied on the grounds that an examination has been ordered.

12 (e) Upon request by the defense and if the defendant is
13 indigent, the court may appoint, in addition to the expert or
14 experts chosen pursuant to subsection (a) of this Section, a
15 qualified expert selected by the defendant to examine him and
16 to make a report as provided in Section 104-15. Upon the filing
17 with the court of a verified statement of services rendered,
18 the court shall enter an order on the county board to pay such
19 expert a reasonable fee stated in the order.

20 (Source: P.A. 89-507, eff. 7-1-97.)

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

22 Sec. 104-17. Commitment for treatment; treatment plan.

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

1 therapeutically appropriate and consistent with the treatment
2 plan. The placement may be ordered either on an inpatient or an
3 outpatient basis.

4 (b) If the defendant's disability is mental, the court may
5 order him placed for treatment in the custody of the Department
6 of Human Services, or the court may order him placed in the
7 custody of any other appropriate public or private mental
8 health facility or treatment program which has agreed to
9 provide treatment to the defendant. If the court orders the
10 defendant placed in the custody of the Department of Human
11 Services, the Department shall evaluate the defendant to
12 determine to which secure facility the defendant shall be
13 transported and, within 20 days of the transmittal by the clerk
14 of the circuit court of the placement court order, notify the
15 sheriff of the designated facility. Upon receipt of that
16 notice, the sheriff shall promptly transport the defendant to
17 the designated facility. If the defendant is placed in the
18 custody of the Department of Human Services, the defendant
19 shall be placed in a secure setting. During the period of time
20 required to determine the appropriate placement the defendant
21 shall remain in jail. If during the course of evaluating the
22 defendant for placement, the Department of Human Services
23 determines that the defendant is currently fit to stand trial,
24 it shall immediately notify the court and shall submit a
25 written report within 7 days. In that circumstance the
26 placement shall be held pending a court hearing on the

1 Department's report. Otherwise, upon completion of the
2 placement process, the sheriff shall be notified and shall
3 transport the defendant to the designated facility. If, within
4 20 days of the transmittal by the clerk of the circuit court of
5 the placement court order, the Department fails to notify the
6 sheriff of the identity of the facility to which the defendant
7 shall be transported, the sheriff shall contact a designated
8 person within the Department to inquire about when a placement
9 will become available at the designated facility and bed
10 availability at other facilities. If, within 20 days of the
11 transmittal by the clerk of the circuit court of the placement
12 court order, the Department fails to notify the sheriff of the
13 identity of the facility to which the defendant shall be
14 transported, the sheriff shall notify the Department of its
15 intent to transfer the defendant to the nearest secure mental
16 health facility operated by the Department and inquire as to
17 the status of the placement evaluation and availability for
18 admission to such facility operated by the Department by
19 contacting a designated person within the Department. The
20 Department shall respond to the sheriff within 2 business days
21 of the notice and inquiry by the sheriff seeking the transfer
22 and the Department shall provide the sheriff with the status of
23 the evaluation, information on bed and placement availability,
24 and an estimated date of admission for the defendant and any
25 changes to that estimated date of admission. If the Department
26 notifies the sheriff during the 2 business day period of a

1 facility operated by the Department with placement
2 availability, the sheriff shall promptly transport the
3 defendant to that facility. The placement may be ordered either
4 on an inpatient or an outpatient basis.

5 (c) If the defendant's disability is physical, the court
6 may order him placed under the supervision of the Department of
7 Human Services which shall place and maintain the defendant in
8 a suitable treatment facility or program, or the court may
9 order him placed in an appropriate public or private facility
10 or treatment program which has agreed to provide treatment to
11 the defendant. The placement may be ordered either on an
12 inpatient or an outpatient basis.

13 (d) The clerk of the circuit court shall within 5 days of
14 the entry of the order transmit to the Department, agency or
15 institution, if any, to which the defendant is remanded for
16 treatment, the following:

17 (1) a certified copy of the order to undergo treatment.
18 Accompanying the certified copy of the order to undergo
19 treatment shall be the complete copy of any report prepared
20 under Section 104-15 of this Code or other report prepared
21 by a forensic examiner for the court;

22 (2) the county and municipality in which the offense
23 was committed;

24 (3) the county and municipality in which the arrest
25 took place;

26 (4) a copy of the arrest report, criminal charges,

1 arrest record; and

2 (5) all additional matters which the Court directs the
3 clerk to transmit.

4 (e) Within 30 days of entry of an order to undergo
5 treatment, the person supervising the defendant's treatment
6 shall file with the court, the State, and the defense a report
7 assessing the facility's or program's capacity to provide
8 appropriate treatment for the defendant and indicating his
9 opinion as to the probability of the defendant's attaining
10 fitness within a period of time from the date of the finding of
11 unfitness. For a defendant charged with a felony, the period of
12 time shall be one year. For a defendant charged with a
13 misdemeanor, the period of time shall be no longer than the
14 sentence if convicted of the most serious offense. If the
15 report indicates that there is a substantial probability that
16 the defendant will attain fitness within the time period, the
17 treatment supervisor shall also file a treatment plan which
18 shall include:

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

20 (2) A description of treatment goals with respect to
21 rendering the defendant fit, a specification of the
22 proposed treatment modalities, and an estimated timetable
23 for attainment of the goals;

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

26 (Source: P.A. 99-140, eff. 1-1-16; 100-27, eff. 1-1-18.)

1 (725 ILCS 5/106D-1)

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

4 (a) Whenever the appearance in person in court, in either a
5 civil or criminal proceeding, is required of anyone held in a
6 place of custody or confinement operated by the State or any of
7 its political subdivisions, including counties and
8 municipalities, the chief judge of the circuit by rule may
9 permit the personal appearance to be made by means of two-way
10 audio-visual communication, including closed circuit
11 television and computerized video conference, in the following
12 proceedings:

13 (1) the initial appearance before a judge on a criminal
14 complaint, at which the conditions of pretrial release ~~bail~~
15 will be set;

16 (2) the waiver of a preliminary hearing;

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

19 (4) the presentation of a jury waiver;

20 (5) any status hearing;

21 (6) any hearing conducted under the Sexually Violent
22 Persons Commitment Act at which no witness testimony will
23 be taken; and

24 (7) at any hearing conducted under the Sexually Violent
25 Persons Commitment Act at which no witness testimony will

1 be taken.

2 (b) The two-way audio-visual communication facilities must
3 provide two-way audio-visual communication between the court
4 and the place of custody or confinement, and must include a
5 secure line over which the person in custody and his or her
6 counsel, if any, may communicate.

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

11 (d) Nothing in this Section shall be construed to establish
12 a right of any person held in custody or confinement to appear
13 in court through two-way audio-visual communication or to
14 require that any governmental entity, or place of custody or
15 confinement, provide two-way audio-visual communication.

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

17 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

18 Sec. 107-4. Arrest by peace officer from other
19 jurisdiction.

20 (a) As used in this Section:

21 (1) "State" means any State of the United States and
22 the District of Columbia.

23 (2) "Peace Officer" means any peace officer or member
24 of any duly organized State, County, or Municipal peace
25 unit, any police force of another State, the United States

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

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

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

9 (a-3) Any peace officer employed by a law enforcement
10 agency of this State may conduct temporary questioning pursuant
11 to Section 107-14 of this Code and may make arrests in any
12 jurisdiction within this State: (1) if the officer is engaged
13 in the investigation of criminal activity that occurred in the
14 officer's primary jurisdiction and the temporary questioning
15 or arrest relates to, arises from, or is conducted pursuant to
16 that investigation; or (2) if the officer, while on duty as a
17 peace officer, becomes personally aware of the immediate
18 commission of a felony or misdemeanor violation of the laws of
19 this State; or (3) if the officer, while on duty as a peace
20 officer, is requested by an appropriate State or local law
21 enforcement official to render aid or assistance to the
22 requesting law enforcement agency that is outside the officer's
23 primary jurisdiction; or (4) in accordance with Section
24 2605-580 of the Department of State Police Law of the Civil
25 Administrative Code of Illinois. While acting pursuant to this
26 subsection, an officer has the same authority as within his or

1 her own jurisdiction.

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

5 (b) Any peace officer of another State who enters this
6 State in fresh pursuit and continues within this State in fresh
7 pursuit of a person in order to arrest him on the ground that
8 he has committed an offense in the other State has the same
9 authority to arrest and hold the person in custody as peace
10 officers of this State have to arrest and hold a person in
11 custody on the ground that he has committed an offense in this
12 State.

13 (c) If an arrest is made in this State by a peace officer
14 of another State in accordance with the provisions of this
15 Section he shall without unnecessary delay take the person
16 arrested before the circuit court of the county in which the
17 arrest was made. Such court shall conduct a hearing for the
18 purpose of determining the lawfulness of the arrest. If the
19 court determines that the arrest was lawful it shall commit the
20 person arrested, to await for a reasonable time the issuance of
21 an extradition warrant by the Governor of this State, or admit
22 him to pretrial release ~~bail~~ for such purpose. If the court
23 determines that the arrest was unlawful it shall discharge the
24 person arrested.

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

1 (725 ILCS 5/107-9) (from Ch. 38, par. 107-9)

2 Sec. 107-9. Issuance of arrest warrant upon complaint.

3 (a) When a complaint is presented to a court charging that
4 an offense has been committed it shall examine upon oath or
5 affirmation the complainant or any witnesses.

6 (b) The complaint shall be in writing and shall:

7 (1) State the name of the accused if known, and if not
8 known the accused may be designated by any name or
9 description by which he can be identified with reasonable
10 certainty;

11 (2) State the offense with which the accused is
12 charged;

13 (3) State the time and place of the offense as
14 definitely as can be done by the complainant; and

15 (4) Be subscribed and sworn to by the complainant.

16 (b-5) If an arrest warrant is sought and the request is
17 made by electronic means that has a simultaneous video and
18 audio transmission between the requester and a judge, the judge
19 may issue an arrest warrant based upon a sworn complaint or
20 sworn testimony communicated in the transmission.

21 (c) A warrant shall be issued by the court for the arrest
22 of the person complained against if it appears from the
23 contents of the complaint and the examination of the
24 complainant or other witnesses, if any, that the person against
25 whom the complaint was made has committed an offense.

26 (d) The warrant of arrest shall:

1 (1) Be in writing;

2 (2) Specify the name, sex and birth date of the person
3 to be arrested or if his name, sex or birth date is
4 unknown, shall designate such person by any name or
5 description by which he can be identified with reasonable
6 certainty;

7 (3) Set forth the nature of the offense;

8 (4) State the date when issued and the municipality or
9 county where issued;

10 (5) Be signed by the judge of the court with the title
11 of his office;

12 (6) Command that the person against whom the complaint
13 was made be arrested and brought before the court issuing
14 the warrant or if he is absent or unable to act before the
15 nearest or most accessible court in the same county;

16 (7) Specify the conditions of pretrial release ~~amount~~
17 ~~of bail~~; and

18 (8) Specify any geographical limitation placed on the
19 execution of the warrant, but such limitation shall not be
20 expressed in mileage.

21 (e) The warrant shall be directed to all peace officers in
22 the State. It shall be executed by the peace officer, or by a
23 private person specially named therein, at any location within
24 the geographic limitation for execution placed on the warrant.
25 If no geographic limitation is placed on the warrant, then it
26 may be executed anywhere in the State.

1 (f) The arrest warrant may be issued electronically or
2 electromagnetically by use of electronic mail or a facsimile
3 transmission machine and any arrest warrant shall have the same
4 validity as a written warrant.

5 (Source: P.A. 101-239, eff. 1-1-20.)

6 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

7 Sec. 108-8. Use of force in execution of search warrant.

8 (a) All necessary and reasonable force may be used to
9 effect an entry into any building or property or part thereof
10 to execute a search warrant.

11 (b) The court issuing a warrant may authorize the officer
12 executing the warrant to make entry without first knocking and
13 announcing his or her office if it finds, based upon a showing
14 of specific facts, the existence of the following exigent
15 circumstances:

16 (1) That the officer reasonably believes that if notice
17 were given a weapon would be used:

18 (i) against the officer executing the search
19 warrant; or

20 (ii) against another person.

21 (2) That if notice were given there is an imminent
22 "danger" that evidence will be destroyed.

23 (c) Prior to the issuing of a warrant, the officer must
24 attest that:

25 (1) Prior to entering the location described in the

1 search warrant, a supervising officer will ensure that each
2 participating member is assigned a body worn camera and is
3 following policies and procedures in accordance with
4 Section 10-20 of the Law Enforcement Officer-Worn Body
5 Camera Act; and

6 (2) Steps are taken in planning the search to ensure
7 accuracy and plan for children or other vulnerable people
8 on-site.

9 (3) If an officer becomes aware the search warrant was
10 executed at an address, unit, or apartment different from
11 the location listed on the search warrant, that member will
12 immediately notify a supervisor who will ensure an internal
13 investigation ensues.

14 (Source: P.A. 92-502, eff. 12-19-01.)

15 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

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

18 (a) A person arrested with or without a warrant for an
19 offense for which pretrial release may be denied under
20 paragraphs (1) through (6) of Section 110-6.1 shall be taken
21 without unnecessary delay before the nearest and most
22 accessible judge in that county, except when such county is a
23 participant in a regional jail authority, in which event such
24 person may be taken to the nearest and most accessible judge,
25 irrespective of the county where such judge presides, and a

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

7 (a-1) Law enforcement shall issue a citation in lieu of
8 custodial arrest, upon proper identification, for those
9 accused of traffic and Class B and C criminal misdemeanor
10 offenses, or of petty and business offenses, who pose no
11 obvious threat to the community or any person, or who have no
12 obvious medical or mental health issues that pose a risk to
13 their own safety. Those released on citation shall be scheduled
14 into court within 21 days.

15 (a-3) A person arrested with or without a warrant for an
16 offense for which pretrial release may not be denied may,
17 except as otherwise provided in this Code, be released by the
18 officer without appearing before a judge. The releasing officer
19 shall issue the person a summons to appear within 21 days. A
20 presumption in favor of pretrial release shall be applied by an
21 arresting officer in the exercise of his or her discretion
22 under this Section.

23 (a-5) A person charged with an offense shall be allowed
24 counsel at the hearing at which pretrial release bail is
25 determined under Article 110 of this Code. If the defendant
26 desires counsel for his or her initial appearance but is unable

1 to obtain counsel, the court shall appoint a public defender or
2 licensed attorney at law of this State to represent him or her
3 for purposes of that hearing.

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

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

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

13 (3) schedule ~~Schedule~~ a preliminary hearing in
14 appropriate cases;

15 (4) admit ~~Admit~~ the defendant to pretrial release ~~bail~~
16 in accordance with the provisions of Article 110/5 ~~110~~ of
17 this Code, or upon verified petition of the State, proceed
18 with the setting of a detention hearing as provided in
19 Section 110-6.1; and

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

1 with all conditions of release.

2 (c) The court may issue an order of protection in
3 accordance with the provisions of Article 112A of this Code.
4 Crime victims shall be given notice by the State's Attorney's
5 office of this hearing as required in paragraph (2) of
6 subsection (b) of the Rights of Crime Victims and Witnesses Act
7 and shall be informed of their opportunity at this hearing to
8 obtain an order of protection under Article 112A of this Code.

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

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

1 at the point at which it was suspended.

2 (f) At the hearing at which conditions of pretrial release
3 are determined, the person charged shall be present in person
4 rather than by video phone or any other form of electronic
5 communication, unless the physical health and safety of the
6 person would be endangered by appearing in court or the accused
7 waives the right to be present in person.

8 (g) Defense counsel shall be given adequate opportunity to
9 confer with Defendant prior to any hearing in which conditions
10 of release or the detention of the Defendant is to be
11 considered, with a physical accommodation made to facilitate
12 attorney/client consultation.

13 (Source: P.A. 99-78, eff. 7-20-15; 99-190, eff. 1-1-16; 100-1,
14 eff. 1-1-18.)

15 (725 ILCS 5/109-2) (from Ch. 38, par. 109-2)

16 Sec. 109-2. Person arrested in another county. (a) Any
17 person arrested in a county other than the one in which a
18 warrant for his arrest was issued shall be taken without
19 unnecessary delay before the nearest and most accessible judge
20 in the county where the arrest was made or, if no additional
21 delay is created, before the nearest and most accessible judge
22 in the county from which the warrant was issued. Upon arrival
23 in the county in which the warrant was issued, the status of
24 the arrested person's release status shall be determined by the
25 release revocation process described in Section 110-6. He shall

1 ~~be admitted to bail in the amount specified in the warrant or,~~
2 ~~for offenses other than felonies, in an amount as set by the~~
3 ~~judge, and such bail shall be conditioned on his appearing in~~
4 ~~the court issuing the warrant on a certain date.~~ The judge may
5 hold a hearing to determine if the defendant is the same person
6 as named in the warrant.

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

16 (c) If a defendant is charged with a felony offense, but
17 has a warrant in another county, the defendant shall be taken
18 to the county that issued the warrant within 72 hours of the
19 completion of condition or detention hearing, so that release
20 or detention status can be resolved.

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

22 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

23 Sec. 109-3. Preliminary examination.)

24 (a) The judge shall hold the defendant to answer to the
25 court having jurisdiction of the offense if from the evidence

1 it appears there is probable cause to believe an offense has
2 been committed by the defendant, as provided in Section 109-3.1
3 of this Code, if the offense is a felony.

4 (b) If the defendant waives preliminary examination the
5 judge shall hold him to answer and may, or on the demand of the
6 prosecuting attorney shall, cause the witnesses for the State
7 to be examined. After hearing the testimony if it appears that
8 there is not probable cause to believe the defendant guilty of
9 any offense the judge shall discharge him.

10 (c) During the examination of any witness or when the
11 defendant is making a statement or testifying the judge may and
12 on the request of the defendant or State shall exclude all
13 other witnesses. He may also cause the witnesses to be kept
14 separate and to be prevented from communicating with each other
15 until all are examined.

16 (d) If the defendant is held to answer the judge may
17 require any material witness for the State or defendant to
18 enter into a written undertaking to appear at the trial, and
19 may provide for the forfeiture of a sum certain in the event
20 the witness does not appear at the trial. Any witness who
21 refuses to execute a recognizance may be committed by the judge
22 to the custody of the sheriff until trial or further order of
23 the court having jurisdiction of the cause. Any witness who
24 executes a recognizance and fails to comply with its terms
25 shall, in addition to any forfeiture provided in the
26 recognizance, be subject to the penalty provided in Section

1 32-10 of the Criminal Code of 2012 for violation of the
2 conditions of pretrial release ~~bail bond~~.

3 (e) During preliminary hearing or examination the
4 defendant may move for an order of suppression of evidence
5 pursuant to Section 114-11 or 114-12 of this Act or for other
6 reasons, and may move for dismissal of the charge pursuant to
7 Section 114-1 of this Act or for other reasons.

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

9 (725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

10 Sec. 109-3.1. Persons Charged with Felonies. (a) In any
11 case involving a person charged with a felony in this State,
12 alleged to have been committed on or after January 1, 1984, the
13 provisions of this Section shall apply.

14 (b) Every person in custody in this State for the alleged
15 commission of a felony shall receive either a preliminary
16 examination as provided in Section 109-3 or an indictment by
17 Grand Jury as provided in Section 111-2, within 30 days from
18 the date he or she was taken into custody. Every person on
19 pretrial release ~~bail~~ or recognizance for the alleged
20 commission of a felony shall receive either a preliminary
21 examination as provided in Section 109-3 or an indictment by
22 Grand Jury as provided in Section 111-2, within 60 days from
23 the date he or she was arrested.

24 The provisions of this paragraph shall not apply in the
25 following situations:

- 1 (1) when delay is occasioned by the defendant; or
- 2 (2) when the defendant has been indicted by the Grand Jury
- 3 on the felony offense for which he or she was initially taken
- 4 into custody or on an offense arising from the same transaction
- 5 or conduct of the defendant that was the basis for the felony
- 6 offense or offenses initially charged; or
- 7 (3) when a competency examination is ordered by the court;
- 8 or
- 9 (4) when a competency hearing is held; or
- 10 (5) when an adjudication of incompetency for trial has been
- 11 made; or
- 12 (6) when the case has been continued by the court under
- 13 Section 114-4 of this Code after a determination that the
- 14 defendant is physically incompetent to stand trial.
- 15 (c) Delay occasioned by the defendant shall temporarily
- 16 suspend, for the time of the delay, the period within which the
- 17 preliminary examination must be held. On the day of expiration
- 18 of the delay the period in question shall continue at the point
- 19 at which it was suspended.
- 20 (Source: P.A. 83-644.)

21 (725 ILCS 5/Art. 110 heading)

22 ARTICLE 110. PRETRIAL RELEASE ~~BAIL~~

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

24 Sec. 110-1. Definitions. (a) (Blank). ~~"Security" is that~~

1 ~~which is required to be pledged to insure the payment of bail.~~

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

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

13 (d) "Specific identifiable person or persons" means a named
14 person other than the defendant. The person may be identified
15 by name, initials, or description. ~~"Real and present threat to
16 the physical safety of any person or persons", as used in this
17 Article, includes a threat to the community, person, persons or
18 class of persons.~~

19 (e) Willful flight means planning or attempting to
20 intentionally evade prosecution by concealing oneself. Simple
21 past non-appearance in court alone is not evidence of future
22 intent to evade prosecution.

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

24 (725 ILCS 5/110-1.5 new)

25 Sec. 110-1.5. Abolition of monetary bail. On and after the

1 effective date of this amendatory Act of the 101st General
2 Assembly, the requirement of posting monetary bail is
3 abolished, except as provided in the Uniform Criminal
4 Extradition Act, the Driver License Compact, or the Nonresident
5 Violator Compact which are compacts that have been entered into
6 between this State and its sister states.

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

8 Sec. 110-2. Release on own recognizance.

9 (a) It is presumed that a defendant is entitled to release
10 on personal recognizance on the condition that the defendant
11 attend all required court proceedings and the defendant does
12 not commit any criminal offense, and complies with all terms of
13 pretrial release, including, but not limited to, orders of
14 protection under both Section 112A-4 of this Code and Section
15 214 of the Illinois Domestic Violence Act of 1986, all civil no
16 contact orders, and all stalking no contact orders.

17 (b) Additional conditions of release, including those
18 highlighted above, shall be set only when it is determined that
19 they are necessary to assure the defendant's appearance in
20 court, assure the defendant does not commit any criminal
21 offense, and complies with all conditions of pretrial release.

22 (c) Detention only shall be imposed when it is determined
23 that the defendant poses a danger to a specific, identifiable
24 person or persons, or has a high likelihood of willful flight.

25 ~~When from all the circumstances the court is of the opinion~~

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

18 (d) If, after the procedures set out in 5/110-6.1, the
19 court decides to detain the Defendant, the Court must make a
20 written finding as to why less restrictive conditions would not
21 assure safety to the community and assure the Defendant's
22 appearance in Court. At each subsequent appearance of the
23 Defendant before the Court, the judge must find that continued
24 detention or the current set of conditions imposed are
25 necessary to avoid the risk of danger to specific, identifiable
26 person or of willful flight from prosecution to continue

1 detention of the Defendant. The Court is not required to be
2 presented with new information or a change in circumstance to
3 consider reconsidering pretrial detention on current
4 conditions.

5 (e) This Section shall be liberally construed to effectuate
6 the purpose of relying upon contempt of court proceedings or
7 criminal sanctions instead of financial loss to assure the
8 appearance of the defendant, and that the defendant will not
9 pose a danger to any person or the community and that the
10 defendant will not pose ~~comply with all conditions of bond.~~
11 ~~Monetary bail should be set only when it is determined that no~~
12 ~~other conditions of release will reasonably assure the~~
13 ~~defendant's appearance in court, that the defendant does not~~
14 ~~present~~ a danger to any person or the community and that the
15 defendant will comply with all conditions of pretrial release
16 bond.

17 ~~The State may appeal any order permitting release by~~
18 ~~personal recognizance.~~

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

20 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

21 Sec. 110-3. Options for warrant alternatives ~~Issuance of~~
22 ~~warrant.~~

23 (a) Upon failure to comply with any condition of pretrial
24 release ~~a bail bond~~ or recognizance the court having
25 jurisdiction at the time of such failure may, on its own motion

1 or upon motion from the State, issue an order to show cause as
2 to why he or she shall not be subject to revocation of pretrial
3 release, or for sanctions, as provided in Section 110-6.

4 (b) The order issued by the court shall state the facts
5 alleged to constitute the hearing to show cause or otherwise
6 why the person is subject to revocation of pretrial release. A
7 certified copy of the order shall be served upon the person at
8 least 48 hours in advance of the scheduled hearing.

9 (c) If the person does not appear at the hearing to show
10 cause or absconds, the court may, in addition to any other
11 action provided by law, issue a warrant for the arrest of the
12 person at liberty on pretrial release ~~bail or his own~~
13 ~~recognizance~~. The contents of such a warrant shall be the same
14 as required for an arrest warrant issued upon complaint and may
15 modify any previously imposed conditions placed upon the
16 person, rather than revoking pretrial release or issuing a
17 warrant for the person in accordance with the requirements in
18 subsections (d) and (e) of Section 110-5. When a defendant is
19 at liberty on pretrial release ~~bail~~ or his own recognizance on
20 a felony charge and fails to appear in court as directed, the
21 court may ~~shall~~ issue a warrant for the arrest of such person
22 after his or her failure to appear at the show for cause
23 hearing as provided in this Section. Such warrant shall be
24 noted with a directive to peace officers to arrest the person
25 and hold such person without pretrial release ~~bail~~ and to
26 deliver such person before the court for further proceedings.

1 (d) If the order as described in Subsection B is issued, a
2 failure to appear shall not be recorded until the Defendant
3 fails to appear at the hearing to show cause. For the purpose
4 of any risk assessment or future evaluation of risk of willful
5 flight or risk of failure to appear, a non-appearance in court
6 cured by an appearance at the hearing to show cause shall not
7 be considered as evidence of future likelihood appearance in
8 court. ~~A defendant who is arrested or surrenders within 30 days~~
9 ~~of the issuance of such warrant shall not be bailable in the~~
10 ~~ease in question unless he shows by the preponderance of the~~
11 ~~evidence that his failure to appear was not intentional.~~

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

13 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

14 Sec. 110-4. Pretrial release ~~Bailable Offenses.~~

15 (a) All persons charged with an offense shall be eligible
16 for pretrial release before conviction. Pretrial release may
17 only be denied when a person is charged with an offense listed
18 in Section 110-6.1 or when the defendant has a high likelihood
19 of willful flight, and after the court has held a hearing under
20 Section 110-6.1. ~~All persons shall be bailable before~~
21 ~~conviction, except the following offenses where the proof is~~
22 ~~evident or the presumption great that the defendant is guilty~~
23 ~~of the offense: capital offenses; offenses for which a sentence~~
24 ~~of life imprisonment may be imposed as a consequence of~~
25 ~~conviction; felony offenses for which a sentence of~~

1 ~~imprisonment, without conditional and revocable release, shall~~
2 ~~be imposed by law as a consequence of conviction, where the~~
3 ~~court after a hearing, determines that the release of the~~
4 ~~defendant would pose a real and present threat to the physical~~
5 ~~safety of any person or persons; stalking or aggravated~~
6 ~~stalking, where the court, after a hearing, determines that the~~
7 ~~release of the defendant would pose a real and present threat~~
8 ~~to the physical safety of the alleged victim of the offense and~~
9 ~~denial of bail is necessary to prevent fulfillment of the~~
10 ~~threat upon which the charge is based; or unlawful use of~~
11 ~~weapons in violation of item (4) of subsection (a) of Section~~
12 ~~24-1 of the Criminal Code of 1961 or the Criminal Code of 2012~~
13 ~~when that offense occurred in a school or in any conveyance~~
14 ~~owned, leased, or contracted by a school to transport students~~
15 ~~to or from school or a school related activity, or on any~~
16 ~~public way within 1,000 feet of real property comprising any~~
17 ~~school, where the court, after a hearing, determines that the~~
18 ~~release of the defendant would pose a real and present threat~~
19 ~~to the physical safety of any person and denial of bail is~~
20 ~~necessary to prevent fulfillment of that threat; or making a~~
21 ~~terrorist threat in violation of Section 29D-20 of the Criminal~~
22 ~~Code of 1961 or the Criminal Code of 2012 or an attempt to~~
23 ~~commit the offense of making a terrorist threat, where the~~
24 ~~court, after a hearing, determines that the release of the~~
25 ~~defendant would pose a real and present threat to the physical~~
26 ~~safety of any person and denial of bail is necessary to prevent~~

1 ~~fulfillment of that threat.~~

2 (b) A person seeking pretrial release ~~on bail~~ who is
3 charged with a capital offense or an offense for which a
4 sentence of life imprisonment may be imposed shall not be
5 eligible for release pretrial ~~bailable~~ until a hearing is held
6 wherein such person has the burden of demonstrating that the
7 proof of his guilt is not evident and the presumption is not
8 great.

9 (c) Where it is alleged that pretrial ~~bail~~ should be denied
10 to a person upon the grounds that the person presents a real
11 and present threat to the physical safety of any person or
12 persons, the burden of proof of such allegations shall be upon
13 the State.

14 (d) When it is alleged that pretrial ~~bail~~ should be denied
15 to a person charged with stalking or aggravated stalking upon
16 the grounds set forth in Section 110-6.3 of this Code, the
17 burden of proof of those allegations shall be upon the State.

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

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

20 Sec. 110-5. Determining the amount of bail and conditions
21 of release.

22 (a) In determining which ~~the amount of monetary bail~~ or
23 conditions of pretrial release, if any, which will reasonably
24 assure the appearance of a defendant as required or the safety
25 of any other person or the community and the likelihood of

1 compliance by the defendant with all the conditions of pretrial
2 release bail, the court shall, on the basis of available
3 information, take into account such matters as:

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

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

9 (3) the history and characteristics of the eligible
10 defendant, including:

11 (A) the eligible defendant's character, physical
12 and mental condition, family ties, employment,
13 financial resources, length of residence in the
14 community, community ties, past relating to drug or
15 alcohol abuse, conduct, history criminal history, and
16 record concerning appearance at court proceedings; and

17 (B) whether, at the time of the current offense or
18 arrest, the eligible defendant was on probation,
19 parole, or on other release pending trial, sentencing,
20 appeal, or completion of sentence for an offense under
21 federal law, or the law of this or any other state;

22 (4) the nature and seriousness of the danger to any
23 specific, identifiable person or persons that would be
24 posed by the eligible defendant's release, if applicable;
25 as required under paragraph (7.5) of Section 4 of the
26 Rights of Crime Victims and Witnesses Act; and

1 (5) the nature and seriousness of the risk of
2 obstructing or attempting to obstruct the criminal justice
3 process that would be posed by the eligible defendant's
4 release, if applicable.~~, whether the evidence shows that as~~
5 ~~part of the offense there was a use of violence or~~
6 ~~threatened use of violence, whether the offense involved~~
7 ~~corruption of public officials or employees, whether there~~
8 ~~was physical harm or threats of physical harm to any public~~
9 ~~official, public employee, judge, prosecutor, juror or~~
10 ~~witness, senior citizen, child, or person with a~~
11 ~~disability, whether evidence shows that during the offense~~
12 ~~or during the arrest the defendant possessed or used a~~
13 ~~firearm, machine gun, explosive or metal piercing~~
14 ~~ammunition or explosive bomb device or any military or~~
15 ~~paramilitary armament, whether the evidence shows that the~~
16 ~~offense committed was related to or in furtherance of the~~
17 ~~criminal activities of an organized gang or was motivated~~
18 ~~by the defendant's membership in or allegiance to an~~
19 ~~organized gang, the condition of the victim, any written~~
20 ~~statement submitted by the victim or proffer or~~
21 ~~representation by the State regarding the impact which the~~
22 ~~alleged criminal conduct has had on the victim and the~~
23 ~~victim's concern, if any, with further contact with the~~
24 ~~defendant if released on bail, whether the offense was~~
25 ~~based on racial, religious, sexual orientation or ethnic~~
26 ~~hatred, the likelihood of the filing of a greater charge,~~

1 ~~the likelihood of conviction, the sentence applicable upon~~
2 ~~conviction, the weight of the evidence against such~~
3 ~~defendant, whether there exists motivation or ability to~~
4 ~~flee, whether there is any verification as to prior~~
5 ~~residence, education, or family ties in the local~~
6 ~~jurisdiction, in another county, state or foreign country,~~
7 ~~the defendant's employment, financial resources, character~~
8 ~~and mental condition, past conduct, prior use of alias~~
9 ~~names or dates of birth, and length of residence in the~~
10 ~~community, the consent of the defendant to periodic drug~~
11 ~~testing in accordance with Section 110-6.5, whether a~~
12 ~~foreign national defendant is lawfully admitted in the~~
13 ~~United States of America, whether the government of the~~
14 ~~foreign national maintains an extradition treaty with the~~
15 ~~United States by which the foreign government will~~
16 ~~extradite to the United States its national for a trial for~~
17 ~~a crime allegedly committed in the United States, whether~~
18 ~~the defendant is currently subject to deportation or~~
19 ~~exclusion under the immigration laws of the United States,~~
20 ~~whether the defendant, although a United States citizen, is~~
21 ~~considered under the law of any foreign state a national of~~
22 ~~that state for the purposes of extradition or~~
23 ~~non-extradition to the United States, the amount of~~
24 ~~unrecovered proceeds lost as a result of the alleged~~
25 ~~offense, the source of bail funds tendered or sought to be~~
26 ~~tendered for bail, whether from the totality of the court's~~

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

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

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

5 ~~(a 5) There shall be a presumption that any conditions of~~
6 ~~release imposed shall be non monetary in nature and the court~~
7 ~~shall impose the least restrictive conditions or combination of~~
8 ~~conditions necessary to reasonably assure the appearance of the~~
9 ~~defendant for further court proceedings and protect the~~
10 ~~integrity of the judicial proceedings from a specific threat to~~
11 ~~a witness or participant. Conditions of release may include,~~
12 ~~but not be limited to, electronic home monitoring, curfews,~~
13 ~~drug counseling, stay away orders, and in-person reporting.~~
14 ~~The court shall consider the defendant's socio economic~~
15 ~~circumstance when setting conditions of release or imposing~~
16 ~~monetary bail.~~

17 ~~(b) The amount of bail shall be:~~

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

26 ~~(2) Not oppressive.~~

1 ~~(3) Considerate of the financial ability of the~~
2 ~~accused.~~

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

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

1 ~~the following:~~

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

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

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

10 ~~(4) the background, character, reputation, and~~
11 ~~relationship to the accused of the person posting cash~~
12 ~~bail.~~

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

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

25 ~~(c) When a person is charged with an offense punishable by~~
26 ~~fine only the amount of the bail shall not exceed double the~~

1 ~~amount of the maximum penalty.~~

2 ~~(d) When a person has been convicted of an offense and only~~
3 ~~a fine has been imposed the amount of the bail shall not exceed~~
4 ~~double the amount of the fine.~~

5 ~~(e) The State may appeal any order granting bail or setting~~
6 ~~a given amount for bail.~~

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

18 (1) whether the alleged incident involved harassment
19 or abuse, as defined in the Illinois Domestic Violence Act
20 of 1986;

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

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

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

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

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

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

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

14 (9) whether a separation of the person from the victim
15 of abuse ~~alleged-victim~~ or a termination of the
16 relationship between the person and the victim of abuse
17 ~~alleged-victim~~ has recently occurred or is pending;

18 (10) whether the person has exhibited obsessive or
19 controlling behaviors toward the victim of abuse ~~alleged~~
20 ~~victim~~, including, but not limited to, stalking,
21 surveillance, or isolation of the victim of abuse ~~alleged~~
22 ~~victim~~ or victim's family member or members;

23 (11) whether the person has expressed suicidal or
24 homicidal ideations;

25 ~~(12) based on any information contained in the~~
26 ~~complaint and any police reports, affidavits, or other~~

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

25 (c) In cases of stalking or aggravated stalking under
26 Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the

1 court may consider the following additional factors:

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

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

12 (3) The nature of the threat which is the basis of the
13 charge against the defendant;

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

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

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

21 (7) Any other factors deemed by the court to have a
22 reasonable bearing upon the defendant's propensity or
23 reputation for violent, abusive or assaultive behavior, or
24 lack of that behavior.

25 (d) The Court may use a regularly validated risk assessment
26 tool to aid it determination of appropriate conditions of

1 release as provided for in Section 110-6.4. Risk assessment
2 tools may not be used as the sole basis to deny pretrial
3 release. If a risk assessment tool is used, the defendant's
4 counsel shall be provided with the information and scoring
5 system of the risk assessment tool used to arrive at the
6 determination. The defendant retains the right to challenge the
7 validity of a risk assessment tool used by the court and to
8 present evidence relevant to the defendant's challenge.

9 (e) If a person remains in pretrial detention after his or
10 her pretrial conditions hearing after having been ordered
11 released with pretrial conditions, the court shall hold a
12 hearing to determine the reason for continued detention. If the
13 reason for continued detention is due to the unavailability or
14 the defendant's ineligibility for one or more pretrial
15 conditions previously ordered by the court or directed by a
16 pretrial services agency, the court shall reopen the conditions
17 of release hearing to determine what available pretrial
18 conditions exist that will reasonably assure the appearance of
19 a defendant as required or the safety of any other person and
20 the likelihood of compliance by the defendant with all the
21 conditions of pretrial release. The inability of Defendant to
22 pay for a condition of release or any other ineligibility for a
23 condition of pretrial release shall not be used as a
24 justification for the pretrial detention of that Defendant.

25 (f) Prior to the defendant's first appearance, the Court
26 shall appoint the public defender or a licensed attorney at law

1 of this State to represent the Defendant for purposes of that
2 hearing, unless the defendant has obtained licensed counsel for
3 themselves.

4 (g) Electronic monitoring, GPS monitoring, or home
5 confinement can only be imposed condition of pretrial release
6 if a no less restrictive condition of release or combination of
7 less restrictive condition of release would reasonably ensure
8 the appearance of the defendant for later hearings or protect
9 an identifiable person or persons from imminent threat of
10 serious physical harm.

11 (h) If the court imposes electronic monitoring, GPS
12 monitoring, or home confinement the court shall set forth in
13 the record the basis for its finding. A defendant shall be
14 given custodial credit for each day he or she was subjected to
15 that program, at the same rate described in subsection (b) of
16 Section 5-4.5-100 of the unified code of correction.

17 (i) If electronic monitoring, GPS monitoring, or home
18 confinement is imposed, the court shall determine every 60 days
19 if no less restrictive condition of release or combination of
20 less restrictive conditions of release would reasonably ensure
21 the appearance, or continued appearance, of the defendant for
22 later hearings or protect an identifiable person or persons
23 from imminent threat of serious physical harm. If the court
24 finds that there are less restrictive conditions of release,
25 the court shall order that the condition be removed.

26 (j) Crime Victims shall be given notice by the State's

1 Attorney's office of this hearing as required in paragraph (1)
2 of subsection (b) of Section 4.5 of the Rights of Crime Victims
3 and Witnesses Act and shall be informed of their opportunity at
4 this hearing to obtain an order of protection under Article
5 112A of this Code.

6 (Source: P.A. 99-143, eff. 7-27-15; 100-1, eff. 1-1-18; revised
7 7-12-19.)

8 (725 ILCS 5/110-5.2)

9 Sec. 110-5.2. Pretrial release ~~Bail~~; pregnant pre-trial
10 detainee.

11 (a) It is the policy of this State that a pre-trial
12 detainee shall not be required to deliver a child while in
13 custody absent a finding by the court that continued pre-trial
14 custody is necessary to protect the public or the victim of the
15 offense on which the charge is based.

16 (b) If the court reasonably believes that a pre-trial
17 detainee will give birth while in custody, the court shall
18 order an alternative to custody unless, after a hearing, the
19 court determines:

20 (1) that the release of the pregnant pre-trial detainee
21 would pose a real and present threat to the physical safety
22 of the alleged victim of the offense and continuing custody
23 is necessary to prevent the fulfillment of the threat upon
24 which the charge is based; or

25 (2) that the release of the pregnant pre-trial detainee

1 would pose a real and present threat to the physical safety
2 of any person or persons or the general public.

3 (c) The court may order a pregnant or post-partum detainee
4 to be subject to electronic monitoring as a condition of
5 pre-trial release or order other condition or combination of
6 conditions the court reasonably determines are in the best
7 interest of the detainee and the public.

8 (d) This Section shall be applicable to a pregnant
9 pre-trial detainee in custody on or after the effective date of
10 this amendatory Act of the 100th General Assembly.

11 (Source: P.A. 100-630, eff. 1-1-19.)

12 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

13 Sec. 110-6. Revocation of pretrial release, modification
14 of conditions of pretrial release, and sanctions for violations
15 of conditions of pretrial release ~~Modification of bail or~~
16 ~~conditions.~~

17 (a) When a defendant is granted pretrial release under this
18 section, that pretrial release may be revoked only under the
19 following conditions:

20 (1) if the defendant is charged with a detainable
21 felony as defined in 110-6.1, a defendant may be detained
22 after the State files a verified petition for such a
23 hearing, and gives the defendant notice as prescribed in
24 110-6.1; or

25 (2) in accordance with subsection (b) of this section.

1 (b) Revocation due to a new criminal charge: If an
2 individual, while on pretrial release for a Felony or Class A
3 misdemeanor under this Section, is charged with a new felony or
4 Class A misdemeanor under the Criminal Code of 2012, the court
5 may, on its own motion or motion of the state, begin
6 proceedings to revoke the individual's' pretrial release.

7 (1) When the defendant is charged with a felony or
8 class A misdemeanor offense and while free on pretrial
9 release bail is charged with a subsequent felony or class A
10 misdemeanor offense that is alleged to have occurred during
11 the defendant's pretrial release, the state may file a
12 verified petition for revocation of pretrial release.

13 (2) When a defendant on pretrial release is charged
14 with a violation of an order of protection issued under
15 Section 112A-14 of this Code, or Section 214 of the
16 Illinois Domestic Violence Act of 1986 or previously was
17 convicted of a violation of an order of protection under
18 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, and the subject of the order of
20 protection is the same person as the victim in the
21 underlying matter, the state shall file a verified petition
22 for revocation of pretrial release.

23 (3) Upon the filing of this petition, the court shall
24 order the transfer of the defendant and the application to
25 the court before which the previous felony matter is
26 pending. The defendant shall be held without bond pending

1 transfer to and a hearing before such court. The defendant
2 shall be transferred to the court before which the previous
3 matter is pending without unnecessary delay. In no event
4 shall the time between the filing of the state's petition
5 for revocation and the defendant's appearance before the
6 court before which the previous matter is pending exceed 72
7 hours.

8 (4) The court before which the previous felony matter
9 is pending may revoke the defendant's pretrial release only
10 if it finds, after considering all relevant circumstances
11 including, but not limited to, the nature and seriousness
12 of the violation or criminal act alleged, by the court
13 finds clear and convincing evidence that no condition or
14 combination of conditions of release would reasonably
15 assure the appearance of the defendant for later hearings
16 or prevent the defendant from being charged with a
17 subsequent felony or class A misdemeanor.

18 (5) In lieu of revocation, the court may release the
19 defendant pre-trial, with or without modification of
20 conditions of pretrial release.

21 (6) If the case that caused the revocation is
22 dismissed, the defendant is found not guilty in the case
23 causing the revocation, or the defendant completes a
24 lawfully imposed sentence on the case causing the
25 revocation, the court shall, without unnecessary delay,
26 hold a hearing on conditions of release pursuant to section

1 110-5 and release the defendant with or without
2 modification of conditions of pretrial release.

3 (7) Both the state and the defense may appeal an order
4 revoking pretrial release or denying a petition for
5 revocation of release.

6 (c) Violations other than re-arrest for a felony or class A
7 misdemeanor. If a defendant:

8 (1) fails to appear in court as required by their
9 conditions of release;

10 (2) is charged with a class B or C misdemeanor, petty
11 offense, traffic offense, or ordinance violation that is
12 alleged to have occurred during the defendant's pretrial
13 release; or

14 (3) violates any other condition of release set by the
15 court,

16 the court shall follow the procedures set forth in Section
17 110-3 to ensure the defendant's appearance in court to address
18 the violation.

19 (d) When a defendant appears in court for a notice to show
20 cause hearing, or after being arrested on a warrant issued
21 because of a failure to appear at a notice to show cause
22 hearing, or after being arrested for an offense other than a
23 felony or class A misdemeanor, the state may file a verified
24 petition requesting a hearing for sanctions.

25 (e) During the hearing for sanctions, the defendant shall
26 be represented by counsel and have an opportunity to be heard

1 regarding the violation and evidence in mitigation. The court
2 shall only impose sanctions if it finds by clear and convincing
3 evidence that:

4 1. The defendant committed an act that violated a term
5 of their pretrial release;

6 2. The defendant had actual knowledge that their action
7 would violate a court order;

8 3. The violation of the court order was willful; and

9 4. The violation was not caused by a lack of access to
10 financial monetary resources.

11 (f) Sanctions: sanctions for violations of pretrial
12 release may include:

13 1. A verbal or written admonishment from the court;

14 2. Imprisonment in the county jail for a period not
15 exceeding 30 days;

16 3. A fine of not more than \$200; or

17 4. A modification of the defendant's pretrial
18 conditions.

19 (g) Modification of Pretrial Conditions

20 (a) The court may, at any time, after motion by either
21 party or on its own motion, remove previously set
22 conditions of pretrial release, subject to the provisions
23 in section (e). The court may only add or increase
24 conditions of pretrial release at a hearing under this
25 Section, in a warrant issued under Section 110-3, or upon
26 motion from the state.

1 (b) Modification of conditions of release regarding
2 contact with victims or witnesses. The court shall not
3 remove a previously set condition of bond regulating
4 contact with a victim or witness in the case, unless the
5 subject of the condition has been given notice of the
6 hearing as required in paragraph (1) of subsection (b) of
7 Section 4.5 of the Rights of Crime Victims and Witnesses
8 Act. If the subject of the condition of release is not
9 present, the court shall follow the procedures of paragraph
10 (10) of subsection (c-1) of the Rights of Crime Victims and
11 Witnesses Act.

12 (h) Notice to Victims: Crime Victims shall be given notice
13 by the State's Attorney's office of all hearings in this
14 section as required in paragraph (1) of subsection (b) of
15 Section 4.5 of the Rights of Crime Victims and Witnesses Act
16 and shall be informed of their opportunity at these hearing to
17 obtain an order of protection under Article 112A of this Code.
18 ~~Upon verified application by the State or the defendant or on~~
19 ~~its own motion the court before which the proceeding is pending~~
20 ~~may increase or reduce the amount of bail or may alter the~~
21 ~~conditions of the bail bond or grant bail where it has been~~
22 ~~previously revoked or denied. If bail has been previously~~
23 ~~revoked pursuant to subsection (f) of this Section or if bail~~
24 ~~has been denied to the defendant pursuant to subsection (e) of~~
25 ~~Section 110 6.1 or subsection (e) of Section 110 6.3, the~~
26 ~~defendant shall be required to present a verified application~~

1 ~~setting forth in detail any new facts not known or obtainable~~
2 ~~at the time of the previous revocation or denial of bail~~
3 ~~proceedings. If the court grants bail where it has been~~
4 ~~previously revoked or denied, the court shall state on the~~
5 ~~record of the proceedings the findings of facts and conclusion~~
6 ~~of law upon which such order is based.~~

7 ~~(a 5) In addition to any other available motion or~~
8 ~~procedure under this Code, a person in custody solely for a~~
9 ~~Category B offense due to an inability to post monetary bail~~
10 ~~shall be brought before the court at the next available court~~
11 ~~date or 7 calendar days from the date bail was set, whichever~~
12 ~~is earlier, for a rehearing on the amount or conditions of bail~~
13 ~~or release pending further court proceedings. The court may~~
14 ~~reconsider conditions of release for any other person whose~~
15 ~~inability to post monetary bail is the sole reason for~~
16 ~~continued incarceration, including a person in custody for a~~
17 ~~Category A offense or a Category A offense and a Category B~~
18 ~~offense. The court may deny the rehearing permitted under this~~
19 ~~subsection (a 5) if the person has failed to appear as required~~
20 ~~before the court and is incarcerated based on a warrant for~~
21 ~~failure to appear on the same original criminal offense.~~

22 ~~(b) Violation of the conditions of Section 110-10 of this~~
23 ~~Code or any special conditions of bail as ordered by the court~~
24 ~~shall constitute grounds for the court to increase the amount~~
25 ~~of bail, or otherwise alter the conditions of bail, or, where~~
26 ~~the alleged offense committed on bail is a forcible felony in~~

1 ~~Illinois or a Class 2 or greater offense under the Illinois~~
2 ~~Controlled Substances Act, the Cannabis Control Act, or the~~
3 ~~Methamphetamine Control and Community Protection Act, revoke~~
4 ~~bail pursuant to the appropriate provisions of subsection (c)~~
5 ~~of this Section.~~

6 ~~(c) Reasonable notice of such application by the defendant~~
7 ~~shall be given to the State.~~

8 ~~(d) Reasonable notice of such application by the State~~
9 ~~shall be given to the defendant, except as provided in~~
10 ~~subsection (c).~~

11 ~~(e) Upon verified application by the State stating facts or~~
12 ~~circumstances constituting a violation or a threatened~~
13 ~~violation of any of the conditions of the bail bond the court~~
14 ~~may issue a warrant commanding any peace officer to bring the~~
15 ~~defendant without unnecessary delay before the court for a~~
16 ~~hearing on the matters set forth in the application. If the~~
17 ~~actual court before which the proceeding is pending is absent~~
18 ~~or otherwise unavailable another court may issue a warrant~~
19 ~~pursuant to this Section. When the defendant is charged with a~~
20 ~~felony offense and while free on bail is charged with a~~
21 ~~subsequent felony offense and is the subject of a proceeding~~
22 ~~set forth in Section 109-1 or 109-3 of this Code, upon the~~
23 ~~filing of a verified petition by the State alleging a violation~~
24 ~~of Section 110-10 (a) (4) of this Code, the court shall without~~
25 ~~prior notice to the defendant, grant leave to file such~~
26 ~~application and shall order the transfer of the defendant and~~

1 ~~the application without unnecessary delay to the court before~~
2 ~~which the previous felony matter is pending for a hearing as~~
3 ~~provided in subsection (b) or this subsection of this Section.~~
4 ~~The defendant shall be held without bond pending transfer to~~
5 ~~and a hearing before such court. At the conclusion of the~~
6 ~~hearing based on a violation of the conditions of Section~~
7 ~~110-10 of this Code or any special conditions of bail as~~
8 ~~ordered by the court the court may enter an order increasing~~
9 ~~the amount of bail or alter the conditions of bail as deemed~~
10 ~~appropriate.~~

11 ~~(f) Where the alleged violation consists of the violation~~
12 ~~of one or more felony statutes of any jurisdiction which would~~
13 ~~be a forcible felony in Illinois or a Class 2 or greater~~
14 ~~offense under the Illinois Controlled Substances Act, the~~
15 ~~Cannabis Control Act, or the Methamphetamine Control and~~
16 ~~Community Protection Act and the defendant is on bail for the~~
17 ~~alleged commission of a felony, or where the defendant is on~~
18 ~~bail for a felony domestic battery (enhanced pursuant to~~
19 ~~subsection (b) of Section 12-3.2 of the Criminal Code of 1961~~
20 ~~or the Criminal Code of 2012), aggravated domestic battery,~~
21 ~~aggravated battery, unlawful restraint, aggravated unlawful~~
22 ~~restraint or domestic battery in violation of item (1) of~~
23 ~~subsection (a) of Section 12-3.2 of the Criminal Code of 1961~~
24 ~~or the Criminal Code of 2012 against a family or household~~
25 ~~member as defined in Section 112A-3 of this Code and the~~
26 ~~violation is an offense of domestic battery against the same~~

1 ~~victim the court shall, on the motion of the State or its own~~
2 ~~motion, revoke bail in accordance with the following~~
3 ~~provisions:~~

4 ~~(1) The court shall hold the defendant without bail~~
5 ~~pending the hearing on the alleged breach; however, if the~~
6 ~~defendant is not admitted to bail the hearing shall be~~
7 ~~commenced within 10 days from the date the defendant is~~
8 ~~taken into custody or the defendant may not be held any~~
9 ~~longer without bail, unless delay is occasioned by the~~
10 ~~defendant. Where defendant occasions the delay, the~~
11 ~~running of the 10 day period is temporarily suspended and~~
12 ~~resumes at the termination of the period of delay. Where~~
13 ~~defendant occasions the delay with 5 or fewer days~~
14 ~~remaining in the 10 day period, the court may grant a~~
15 ~~period of up to 5 additional days to the State for good~~
16 ~~cause shown. The State, however, shall retain the right to~~
17 ~~proceed to hearing on the alleged violation at any time,~~
18 ~~upon reasonable notice to the defendant and the court.~~

19 ~~(2) At a hearing on the alleged violation the State has~~
20 ~~the burden of going forward and proving the violation by~~
21 ~~clear and convincing evidence. The evidence shall be~~
22 ~~presented in open court with the opportunity to testify, to~~
23 ~~present witnesses in his behalf, and to cross-examine~~
24 ~~witnesses if any are called by the State, and~~
25 ~~representation by counsel and if the defendant is indigent~~
26 ~~to have counsel appointed for him. The rules of evidence~~

1 ~~applicable in criminal trials in this State shall not~~
2 ~~govern the admissibility of evidence at such hearing.~~
3 ~~Information used by the court in its findings or stated in~~
4 ~~or offered in connection with hearings for increase or~~
5 ~~revocation of bail may be by way of proffer based upon~~
6 ~~reliable information offered by the State or defendant. All~~
7 ~~evidence shall be admissible if it is relevant and reliable~~
8 ~~regardless of whether it would be admissible under the~~
9 ~~rules of evidence applicable at criminal trials. A motion~~
10 ~~by the defendant to suppress evidence or to suppress a~~
11 ~~confession shall not be entertained at such a hearing.~~
12 ~~Evidence that proof may have been obtained as a result of~~
13 ~~an unlawful search and seizure or through improper~~
14 ~~interrogation is not relevant to this hearing.~~

15 ~~(3) Upon a finding by the court that the State has~~
16 ~~established by clear and convincing evidence that the~~
17 ~~defendant has committed a forcible felony or a Class 2 or~~
18 ~~greater offense under the Illinois Controlled Substances~~
19 ~~Act, the Cannabis Control Act, or the Methamphetamine~~
20 ~~Control and Community Protection Act while admitted to~~
21 ~~bail, or where the defendant is on bail for a felony~~
22 ~~domestic battery (enhanced pursuant to subsection (b) of~~
23 ~~Section 12-3.2 of the Criminal Code of 1961 or the Criminal~~
24 ~~Code of 2012), aggravated domestic battery, aggravated~~
25 ~~battery, unlawful restraint, aggravated unlawful restraint~~
26 ~~or domestic battery in violation of item (1) of subsection~~

1 ~~(a) of Section 12-3.2 of the Criminal Code of 1961 or the~~
2 ~~Criminal Code of 2012 against a family or household member~~
3 ~~as defined in Section 112A-3 of this Code and the violation~~
4 ~~is an offense of domestic battery, against the same victim,~~
5 ~~the court shall revoke the bail of the defendant and hold~~
6 ~~the defendant for trial without bail. Neither the finding~~
7 ~~of the court nor any transcript or other record of the~~
8 ~~hearing shall be admissible in the State's case in chief,~~
9 ~~but shall be admissible for impeachment, or as provided in~~
10 ~~Section 115-10.1 of this Code or in a perjury proceeding.~~

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

22 ~~(5) If the defendant either is arrested on a warrant~~
23 ~~issued pursuant to this Code or is arrested for an~~
24 ~~unrelated offense and it is subsequently discovered that~~
25 ~~the defendant is a subject of another warrant or warrants~~
26 ~~issued pursuant to this Code, the defendant shall be~~

1 ~~transferred promptly to the court which issued such~~
2 ~~warrant. If, however, the defendant appears initially~~
3 ~~before a court other than the court which issued such~~
4 ~~warrant, the non-issuing court shall not alter the amount~~
5 ~~of bail set on such warrant unless the court sets forth on~~
6 ~~the record of proceedings the conclusions of law and facts~~
7 ~~which are the basis for such altering of another court's~~
8 ~~bond. The non-issuing court shall not alter another courts~~
9 ~~bail set on a warrant unless the interests of justice and~~
10 ~~public safety are served by such action.~~

11 ~~(g) The State may appeal any order where the court has~~
12 ~~increased or reduced the amount of bail or altered the~~
13 ~~conditions of the bail bond or granted bail where it has~~
14 ~~previously been revoked.~~

15 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

16 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

17 Sec. 110-6.1. Denial of pretrial release bail ~~in~~
18 ~~non-probationable felony offenses.~~

19 (a) Upon verified petition by the State, the court shall
20 hold a hearing and may deny ~~to determine whether bail should be~~
21 ~~denied to~~ a defendant pretrial release only if:

22 (1) the defendant ~~who~~ is charged with a forcible felony
23 offense for which a sentence of imprisonment, without
24 probation, periodic imprisonment or conditional discharge,
25 is required by law upon conviction, and ~~when~~ it is alleged

1 that the defendant's pretrial release poses a real and
2 present threat to a specific, identifiable person or
3 persons admission to bail poses a real and present threat
4 to the physical safety of any person or persons; -

5 (2) the defendant is charged with stalking or
6 aggravated stalking and it is alleged that the defendant's
7 pre-trial release poses a real and present threat to the
8 physical safety of a victim of the alleged offense, and
9 denial of release is necessary to prevent fulfillment of
10 the threat upon which the charge is based;

11 (3) the victim of abuse was a family or household
12 member as defined by paragraph (6) of Section 103 of the
13 Illinois Domestic Violence Act of 1986, and the person
14 charged, at the time of the alleged offense, was subject to
15 the terms of an order of protection issued under Section
16 112A-14 of this Code, or Section 214 of the Illinois
17 Domestic Violence Act of 1986 or previously was convicted
18 of a violation of an order of protection under Section
19 12-3.4 or 12-30 of the Criminal Code of 1961 or the
20 Criminal Code of 2012 or a violent crime if the victim was
21 a family or household member as defined by paragraph (6) of
22 the Illinois Domestic Violence Act of 1986 at the time of
23 the offense or a violation of a substantially similar
24 municipal ordinance or law of this or any other state or
25 the United States if the victim was a family or household
26 member as defined by paragraph (6) of Section 103 of the

1 Illinois Domestic Violence Act of 1986 at the time of the
2 offense, and it is alleged that the defendant's pre-trial
3 release poses a real and present threat to the physical
4 safety of any person or persons;

5 (4) the defendant is charged with domestic battery or
6 aggravated domestic battery under Section 12-3.2 or 12-3.3
7 of the Criminal Code of 2012 and it is alleged that the
8 defendant's pretrial release poses a real and present
9 threat to the physical safety of any person or persons;

10 (5) the defendant is charged with any offense under
11 Article 11 of the Criminal Code of 2012, except for
12 Sections 11-30, 11-35, 11-40, and 11-45 of the Criminal
13 Code of 2012, or similar provisions of the Criminal Code of
14 1961 and it is alleged that the defendant's pretrial
15 release poses a real and present threat to the physical
16 safety of any person or persons;

17 (6) the defendant is charged with any of these
18 violations under the Criminal Code of 2012 and it is
19 alleged that the defendant's pretrial releases poses a real
20 and present threat to the physical safety of any
21 specifically identifiable person or persons.

22 (A) Section 24-1.2 (aggravated discharge of a
23 firearm);

24 (B) Section 24-2.5 (aggravated discharge of a
25 machine gun or a firearm equipped with a device
26 designed or use for silencing the report of a firearm);

1 (C) Section 24-1.5 (reckless discharge of a
2 firearm);

3 (D) Section 24-1.7 (armed habitual criminal);

4 (E) Section 24-2.2 2 (manufacture, sale or
5 transfer of bullets or shells represented to be armor
6 piercing bullets, dragon's breath shotgun shells, bolo
7 shells or flechette shells);

8 (F) Section 24-3 (unlawful sale or delivery of
9 firearms);

10 (G) Section 24-3.3 (unlawful sale or delivery of
11 firearms on the premises of any school);

12 (H) Section 24-34 (unlawful sale of firearms by
13 liquor license);

14 (I) Section 24-3.5 (unlawful purchase of a
15 firearm);

16 (J) Section 24-3A (gunrunning); or

17 (K) Section on 24-3B (firearms trafficking);

18 (L) Section 10-9 (b) (involuntary servitude);

19 (M) Section 10-9 (c) (involuntary sexual servitude
20 of a minor);

21 (N) Section 10-9(d) (trafficking in persons);

22 (7) the person has a high likelihood of willful
23 flight to avoid prosecution and is charged with:

24 (a) Any felony described in Sections (a)(1)
25 through (a)(5) of this Section; or

26 (b) A felony offense other than a Class 4 offense.

1 (b) If the charged offense is a felony, the Court shall
2 hold a hearing pursuant to 109-3 of this Code to determine
3 whether there is probable cause the defendant has committed
4 an offense, unless a grand jury has returned a true bill of
5 indictment against the defendant. If there is a finding of
6 no probable cause, the defendant shall be released. No such
7 finding is necessary if the defendant is charged with a
8 misdemeanor.

9 (c) Timing of petition.

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

17 (2) (2) Upon filing, the court shall immediately hold a
18 hearing on the petition unless a continuance is requested.
19 If a continuance is requested, the hearing shall be held
20 within 48 hours of the defendant's first appearance if the
21 defendant is charged with a Class X, Class 1, Class 2, or
22 Class 3 felony, and within 24 hours if the defendant is
23 charged with a Class 4 or misdemeanor offense. The Court
24 may deny and or grant the request for continuance. If the
25 court decides to grant the continuance, the Court retains
26 the discretion to detain or release the defendant in the

1 time between the filing of the petition and the hearing.

2 (d) Contents of petition.

3 (1) The petition shall be verified by the State and
4 shall state the grounds upon which it contends the
5 defendant should be denied pretrial release, including the
6 identity of the specific person or persons the State
7 believes the defendant poses a danger to.

8 (2) Only one petition may be filed under this Section.

9 (e) Eligibility: All defendants shall be presumed eligible
10 for pretrial release, and the State shall bear the burden of
11 proving by clear and convincing evidence that: ~~The hearing~~
12 ~~shall be held immediately upon the defendant's appearance~~
13 ~~before the court, unless for good cause shown the defendant or~~
14 ~~the State seeks a continuance. A continuance on motion of the~~
15 ~~defendant may not exceed 5 calendar days, and a continuance on~~
16 ~~the motion of the State may not exceed 3 calendar days. The~~
17 ~~defendant may be held in custody during such continuance.~~

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

20 (1) the proof is evident or the presumption great that
21 the defendant has committed an offense listed in paragraphs
22 (1) through (6) of subsection (a) ~~for which a sentence of~~
23 ~~imprisonment, without probation, periodic imprisonment or~~
24 ~~conditional discharge, must be imposed by law as a~~
25 ~~consequence of conviction, and~~

26 (2) the defendant poses a real and present threat to

1 the ~~physical~~ safety of a specific, identifiable ~~any~~ person
2 or persons, by conduct which may include, but is not
3 limited to, a forcible felony, the obstruction of justice,
4 intimidation, injury, or abuse as defined by paragraph (1)
5 of Section 103 of the Illinois Domestic Violence Act of
6 1986 ~~physical harm, an offense under the Illinois~~
7 ~~Controlled Substances Act which is a Class X felony, or an~~
8 ~~offense under the Methamphetamine Control and Community~~
9 ~~Protection Act which is a Class X felony, and~~

10 (3) ~~the court finds that~~ no condition or combination of
11 conditions set forth in subsection (b) of Section 110-10 of
12 this Article can mitigate the specific, imminent threat to
13 a specific, identifiable ~~, can reasonably assure the~~
14 ~~physical safety of any other person or persons~~ or the
15 defendant's willful flight.

16 (f) ~~(e)~~ Conduct of the hearings.

17 (1) Prior to the hearing the State shall tender to the
18 defendant copies of defendant's criminal history, if any,
19 if available, any written or recorded statements, and the
20 substance of any oral statements made by any person, if
21 relied upon by the State in its petition, and any police
22 reports in the State's Attorney's possession at the time of
23 the hearing that are required to be disclosed to the
24 defense under Illinois Supreme Court rules. ~~The hearing on~~
25 ~~the defendant's culpability and dangerousness shall be~~
26 ~~conducted in accordance with the following provisions:~~

1 (2) The State or defendant may present evidence at the
2 hearing ~~(A) Information used by the court in its findings~~
3 ~~or stated in or offered at such hearing may be~~ by way of
4 proffer based upon reliable information ~~offered by the~~
5 ~~State or by defendant.~~

6 (3) The defendant ~~Defendant~~ has the right to be
7 represented by counsel, and if he or she is indigent, to
8 have counsel appointed for him or her. ~~The defendant-~~
9 ~~Defendant~~ shall have the opportunity to testify, to present
10 witnesses on ~~in~~ his or her own behalf, and to cross-examine
11 any witnesses that ~~if any~~ are called by the State.

12 (4) If the defense seeks to call the complaining
13 witness as a witness in its favor, it shall petition the
14 court for permission. ~~The defendant has the right to~~
15 ~~present witnesses in his favor.~~ When the ends of justice so
16 require, the court may exercise ~~exercises~~ its discretion
17 and compel the appearance of a complaining witness. The
18 court shall state on the record reasons for granting a
19 defense request to compel the presence of a complaining
20 witness. In making a determination under this section, the
21 court shall state on the record the reason for granting a
22 defense request to compel the presence of a complaining
23 witness, and only grant the request if the court finds by
24 clear and convincing evidence that the defendant will be
25 materially prejudiced if the complaining witness does not
26 appear. Cross-examination of a complaining witness at the

1 pretrial detention hearing for the purpose of impeaching
2 the witness' credibility is insufficient reason to compel
3 the presence of the witness. In deciding whether to compel
4 the appearance of a complaining witness, the court shall be
5 considerate of the emotional and physical well-being of the
6 witness. The pre-trial detention hearing is not to be used
7 for purposes of discovery, and the post arraignment rules
8 of discovery do not apply. ~~The State shall tender to the~~
9 ~~defendant, prior to the hearing, copies of defendant's~~
10 ~~criminal history, if any, if available, and any written or~~
11 ~~recorded statements and the substance of any oral~~
12 ~~statements made by any person, if relied upon by the State~~
13 ~~in its petition.~~

14 (5) The rules concerning the admissibility of evidence
15 in criminal trials do not apply to the presentation and
16 consideration of information at the hearing. At the trial
17 concerning the offense for which the hearing was conducted
18 neither the finding of the court nor any transcript or
19 other record of the hearing shall be admissible in the
20 State's case in chief, but shall be admissible for
21 impeachment, or as provided in Section 115-10.1 of this
22 Code, or in a perjury proceeding.

23 (6) ~~The (B)~~ A motion by the defendant may not move to
24 suppress evidence or ~~to suppress~~ a confession, however,
25 evidence shall not be entertained. Evidence that proof of
26 the charged crime may have been ~~obtained as~~ the result of

1 an unlawful search or ~~and~~ seizure, or both, or through
2 improper interrogation, is ~~not~~ relevant in assessing the
3 weight of the evidence against the defendant ~~to this state~~
4 ~~of the prosecution.~~

5 ~~(2) The facts relied upon by the court to support a~~
6 ~~finding that the defendant poses a real and present threat~~
7 ~~to the physical safety of any person or persons shall be~~
8 ~~supported by clear and convincing evidence presented by the~~
9 ~~State.~~

10 (g) ~~(d)~~ Factors to be considered in making a determination
11 of dangerousness. The court may, in determining whether the
12 defendant poses a specific, imminent ~~real and present~~ threat of
13 serious ~~to the physical~~ harm to an identifiable ~~safety of any~~
14 person or persons, consider but shall not be limited to
15 evidence or testimony concerning:

16 (1) The nature and circumstances of any offense
17 charged, including whether the offense is a crime of
18 violence, involving a weapon.

19 (2) The history and characteristics of the defendant
20 including:

21 (A) Any evidence of the defendant's prior criminal
22 history indicative of violent, abusive or assaultive
23 behavior, or lack of such behavior. Such evidence may
24 include testimony or documents received in juvenile
25 proceedings, criminal, quasi-criminal, civil
26 commitment, domestic relations or other proceedings.

1 (B) Any evidence of the defendant's psychological,
2 psychiatric or other similar social history which
3 tends to indicate a violent, abusive, or assaultive
4 nature, or lack of any such history.

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

8 (4) Any statements made by, or attributed to the
9 defendant, together with the circumstances surrounding
10 them;

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

13 (6) The age and physical condition of any victim or
14 complaining witness;

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

17 (8) ~~(7)~~ Whether, at the time of the current offense or
18 any other offense or arrest, the defendant was on
19 probation, parole, aftercare release, mandatory supervised
20 release or other release from custody pending trial,
21 sentencing, appeal or completion of sentence for an offense
22 under federal or state law;

23 (9) ~~(8)~~ Any other factors, including those listed in
24 Section 110-5 of this Article deemed by the court to have a
25 reasonable bearing upon the defendant's propensity or
26 reputation for violent, abusive or assaultive behavior, or

1 lack of such behavior.

2 (h) ~~(e)~~ Detention order. The court shall, in any order for
3 detention:

4 (1) briefly summarize the evidence of the defendant's
5 guilt or innocence, ~~culpability~~ and the court's ~~its~~ reasons
6 for concluding that the defendant should be denied pretrial
7 release ~~held without bail~~;

8 (2) direct that the defendant be committed to the
9 custody of the sheriff for confinement in the county jail
10 pending trial;

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

15 (4) direct that the sheriff deliver the defendant as
16 required for appearances in connection with court
17 proceedings.

18 (i) Detention. ~~(f)~~ If the court enters an order for the
19 detention of the defendant pursuant to subsection (e) of this
20 Section, the defendant shall be brought to trial on the offense
21 for which he is detained within 90 days after the date on which
22 the order for detention was entered. If the defendant is not
23 brought to trial within the 90 day period required by the
24 preceding sentence, he shall not be denied pretrial release
25 ~~held longer without bail~~. In computing the 90 day period, the
26 court shall omit any period of delay resulting from a

1 continuance granted at the request of the defendant.

2 (j) ~~(g)~~ Rights of the defendant. Any person shall be
3 entitled to appeal any order entered under this Section denying
4 pretrial release bail to the defendant.

5 (k) Appeal. ~~(h)~~ The State may appeal any order entered
6 under this Section denying any motion for denial of pretrial
7 release bail.

8 (l) Presumption of innocence. ~~(i)~~ Nothing in this Section
9 shall be construed as modifying or limiting in any way the
10 defendant's presumption of innocence in further criminal
11 proceedings.

12 (m) Victim notice. Crime Victims shall be given notice by
13 the State's Attorney's office of this hearing as required in
14 paragraph (1) of subsection (b) of Section 4.5 of the Rights of
15 Crime Victims and Witnesses Act and shall be informed of their
16 opportunity at this hearing to obtain an order of protection
17 under Article 112A of this Code.

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

19 (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

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

21 (a) The court may order that a person who has been found
22 guilty of an offense and who is waiting imposition or execution
23 of sentence be held without release bond unless the court finds
24 by clear and convincing evidence that the person is not likely
25 to flee or pose a danger to any other person or the community

1 if released under Sections 110-5 and 110-10 of this Act.

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

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

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

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

13 (725 ILCS 5/110-6.4)

14 Sec. 110-6.4. Statewide risk-assessment tool. The Supreme
15 Court may establish a statewide risk-assessment tool to be used
16 in proceedings to assist the court in establishing conditions
17 of pretrial release ~~bail~~ for a defendant by assessing the
18 defendant's likelihood of appearing at future court
19 proceedings or determining if the defendant poses a real and
20 present threat to the physical safety of any person or persons.
21 The Supreme Court shall consider establishing a
22 risk-assessment tool that does not discriminate on the basis of
23 race, gender, educational level, socio-economic status, or
24 neighborhood. If a risk-assessment tool is utilized within a
25 circuit that does not require a personal interview to be

1 completed, the Chief Judge of the circuit or the director of
2 the pretrial services agency may exempt the requirement under
3 Section 9 and subsection (a) of Section 7 of the Pretrial
4 Services Act.

5 For the purpose of this Section, "risk-assessment tool"
6 means an empirically validated, evidence-based screening
7 instrument that demonstrates reduced instances of a
8 defendant's failure to appear for further court proceedings or
9 prevents future criminal activity.

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

11 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

12 Sec. 110-10. Conditions of pretrial release ~~bail bond~~.

13 (a) If a person is released prior to conviction, ~~either~~
14 ~~upon payment of bail security or on his or her own~~
15 ~~recognizance,~~ the conditions of pretrial release ~~the bail bond~~
16 shall be that he or she will:

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

20 (2) Submit himself or herself to the orders and process
21 of the court;

22 (3) (Blank); ~~Not depart this State without leave of the~~
23 ~~court;~~

24 (4) Not violate any criminal statute of any
25 jurisdiction;

1 (5) At a time and place designated by the court,
2 surrender all firearms in his or her possession to a law
3 enforcement officer designated by the court to take custody
4 of and impound the firearms and physically surrender his or
5 her Firearm Owner's Identification Card to the clerk of the
6 circuit court when the offense the person has been charged
7 with is a forcible felony, stalking, aggravated stalking,
8 domestic battery, any violation of the Illinois Controlled
9 Substances Act, the Methamphetamine Control and Community
10 Protection Act, or the Cannabis Control Act that is
11 classified as a Class 2 or greater felony, or any felony
12 violation of Article 24 of the Criminal Code of 1961 or the
13 Criminal Code of 2012; the court may, however, forgo the
14 imposition of this condition when the circumstances of the
15 case clearly do not warrant it or when its imposition would
16 be impractical; if the Firearm Owner's Identification Card
17 is confiscated, the clerk of the circuit court shall mail
18 the confiscated card to the Illinois State Police; all
19 legally possessed firearms shall be returned to the person
20 upon the charges being dismissed, or if the person is found
21 not guilty, unless the finding of not guilty is by reason
22 of insanity; and

23 (6) At a time and place designated by the court, submit
24 to a psychological evaluation when the person has been
25 charged with a violation of item (4) of subsection (a) of
26 Section 24-1 of the Criminal Code of 1961 or the Criminal

1 Code of 2012 and that violation occurred in a school or in
2 any conveyance owned, leased, or contracted by a school to
3 transport students to or from school or a school-related
4 activity, or on any public way within 1,000 feet of real
5 property comprising any school.

6 Psychological evaluations ordered pursuant to this Section
7 shall be completed promptly and made available to the State,
8 the defendant, and the court. As a further condition of
9 pretrial release ~~bail~~ under these circumstances, the court
10 shall order the defendant to refrain from entering upon the
11 property of the school, including any conveyance owned, leased,
12 or contracted by a school to transport students to or from
13 school or a school-related activity, or on any public way
14 within 1,000 feet of real property comprising any school. Upon
15 receipt of the psychological evaluation, either the State or
16 the defendant may request a change in the conditions of
17 pretrial release ~~bail~~, pursuant to Section 110-6 of this Code.
18 The court may change the conditions of pretrial release ~~bail~~ to
19 include a requirement that the defendant follow the
20 recommendations of the psychological evaluation, including
21 undergoing psychiatric treatment. The conclusions of the
22 psychological evaluation and any statements elicited from the
23 defendant during its administration are not admissible as
24 evidence of guilt during the course of any trial on the charged
25 offense, unless the defendant places his or her mental
26 competency in issue.

1 (b) The court may impose other conditions, such as the
2 following, if the court finds that such conditions are
3 reasonably necessary to assure the defendant's appearance in
4 court, protect the public from the defendant, or prevent the
5 defendant's unlawful interference with the orderly
6 administration of justice:

7 (0.05) Not depart this State without leave of the
8 court;

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

11 (2) Refrain from possessing a firearm or other
12 dangerous weapon;

13 (3) Refrain from approaching or communicating with
14 particular persons or classes of persons;

15 (4) Refrain from going to certain described
16 geographical areas or premises;

17 (5) Refrain from engaging in certain activities or
18 indulging in intoxicating liquors or in certain drugs;

19 (6) Undergo treatment for drug addiction or
20 alcoholism;

21 (7) Undergo medical or psychiatric treatment;

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

24 (9) Attend or reside in a facility designated by the
25 court;

26 (10) Support his or her dependents;

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

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

6 (13) Remain in the custody of such designated person or
7 organization agreeing to supervise his release. Such third
8 party custodian shall be responsible for notifying the
9 court if the defendant fails to observe the conditions of
10 release which the custodian has agreed to monitor, and
11 shall be subject to contempt of court for failure so to
12 notify the court;

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

19 (14.1) The court may ~~shall~~ impose upon a defendant who
20 is charged with any alcohol, cannabis, methamphetamine, or
21 controlled substance violation and is placed under direct
22 supervision of the Pretrial Services Agency, Probation
23 Department or Court Services Department in a pretrial ~~bond~~
24 home supervision capacity with the use of an approved
25 monitoring device, as a condition of such pretrial
26 monitoring ~~bail—bond~~, a fee that represents costs

1 incidental to the electronic monitoring for each day of
2 such pretrial ~~bail~~ supervision ordered by the court, unless
3 after determining the inability of the defendant to pay the
4 fee, the court assesses a lesser fee or no fee as the case
5 may be. The fee shall be collected by the clerk of the
6 circuit court, except as provided in an administrative
7 order of the Chief Judge of the circuit court. The clerk of
8 the circuit court shall pay all monies collected from this
9 fee to the county treasurer for deposit in the substance
10 abuse services fund under Section 5-1086.1 of the Counties
11 Code, except as provided in an administrative order of the
12 Chief Judge of the circuit court.

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

23 The Chief Judge of the circuit court may suspend any
24 additional charges or fees for late payment, interest, or
25 damage to any device;

26 (14.2) The court may ~~shall~~ impose upon all defendants,

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

22 The Chief Judge of the circuit court of the county may
23 by administrative order establish a program for electronic
24 monitoring of offenders with regard to drug-related and
25 alcohol-related offenses, in which a vendor supplies and
26 monitors the operation of the electronic monitoring

1 device, and collects the fees on behalf of the county. The
2 program shall include provisions for indigent offenders
3 and the collection of unpaid fees. The program shall not
4 unduly burden the offender and shall be subject to review
5 by the Chief Judge.

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

9 (14.3) The Chief Judge of the Judicial Circuit may
10 establish reasonable fees to be paid by a person receiving
11 pretrial services while under supervision of a pretrial
12 services agency, probation department, or court services
13 department. Reasonable fees may be charged for pretrial
14 services including, but not limited to, pretrial
15 supervision, diversion programs, electronic monitoring,
16 victim impact services, drug and alcohol testing, DNA
17 testing, GPS electronic monitoring, assessments and
18 evaluations related to domestic violence and other
19 victims, and victim mediation services. The person
20 receiving pretrial services may be ordered to pay all costs
21 incidental to pretrial services in accordance with his or
22 her ability to pay those costs;

23 (14.4) For persons charged with violating Section
24 11-501 of the Illinois Vehicle Code, refrain from operating
25 a motor vehicle not equipped with an ignition interlock
26 device, as defined in Section 1-129.1 of the Illinois

1 Vehicle Code, pursuant to the rules promulgated by the
2 Secretary of State for the installation of ignition
3 interlock devices. Under this condition the court may allow
4 a defendant who is not self-employed to operate a vehicle
5 owned by the defendant's employer that is not equipped with
6 an ignition interlock device in the course and scope of the
7 defendant's employment;

8 (15) Comply with the terms and conditions of an order
9 of protection issued by the court under the Illinois
10 Domestic Violence Act of 1986 or an order of protection
11 issued by the court of another state, tribe, or United
12 States territory;

13 (16) (Blank); and ~~Under Section 110-6.5 comply with the~~
14 ~~conditions of the drug testing program; and~~

15 (17) Such other reasonable conditions as the court may
16 impose.

17 (c) When a person is charged with an offense under Section
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 or 12-16 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, involving a victim who is a minor under
21 18 years of age living in the same household with the defendant
22 at the time of the offense, in ~~granting bail or~~ releasing the
23 defendant ~~on his own recognizance~~, the judge shall impose
24 conditions to restrict the defendant's access to the victim
25 which may include, but are not limited to conditions that he
26 will:

- 1 1. Vacate the household.
- 2 2. Make payment of temporary support to his dependents.
- 3 3. Refrain from contact or communication with the child
- 4 victim, except as ordered by the court.

5 (d) When a person is charged with a criminal offense and
6 the victim is a family or household member as defined in
7 Article 112A, conditions shall be imposed at the time of the
8 defendant's release ~~on bond~~ that restrict the defendant's
9 access to the victim. Unless provided otherwise by the court,
10 the restrictions shall include requirements that the defendant
11 do the following:

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

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

18 (e) Local law enforcement agencies shall develop
19 standardized pretrial release ~~bond~~ forms for use in cases
20 involving family or household members as defined in Article
21 112A, including specific conditions of pretrial release ~~bond~~ as
22 provided in subsection (d). Failure of any law enforcement
23 department to develop or use those forms shall in no way limit
24 the applicability and enforcement of subsections (d) and (f).

25 (f) If the defendant is released ~~admitted to bail~~ after
26 conviction following appeal or other post-conviction

1 proceeding, the conditions of the pretrial release ~~bail bond~~
2 shall be that he will, in addition to the conditions set forth
3 in subsections (a) and (b) hereof:

4 (1) Duly prosecute his appeal;

5 (2) Appear at such time and place as the court may
6 direct;

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

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

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

13 (g) Upon a finding of guilty for any felony offense, the
14 defendant shall physically surrender, at a time and place
15 designated by the court, any and all firearms in his or her
16 possession and his or her Firearm Owner's Identification Card
17 as a condition of being released ~~remaining on bond~~ pending
18 sentencing.

19 (h) In the event the defendant is denied pretrial release
20 ~~unable to post bond~~, the court may impose a no contact
21 provision with the victim or other interested party that shall
22 be enforced while the defendant remains in custody.

23 (Source: P.A. 101-138, eff. 1-1-20.)

24 (725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

25 Sec. 110-11. Pretrial release ~~Bail~~ on a new trial. If the

1 judgment of conviction is reversed and the cause remanded for a
2 new trial the trial court may order that the conditions of
3 pretrial release ~~bail~~ stand pending such trial, or modify the
4 conditions of pretrial release ~~reduce or increase bail~~.

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

6 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

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

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

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

22 (725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

23 Sec. 111-2. Commencement of prosecutions.

24 (a) All prosecutions of felonies shall be by information or

1 by indictment. No prosecution may be pursued by information
2 unless a preliminary hearing has been held or waived in
3 accordance with Section 109-3 and at that hearing probable
4 cause to believe the defendant committed an offense was found,
5 and the provisions of Section 109-3.1 of this Code have been
6 complied with.

7 (b) All other prosecutions may be by indictment,
8 information or complaint.

9 (c) Upon the filing of an information or indictment in open
10 court charging the defendant with the commission of a sex
11 offense defined in any Section of Article 11 of the Criminal
12 Code of 1961 or the Criminal Code of 2012, and a minor as
13 defined in Section 1-3 of the Juvenile Court Act of 1987 is
14 alleged to be the victim of the commission of the acts of the
15 defendant in the commission of such offense, the court may
16 appoint a guardian ad litem for the minor as provided in
17 Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile Court Act of
18 1987.

19 (d) Upon the filing of an information or indictment in open
20 court, the court shall immediately issue a warrant for the
21 arrest of each person charged with an offense directed to a
22 peace officer or some other person specifically named
23 commanding him to arrest such person.

24 (e) When the offense is eligible for pretrial release
25 ~~bailable~~, the judge shall endorse on the warrant the conditions
26 of pretrial release ~~amount of bail~~ required by the order of the

1 court, and if the court orders the process returnable
2 forthwith, the warrant shall require that the accused be
3 arrested and brought immediately into court.

4 (f) Where the prosecution of a felony is by information or
5 complaint after preliminary hearing, or after a waiver of
6 preliminary hearing in accordance with paragraph (a) of this
7 Section, such prosecution may be for all offenses, arising from
8 the same transaction or conduct of a defendant even though the
9 complaint or complaints filed at the preliminary hearing
10 charged only one or some of the offenses arising from that
11 transaction or conduct.

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

13 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

14 Sec. 112A-23. Enforcement of protective orders.

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

18 (1) The respondent commits the crime of violation of a
19 domestic violence order of protection pursuant to Section
20 12-3.4 or 12-30 of the Criminal Code of 1961 or the
21 Criminal Code of 2012, by having knowingly violated:

22 (i) remedies described in paragraphs (1), (2),
23 (3), (14), or (14.5) of subsection (b) of Section
24 112A-14 of this Code,

25 (ii) a remedy, which is substantially similar to

1 the remedies authorized under paragraphs (1), (2),
2 (3), (14), or (14.5) of subsection (b) of Section 214
3 of the Illinois Domestic Violence Act of 1986, in a
4 valid order of protection, which is authorized under
5 the laws of another state, tribe or United States
6 territory, or

7 (iii) ~~or~~ any other remedy when the act constitutes
8 a crime against the protected parties as defined by the
9 Criminal Code of 1961 or the Criminal Code of 2012.

10 Prosecution for a violation of a domestic violence
11 order of protection shall not bar concurrent prosecution
12 for any other crime, including any crime that may have been
13 committed at the time of the violation of the domestic
14 violence order of protection; or

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

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

21 (ii) a remedy, which is substantially similar to
22 the remedies authorized under paragraphs (1), (5),
23 (6), or (8) of subsection (b) of Section 214 of the
24 Illinois Domestic Violence Act of 1986, in a valid
25 domestic violence order of protection, which is
26 authorized under the laws of another state, tribe or

1 United States territory.

2 (3) The respondent commits the crime of violation of a
3 civil no contact order when the respondent violates Section
4 12-3.8 of the Criminal Code of 2012. Prosecution for a
5 violation of a civil no contact order shall not bar
6 concurrent prosecution for any other crime, including any
7 crime that may have been committed at the time of the
8 violation of the civil no contact order.

9 (4) The respondent commits the crime of violation of a
10 stalking no contact order when the respondent violates
11 Section 12-3.9 of the Criminal Code of 2012. Prosecution
12 for a violation of a stalking no contact order shall not
13 bar concurrent prosecution for any other crime, including
14 any crime that may have been committed at the time of the
15 violation of the stalking no contact order.

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

1 is barred by collateral estoppel or the constitutional
2 prohibition against double jeopardy.

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

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

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

25 (d) Actual knowledge. A protective order may be enforced
26 pursuant to this Section if the respondent violates the order

1 after respondent has actual knowledge of its contents as shown
2 through one of the following means:

3 (1) (Blank).

4 (2) (Blank).

5 (3) By service of a protective order under subsection
6 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

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

9 (e) The enforcement of a protective order in civil or
10 criminal court shall not be affected by either of the
11 following:

12 (1) The existence of a separate, correlative order
13 entered under Section 112A-15 of this Code.

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

16 (f) Circumstances. The court, when determining whether or
17 not a violation of a protective order has occurred, shall not
18 require physical manifestations of abuse on the person of the
19 victim.

20 (g) Penalties.

21 (1) Except as provided in paragraph (3) of this
22 subsection (g), where the court finds the commission of a
23 crime or contempt of court under subsections (a) or (b) of
24 this Section, the penalty shall be the penalty that
25 generally applies in such criminal or contempt
26 proceedings, and may include one or more of the following:

1 incarceration, payment of restitution, a fine, payment of
2 attorneys' fees and costs, or community service.

3 (2) The court shall hear and take into account evidence
4 of any factors in aggravation or mitigation before deciding
5 an appropriate penalty under paragraph (1) of this
6 subsection (g).

7 (3) To the extent permitted by law, the court is
8 encouraged to:

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

14 (ii) impose a minimum penalty of 24 hours
15 imprisonment for respondent's first violation of any
16 protective order; and

17 (iii) impose a minimum penalty of 48 hours
18 imprisonment for respondent's second or subsequent
19 violation of a protective order
20 unless the court explicitly finds that an increased penalty
21 or that period of imprisonment would be manifestly unjust.

22 (4) In addition to any other penalties imposed for a
23 violation of a protective order, a criminal court may
24 consider evidence of any violations of a protective order:

25 (i) to ~~increase, revoke, or~~ modify the conditions
26 of pretrial release ~~bail bond~~ on an underlying criminal

1 charge pursuant to Section 110-6 of this Code;

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

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

8 (Source: P.A. 99-90, eff. 1-1-16; 100-199, eff. 1-1-18;
9 100-597, eff. 6-29-18; revised 7-12-19.)

10 (725 ILCS 5/114-1) (from Ch. 38, par. 114-1)

11 Sec. 114-1. Motion to dismiss charge.

12 (a) Upon the written motion of the defendant made prior to
13 trial before or after a plea has been entered the court may
14 dismiss the indictment, information or complaint upon any of
15 the following grounds:

16 (1) The defendant has not been placed on trial in
17 compliance with Section 103-5 of this Code.

18 (2) The prosecution of the offense is barred by
19 Sections 3-3 through 3-8 of the Criminal Code of 2012.

20 (3) The defendant has received immunity from
21 prosecution for the offense charged.

22 (4) The indictment was returned by a Grand Jury which
23 was improperly selected and which results in substantial
24 injustice to the defendant.

25 (5) The indictment was returned by a Grand Jury which

1 acted contrary to Article 112 of this Code and which
2 results in substantial injustice to the defendant.

3 (6) The court in which the charge has been filed does
4 not have jurisdiction.

5 (7) The county is an improper place of trial.

6 (8) The charge does not state an offense.

7 (9) The indictment is based solely upon the testimony
8 of an incompetent witness.

9 (10) The defendant is misnamed in the charge and the
10 misnomer results in substantial injustice to the
11 defendant.

12 (11) The requirements of Section 109-3.1 have not been
13 complied with.

14 (b) The court shall require any motion to dismiss to be
15 filed within a reasonable time after the defendant has been
16 arraigned. Any motion not filed within such time or an
17 extension thereof shall not be considered by the court and the
18 grounds therefor, except as to subsections (a) (6) and (a) (8) of
19 this Section, are waived.

20 (c) If the motion presents only an issue of law the court
21 shall determine it without the necessity of further pleadings.
22 If the motion alleges facts not of record in the case the State
23 shall file an answer admitting or denying each of the factual
24 allegations of the motion.

25 (d) When an issue of fact is presented by a motion to
26 dismiss and the answer of the State the court shall conduct a

1 hearing and determine the issues.

2 (d-5) When a defendant seeks dismissal of the charge upon
3 the ground set forth in subsection (a) (7) of this Section, the
4 defendant shall make a prima facie showing that the county is
5 an improper place of trial. Upon such showing, the State shall
6 have the burden of proving, by a preponderance of the evidence,
7 that the county is the proper place of trial.

8 (d-6) When a defendant seeks dismissal of the charge upon
9 the grounds set forth in subsection (a) (2) of this Section, the
10 prosecution shall have the burden of proving, by a
11 preponderance of the evidence, that the prosecution of the
12 offense is not barred by Sections 3-3 through 3-8 of the
13 Criminal Code of 2012.

14 (e) Dismissal of the charge upon the grounds set forth in
15 subsections (a) (4) through (a) (11) of this Section shall not
16 prevent the return of a new indictment or the filing of a new
17 charge, and upon such dismissal the court may order that the
18 defendant be held in custody or, if the defendant had been
19 previously released on pretrial release bail, that the pretrial
20 release bail be continued for a specified time pending the
21 return of a new indictment or the filing of a new charge.

22 (f) If the court determines that the motion to dismiss
23 based upon the grounds set forth in subsections (a) (6) and
24 (a) (7) is well founded it may, instead of dismissal, order the
25 cause transferred to a court of competent jurisdiction or to a
26 proper place of trial.

1 (Source: P.A. 100-434, eff. 1-1-18.)

2 (725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

3 Sec. 115-4.1. Absence of defendant.

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

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

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

24 (c) Upon a verdict of not guilty, the court shall enter
25 judgment for the defendant. Upon a verdict of guilty, the court
26 shall set a date for the hearing of post-trial motions and

1 shall hear such motion in the absence of the defendant. If
2 post-trial motions are denied, the court shall proceed to
3 conduct a sentencing hearing and to impose a sentence upon the
4 defendant.

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

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

18 (f) If the court grants only the defendant's request for a
19 new sentencing hearing, then a new sentencing hearing shall be
20 held in accordance with the provisions of the Unified Code of
21 Corrections. At any such hearing, both the defendant and the
22 State may offer evidence of the defendant's conduct during his
23 period of absence from the court. The court may impose any
24 sentence authorized by the Unified Code of Corrections and is
25 not in any way limited or restricted by any sentence previously
26 imposed.

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

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

7 (725 ILCS 5/122-6) (from Ch. 38, par. 122-6)

8 Sec. 122-6. Disposition in trial court.

9 The court may receive proof by affidavits, depositions,
10 oral testimony, or other evidence. In its discretion the court
11 may order the petitioner brought before the court for the
12 hearing. If the court finds in favor of the petitioner, it
13 shall enter an appropriate order with respect to the judgment
14 or sentence in the former proceedings and such supplementary
15 orders as to rearraignment, retrial, custody, conditions of
16 pretrial release ~~bail~~ or discharge as may be necessary and
17 proper.

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

19 (725 ILCS 5/110-5.1 rep.)

20 (725 ILCS 5/110-6.3 rep.)

21 (725 ILCS 5/110-6.5 rep.)

22 (725 ILCS 5/110-7 rep.)

23 (725 ILCS 5/110-8 rep.)

24 (725 ILCS 5/110-9 rep.)

1 (725 ILCS 5/110-13 rep.)

2 (725 ILCS 5/110-14 rep.)

3 (725 ILCS 5/110-15 rep.)

4 (725 ILCS 5/110-16 rep.)

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

6 (725 ILCS 5/110-18 rep.)

7 Section 10-260. The Code of Criminal Procedure of 1963 is
8 amended by repealing Sections 110-5.1, 110-6.3, 110-6.5,
9 110-7, 110-8, 110-9, 110-13, 110-14, 110-15, 110-16, 110-17,
10 and 110-18.

11 Section 10-265. The Rights of Crime Victims and Witnesses
12 Act is amended by changing Sections 4 and 4.5 as follows:

13 (725 ILCS 120/4) (from Ch. 38, par. 1404)

14 Sec. 4. Rights of crime victims.

15 (a) Crime victims shall have the following rights:

16 (1) The right to be treated with fairness and respect
17 for their dignity and privacy and to be free from
18 harassment, intimidation, and abuse throughout the
19 criminal justice process.

20 (1.5) The right to notice and to a hearing before a
21 court ruling on a request for access to any of the victim's
22 records, information, or communications which are
23 privileged or confidential by law.

24 (2) The right to timely notification of all court

1 proceedings.

2 (3) The right to communicate with the prosecution.

3 (4) The right to be heard at any post-arraignment court
4 proceeding in which a right of the victim is at issue and
5 any court proceeding involving a post-arraignment release
6 decision, plea, or sentencing.

7 (5) The right to be notified of the conviction, the
8 sentence, the imprisonment and the release of the accused.

9 (6) The right to the timely disposition of the case
10 following the arrest of the accused.

11 (7) The right to be reasonably protected from the
12 accused through the criminal justice process.

13 (7.5) The right to have the safety of the victim and
14 the victim's family considered in ~~denying or fixing the~~
15 ~~amount of bail,~~ determining whether to release the
16 defendant, and setting conditions of release after arrest
17 and conviction.

18 (8) The right to be present at the trial and all other
19 court proceedings on the same basis as the accused, unless
20 the victim is to testify and the court determines that the
21 victim's testimony would be materially affected if the
22 victim hears other testimony at the trial.

23 (9) The right to have present at all court proceedings,
24 including proceedings under the Juvenile Court Act of 1987,
25 subject to the rules of evidence, an advocate and other
26 support person of the victim's choice.

1 (10) The right to restitution.

2 (b) Any law enforcement agency that investigates an offense
3 committed in this State shall provide a crime victim with a
4 written statement and explanation of the rights of crime
5 victims under this amendatory Act of the 99th General Assembly
6 within 48 hours of law enforcement's initial contact with a
7 victim. The statement shall include information about crime
8 victim compensation, including how to contact the Office of the
9 Illinois Attorney General to file a claim, and appropriate
10 referrals to local and State programs that provide victim
11 services. The content of the statement shall be provided to law
12 enforcement by the Attorney General. Law enforcement shall also
13 provide a crime victim with a sign-off sheet that the victim
14 shall sign and date as an acknowledgement that he or she has
15 been furnished with information and an explanation of the
16 rights of crime victims and compensation set forth in this Act.

17 (b-5) Upon the request of the victim, the law enforcement
18 agency having jurisdiction shall provide a free copy of the
19 police report concerning the victim's incident, as soon as
20 practicable, but in no event later than 5 business days from
21 the request.

22 (c) The Clerk of the Circuit Court shall post the rights of
23 crime victims set forth in Article I, Section 8.1(a) of the
24 Illinois Constitution and subsection (a) of this Section within
25 3 feet of the door to any courtroom where criminal proceedings
26 are conducted. The clerk may also post the rights in other

1 locations in the courthouse.

2 (d) At any point, the victim has the right to retain a
3 victim's attorney who may be present during all stages of any
4 interview, investigation, or other interaction with
5 representatives of the criminal justice system. Treatment of
6 the victim should not be affected or altered in any way as a
7 result of the victim's decision to exercise this right.

8 (Source: P.A. 99-413, eff. 8-20-15; 100-1087, eff. 1-1-19.)

9 (725 ILCS 120/4.5)

10 Sec. 4.5. Procedures to implement the rights of crime
11 victims. To afford crime victims their rights, law enforcement,
12 prosecutors, judges, and corrections will provide information,
13 as appropriate, of the following procedures:

14 (a) At the request of the crime victim, law enforcement
15 authorities investigating the case shall provide notice of the
16 status of the investigation, except where the State's Attorney
17 determines that disclosure of such information would
18 unreasonably interfere with the investigation, until such time
19 as the alleged assailant is apprehended or the investigation is
20 closed.

21 (a-5) When law enforcement authorities reopen a closed case
22 to resume investigating, they shall provide notice of the
23 reopening of the case, except where the State's Attorney
24 determines that disclosure of such information would
25 unreasonably interfere with the investigation.

1 (b) The office of the State's Attorney:

2 (1) shall provide notice of the filing of an
3 information, the return of an indictment, or the filing of
4 a petition to adjudicate a minor as a delinquent for a
5 violent crime;

6 (2) shall provide timely notice of the date, time, and
7 place of court proceedings; of any change in the date,
8 time, and place of court proceedings; and of any
9 cancellation of court proceedings. Notice shall be
10 provided in sufficient time, wherever possible, for the
11 victim to make arrangements to attend or to prevent an
12 unnecessary appearance at court proceedings;

13 (3) or victim advocate personnel shall provide
14 information of social services and financial assistance
15 available for victims of crime, including information of
16 how to apply for these services and assistance;

17 (3.5) or victim advocate personnel shall provide
18 information about available victim services, including
19 referrals to programs, counselors, and agencies that
20 assist a victim to deal with trauma, loss, and grief;

21 (4) shall assist in having any stolen or other personal
22 property held by law enforcement authorities for
23 evidentiary or other purposes returned as expeditiously as
24 possible, pursuant to the procedures set out in Section
25 115-9 of the Code of Criminal Procedure of 1963;

26 (5) or victim advocate personnel shall provide

1 appropriate employer intercession services to ensure that
2 employers of victims will cooperate with the criminal
3 justice system in order to minimize an employee's loss of
4 pay and other benefits resulting from court appearances;

5 (6) shall provide, whenever possible, a secure waiting
6 area during court proceedings that does not require victims
7 to be in close proximity to defendants or juveniles accused
8 of a violent crime, and their families and friends;

9 (7) shall provide notice to the crime victim of the
10 right to have a translator present at all court proceedings
11 and, in compliance with the federal Americans with
12 Disabilities Act of 1990, the right to communications
13 access through a sign language interpreter or by other
14 means;

15 (8) (blank);

16 (8.5) shall inform the victim of the right to be
17 present at all court proceedings, unless the victim is to
18 testify and the court determines that the victim's
19 testimony would be materially affected if the victim hears
20 other testimony at trial;

21 (9) shall inform the victim of the right to have
22 present at all court proceedings, subject to the rules of
23 evidence and confidentiality, an advocate and other
24 support person of the victim's choice;

25 (9.3) shall inform the victim of the right to retain an
26 attorney, at the victim's own expense, who, upon written

1 notice filed with the clerk of the court and State's
2 Attorney, is to receive copies of all notices, motions, and
3 court orders filed thereafter in the case, in the same
4 manner as if the victim were a named party in the case;

5 (9.5) shall inform the victim of (A) the victim's right
6 under Section 6 of this Act to make a statement at the
7 sentencing hearing; (B) the right of the victim's spouse,
8 guardian, parent, grandparent, and other immediate family
9 and household members under Section 6 of this Act to
10 present a statement at sentencing; and (C) if a presentence
11 report is to be prepared, the right of the victim's spouse,
12 guardian, parent, grandparent, and other immediate family
13 and household members to submit information to the preparer
14 of the presentence report about the effect the offense has
15 had on the victim and the person;

16 (10) at the sentencing shall make a good faith attempt
17 to explain the minimum amount of time during which the
18 defendant may actually be physically imprisoned. The
19 Office of the State's Attorney shall further notify the
20 crime victim of the right to request from the Prisoner
21 Review Board or Department of Juvenile Justice information
22 concerning the release of the defendant;

23 (11) shall request restitution at sentencing and as
24 part of a plea agreement if the victim requests
25 restitution;

26 (12) shall, upon the court entering a verdict of not

1 guilty by reason of insanity, inform the victim of the
2 notification services available from the Department of
3 Human Services, including the statewide telephone number,
4 under subparagraph (d) (2) of this Section;

5 (13) shall provide notice within a reasonable time
6 after receipt of notice from the custodian, of the release
7 of the defendant on pretrial release ~~bail~~ or personal
8 recognizance or the release from detention of a minor who
9 has been detained;

10 (14) shall explain in nontechnical language the
11 details of any plea or verdict of a defendant, or any
12 adjudication of a juvenile as a delinquent;

13 (15) shall make all reasonable efforts to consult with
14 the crime victim before the Office of the State's Attorney
15 makes an offer of a plea bargain to the defendant or enters
16 into negotiations with the defendant concerning a possible
17 plea agreement, and shall consider the written statement,
18 if prepared prior to entering into a plea agreement. The
19 right to consult with the prosecutor does not include the
20 right to veto a plea agreement or to insist the case go to
21 trial. If the State's Attorney has not consulted with the
22 victim prior to making an offer or entering into plea
23 negotiations with the defendant, the Office of the State's
24 Attorney shall notify the victim of the offer or the
25 negotiations within 2 business days and confer with the
26 victim;

1 (16) shall provide notice of the ultimate disposition
2 of the cases arising from an indictment or an information,
3 or a petition to have a juvenile adjudicated as a
4 delinquent for a violent crime;

5 (17) shall provide notice of any appeal taken by the
6 defendant and information on how to contact the appropriate
7 agency handling the appeal, and how to request notice of
8 any hearing, oral argument, or decision of an appellate
9 court;

10 (18) shall provide timely notice of any request for
11 post-conviction review filed by the defendant under
12 Article 122 of the Code of Criminal Procedure of 1963, and
13 of the date, time and place of any hearing concerning the
14 petition. Whenever possible, notice of the hearing shall be
15 given within 48 hours of the court's scheduling of the
16 hearing; and

17 (19) shall forward a copy of any statement presented
18 under Section 6 to the Prisoner Review Board or Department
19 of Juvenile Justice to be considered in making a
20 determination under Section 3-2.5-85 or subsection (b) of
21 Section 3-3-8 of the Unified Code of Corrections.

22 (c) The court shall ensure that the rights of the victim
23 are afforded.

24 (c-5) The following procedures shall be followed to afford
25 victims the rights guaranteed by Article I, Section 8.1 of the
26 Illinois Constitution:

1 (1) Written notice. A victim may complete a written
2 notice of intent to assert rights on a form prepared by the
3 Office of the Attorney General and provided to the victim
4 by the State's Attorney. The victim may at any time provide
5 a revised written notice to the State's Attorney. The
6 State's Attorney shall file the written notice with the
7 court. At the beginning of any court proceeding in which
8 the right of a victim may be at issue, the court and
9 prosecutor shall review the written notice to determine
10 whether the victim has asserted the right that may be at
11 issue.

12 (2) Victim's retained attorney. A victim's attorney
13 shall file an entry of appearance limited to assertion of
14 the victim's rights. Upon the filing of the entry of
15 appearance and service on the State's Attorney and the
16 defendant, the attorney is to receive copies of all
17 notices, motions and court orders filed thereafter in the
18 case.

19 (3) Standing. The victim has standing to assert the
20 rights enumerated in subsection (a) of Article I, Section
21 8.1 of the Illinois Constitution and the statutory rights
22 under Section 4 of this Act in any court exercising
23 jurisdiction over the criminal case. The prosecuting
24 attorney, a victim, or the victim's retained attorney may
25 assert the victim's rights. The defendant in the criminal
26 case has no standing to assert a right of the victim in any

1 court proceeding, including on appeal.

2 (4) Assertion of and enforcement of rights.

3 (A) The prosecuting attorney shall assert a
4 victim's right or request enforcement of a right by
5 filing a motion or by orally asserting the right or
6 requesting enforcement in open court in the criminal
7 case outside the presence of the jury. The prosecuting
8 attorney shall consult with the victim and the victim's
9 attorney regarding the assertion or enforcement of a
10 right. If the prosecuting attorney decides not to
11 assert or enforce a victim's right, the prosecuting
12 attorney shall notify the victim or the victim's
13 attorney in sufficient time to allow the victim or the
14 victim's attorney to assert the right or to seek
15 enforcement of a right.

16 (B) If the prosecuting attorney elects not to
17 assert a victim's right or to seek enforcement of a
18 right, the victim or the victim's attorney may assert
19 the victim's right or request enforcement of a right by
20 filing a motion or by orally asserting the right or
21 requesting enforcement in open court in the criminal
22 case outside the presence of the jury.

23 (C) If the prosecuting attorney asserts a victim's
24 right or seeks enforcement of a right, and the court
25 denies the assertion of the right or denies the request
26 for enforcement of a right, the victim or victim's

1 attorney may file a motion to assert the victim's right
2 or to request enforcement of the right within 10 days
3 of the court's ruling. The motion need not demonstrate
4 the grounds for a motion for reconsideration. The court
5 shall rule on the merits of the motion.

6 (D) The court shall take up and decide any motion
7 or request asserting or seeking enforcement of a
8 victim's right without delay, unless a specific time
9 period is specified by law or court rule. The reasons
10 for any decision denying the motion or request shall be
11 clearly stated on the record.

12 (5) Violation of rights and remedies.

13 (A) If the court determines that a victim's right
14 has been violated, the court shall determine the
15 appropriate remedy for the violation of the victim's
16 right by hearing from the victim and the parties,
17 considering all factors relevant to the issue, and then
18 awarding appropriate relief to the victim.

19 (A-5) Consideration of an issue of a substantive
20 nature or an issue that implicates the constitutional
21 or statutory right of a victim at a court proceeding
22 labeled as a status hearing shall constitute a per se
23 violation of a victim's right.

24 (B) The appropriate remedy shall include only
25 actions necessary to provide the victim the right to
26 which the victim was entitled and may include reopening

1 previously held proceedings; however, in no event
2 shall the court vacate a conviction. Any remedy shall
3 be tailored to provide the victim an appropriate remedy
4 without violating any constitutional right of the
5 defendant. In no event shall the appropriate remedy be
6 a new trial, damages, or costs.

7 (6) Right to be heard. Whenever a victim has the right
8 to be heard, the court shall allow the victim to exercise
9 the right in any reasonable manner the victim chooses.

10 (7) Right to attend trial. A party must file a written
11 motion to exclude a victim from trial at least 60 days
12 prior to the date set for trial. The motion must state with
13 specificity the reason exclusion is necessary to protect a
14 constitutional right of the party, and must contain an
15 offer of proof. The court shall rule on the motion within
16 30 days. If the motion is granted, the court shall set
17 forth on the record the facts that support its finding that
18 the victim's testimony will be materially affected if the
19 victim hears other testimony at trial.

20 (8) Right to have advocate and support person present
21 at court proceedings.

22 (A) A party who intends to call an advocate as a
23 witness at trial must seek permission of the court
24 before the subpoena is issued. The party must file a
25 written motion at least 90 days before trial that sets
26 forth specifically the issues on which the advocate's

1 testimony is sought and an offer of proof regarding (i)
2 the content of the anticipated testimony of the
3 advocate; and (ii) the relevance, admissibility, and
4 materiality of the anticipated testimony. The court
5 shall consider the motion and make findings within 30
6 days of the filing of the motion. If the court finds by
7 a preponderance of the evidence that: (i) the
8 anticipated testimony is not protected by an absolute
9 privilege; and (ii) the anticipated testimony contains
10 relevant, admissible, and material evidence that is
11 not available through other witnesses or evidence, the
12 court shall issue a subpoena requiring the advocate to
13 appear to testify at an in camera hearing. The
14 prosecuting attorney and the victim shall have 15 days
15 to seek appellate review before the advocate is
16 required to testify at an ex parte in camera
17 proceeding.

18 The prosecuting attorney, the victim, and the
19 advocate's attorney shall be allowed to be present at
20 the ex parte in camera proceeding. If, after conducting
21 the ex parte in camera hearing, the court determines
22 that due process requires any testimony regarding
23 confidential or privileged information or
24 communications, the court shall provide to the
25 prosecuting attorney, the victim, and the advocate's
26 attorney a written memorandum on the substance of the

1 advocate's testimony. The prosecuting attorney, the
2 victim, and the advocate's attorney shall have 15 days
3 to seek appellate review before a subpoena may be
4 issued for the advocate to testify at trial. The
5 presence of the prosecuting attorney at the ex parte in
6 camera proceeding does not make the substance of the
7 advocate's testimony that the court has ruled
8 inadmissible subject to discovery.

9 (B) If a victim has asserted the right to have a
10 support person present at the court proceedings, the
11 victim shall provide the name of the person the victim
12 has chosen to be the victim's support person to the
13 prosecuting attorney, within 60 days of trial. The
14 prosecuting attorney shall provide the name to the
15 defendant. If the defendant intends to call the support
16 person as a witness at trial, the defendant must seek
17 permission of the court before a subpoena is issued.
18 The defendant must file a written motion at least 45
19 days prior to trial that sets forth specifically the
20 issues on which the support person will testify and an
21 offer of proof regarding: (i) the content of the
22 anticipated testimony of the support person; and (ii)
23 the relevance, admissibility, and materiality of the
24 anticipated testimony.

25 If the prosecuting attorney intends to call the
26 support person as a witness during the State's

1 case-in-chief, the prosecuting attorney shall inform
2 the court of this intent in the response to the
3 defendant's written motion. The victim may choose a
4 different person to be the victim's support person. The
5 court may allow the defendant to inquire about matters
6 outside the scope of the direct examination during
7 cross-examination. If the court allows the defendant
8 to do so, the support person shall be allowed to remain
9 in the courtroom after the support person has
10 testified. A defendant who fails to question the
11 support person about matters outside the scope of
12 direct examination during the State's case-in-chief
13 waives the right to challenge the presence of the
14 support person on appeal. The court shall allow the
15 support person to testify if called as a witness in the
16 defendant's case-in-chief or the State's rebuttal.

17 If the court does not allow the defendant to
18 inquire about matters outside the scope of the direct
19 examination, the support person shall be allowed to
20 remain in the courtroom after the support person has
21 been called by the defendant or the defendant has
22 rested. The court shall allow the support person to
23 testify in the State's rebuttal.

24 If the prosecuting attorney does not intend to call
25 the support person in the State's case-in-chief, the
26 court shall verify with the support person whether the

1 support person, if called as a witness, would testify
2 as set forth in the offer of proof. If the court finds
3 that the support person would testify as set forth in
4 the offer of proof, the court shall rule on the
5 relevance, materiality, and admissibility of the
6 anticipated testimony. If the court rules the
7 anticipated testimony is admissible, the court shall
8 issue the subpoena. The support person may remain in
9 the courtroom after the support person testifies and
10 shall be allowed to testify in rebuttal.

11 If the court excludes the victim's support person
12 during the State's case-in-chief, the victim shall be
13 allowed to choose another support person to be present
14 in court.

15 If the victim fails to designate a support person
16 within 60 days of trial and the defendant has
17 subpoenaed the support person to testify at trial, the
18 court may exclude the support person from the trial
19 until the support person testifies. If the court
20 excludes the support person the victim may choose
21 another person as a support person.

22 (9) Right to notice and hearing before disclosure of
23 confidential or privileged information or records. A
24 defendant who seeks to subpoena records of or concerning
25 the victim that are confidential or privileged by law must
26 seek permission of the court before the subpoena is issued.

1 The defendant must file a written motion and an offer of
2 proof regarding the relevance, admissibility and
3 materiality of the records. If the court finds by a
4 preponderance of the evidence that: (A) the records are not
5 protected by an absolute privilege and (B) the records
6 contain relevant, admissible, and material evidence that
7 is not available through other witnesses or evidence, the
8 court shall issue a subpoena requiring a sealed copy of the
9 records be delivered to the court to be reviewed in camera.
10 If, after conducting an in camera review of the records,
11 the court determines that due process requires disclosure
12 of any portion of the records, the court shall provide
13 copies of what it intends to disclose to the prosecuting
14 attorney and the victim. The prosecuting attorney and the
15 victim shall have 30 days to seek appellate review before
16 the records are disclosed to the defendant. The disclosure
17 of copies of any portion of the records to the prosecuting
18 attorney does not make the records subject to discovery.

19 (10) Right to notice of court proceedings. If the
20 victim is not present at a court proceeding in which a
21 right of the victim is at issue, the court shall ask the
22 prosecuting attorney whether the victim was notified of the
23 time, place, and purpose of the court proceeding and that
24 the victim had a right to be heard at the court proceeding.
25 If the court determines that timely notice was not given or
26 that the victim was not adequately informed of the nature

1 of the court proceeding, the court shall not rule on any
2 substantive issues, accept a plea, or impose a sentence and
3 shall continue the hearing for the time necessary to notify
4 the victim of the time, place and nature of the court
5 proceeding. The time between court proceedings shall not be
6 attributable to the State under Section 103-5 of the Code
7 of Criminal Procedure of 1963.

8 (11) Right to timely disposition of the case. A victim
9 has the right to timely disposition of the case so as to
10 minimize the stress, cost, and inconvenience resulting
11 from the victim's involvement in the case. Before ruling on
12 a motion to continue trial or other court proceeding, the
13 court shall inquire into the circumstances for the request
14 for the delay and, if the victim has provided written
15 notice of the assertion of the right to a timely
16 disposition, and whether the victim objects to the delay.
17 If the victim objects, the prosecutor shall inform the
18 court of the victim's objections. If the prosecutor has not
19 conferred with the victim about the continuance, the
20 prosecutor shall inform the court of the attempts to
21 confer. If the court finds the attempts of the prosecutor
22 to confer with the victim were inadequate to protect the
23 victim's right to be heard, the court shall give the
24 prosecutor at least 3 but not more than 5 business days to
25 confer with the victim. In ruling on a motion to continue,
26 the court shall consider the reasons for the requested

1 continuance, the number and length of continuances that
2 have been granted, the victim's objections and procedures
3 to avoid further delays. If a continuance is granted over
4 the victim's objection, the court shall specify on the
5 record the reasons for the continuance and the procedures
6 that have been or will be taken to avoid further delays.

7 (12) Right to Restitution.

8 (A) If the victim has asserted the right to
9 restitution and the amount of restitution is known at
10 the time of sentencing, the court shall enter the
11 judgment of restitution at the time of sentencing.

12 (B) If the victim has asserted the right to
13 restitution and the amount of restitution is not known
14 at the time of sentencing, the prosecutor shall, within
15 5 days after sentencing, notify the victim what
16 information and documentation related to restitution
17 is needed and that the information and documentation
18 must be provided to the prosecutor within 45 days after
19 sentencing. Failure to timely provide information and
20 documentation related to restitution shall be deemed a
21 waiver of the right to restitution. The prosecutor
22 shall file and serve within 60 days after sentencing a
23 proposed judgment for restitution and a notice that
24 includes information concerning the identity of any
25 victims or other persons seeking restitution, whether
26 any victim or other person expressly declines

1 restitution, the nature and amount of any damages
2 together with any supporting documentation, a
3 restitution amount recommendation, and the names of
4 any co-defendants and their case numbers. Within 30
5 days after receipt of the proposed judgment for
6 restitution, the defendant shall file any objection to
7 the proposed judgment, a statement of grounds for the
8 objection, and a financial statement. If the defendant
9 does not file an objection, the court may enter the
10 judgment for restitution without further proceedings.
11 If the defendant files an objection and either party
12 requests a hearing, the court shall schedule a hearing.

13 (13) Access to presentence reports.

14 (A) The victim may request a copy of the
15 presentence report prepared under the Unified Code of
16 Corrections from the State's Attorney. The State's
17 Attorney shall redact the following information before
18 providing a copy of the report:

19 (i) the defendant's mental history and
20 condition;

21 (ii) any evaluation prepared under subsection

22 (b) or (b-5) of Section 5-3-2; and

23 (iii) the name, address, phone number, and
24 other personal information about any other victim.

25 (B) The State's Attorney or the defendant may
26 request the court redact other information in the

1 report that may endanger the safety of any person.

2 (C) The State's Attorney may orally disclose to the
3 victim any of the information that has been redacted if
4 there is a reasonable likelihood that the information
5 will be stated in court at the sentencing.

6 (D) The State's Attorney must advise the victim
7 that the victim must maintain the confidentiality of
8 the report and other information. Any dissemination of
9 the report or information that was not stated at a
10 court proceeding constitutes indirect criminal
11 contempt of court.

12 (14) Appellate relief. If the trial court denies the
13 relief requested, the victim, the victim's attorney, or the
14 prosecuting attorney may file an appeal within 30 days of
15 the trial court's ruling. The trial or appellate court may
16 stay the court proceedings if the court finds that a stay
17 would not violate a constitutional right of the defendant.
18 If the appellate court denies the relief sought, the
19 reasons for the denial shall be clearly stated in a written
20 opinion. In any appeal in a criminal case, the State may
21 assert as error the court's denial of any crime victim's
22 right in the proceeding to which the appeal relates.

23 (15) Limitation on appellate relief. In no case shall
24 an appellate court provide a new trial to remedy the
25 violation of a victim's right.

26 (16) The right to be reasonably protected from the

1 accused throughout the criminal justice process and the
2 right to have the safety of the victim and the victim's
3 family considered in ~~denying or fixing the amount of bail,~~
4 determining whether to release the defendant, and setting
5 conditions of release after arrest and conviction. A victim
6 of domestic violence, a sexual offense, or stalking may
7 request the entry of a protective order under Article 112A
8 of the Code of Criminal Procedure of 1963.

9 (d) Procedures after the imposition of sentence.

10 (1) The Prisoner Review Board shall inform a victim or
11 any other concerned citizen, upon written request, of the
12 prisoner's release on parole, mandatory supervised
13 release, electronic detention, work release, international
14 transfer or exchange, or by the custodian, other than the
15 Department of Juvenile Justice, of the discharge of any
16 individual who was adjudicated a delinquent for a crime
17 from State custody and by the sheriff of the appropriate
18 county of any such person's final discharge from county
19 custody. The Prisoner Review Board, upon written request,
20 shall provide to a victim or any other concerned citizen a
21 recent photograph of any person convicted of a felony, upon
22 his or her release from custody. The Prisoner Review Board,
23 upon written request, shall inform a victim or any other
24 concerned citizen when feasible at least 7 days prior to
25 the prisoner's release on furlough of the times and dates
26 of such furlough. Upon written request by the victim or any

1 other concerned citizen, the State's Attorney shall notify
2 the person once of the times and dates of release of a
3 prisoner sentenced to periodic imprisonment. Notification
4 shall be based on the most recent information as to
5 victim's or other concerned citizen's residence or other
6 location available to the notifying authority.

7 (2) When the defendant has been committed to the
8 Department of Human Services pursuant to Section 5-2-4 or
9 any other provision of the Unified Code of Corrections, the
10 victim may request to be notified by the releasing
11 authority of the approval by the court of an on-grounds
12 pass, a supervised off-grounds pass, an unsupervised
13 off-grounds pass, or conditional release; the release on an
14 off-grounds pass; the return from an off-grounds pass;
15 transfer to another facility; conditional release; escape;
16 death; or final discharge from State custody. The
17 Department of Human Services shall establish and maintain a
18 statewide telephone number to be used by victims to make
19 notification requests under these provisions and shall
20 publicize this telephone number on its website and to the
21 State's Attorney of each county.

22 (3) In the event of an escape from State custody, the
23 Department of Corrections or the Department of Juvenile
24 Justice immediately shall notify the Prisoner Review Board
25 of the escape and the Prisoner Review Board shall notify
26 the victim. The notification shall be based upon the most

1 recent information as to the victim's residence or other
2 location available to the Board. When no such information
3 is available, the Board shall make all reasonable efforts
4 to obtain the information and make the notification. When
5 the escapee is apprehended, the Department of Corrections
6 or the Department of Juvenile Justice immediately shall
7 notify the Prisoner Review Board and the Board shall notify
8 the victim.

9 (4) The victim of the crime for which the prisoner has
10 been sentenced has the right to register with the Prisoner
11 Review Board's victim registry. Victims registered with
12 the Board shall receive reasonable written notice not less
13 than 30 days prior to the parole hearing or target
14 aftercare release date. The victim has the right to submit
15 a victim statement for consideration by the Prisoner Review
16 Board or the Department of Juvenile Justice in writing, on
17 film, videotape, or other electronic means, or in the form
18 of a recording prior to the parole hearing or target
19 aftercare release date, or in person at the parole hearing
20 or aftercare release protest hearing, or by calling the
21 toll-free number established in subsection (f) of this
22 Section. 7 The victim shall be notified within 7 days after
23 the prisoner has been granted parole or aftercare release
24 and shall be informed of the right to inspect the registry
25 of parole decisions, established under subsection (g) of
26 Section 3-3-5 of the Unified Code of Corrections. The

1 provisions of this paragraph (4) are subject to the Open
2 Parole Hearings Act. Victim statements provided to the
3 Board shall be confidential and privileged, including any
4 statements received prior to January 1, 2020 (the effective
5 date of Public Act 101-288) ~~this amendatory Act of the~~
6 ~~101st General Assembly~~, except if the statement was an oral
7 statement made by the victim at a hearing open to the
8 public.

9 (4-1) The crime victim has the right to submit a victim
10 statement for consideration by the Prisoner Review Board or
11 the Department of Juvenile Justice prior to or at a hearing
12 to determine the conditions of mandatory supervised
13 release of a person sentenced to a determinate sentence or
14 at a hearing on revocation of mandatory supervised release
15 of a person sentenced to a determinate sentence. A victim
16 statement may be submitted in writing, on film, videotape,
17 or other electronic means, or in the form of a recording,
18 or orally at a hearing, or by calling the toll-free number
19 established in subsection (f) of this Section. Victim
20 statements provided to the Board shall be confidential and
21 privileged, including any statements received prior to
22 January 1, 2020 (the effective date of Public Act 101-288)
23 ~~this amendatory Act of the 101st General Assembly~~, except
24 if the statement was an oral statement made by the victim
25 at a hearing open to the public.

26 (4-2) The crime victim has the right to submit a victim

1 statement to the Prisoner Review Board for consideration at
2 an executive clemency hearing as provided in Section 3-3-13
3 of the Unified Code of Corrections. A victim statement may
4 be submitted in writing, on film, videotape, or other
5 electronic means, or in the form of a recording prior to a
6 hearing, or orally at a hearing, or by calling the
7 toll-free number established in subsection (f) of this
8 Section. Victim statements provided to the Board shall be
9 confidential and privileged, including any statements
10 received prior to January 1, 2020 (the effective date of
11 Public Act 101-288) ~~this amendatory Act of the 101st~~
12 ~~General Assembly~~, except if the statement was an oral
13 statement made by the victim at a hearing open to the
14 public.

15 (5) If a statement is presented under Section 6, the
16 Prisoner Review Board or Department of Juvenile Justice
17 shall inform the victim of any order of discharge pursuant
18 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
19 Corrections.

20 (6) At the written or oral request of the victim of the
21 crime for which the prisoner was sentenced or the State's
22 Attorney of the county where the person seeking parole or
23 aftercare release was prosecuted, the Prisoner Review
24 Board or Department of Juvenile Justice shall notify the
25 victim and the State's Attorney of the county where the
26 person seeking parole or aftercare release was prosecuted

1 of the death of the prisoner if the prisoner died while on
2 parole or aftercare release or mandatory supervised
3 release.

4 (7) When a defendant who has been committed to the
5 Department of Corrections, the Department of Juvenile
6 Justice, or the Department of Human Services is released or
7 discharged and subsequently committed to the Department of
8 Human Services as a sexually violent person and the victim
9 had requested to be notified by the releasing authority of
10 the defendant's discharge, conditional release, death, or
11 escape from State custody, the releasing authority shall
12 provide to the Department of Human Services such
13 information that would allow the Department of Human
14 Services to contact the victim.

15 (8) When a defendant has been convicted of a sex
16 offense as defined in Section 2 of the Sex Offender
17 Registration Act and has been sentenced to the Department
18 of Corrections or the Department of Juvenile Justice, the
19 Prisoner Review Board or the Department of Juvenile Justice
20 shall notify the victim of the sex offense of the
21 prisoner's eligibility for release on parole, aftercare
22 release, mandatory supervised release, electronic
23 detention, work release, international transfer or
24 exchange, or by the custodian of the discharge of any
25 individual who was adjudicated a delinquent for a sex
26 offense from State custody and by the sheriff of the

1 appropriate county of any such person's final discharge
2 from county custody. The notification shall be made to the
3 victim at least 30 days, whenever possible, before release
4 of the sex offender.

5 (e) The officials named in this Section may satisfy some or
6 all of their obligations to provide notices and other
7 information through participation in a statewide victim and
8 witness notification system established by the Attorney
9 General under Section 8.5 of this Act.

10 (f) The Prisoner Review Board shall establish a toll-free
11 number that may be accessed by the crime victim to present a
12 victim statement to the Board in accordance with paragraphs
13 (4), (4-1), and (4-2) of subsection (d).

14 (Source: P.A. 100-199, eff. 1-1-18; 100-961, eff. 1-1-19;
15 101-81, eff. 7-12-19; 101-288, eff. 1-1-20; revised 9-23-19.)

16 Section 10-270. The Pretrial Services Act is amended by
17 changing Sections 11, 20, 22, and 34 as follows:

18 (725 ILCS 185/11) (from Ch. 38, par. 311)

19 Sec. 11. No person shall be interviewed by a pretrial
20 services agency unless he or she has first been apprised of the
21 identity and purpose of the interviewer, the scope of the
22 interview, the right to secure legal advice, and the right to
23 refuse cooperation. Inquiry of the defendant shall carefully
24 exclude questions concerning the details of the current charge.

1 Statements made by the defendant during the interview, or
2 evidence derived therefrom, are admissible in evidence only
3 when the court is considering the imposition of pretrial or
4 posttrial conditions to ~~bail or~~ recognizance, or when
5 considering the modification of a prior release order.

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

7 (725 ILCS 185/20) (from Ch. 38, par. 320)

8 Sec. 20. In preparing and presenting its written reports
9 under Sections 17 and 19, pretrial services agencies shall in
10 appropriate cases include specific recommendations for ~~the~~
11 setting the conditions ~~, increase, or decrease~~ of pretrial
12 release ~~bail~~; the release of the interviewee on his own
13 recognizance in sums certain; and the imposition of ~~pretrial~~
14 conditions of pretrial release ~~to bail~~ or recognizance designed
15 to minimize the risks of nonappearance, the commission of new
16 offenses while awaiting trial, and other potential
17 interference with the orderly administration of justice. In
18 establishing objective internal criteria of any such
19 recommendation policies, the agency may utilize so-called
20 "point scales" for evaluating the aforementioned risks, but no
21 interviewee shall be considered as ineligible for particular
22 agency recommendations by sole reference to such procedures.

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

24 (725 ILCS 185/22) (from Ch. 38, par. 322)

1 Sec. 22. If so ordered by the court, the pretrial services
2 agency shall prepare and submit for the court's approval and
3 signature a uniform release order on the uniform form
4 established by the Supreme Court in all cases where an
5 interviewee may be released from custody under conditions
6 contained in an agency report. Such conditions shall become
7 part of the conditions of pretrial release ~~the bail bond~~. A
8 copy of the uniform release order shall be provided to the
9 defendant and defendant's attorney of record, and the
10 prosecutor.

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

12 (725 ILCS 185/34)

13 Sec. 34. Probation and court services departments
14 considered pretrial services agencies. For the purposes of
15 administering the provisions of Public Act 95-773, known as the
16 Cindy Bischof Law, all probation and court services departments
17 are to be considered pretrial services agencies under this Act
18 and under the pretrial release ~~bail bond~~ provisions of the Code
19 of Criminal Procedure of 1963.

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

21 Section 10-275. The Quasi-criminal and Misdemeanor Bail
22 Act is amended by changing the title of the Act and Sections
23 0.01, 1, 2, 3, and 5 as follows:

1 (725 ILCS 195/Act title)

2 An Act to authorize designated officers to let persons
3 charged with quasi-criminal offenses and misdemeanors to
4 pretrial release ~~bail~~ and to accept and receipt for fines on
5 pleas of guilty in minor offenses, in accordance with schedules
6 established by rule of court.

7 (725 ILCS 195/0.01) (from Ch. 16, par. 80)

8 Sec. 0.01. Short title. This Act may be cited as the
9 Quasi-criminal and Misdemeanor Pretrial Release ~~Bail~~ Act.

10 (Source: P.A. 86-1324.)

11 (725 ILCS 195/1) (from Ch. 16, par. 81)

12 Sec. 1. Whenever in any circuit there shall be in force a
13 rule or order of the Supreme Court establishing a uniform form
14 ~~schedule~~ prescribing the conditions of pretrial release
15 ~~amounts of bail~~ for specified conservation cases, traffic
16 cases, quasi-criminal offenses and misdemeanors, any general
17 superintendent, chief, captain, lieutenant, or sergeant of
18 police, or other police officer, the sheriff, the circuit
19 clerk, and any deputy sheriff or deputy circuit clerk
20 designated by the Circuit Court for the purpose, are authorized
21 to let to pretrial release ~~bail~~ any person charged with a
22 quasi-criminal offense or misdemeanor ~~and to accept and receipt~~
23 ~~for bonds or cash bail in accordance with regulations~~
24 ~~established by rule or order of the Supreme Court. Unless~~

1 ~~otherwise provided by Supreme Court Rule, no such bail may be~~
2 ~~posted or accepted in any place other than a police station,~~
3 ~~sheriff's office or jail, or other county, municipal or other~~
4 ~~building housing governmental units, or a division~~
5 ~~headquarters building of the Illinois State Police. Bonds and~~
6 ~~cash so received shall be delivered to the office of the~~
7 ~~circuit clerk or that of his designated deputy as provided by~~
8 ~~regulation. Such cash and securities so received shall be~~
9 ~~delivered to the office of such clerk or deputy clerk within at~~
10 ~~least 48 hours of receipt or within the time set for the~~
11 ~~accused's appearance in court whichever is earliest.~~

12 ~~In all cases where a person is admitted to bail under a~~
13 ~~uniform schedule prescribing the amount of bail for specified~~
14 ~~conservation cases, traffic cases, quasi criminal offenses and~~
15 ~~misdemeanors the provisions of Section 110-15 of the "Code of~~
16 ~~Criminal Procedure of 1963", approved August 14, 1963, as~~
17 ~~amended by the 75th General Assembly shall be applicable.~~

18 (Source: P.A. 80-897.)

19 (725 ILCS 195/2) (from Ch. 16, par. 82)

20 Sec. 2. The conditions of the pretrial release ~~bail bond or~~
21 ~~deposit of cash bail~~ shall be that the accused will appear to
22 answer the charge in court at a time and place specified in the
23 pretrial release form ~~bond~~ and thereafter as ordered by the
24 court until discharged on final order of the court and to
25 submit himself to the orders and process of the court. The

1 accused shall be furnished with an official receipt on a form
2 prescribed by rule of court ~~for any cash or other security~~
3 ~~deposited,~~ and shall receive a copy of the pretrial release
4 form bond specifying the time and place of his court
5 appearance.

6 Upon performance of the conditions of the pretrial release
7 ~~bond,~~ the pretrial release form bond shall be null and void and
8 the accused shall be released from the conditions of pretrial
9 release any cash bail or other security shall be returned to
10 ~~the accused.~~

11 (Source: Laws 1963, p. 2652.)

12 (725 ILCS 195/3) (from Ch. 16, par. 83)

13 Sec. 3. In lieu of complying with the conditions of
14 pretrial release making bond or depositing cash bail as
15 ~~provided in this Act or the deposit of other security~~
16 ~~authorized by law,~~ any accused person has the right to be
17 brought without unnecessary delay before the nearest or most
18 accessible judge of the circuit to be dealt with according to
19 law.

20 (Source: P.A. 77-1248.)

21 (725 ILCS 195/5) (from Ch. 16, par. 85)

22 Sec. 5. Any person authorized to accept pretrial release
23 ~~bail~~ or pleas of guilty by this Act who violates any provision
24 of this Act is guilty of a Class B misdemeanor.

1 (Source: P.A. 77-2319.)

2 Section 10-276. The State's Attorneys Appellate
3 Prosecutor's Act is amended by changing Section 4.01 as
4 follows:

5 (725 ILCS 210/4.01) (from Ch. 14, par. 204.01)

6 Sec. 4.01. (a) The Office and all attorneys employed
7 thereby may represent the People of the State of Illinois on
8 appeal in all cases which emanate from a county containing less
9 than 3,000,000 inhabitants, when requested to do so and at the
10 direction of the State's Attorney, otherwise responsible for
11 prosecuting the appeal, and may, with the advice and consent of
12 the State's Attorney prepare, file and argue such appellate
13 briefs in the Illinois Appellate Court and, when requested and
14 authorized to do so by the Attorney General, in the Illinois
15 Supreme Court.

16 (b) Notwithstanding the population restriction contained
17 in subsection (a), the Office may also assist County State's
18 Attorneys in the discharge of their duties under the Illinois
19 Controlled Substances Act, the Cannabis Control Act, the
20 Methamphetamine Control and Community Protection Act, the Drug
21 Asset Forfeiture Procedure Act, the Narcotics Profit
22 Forfeiture Act, and the Illinois Public Labor Relations Act,
23 including negotiations conducted on behalf of a county or
24 pursuant to an intergovernmental agreement as well as in the

1 trial and appeal of said cases and of tax objections, and the
2 counties which use services relating to labor relations shall
3 reimburse the Office on pro-rated shares as determined by the
4 board based upon the population and number of labor relations
5 cases of the participating counties. In addition, the Office
6 and all attorneys employed by the Office may also assist
7 State's Attorneys in the discharge of their duties in the
8 prosecution, trial, or hearing on post-conviction of other
9 cases when requested to do so by, and at the direction of, the
10 State's Attorney otherwise responsible for the case. In
11 addition, the Office and all attorneys employed by the Office
12 may act as Special Prosecutor if duly appointed to do so by a
13 court having jurisdiction. Except when the appointment of a
14 Special Prosecutor is made in accordance with subsection (a-17)
15 of Section 3-9008 of the Counties Code, to ~~be~~ be effective, the
16 order appointing the Office or its attorneys as Special
17 Prosecutor must (i) identify the case and its subject matter
18 and (ii) state that the Special Prosecutor serves at the
19 pleasure of the Attorney General, who may substitute himself or
20 herself as the Special Prosecutor when, in his or her judgment,
21 the interest of the people of the State so requires. Within 5
22 days after receiving a copy of an order from the court
23 appointing the Office or any of its attorneys as a Special
24 Prosecutor, the Office must forward a copy of the order to the
25 Springfield office of the Attorney General.

26 (Source: P.A. 100-319, eff. 8-24-17.)

1 Section 10-280. The Unified Code of Corrections is amended
2 by changing Sections 3-6-3, 5-3-2, 5-5-3.2, 5-4-1, 5-4.5-95,
3 5-4.5-100, 5-6-4, 5-6-4.1, 5-8-6, 5-8A-2, 5-8A-4, 5-8A-4.1,
4 5-8A-7, and 8-2-1 as follows:

5 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

6 Sec. 3-6-3. Rules and regulations for sentence credit.

7 (a) (1) The Department of Corrections shall prescribe rules
8 and regulations for awarding and revoking sentence credit for
9 persons committed to the Department which shall be subject to
10 review by the Prisoner Review Board.

11 (1.5) As otherwise provided by law, sentence credit may be
12 awarded for the following:

13 (A) successful completion of programming while in
14 custody of the Department or while in custody prior to
15 sentencing;

16 (B) compliance with the rules and regulations of the
17 Department; or

18 (C) service to the institution, service to a community,
19 or service to the State.

20 (2) Except as provided in paragraph (4.7) of this
21 subsection (a), the rules and regulations on sentence credit
22 shall provide, with respect to offenses listed in clause (i),
23 (ii), or (iii) of this paragraph (2) committed on or after June
24 19, 1998 or with respect to the offense listed in clause (iv)

1 of this paragraph (2) committed on or after June 23, 2005 (the
2 effective date of Public Act 94-71) or with respect to offense
3 listed in clause (vi) committed on or after June 1, 2008 (the
4 effective date of Public Act 95-625) or with respect to the
5 offense of being an armed habitual criminal committed on or
6 after August 2, 2005 (the effective date of Public Act 94-398)
7 or with respect to the offenses listed in clause (v) of this
8 paragraph (2) committed on or after August 13, 2007 (the
9 effective date of Public Act 95-134) or with respect to the
10 offense of aggravated domestic battery committed on or after
11 July 23, 2010 (the effective date of Public Act 96-1224) or
12 with respect to the offense of attempt to commit terrorism
13 committed on or after January 1, 2013 (the effective date of
14 Public Act 97-990), the following:

15 (i) that a prisoner who is serving a term of
16 imprisonment for first degree murder or for the offense of
17 terrorism shall receive no sentence credit and shall serve
18 the entire sentence imposed by the court;

19 (ii) that a prisoner serving a sentence for attempt to
20 commit terrorism, attempt to commit first degree murder,
21 solicitation of murder, solicitation of murder for hire,
22 intentional homicide of an unborn child, predatory
23 criminal sexual assault of a child, aggravated criminal
24 sexual assault, criminal sexual assault, aggravated
25 kidnapping, aggravated battery with a firearm as described
26 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or

1 (e) (4) of Section 12-3.05, heinous battery as described in
2 Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,
3 being an armed habitual criminal, aggravated battery of a
4 senior citizen as described in Section 12-4.6 or
5 subdivision (a) (4) of Section 12-3.05, or aggravated
6 battery of a child as described in Section 12-4.3 or
7 subdivision (b) (1) of Section 12-3.05 shall receive no more
8 than 4.5 days of sentence credit for each month of his or
9 her sentence of imprisonment;

10 (iii) that a prisoner serving a sentence for home
11 invasion, armed robbery, aggravated vehicular hijacking,
12 aggravated discharge of a firearm, or armed violence with a
13 category I weapon or category II weapon, when the court has
14 made and entered a finding, pursuant to subsection (c-1) of
15 Section 5-4-1 of this Code, that the conduct leading to
16 conviction for the enumerated offense resulted in great
17 bodily harm to a victim, shall receive no more than 4.5
18 days of sentence credit for each month of his or her
19 sentence of imprisonment;

20 (iv) that a prisoner serving a sentence for aggravated
21 discharge of a firearm, whether or not the conduct leading
22 to conviction for the offense resulted in great bodily harm
23 to the victim, shall receive no more than 4.5 days of
24 sentence credit for each month of his or her sentence of
25 imprisonment;

26 (v) that a person serving a sentence for gunrunning,

1 narcotics racketeering, controlled substance trafficking,
2 methamphetamine trafficking, drug-induced homicide,
3 aggravated methamphetamine-related child endangerment,
4 money laundering pursuant to clause (c) (4) or (5) of
5 Section 29B-1 of the Criminal Code of 1961 or the Criminal
6 Code of 2012, or a Class X felony conviction for delivery
7 of a controlled substance, possession of a controlled
8 substance with intent to manufacture or deliver,
9 calculated criminal drug conspiracy, criminal drug
10 conspiracy, street gang criminal drug conspiracy,
11 participation in methamphetamine manufacturing, aggravated
12 participation in methamphetamine manufacturing, delivery
13 of methamphetamine, possession with intent to deliver
14 methamphetamine, aggravated delivery of methamphetamine,
15 aggravated possession with intent to deliver
16 methamphetamine, methamphetamine conspiracy when the
17 substance containing the controlled substance or
18 methamphetamine is 100 grams or more shall receive no more
19 than 7.5 days sentence credit for each month of his or her
20 sentence of imprisonment;

21 (vi) that a prisoner serving a sentence for a second or
22 subsequent offense of luring a minor shall receive no more
23 than 4.5 days of sentence credit for each month of his or
24 her sentence of imprisonment; and

25 (vii) that a prisoner serving a sentence for aggravated
26 domestic battery shall receive no more than 4.5 days of

1 sentence credit for each month of his or her sentence of
2 imprisonment.

3 (2.1) For all offenses, other than those enumerated in
4 subdivision (a)(2)(i), (ii), or (iii) committed on or after
5 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
6 June 23, 2005 (the effective date of Public Act 94-71) or
7 subdivision (a)(2)(v) committed on or after August 13, 2007
8 (the effective date of Public Act 95-134) or subdivision
9 (a)(2)(vi) committed on or after June 1, 2008 (the effective
10 date of Public Act 95-625) or subdivision (a)(2)(vii) committed
11 on or after July 23, 2010 (the effective date of Public Act
12 96-1224), and other than the offense of aggravated driving
13 under the influence of alcohol, other drug or drugs, or
14 intoxicating compound or compounds, or any combination thereof
15 as defined in subparagraph (F) of paragraph (1) of subsection
16 (d) of Section 11-501 of the Illinois Vehicle Code, and other
17 than the offense of aggravated driving under the influence of
18 alcohol, other drug or drugs, or intoxicating compound or
19 compounds, or any combination thereof as defined in
20 subparagraph (C) of paragraph (1) of subsection (d) of Section
21 11-501 of the Illinois Vehicle Code committed on or after
22 January 1, 2011 (the effective date of Public Act 96-1230), the
23 rules and regulations shall provide that a prisoner who is
24 serving a term of imprisonment shall receive one day of
25 sentence credit for each day of his or her sentence of
26 imprisonment or recommitment under Section 3-3-9. Each day of

1 sentence credit shall reduce by one day the prisoner's period
2 of imprisonment or recommitment under Section 3-3-9.

3 (2.2) A prisoner serving a term of natural life
4 imprisonment or a prisoner who has been sentenced to death
5 shall receive no sentence credit.

6 (2.3) Except as provided in paragraph (4.7) of this
7 subsection (a), the rules and regulations on sentence credit
8 shall provide that a prisoner who is serving a sentence for
9 aggravated driving under the influence of alcohol, other drug
10 or drugs, or intoxicating compound or compounds, or any
11 combination thereof as defined in subparagraph (F) of paragraph
12 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
13 Code, shall receive no more than 4.5 days of sentence credit
14 for each month of his or her sentence of imprisonment.

15 (2.4) Except as provided in paragraph (4.7) of this
16 subsection (a), the rules and regulations on sentence credit
17 shall provide with respect to the offenses of aggravated
18 battery with a machine gun or a firearm equipped with any
19 device or attachment designed or used for silencing the report
20 of a firearm or aggravated discharge of a machine gun or a
21 firearm equipped with any device or attachment designed or used
22 for silencing the report of a firearm, committed on or after
23 July 15, 1999 (the effective date of Public Act 91-121), that a
24 prisoner serving a sentence for any of these offenses shall
25 receive no more than 4.5 days of sentence credit for each month
26 of his or her sentence of imprisonment.

1 (2.5) Except as provided in paragraph (4.7) of this
2 subsection (a), the rules and regulations on sentence credit
3 shall provide that a prisoner who is serving a sentence for
4 aggravated arson committed on or after July 27, 2001 (the
5 effective date of Public Act 92-176) shall receive no more than
6 4.5 days of sentence credit for each month of his or her
7 sentence of imprisonment.

8 (2.6) Except as provided in paragraph (4.7) of this
9 subsection (a), the rules and regulations on sentence credit
10 shall provide that a prisoner who is serving a sentence for
11 aggravated driving under the influence of alcohol, other drug
12 or drugs, or intoxicating compound or compounds or any
13 combination thereof as defined in subparagraph (C) of paragraph
14 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
15 Code committed on or after January 1, 2011 (the effective date
16 of Public Act 96-1230) shall receive no more than 4.5 days of
17 sentence credit for each month of his or her sentence of
18 imprisonment.

19 (3) In addition to the sentence credits earned under
20 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this
21 subsection (a), the rules and regulations shall also provide
22 that the Director may award up to 180 days of earned sentence
23 credit for prisoners serving a sentence of incarceration of
24 less than 5 years, and up to 365 days of earned sentence credit
25 for prisoners serving a sentence of 5 years or longer. The
26 Director may grant this credit for good conduct in specific

1 instances as the Director deems proper. The good conduct may
2 include, but is not limited to, compliance with the rules and
3 regulations of the Department, service to the Department,
4 service to a community, or service to the State.

5 Eligible inmates for an award of earned sentence credit
6 under this paragraph (3) may be selected to receive the credit
7 at the Director's or his or her designee's sole discretion.
8 Eligibility for the additional earned sentence credit under
9 this paragraph (3) may ~~shall~~ be based on, but is not limited
10 to, participation in programming offered by the department as
11 appropriate for the prisoner based on the results of any
12 available risk/needs assessment or other relevant assessments
13 or evaluations administered by the Department using a validated
14 instrument, the circumstances of the crime, demonstrated
15 commitment to rehabilitation by a prisoner with a ~~any~~ history
16 of conviction for a forcible felony enumerated in Section 2-8
17 of the Criminal Code of 2012, the inmate's behavior and
18 improvements in disciplinary history while incarcerated, and
19 the inmate's commitment to rehabilitation, including
20 participation in programming offered by the Department.

21 The Director shall not award sentence credit under this
22 paragraph (3) to an inmate unless the inmate has served a
23 minimum of 60 days of the sentence; except nothing in this
24 paragraph shall be construed to permit the Director to extend
25 an inmate's sentence beyond that which was imposed by the
26 court. Prior to awarding credit under this paragraph (3), the

1 Director shall make a written determination that the inmate:

2 (A) is eligible for the earned sentence credit;

3 (B) has served a minimum of 60 days, or as close to 60
4 days as the sentence will allow;

5 (B-1) has received a risk/needs assessment or other
6 relevant evaluation or assessment administered by the
7 Department using a validated instrument; and

8 (C) has met the eligibility criteria established by
9 rule for earned sentence credit.

10 The Director shall determine the form and content of the
11 written determination required in this subsection.

12 (3.5) The Department shall provide annual written reports
13 to the Governor and the General Assembly on the award of earned
14 sentence credit no later than February 1 of each year. The
15 Department must publish both reports on its website within 48
16 hours of transmitting the reports to the Governor and the
17 General Assembly. The reports must include:

18 (A) the number of inmates awarded earned sentence
19 credit;

20 (B) the average amount of earned sentence credit
21 awarded;

22 (C) the holding offenses of inmates awarded earned
23 sentence credit; and

24 (D) the number of earned sentence credit revocations.

25 (4) (A) Except as provided in paragraph (4.7) of this
26 subsection (a), the rules and regulations shall also provide

1 that any prisoner who ~~the sentence credit accumulated and~~
2 ~~retained under paragraph (2.1) of subsection (a) of this~~
3 ~~Section by any inmate during specific periods of time in which~~
4 ~~such inmate~~ is engaged full-time in substance abuse programs,
5 correctional industry assignments, educational programs,
6 work-release programs or activities in accordance with 730 ILCS
7 5/3-13-1 et seq., behavior modification programs, life skills
8 courses, or re-entry planning provided by the Department under
9 this paragraph (4) and satisfactorily completes the assigned
10 program as determined by the standards of the Department, shall
11 receive [one day] of sentence credit for each day in which that
12 prisoner is engaged in the activities described in this
13 paragraph ~~be multiplied by a factor of 1.25 for program~~
14 ~~participation before August 11, 1993 and 1.50 for program~~
15 ~~participation on or after that date.~~ The rules and regulations
16 shall also provide that sentence credit, ~~subject to the same~~
17 ~~offense limits and multiplier provided in this paragraph,~~ may
18 be provided to an inmate who was held in pre-trial detention
19 prior to his or her current commitment to the Department of
20 Corrections and successfully completed a full-time, 60-day or
21 longer substance abuse program, educational program, behavior
22 modification program, life skills course, or re-entry planning
23 provided by the county department of corrections or county
24 jail. Calculation of this county program credit shall be done
25 at sentencing as provided in Section 5-4.5-100 of this Code and
26 shall be included in the sentencing order. The rules and

1 regulations shall also provide that sentence credit may be
2 provided to an inmate who is in compliance with programming
3 requirements in an adult transition center. However, no inmate
4 shall be eligible for the additional sentence credit under this
5 paragraph (4) or (4.1) of this subsection (a) while assigned to
6 a boot camp or electronic detention.

7 (B) The Department shall award sentence credit under this
8 paragraph (4) accumulated prior to January 1, 2020 (the
9 effective date of Public Act 101-440) ~~this amendatory Act of~~
10 ~~the 101st General Assembly~~ in an amount specified in
11 subparagraph (C) of this paragraph (4) to an inmate serving a
12 sentence for an offense committed prior to June 19, 1998, if
13 the Department determines that the inmate is entitled to this
14 sentence credit, based upon:

15 (i) documentation provided by the Department that the
16 inmate engaged in any full-time substance abuse programs,
17 correctional industry assignments, educational programs,
18 behavior modification programs, life skills courses, or
19 re-entry planning provided by the Department under this
20 paragraph (4) and satisfactorily completed the assigned
21 program as determined by the standards of the Department
22 during the inmate's current term of incarceration; or

23 (ii) the inmate's own testimony in the form of an
24 affidavit or documentation, or a third party's
25 documentation or testimony in the form of an affidavit that
26 the inmate likely engaged in any full-time substance abuse

1 programs, correctional industry assignments, educational
2 programs, behavior modification programs, life skills
3 courses, or re-entry planning provided by the Department
4 under paragraph (4) and satisfactorily completed the
5 assigned program as determined by the standards of the
6 Department during the inmate's current term of
7 incarceration.

8 (C) If the inmate can provide documentation that he or she
9 is entitled to sentence credit under subparagraph (B) in excess
10 of 45 days of participation in those programs, the inmate shall
11 receive 90 days of sentence credit. If the inmate cannot
12 provide documentation of more than 45 days of participation in
13 those programs, the inmate shall receive 45 days of sentence
14 credit. In the event of a disagreement between the Department
15 and the inmate as to the amount of credit accumulated under
16 subparagraph (B), if the Department provides documented proof
17 of a lesser amount of days of participation in those programs,
18 that proof shall control. If the Department provides no
19 documentary proof, the inmate's proof as set forth in clause
20 (ii) of subparagraph (B) shall control as to the amount of
21 sentence credit provided.

22 (D) If the inmate has been convicted of a sex offense as
23 defined in Section 2 of the Sex Offender Registration Act,
24 sentencing credits under subparagraph (B) of this paragraph (4)
25 shall be awarded by the Department only if the conditions set
26 forth in paragraph (4.6) of subsection (a) are satisfied. No

1 inmate serving a term of natural life imprisonment shall
2 receive sentence credit under subparagraph (B) of this
3 paragraph (4).

4 Educational, vocational, substance abuse, behavior
5 modification programs, life skills courses, re-entry planning,
6 and correctional industry programs under which sentence credit
7 may be earned increased under this paragraph (4) and paragraph
8 (4.1) of this subsection (a) shall be evaluated by the
9 Department on the basis of documented standards. The Department
10 shall report the results of these evaluations to the Governor
11 and the General Assembly by September 30th of each year. The
12 reports shall include data relating to the recidivism rate
13 among program participants.

14 Availability of these programs shall be subject to the
15 limits of fiscal resources appropriated by the General Assembly
16 for these purposes. Eligible inmates who are denied immediate
17 admission shall be placed on a waiting list under criteria
18 established by the Department. The rules and regulations shall
19 provide that a prisoner who has been placed on a waiting list
20 but is transferred before beginning a program shall receive
21 priority placement on the waitlist for appropriate programs at
22 the new facility. The inability of any inmate to become engaged
23 in any such programs by reason of insufficient program
24 resources or for any other reason established under the rules
25 and regulations of the Department shall not be deemed a cause
26 of action under which the Department or any employee or agent

1 of the Department shall be liable for damages to the inmate.
2 The rules and regulations shall provide that a prisoner who
3 begins an educational, vocational, substance abuse,
4 work-release programs or activities in accordance with 730 ILCS
5 5/3-13-1 et seq., behavior modification program, life skills
6 course, re-entry planning, or correctional industry programs
7 but is unable to complete the program due to illness,
8 disability, transfer, lockdown, or another reason outside of
9 the prisoner's control shall receive prorated sentence credits
10 for the days in which the prisoner did participate.

11 (4.1) Except as provided in paragraph (4.7) of this
12 subsection (a), the rules and regulations shall also provide
13 that an additional 90 days of sentence credit shall be awarded
14 to any prisoner who passes high school equivalency testing
15 while the prisoner is committed to the Department of
16 Corrections. The sentence credit awarded under this paragraph
17 (4.1) shall be in addition to, and shall not affect, the award
18 of sentence credit under any other paragraph of this Section,
19 but shall also be pursuant to the guidelines and restrictions
20 set forth in paragraph (4) of subsection (a) of this Section.
21 The sentence credit provided for in this paragraph shall be
22 available only to those prisoners who have not previously
23 earned a high school diploma or a high school equivalency
24 certificate. If, after an award of the high school equivalency
25 testing sentence credit has been made, the Department
26 determines that the prisoner was not eligible, then the award

1 shall be revoked. The Department may also award 90 days of
2 sentence credit to any committed person who passed high school
3 equivalency testing while he or she was held in pre-trial
4 detention prior to the current commitment to the Department of
5 Corrections. Except as provided in paragraph (4.7) of this
6 subsection (a), the rules and regulations shall provide that an
7 additional 120 days of sentence credit shall be awarded to any
8 prisoner who obtains a associate degree while the prisoner is
9 committed to the Department of Corrections, regardless of the
10 date that the associate degree was obtained, including if prior
11 to the effective date of this amendatory Act of the 101st
12 General Assembly. The sentence credit awarded under this
13 paragraph (4.1) shall be in addition to, and shall not affect,
14 the award of sentence credit under any other paragraph of this
15 Section, but shall also be under the guidelines and
16 restrictions set forth in paragraph (4) of subsection (a) of
17 this Section. The sentence credit provided for in this
18 paragraph (4.1) shall be available only to those prisoners who
19 have not previously earned an associate degree prior to the
20 current commitment to the Department of Corrections. If, after
21 an award of the associate degree sentence credit has been made
22 and the Department determines that the prisoner was not
23 eligible, then the award shall be revoked. The Department may
24 also award 120 days of sentence credit to any committed person
25 who earned an associate degree while he or she was held in
26 pre-trial detention prior to the current commitment to the

1 Department of Corrections.

2 Except as provided in paragraph (4.7) of this subsection
3 (a), the rules and regulations shall provide that an additional
4 180 days of sentence credit shall be awarded to any prisoner
5 who obtains a bachelor's degree while the prisoner is committed
6 to the Department of Corrections. The sentence credit awarded
7 under this paragraph (4.1) shall be in addition to, and shall
8 not affect, the award of sentence credit under any other
9 paragraph of this Section, but shall also be under the
10 guidelines and restrictions set forth in paragraph (4) of this
11 subsection (a). The sentence credit provided for in this
12 paragraph shall be available only to those prisoners who have
13 not earned a bachelor's degree prior to the current commitment
14 to the Department of Corrections. If, after an award of the
15 bachelor's degree sentence credit has been made, the Department
16 determines that the prisoner was not eligible, then the award
17 shall be revoked. The Department may also award 180 days of
18 sentence credit to any committed person who earned a bachelor's
19 degree while he or she was held in pre-trial detention prior to
20 the current commitment to the Department of Corrections.

21 Except as provided in paragraph (4.7) of this subsection
22 (a), the rules and regulations shall provide that an additional
23 180 days of sentence credit shall be awarded to any prisoner
24 who obtains a master's or professional degree while the
25 prisoner is committed to the Department of Corrections. The
26 sentence credit awarded under this paragraph (4.1) shall be in

1 addition to, and shall not affect, the award of sentence credit
2 under any other paragraph of this Section, but shall also be
3 under the guidelines and restrictions set forth in paragraph
4 (4) of this subsection (a). The sentence credit provided for in
5 this paragraph shall be available only to those prisoners who
6 have not previously earned a master's or professional degree
7 prior to the current commitment to the Department of
8 Corrections. If, after an award of the master's or professional
9 degree sentence credit has been made, the Department determines
10 that the prisoner was not eligible, then the award shall be
11 revoked. The Department may also award 180 days of sentence
12 credit to any committed person who earned a master's or
13 professional degree while he or she was held in pre-trial
14 detention prior to the current commitment to the Department of
15 Corrections.

16 (4.2) The rules and regulations shall also provide that any
17 prisoner engaged in self-improvement programs, volunteer work,
18 or work assignments that are not otherwise eligible activities
19 under section (4), shall receive up to 0.5 days of sentence
20 credit for each day in which the prisoner is engaged in
21 activities described in this paragraph.

22 (4.5) The rules and regulations on sentence credit shall
23 also provide that when the court's sentencing order recommends
24 a prisoner for substance abuse treatment and the crime was
25 committed on or after September 1, 2003 (the effective date of
26 Public Act 93-354), the prisoner shall receive no sentence

1 credit awarded under clause (3) of this subsection (a) unless
2 he or she participates in and completes a substance abuse
3 treatment program. The Director may waive the requirement to
4 participate in or complete a substance abuse treatment program
5 in specific instances if the prisoner is not a good candidate
6 for a substance abuse treatment program for medical,
7 programming, or operational reasons. Availability of substance
8 abuse treatment shall be subject to the limits of fiscal
9 resources appropriated by the General Assembly for these
10 purposes. If treatment is not available and the requirement to
11 participate and complete the treatment has not been waived by
12 the Director, the prisoner shall be placed on a waiting list
13 under criteria established by the Department. The Director may
14 allow a prisoner placed on a waiting list to participate in and
15 complete a substance abuse education class or attend substance
16 abuse self-help meetings in lieu of a substance abuse treatment
17 program. A prisoner on a waiting list who is not placed in a
18 substance abuse program prior to release may be eligible for a
19 waiver and receive sentence credit under clause (3) of this
20 subsection (a) at the discretion of the Director.

21 (4.6) The rules and regulations on sentence credit shall
22 also provide that a prisoner who has been convicted of a sex
23 offense as defined in Section 2 of the Sex Offender
24 Registration Act shall receive no sentence credit unless he or
25 she either has successfully completed or is participating in
26 sex offender treatment as defined by the Sex Offender

1 Management Board. However, prisoners who are waiting to receive
2 treatment, but who are unable to do so due solely to the lack
3 of resources on the part of the Department, may, at the
4 Director's sole discretion, be awarded sentence credit at a
5 rate as the Director shall determine.

6 (4.7) On or after January 1, 2018 (the effective date of
7 Public Act 100-3) ~~this amendatory Act of the 100th General~~
8 ~~Assembly~~, sentence credit under paragraph (3), (4), or (4.1) of
9 this subsection (a) may be awarded to a prisoner who is serving
10 a sentence for an offense described in paragraph (2), (2.3),
11 (2.4), (2.5), or (2.6) for credit earned on or after January 1,
12 2018 (the effective date of Public Act 100-3) ~~this amendatory~~
13 ~~Act of the 100th General Assembly~~; provided, the award of the
14 credits under this paragraph (4.7) shall not reduce the
15 sentence of the prisoner to less than the following amounts:

16 (i) 85% of his or her sentence if the prisoner is
17 required to serve 85% of his or her sentence; or

18 (ii) 60% of his or her sentence if the prisoner is
19 required to serve 75% of his or her sentence, except if the
20 prisoner is serving a sentence for gunrunning his or her
21 sentence shall not be reduced to less than 75%.

22 (iii) 100% of his or her sentence if the prisoner is
23 required to serve 100% of his or her sentence.

24 (5) Whenever the Department is to release any inmate
25 earlier than it otherwise would because of a grant of earned
26 sentence credit under paragraph (3) of subsection (a) of this

1 Section given at any time during the term, the Department shall
2 give reasonable notice of the impending release not less than
3 14 days prior to the date of the release to the State's
4 Attorney of the county where the prosecution of the inmate took
5 place, and if applicable, the State's Attorney of the county
6 into which the inmate will be released. The Department must
7 also make identification information and a recent photo of the
8 inmate being released accessible on the Internet by means of a
9 hyperlink labeled "Community Notification of Inmate Early
10 Release" on the Department's World Wide Web homepage. The
11 identification information shall include the inmate's: name,
12 any known alias, date of birth, physical characteristics,
13 commitment offense, and county where conviction was imposed.
14 The identification information shall be placed on the website
15 within 3 days of the inmate's release and the information may
16 not be removed until either: completion of the first year of
17 mandatory supervised release or return of the inmate to custody
18 of the Department.

19 (b) Whenever a person is or has been committed under
20 several convictions, with separate sentences, the sentences
21 shall be construed under Section 5-8-4 in granting and
22 forfeiting of sentence credit.

23 (c) (1) The Department shall prescribe rules and
24 regulations for revoking sentence credit, including revoking
25 sentence credit awarded under paragraph (3) of subsection (a)
26 of this Section. The Department shall prescribe rules and

1 regulations establishing and requiring the use of a sanctions
2 matrix for revoking sentence credit. The Department shall
3 prescribe rules and regulations for suspending or reducing the
4 rate of accumulation of sentence credit for specific rule
5 violations, during imprisonment. These rules and regulations
6 shall provide that no inmate may be penalized more than one
7 year of sentence credit for any one infraction.

8 (2) When the Department seeks to revoke, suspend, or reduce
9 the rate of accumulation of any sentence credits for an alleged
10 infraction of its rules, it shall bring charges therefor
11 against the prisoner sought to be so deprived of sentence
12 credits before the Prisoner Review Board as provided in
13 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
14 amount of credit at issue exceeds 30 days, whether from one
15 infraction or cumulatively from multiple infractions arising
16 out of a single event, or when, during any 12-month ~~12-month~~
17 period, the cumulative amount of credit revoked exceeds 30 days
18 except where the infraction is committed or discovered within
19 60 days of scheduled release. In those cases, the Department of
20 Corrections may revoke up to 30 days of sentence credit. The
21 Board may subsequently approve the revocation of additional
22 sentence credit, if the Department seeks to revoke sentence
23 credit in excess of 30 days. However, the Board shall not be
24 empowered to review the Department's decision with respect to
25 the loss of 30 days of sentence credit within any calendar year
26 for any prisoner or to increase any penalty beyond the length

1 requested by the Department.

2 (3) The Director of the Department of Corrections, in
3 appropriate cases, may restore ~~up to 30 days of~~ sentence
4 credits which have been revoked, suspended, or reduced. The
5 Department shall prescribe rules and regulations governing the
6 restoration of sentence credits. These rules and regulations
7 shall provide for the automatic restoration of sentence credits
8 following a period in which the prisoner maintains a record
9 without a disciplinary violation. ~~Any restoration of sentence~~
10 credits in excess of 30 days shall be subject to review by the
11 Prisoner Review Board. However, the Board may not restore
12 sentence credit in excess of the amount requested by the
13 Director.

14 Nothing contained in this Section shall prohibit the
15 Prisoner Review Board from ordering, pursuant to Section
16 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
17 sentence imposed by the court that was not served due to the
18 accumulation of sentence credit.

19 (d) If a lawsuit is filed by a prisoner in an Illinois or
20 federal court against the State, the Department of Corrections,
21 or the Prisoner Review Board, or against any of their officers
22 or employees, and the court makes a specific finding that a
23 pleading, motion, or other paper filed by the prisoner is
24 frivolous, the Department of Corrections shall conduct a
25 hearing to revoke up to 180 days of sentence credit by bringing
26 charges against the prisoner sought to be deprived of the

1 sentence credits before the Prisoner Review Board as provided
2 in subparagraph (a) (8) of Section 3-3-2 of this Code. If the
3 prisoner has not accumulated 180 days of sentence credit at the
4 time of the finding, then the Prisoner Review Board may revoke
5 all sentence credit accumulated by the prisoner.

6 For purposes of this subsection (d):

7 (1) "Frivolous" means that a pleading, motion, or other
8 filing which purports to be a legal document filed by a
9 prisoner in his or her lawsuit meets any or all of the
10 following criteria:

11 (A) it lacks an arguable basis either in law or in
12 fact;

13 (B) it is being presented for any improper purpose,
14 such as to harass or to cause unnecessary delay or
15 needless increase in the cost of litigation;

16 (C) the claims, defenses, and other legal
17 contentions therein are not warranted by existing law
18 or by a nonfrivolous argument for the extension,
19 modification, or reversal of existing law or the
20 establishment of new law;

21 (D) the allegations and other factual contentions
22 do not have evidentiary support or, if specifically so
23 identified, are not likely to have evidentiary support
24 after a reasonable opportunity for further
25 investigation or discovery; or

26 (E) the denials of factual contentions are not

1 warranted on the evidence, or if specifically so
2 identified, are not reasonably based on a lack of
3 information or belief.

4 (2) "Lawsuit" means a motion pursuant to Section 116-3
5 of the Code of Criminal Procedure of 1963, a habeas corpus
6 action under Article X of the Code of Civil Procedure or
7 under federal law (28 U.S.C. 2254), a petition for claim
8 under the Court of Claims Act, an action under the federal
9 Civil Rights Act (42 U.S.C. 1983), or a second or
10 subsequent petition for post-conviction relief under
11 Article 122 of the Code of Criminal Procedure of 1963
12 whether filed with or without leave of court or a second or
13 subsequent petition for relief from judgment under Section
14 2-1401 of the Code of Civil Procedure.

15 (e) Nothing in Public Act 90-592 or 90-593 affects the
16 validity of Public Act 89-404.

17 (f) Whenever the Department is to release any inmate who
18 has been convicted of a violation of an order of protection
19 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
20 the Criminal Code of 2012, earlier than it otherwise would
21 because of a grant of sentence credit, the Department, as a
22 condition of release, shall require that the person, upon
23 release, be placed under electronic surveillance as provided in
24 Section 5-8A-7 of this Code.

25 (Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18;
26 101-440, eff. 1-1-20; revised 8-19-20.)

1 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

2 Sec. 5-3-2. Presentence report.

3 (a) In felony cases, the presentence report shall set
4 forth:

5 (1) the defendant's history of delinquency or
6 criminality, physical and mental history and condition,
7 family situation and background, economic status,
8 education, occupation and personal habits;

9 (2) information about special resources within the
10 community which might be available to assist the
11 defendant's rehabilitation, including treatment centers,
12 residential facilities, vocational training services,
13 correctional manpower programs, employment opportunities,
14 special educational programs, alcohol and drug abuse
15 programming, psychiatric and marriage counseling, and
16 other programs and facilities which could aid the
17 defendant's successful reintegration into society;

18 (3) the effect the offense committed has had upon the
19 victim or victims thereof, and any compensatory benefit
20 that various sentencing alternatives would confer on such
21 victim or victims;

22 (3.5) information provided by the victim's spouse,
23 guardian, parent, grandparent, and other immediate family
24 and household members about the effect the offense
25 committed has had on the victim and on the person providing

1 the information; if the victim's spouse, guardian, parent,
2 grandparent, or other immediate family or household member
3 has provided a written statement, the statement shall be
4 attached to the report;

5 (4) information concerning the defendant's status
6 since arrest, including his record if released on his own
7 recognizance, or the defendant's achievement record if
8 released on a conditional pre-trial supervision program;

9 (5) when appropriate, a plan, based upon the personal,
10 economic and social adjustment needs of the defendant,
11 utilizing public and private community resources as an
12 alternative to institutional sentencing;

13 (6) any other matters that the investigatory officer
14 deems relevant or the court directs to be included;

15 (7) information concerning the defendant's eligibility
16 for a sentence to a county impact incarceration program
17 under Section 5-8-1.2 of this Code; and

18 (8) information concerning the defendant's eligibility
19 for a sentence to an impact incarceration program
20 administered by the Department under Section 5-8-1.1.

21 (b) The investigation shall include a physical and mental
22 examination of the defendant when so ordered by the court. If
23 the court determines that such an examination should be made,
24 it shall issue an order that the defendant submit to
25 examination at such time and place as designated by the court
26 and that such examination be conducted by a physician,

1 psychologist or psychiatrist designated by the court. Such an
2 examination may be conducted in a court clinic if so ordered by
3 the court. The cost of such examination shall be paid by the
4 county in which the trial is held.

5 (b-5) In cases involving felony sex offenses in which the
6 offender is being considered for probation only or any felony
7 offense that is sexually motivated as defined in the Sex
8 Offender Management Board Act in which the offender is being
9 considered for probation only, the investigation shall include
10 a sex offender evaluation by an evaluator approved by the Board
11 and conducted in conformance with the standards developed under
12 the Sex Offender Management Board Act. In cases in which the
13 offender is being considered for any mandatory prison sentence,
14 the investigation shall not include a sex offender evaluation.

15 (c) In misdemeanor, business offense or petty offense
16 cases, except as specified in subsection (d) of this Section,
17 when a presentence report has been ordered by the court, such
18 presentence report shall contain information on the
19 defendant's history of delinquency or criminality and shall
20 further contain only those matters listed in any of paragraphs
21 (1) through (6) of subsection (a) or in subsection (b) of this
22 Section as are specified by the court in its order for the
23 report.

24 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or
25 12-30 of the Criminal Code of 1961 or the Criminal Code of
26 2012, the presentence report shall set forth information about

1 alcohol, drug abuse, psychiatric, and marriage counseling or
2 other treatment programs and facilities, information on the
3 defendant's history of delinquency or criminality, and shall
4 contain those additional matters listed in any of paragraphs
5 (1) through (6) of subsection (a) or in subsection (b) of this
6 Section as are specified by the court.

7 (e) Nothing in this Section shall cause the defendant to be
8 held without pretrial release ~~bail~~ or to have his pretrial
9 release ~~bail~~ revoked for the purpose of preparing the
10 presentence report or making an examination.

11 (Source: P.A. 101-105, eff. 1-1-20; revised 9-24-19.)

12 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

13 Sec. 5-4-1. Sentencing hearing.

14 (a) Except when the death penalty is sought under hearing
15 procedures otherwise specified, after a determination of
16 guilt, a hearing shall be held to impose the sentence. However,
17 prior to the imposition of sentence on an individual being
18 sentenced for an offense based upon a charge for a violation of
19 Section 11-501 of the Illinois Vehicle Code or a similar
20 provision of a local ordinance, the individual must undergo a
21 professional evaluation to determine if an alcohol or other
22 drug abuse problem exists and the extent of such a problem.
23 Programs conducting these evaluations shall be licensed by the
24 Department of Human Services. However, if the individual is not
25 a resident of Illinois, the court may, in its discretion,

1 accept an evaluation from a program in the state of such
2 individual's residence. The court shall make a specific finding
3 about whether the defendant is eligible for participation in a
4 Department impact incarceration program as provided in Section
5 5-8-1.1 or 5-8-1.3, and if not, provide an explanation as to
6 why a sentence to impact incarceration is not an appropriate
7 sentence. The court may in its sentencing order recommend a
8 defendant for placement in a Department of Corrections
9 substance abuse treatment program as provided in paragraph (a)
10 of subsection (1) of Section 3-2-2 conditioned upon the
11 defendant being accepted in a program by the Department of
12 Corrections. At the hearing the court shall:

13 (1) consider the evidence, if any, received upon the
14 trial;

15 (2) consider any presentence reports;

16 (3) consider the financial impact of incarceration
17 based on the financial impact statement filed with the
18 clerk of the court by the Department of Corrections;

19 (4) consider evidence and information offered by the
20 parties in aggravation and mitigation;

21 (4.5) consider substance abuse treatment, eligibility
22 screening, and an assessment, if any, of the defendant by
23 an agent designated by the State of Illinois to provide
24 assessment services for the Illinois courts;

25 (5) hear arguments as to sentencing alternatives;

26 (6) afford the defendant the opportunity to make a

1 statement in his own behalf;

2 (7) afford the victim of a violent crime or a violation
3 of Section 11-501 of the Illinois Vehicle Code, or a
4 similar provision of a local ordinance, the opportunity to
5 present an oral or written statement, as guaranteed by
6 Article I, Section 8.1 of the Illinois Constitution and
7 provided in Section 6 of the Rights of Crime Victims and
8 Witnesses Act. The court shall allow a victim to make an
9 oral statement if the victim is present in the courtroom
10 and requests to make an oral or written statement. An oral
11 or written statement includes the victim or a
12 representative of the victim reading the written
13 statement. The court may allow persons impacted by the
14 crime who are not victims under subsection (a) of Section 3
15 of the Rights of Crime Victims and Witnesses Act to present
16 an oral or written statement. A victim and any person
17 making an oral statement shall not be put under oath or
18 subject to cross-examination. All statements offered under
19 this paragraph (7) shall become part of the record of the
20 court. In this paragraph (7), "victim of a violent crime"
21 means a person who is a victim of a violent crime for which
22 the defendant has been convicted after a bench or jury
23 trial or a person who is the victim of a violent crime with
24 which the defendant was charged and the defendant has been
25 convicted under a plea agreement of a crime that is not a
26 violent crime as defined in subsection (c) of 3 of the

1 Rights of Crime Victims and Witnesses Act;

2 (7.5) afford a qualified person affected by: (i) a
3 violation of Section ~~405, 405.1, 405.2,~~ or 407 of the
4 Illinois Controlled Substances Act or a violation of
5 Section 55 ~~or Section 65~~ of the Methamphetamine Control and
6 Community Protection Act; or (ii) a Class 4 felony
7 violation of Section 11-14, 11-14.3 except as described in
8 subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18,
9 11-18.1, or 11-19 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, committed by the defendant the
11 opportunity to make a statement concerning the impact on
12 the qualified person and to offer evidence in aggravation
13 or mitigation; provided that the statement and evidence
14 offered in aggravation or mitigation shall first be
15 prepared in writing in conjunction with the State's
16 Attorney before it may be presented orally at the hearing.
17 Sworn testimony offered by the qualified person is subject
18 to the defendant's right to cross-examine. All statements
19 and evidence offered under this paragraph (7.5) shall
20 become part of the record of the court. In this paragraph
21 (7.5), "qualified person" means any person who: (i) lived
22 or worked within the territorial jurisdiction where the
23 offense took place when the offense took place; or (ii) is
24 familiar with various public places within the territorial
25 jurisdiction where the offense took place when the offense
26 took place. "Qualified person" includes any peace officer

1 or any member of any duly organized State, county, or
2 municipal peace officer unit assigned to the territorial
3 jurisdiction where the offense took place when the offense
4 took place;

5 (8) in cases of reckless homicide afford the victim's
6 spouse, guardians, parents or other immediate family
7 members an opportunity to make oral statements;

8 (9) in cases involving a felony sex offense as defined
9 under the Sex Offender Management Board Act, consider the
10 results of the sex offender evaluation conducted pursuant
11 to Section 5-3-2 of this Act; and

12 (10) make a finding of whether a motor vehicle was used
13 in the commission of the offense for which the defendant is
14 being sentenced.

15 (b) All sentences shall be imposed by the judge based upon
16 his independent assessment of the elements specified above and
17 any agreement as to sentence reached by the parties. The judge
18 who presided at the trial or the judge who accepted the plea of
19 guilty shall impose the sentence unless he is no longer sitting
20 as a judge in that court. Where the judge does not impose
21 sentence at the same time on all defendants who are convicted
22 as a result of being involved in the same offense, the
23 defendant or the State's Attorney may advise the sentencing
24 court of the disposition of any other defendants who have been
25 sentenced.

26 (b-1) In imposing a sentence of imprisonment or periodic

1 imprisonment for a Class 3 or Class 4 felony for which a
2 sentence of probation or conditional discharge is an available
3 sentence, if the defendant has no prior sentence of probation
4 or conditional discharge and no prior conviction for a violent
5 crime, the defendant shall not be sentenced to imprisonment
6 before review and consideration of a presentence report and
7 determination and explanation of why the particular evidence,
8 information, factor in aggravation, factual finding, or other
9 reasons support a sentencing determination that one or more of
10 the factors under subsection (a) of Section 5-6-1 of this Code
11 apply and that probation or conditional discharge is not an
12 appropriate sentence.

13 (c) In imposing a sentence for a violent crime or for an
14 offense of operating or being in physical control of a vehicle
15 while under the influence of alcohol, any other drug or any
16 combination thereof, or a similar provision of a local
17 ordinance, when such offense resulted in the personal injury to
18 someone other than the defendant, the trial judge shall specify
19 on the record the particular evidence, information, factors in
20 mitigation and aggravation or other reasons that led to his
21 sentencing determination. The full verbatim record of the
22 sentencing hearing shall be filed with the clerk of the court
23 and shall be a public record.

24 (c-1) In imposing a sentence for the offense of aggravated
25 kidnapping for ransom, home invasion, armed robbery,
26 aggravated vehicular hijacking, aggravated discharge of a

1 firearm, or armed violence with a category I weapon or category
2 II weapon, the trial judge shall make a finding as to whether
3 the conduct leading to conviction for the offense resulted in
4 great bodily harm to a victim, and shall enter that finding and
5 the basis for that finding in the record.

6 (c-2) If the defendant is sentenced to prison, other than
7 when a sentence of natural life imprisonment or a sentence of
8 death is imposed, at the time the sentence is imposed the judge
9 shall state on the record in open court the approximate period
10 of time the defendant will serve in custody according to the
11 then current statutory rules and regulations for sentence
12 credit found in Section 3-6-3 and other related provisions of
13 this Code. This statement is intended solely to inform the
14 public, has no legal effect on the defendant's actual release,
15 and may not be relied on by the defendant on appeal.

16 The judge's statement, to be given after pronouncing the
17 sentence, other than when the sentence is imposed for one of
18 the offenses enumerated in paragraph (a)(4) of Section 3-6-3,
19 shall include the following:

20 "The purpose of this statement is to inform the public of
21 the actual period of time this defendant is likely to spend in
22 prison as a result of this sentence. The actual period of
23 prison time served is determined by the statutes of Illinois as
24 applied to this sentence by the Illinois Department of
25 Corrections and the Illinois Prisoner Review Board. In this
26 case, assuming the defendant receives all of his or her

1 sentence credit, the period of estimated actual custody is ...
2 years and ... months, less up to 180 days additional earned
3 sentence credit. If the defendant, because of his or her own
4 misconduct or failure to comply with the institutional
5 regulations, does not receive those credits, the actual time
6 served in prison will be longer. The defendant may also receive
7 an additional one-half day sentence credit for each day of
8 participation in vocational, industry, substance abuse, and
9 educational programs as provided for by Illinois statute."

10 When the sentence is imposed for one of the offenses
11 enumerated in paragraph (a)(2) of Section 3-6-3, other than
12 first degree murder, and the offense was committed on or after
13 June 19, 1998, and when the sentence is imposed for reckless
14 homicide as defined in subsection (e) of Section 9-3 of the
15 Criminal Code of 1961 or the Criminal Code of 2012 if the
16 offense was committed on or after January 1, 1999, and when the
17 sentence is imposed for aggravated driving under the influence
18 of alcohol, other drug or drugs, or intoxicating compound or
19 compounds, or any combination thereof as defined in
20 subparagraph (F) of paragraph (1) of subsection (d) of Section
21 11-501 of the Illinois Vehicle Code, and when the sentence is
22 imposed for aggravated arson if the offense was committed on or
23 after July 27, 2001 (the effective date of Public Act 92-176),
24 and when the sentence is imposed for aggravated driving under
25 the influence of alcohol, other drug or drugs, or intoxicating
26 compound or compounds, or any combination thereof as defined in

1 subparagraph (C) of paragraph (1) of subsection (d) of Section
2 11-501 of the Illinois Vehicle Code committed on or after
3 January 1, 2011 (the effective date of Public Act 96-1230), the
4 judge's statement, to be given after pronouncing the sentence,
5 shall 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 is entitled to no more than 4 1/2 days of
13 sentence credit for each month of his or her sentence of
14 imprisonment. Therefore, this defendant will serve at least 85%
15 of his or her sentence. Assuming the defendant receives 4 1/2
16 days credit for each month of his or her sentence, the period
17 of estimated actual custody is ... years and ... months. If the
18 defendant, because of his or her own misconduct or failure to
19 comply with the institutional regulations receives lesser
20 credit, the actual time served in prison will be longer."

21 When a sentence of imprisonment is imposed for first degree
22 murder and the offense was committed on or after June 19, 1998,
23 the judge's statement, to be given after pronouncing the
24 sentence, shall include the following:

25 "The purpose of this statement is to inform the public of
26 the actual period of time this defendant is likely to spend in

1 prison as a result of this sentence. The actual period of
2 prison time served is determined by the statutes of Illinois as
3 applied to this sentence by the Illinois Department of
4 Corrections and the Illinois Prisoner Review Board. In this
5 case, the defendant is not entitled to sentence credit.
6 Therefore, this defendant will serve 100% of his or her
7 sentence."

8 When the sentencing order recommends placement in a
9 substance abuse program for any offense that results in
10 incarceration in a Department of Corrections facility and the
11 crime was committed on or after September 1, 2003 (the
12 effective date of Public Act 93-354), the judge's statement, in
13 addition to any other judge's statement required under this
14 Section, to be given after pronouncing the sentence, shall
15 include the following:

16 "The purpose of this statement is to inform the public of
17 the actual period of time this defendant is likely to spend in
18 prison as a result of this sentence. The actual period of
19 prison time served is determined by the statutes of Illinois as
20 applied to this sentence by the Illinois Department of
21 Corrections and the Illinois Prisoner Review Board. In this
22 case, the defendant shall receive no earned sentence credit
23 under clause (3) of subsection (a) of Section 3-6-3 until he or
24 she participates in and completes a substance abuse treatment
25 program or receives a waiver from the Director of Corrections
26 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

1 (c-4) Before the sentencing hearing and as part of the
2 presentence investigation under Section 5-3-1, the court shall
3 inquire of the defendant whether the defendant is currently
4 serving in or is a veteran of the Armed Forces of the United
5 States. If the defendant is currently serving in the Armed
6 Forces of the United States or is a veteran of the Armed Forces
7 of the United States and has been diagnosed as having a mental
8 illness by a qualified psychiatrist or clinical psychologist or
9 physician, the court may:

10 (1) order that the officer preparing the presentence
11 report consult with the United States Department of
12 Veterans Affairs, Illinois Department of Veterans'
13 Affairs, or another agency or person with suitable
14 knowledge or experience for the purpose of providing the
15 court with information regarding treatment options
16 available to the defendant, including federal, State, and
17 local programming; and

18 (2) consider the treatment recommendations of any
19 diagnosing or treating mental health professionals
20 together with the treatment options available to the
21 defendant in imposing sentence.

22 For the purposes of this subsection (c-4), "qualified
23 psychiatrist" means a reputable physician licensed in Illinois
24 to practice medicine in all its branches, who has specialized
25 in the diagnosis and treatment of mental and nervous disorders
26 for a period of not less than 5 years.

1 (c-6) In imposing a sentence, the trial judge shall
2 specify, on the record, the particular evidence and other
3 reasons which led to his or her determination that a motor
4 vehicle was used in the commission of the offense.

5 (c-7) In imposing a sentence for a Class 3 or 4 felony,
6 other than a violent crime as defined in Section 3 of the
7 Rights of Crime Victims and Witnesses Act, the court shall
8 determine and indicate in the sentencing order whether the
9 defendant has 4 or more or fewer than 4 months remaining on his
10 or her sentence accounting for time served.

11 (d) When the defendant is committed to the Department of
12 Corrections, the State's Attorney shall and counsel for the
13 defendant may file a statement with the clerk of the court to
14 be transmitted to the department, agency or institution to
15 which the defendant is committed to furnish such department,
16 agency or institution with the facts and circumstances of the
17 offense for which the person was committed together with all
18 other factual information accessible to them in regard to the
19 person prior to his commitment relative to his habits,
20 associates, disposition and reputation and any other facts and
21 circumstances which may aid such department, agency or
22 institution during its custody of such person. The clerk shall
23 within 10 days after receiving any such statements transmit a
24 copy to such department, agency or institution and a copy to
25 the other party, provided, however, that this shall not be
26 cause for delay in conveying the person to the department,

1 agency or institution to which he has been committed.

2 (e) The clerk of the court shall transmit to the
3 department, agency or institution, if any, to which the
4 defendant is committed, the following:

5 (1) the sentence imposed;

6 (2) any statement by the court of the basis for
7 imposing the sentence;

8 (3) any presentence reports;

9 (3.5) any sex offender evaluations;

10 (3.6) any substance abuse treatment eligibility
11 screening and assessment of the defendant by an agent
12 designated by the State of Illinois to provide assessment
13 services for the Illinois courts;

14 (4) the number of days, if any, which the defendant has
15 been in custody and for which he is entitled to credit
16 against the sentence, which information shall be provided
17 to the clerk by the sheriff;

18 (4.1) any finding of great bodily harm made by the
19 court with respect to an offense enumerated in subsection
20 (c-1);

21 (5) all statements filed under subsection (d) of this
22 Section;

23 (6) any medical or mental health records or summaries
24 of the defendant;

25 (7) the municipality where the arrest of the offender
26 or the commission of the offense has occurred, where such

1 municipality has a population of more than 25,000 persons;

2 (8) all statements made and evidence offered under
3 paragraph (7) of subsection (a) of this Section; and

4 (9) all additional matters which the court directs the
5 clerk to transmit.

6 (f) In cases in which the court finds that a motor vehicle
7 was used in the commission of the offense for which the
8 defendant is being sentenced, the clerk of the court shall,
9 within 5 days thereafter, forward a report of such conviction
10 to the Secretary of State.

11 (Source: P.A. 100-961, eff. 1-1-19; 101-81, eff. 7-12-19;
12 101-105, eff. 1-1-20.)

13 (730 ILCS 5/5-4.5-95)

14 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

15 (a) HABITUAL CRIMINALS.

16 (1) Every person who has been twice convicted in any
17 state or federal court of an offense that contains the same
18 elements as an offense now (the date of the offense
19 committed after the 2 prior convictions) classified in
20 Illinois as a Class X felony, criminal sexual assault,
21 aggravated kidnapping, or first degree murder, and who is
22 thereafter convicted of a Class X felony, criminal sexual
23 assault, or first degree murder, committed after the 2
24 prior convictions, shall be adjudged an habitual criminal.

25 (2) The 2 prior convictions need not have been for the

1 same offense.

2 (3) Any convictions that result from or are connected
3 with the same transaction, or result from offenses
4 committed at the same time, shall be counted for the
5 purposes of this Section as one conviction.

6 (4) This Section does not apply unless each of the
7 following requirements are satisfied:

8 (A) The third offense was committed after July 3,
9 1980.

10 (B) The third offense was committed within 20 years
11 of the date that judgment was entered on the first
12 conviction; provided, however, that time spent in
13 custody shall not be counted.

14 (C) The third offense was committed after
15 conviction on the second offense.

16 (D) The second offense was committed after
17 conviction on the first offense.

18 (5) Anyone who, having attained the age of 18 at the
19 time of the third offense, is adjudged an habitual criminal
20 shall be sentenced to a term of natural life imprisonment.

21 (6) A prior conviction shall not be alleged in the
22 indictment, and no evidence or other disclosure of that
23 conviction shall be presented to the court or the jury
24 during the trial of an offense set forth in this Section
25 unless otherwise permitted by the issues properly raised in
26 that trial. After a plea or verdict or finding of guilty

1 and before sentence is imposed, the prosecutor may file
2 with the court a verified written statement signed by the
3 State's Attorney concerning any former conviction of an
4 offense set forth in this Section rendered against the
5 defendant. The court shall then cause the defendant to be
6 brought before it; shall inform the defendant of the
7 allegations of the statement so filed, and of his or her
8 right to a hearing before the court on the issue of that
9 former conviction and of his or her right to counsel at
10 that hearing; and unless the defendant admits such
11 conviction, shall hear and determine the issue, and shall
12 make a written finding thereon. If a sentence has
13 previously been imposed, the court may vacate that sentence
14 and impose a new sentence in accordance with this Section.

15 (7) A duly authenticated copy of the record of any
16 alleged former conviction of an offense set forth in this
17 Section shall be prima facie evidence of that former
18 conviction; and a duly authenticated copy of the record of
19 the defendant's final release or discharge from probation
20 granted, or from sentence and parole supervision (if any)
21 imposed pursuant to that former conviction, shall be prima
22 facie evidence of that release or discharge.

23 (8) Any claim that a previous conviction offered by the
24 prosecution is not a former conviction of an offense set
25 forth in this Section because of the existence of any
26 exceptions described in this Section, is waived unless duly

1 raised at the hearing on that conviction, or unless the
2 prosecution's proof shows the existence of the exceptions
3 described in this Section.

4 (9) If the person so convicted shows to the
5 satisfaction of the court before whom that conviction was
6 had that he or she was released from imprisonment, upon
7 either of the sentences upon a pardon granted for the
8 reason that he or she was innocent, that conviction and
9 sentence shall not be considered under this Section.

10 (10) This subsection (a) does not apply to a violation
11 of the Cannabis Control Act, the Illinois Controlled
12 Substances Act, or the Methamphetamine Control and
13 Community Protection Act.

14 (b) When a defendant, over the age of 21 years, is
15 convicted of a Class 1 or Class 2 felony that is a forcible
16 felony as defined in Section 2-8 of the Criminal Code of 2012,
17 except for an offense listed in subsection (c) of this Section,
18 after having twice been convicted in any state or federal court
19 of an offense that contains the same elements as an offense now
20 (the date the Class 1 or Class 2 forcible felony was committed)
21 classified in Illinois as a Class 2 or greater Class felony
22 that is a forcible felony as defined in Section 2-8 of the
23 Criminal Code of 2012, except for an offense listed in
24 subsection (c) of this Section, and those charges are
25 separately brought and tried and arise out of different series
26 of acts, that defendant shall be sentenced as a Class X

1 offender. This subsection does not apply unless:

2 (1) the first felony was committed after February 1,
3 1978 (the effective date of Public Act 80-1099);

4 (2) the second felony was committed after conviction on
5 the first; and

6 (3) the third felony was committed after conviction on
7 the second.

8 (c) Subsection (b) of this Section does not apply to Class
9 1 or Class 2 felony convictions for a violation of Section 16-1
10 of the Criminal Code of 2012.

11 A person sentenced as a Class X offender under this
12 subsection (b) is not eligible to apply for treatment as a
13 condition of probation as provided by Section 40-10 of the
14 Substance Use Disorder Act (20 ILCS 301/40-10).

15 (Source: P.A. 99-69, eff. 1-1-16; 100-3, eff. 1-1-18; 100-759,
16 eff. 1-1-19.)

17 (730 ILCS 5/5-4.5-100)

18 Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

19 (a) COMMENCEMENT. A sentence of imprisonment shall
20 commence on the date on which the offender is received by the
21 Department or the institution at which the sentence is to be
22 served.

23 (b) CREDIT; TIME IN CUSTODY; SAME CHARGE. Except as set
24 forth in subsection (e), the offender shall be given credit on
25 the determinate sentence or maximum term and the minimum period

1 of imprisonment for the number of days spent in custody as a
2 result of the offense for which the sentence was imposed. The
3 Department shall calculate the credit at the rate specified in
4 Section 3-6-3 (730 ILCS 5/3-6-3). ~~The Except when prohibited by~~
5 ~~subsection (d),~~ the trial court shall give credit to the
6 defendant for time spent in home detention on the same
7 sentencing terms as incarceration as provided in Section 5-8A-3
8 (730 ILCS 5/5-8A-3). Home detention for purposes of credit
9 includes restrictions on liberty such as curfews restricting
10 movement for 12 hours or more per day and electronic monitoring
11 that restricts travel or movement. Electronic monitoring is not
12 required for home detention to be considered custodial for
13 purposes of sentencing credit. The trial court may give credit
14 to the defendant for the number of days spent confined for
15 psychiatric or substance abuse treatment prior to judgment, if
16 the court finds that the detention or confinement was
17 custodial.

18 (c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender
19 arrested on one charge and prosecuted on another charge for
20 conduct that occurred prior to his or her arrest shall be given
21 credit on the determinate sentence or maximum term and the
22 minimum term of imprisonment for time spent in custody under
23 the former charge not credited against another sentence.

24 (c-5) CREDIT; PROGRAMMING. The trial court shall give the
25 defendant credit for successfully completing county
26 programming while in custody prior to imposition of sentence at

1 the rate specified in Section 3-6-3 (730 ILCS 5/3-6-3). For the
2 purposes of this subsection, "custody" includes time spent in
3 home detention.

4 (d) (Blank). ~~NO CREDIT; SOME HOME DETENTION. An offender~~
5 ~~sentenced to a term of imprisonment for an offense listed in~~
6 ~~paragraph (2) of subsection (c) of Section 5 5 3 (730 ILCS~~
7 ~~5/5 5 3) or in paragraph (3) of subsection (c 1) of Section~~
8 ~~11 501 of the Illinois Vehicle Code (625 ILCS 5/11 501) shall~~
9 ~~not receive credit for time spent in home detention prior to~~
10 ~~judgment.~~

11 (e) NO CREDIT; REVOCATION OF PAROLE, MANDATORY SUPERVISED
12 RELEASE, OR PROBATION. An offender charged with the commission
13 of an offense committed while on parole, mandatory supervised
14 release, or probation shall not be given credit for time spent
15 in custody under subsection (b) for that offense for any time
16 spent in custody as a result of a revocation of parole,
17 mandatory supervised release, or probation where such
18 revocation is based on a sentence imposed for a previous
19 conviction, regardless of the facts upon which the revocation
20 of parole, mandatory supervised release, or probation is based,
21 unless both the State and the defendant agree that the time
22 served for a violation of mandatory supervised release, parole,
23 or probation shall be credited towards the sentence for the
24 current offense.

25 (Source: P.A. 96-1000, eff. 7-2-10; 97-697, eff. 6-22-12.)

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 5/5-8-6) (from Ch. 38, par. 1005-8-6)

5 Sec. 5-8-6. Place of confinement.

6 (a) Except as otherwise provided in this subsection (a),
7 offenders ~~Offenders~~ sentenced to a term of imprisonment for a
8 felony shall be committed to the penitentiary system of the
9 Department of Corrections. However, such sentence shall not
10 limit the powers of the Department of Children and Family
11 Services in relation to any child under the age of one year in
12 the sole custody of a person so sentenced, nor in relation to
13 any child delivered by a female so sentenced while she is so
14 confined as a consequence of such sentence. Except as otherwise
15 provided in this subsection (a), a ~~A~~ person sentenced for a
16 felony may be assigned by the Department of Corrections to any
17 of its institutions, facilities or programs. An offender
18 sentenced to a term of imprisonment 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, in which the
21 sentencing order indicates that the offender has less than 4
22 months remaining on his or her sentence accounting for time
23 served may not be confined in the penitentiary system of the
24 Department of Corrections but may be assigned to electronic
25 home detention under Article 8A of this Chapter V, an adult

1 transition center, or another facility or program within the
2 Department of Corrections.

3 (b) Offenders sentenced to a term of imprisonment for less
4 than one year shall be committed to the custody of the sheriff.
5 A person committed to the Department of Corrections, prior to
6 July 14, 1983, for less than one year may be assigned by the
7 Department to any of its institutions, facilities or programs.

8 (c) All offenders under 18 years of age when sentenced to
9 imprisonment shall be committed to the Department of Juvenile
10 Justice and the court in its order of commitment shall set a
11 definite term. The provisions of Section 3-3-3 shall be a part
12 of such commitment as fully as though written in the order of
13 commitment. The place of confinement for sentences imposed
14 before the effective date of this amendatory Act of the 99th
15 General Assembly are not affected or abated by this amendatory
16 Act of the 99th General Assembly.

17 (d) No defendant shall be committed to the Department of
18 Corrections for the recovery of a fine or costs.

19 (e) When a court sentences a defendant to a term of
20 imprisonment concurrent with a previous and unexpired sentence
21 of imprisonment imposed by any district court of the United
22 States, it may commit the offender to the custody of the
23 Attorney General of the United States. The Attorney General of
24 the United States, or the authorized representative of the
25 Attorney General of the United States, shall be furnished with
26 the warrant of commitment from the court imposing sentence,

1 which warrant of commitment shall provide that, when the
2 offender is released from federal confinement, whether by
3 parole or by termination of sentence, the offender shall be
4 transferred by the Sheriff of the committing county to the
5 Department of Corrections. The court shall cause the Department
6 to be notified of such sentence at the time of commitment and
7 to be provided with copies of all records regarding the
8 sentence.

9 (Source: P.A. 99-628, eff. 1-1-17.)

10 (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

11 Sec. 5-8A-2. Definitions. As used in this Article:

12 (A) "Approved electronic monitoring device" means a device
13 approved by the supervising authority which is primarily
14 intended to record or transmit information as to the
15 defendant's presence or nonpresence in the home, consumption of
16 alcohol, consumption of drugs, location as determined through
17 GPS, cellular triangulation, Wi-Fi, or other electronic means.

18 An approved electronic monitoring device may record or
19 transmit: oral or wire communications or an auditory sound;
20 visual images; or information regarding the offender's
21 activities while inside the offender's home. These devices are
22 subject to the required consent as set forth in Section 5-8A-5
23 of this Article.

24 An approved electronic monitoring device may be used to
25 record a conversation between the participant and the

1 monitoring device, or the participant and the person
2 supervising the participant solely for the purpose of
3 identification and not for the purpose of eavesdropping or
4 conducting any other illegally intrusive monitoring.

5 (A-10) "Department" means the Department of Corrections or
6 the Department of Juvenile Justice.

7 (A-20) "Electronic monitoring" means the monitoring of an
8 inmate, person, or offender with an electronic device both
9 within and outside of their home under the terms and conditions
10 established by the supervising authority.

11 (B) "Excluded offenses" means first degree murder, escape,
12 predatory criminal sexual assault of a child, aggravated
13 criminal sexual assault, criminal sexual assault, aggravated
14 battery with a firearm as described in Section 12-4.2 or
15 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of Section
16 12-3.05, bringing or possessing a firearm, ammunition or
17 explosive in a penal institution, any "Super-X" drug offense or
18 calculated criminal drug conspiracy or streetgang criminal
19 drug conspiracy, or any predecessor or successor offenses with
20 the same or substantially the same elements, or any inchoate
21 offenses relating to the foregoing offenses.

22 (B-10) "GPS" means a device or system which utilizes the
23 Global Positioning Satellite system for determining the
24 location of a person, inmate or offender.

25 (C) "Home detention" means the confinement of a person
26 convicted or charged with an offense to his or her place of

1 residence under the terms and conditions established by the
2 supervising authority. Confinement need not be 24 hours per day
3 to qualify as home detention, and significant restrictions on
4 liberty such as 7pm to 7am curfews shall qualify. Home
5 confinement may or may not be accompanied by electronic
6 monitoring, and electronic monitoring is not required for
7 purposes of sentencing credit.

8 (D) "Participant" means an inmate or offender placed into
9 an electronic monitoring program.

10 (E) "Supervising authority" means the Department of
11 Corrections, the Department of Juvenile Justice, probation
12 department, a Chief Judge's office, pretrial services division
13 or department, sheriff, superintendent of municipal house of
14 corrections or any other officer or agency charged with
15 authorizing and supervising electronic monitoring and home
16 detention.

17 (F) "Super-X drug offense" means a violation of Section
18 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D);
19 Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B),
20 (C), or (D) of the Illinois Controlled Substances Act.

21 (G) "Wi-Fi" or "WiFi" means a device or system which
22 utilizes a wireless local area network for determining the
23 location of a person, inmate or offender.

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

1 Sec. 5-8A-4. Program description. The supervising
2 authority may promulgate rules that prescribe reasonable
3 guidelines under which an electronic monitoring and home
4 detention program shall operate. When using electronic
5 monitoring for home detention these rules may ~~shall~~ include but
6 not be limited to the following:

7 (A) The participant may be instructed to ~~shall~~ remain
8 within the interior premises or within the property
9 boundaries of his or her residence at all times during the
10 hours designated by the supervising authority. Such
11 instances of approved absences from the home shall ~~may~~
12 include but are not limited to the following:

13 (1) working or employment approved by the court or
14 traveling to or from approved employment;

15 (2) unemployed and seeking employment approved for
16 the participant by the court;

17 (3) undergoing medical, psychiatric, mental health
18 treatment, counseling, or other treatment programs
19 approved for the participant by the court;

20 (4) attending an educational institution or a
21 program approved for the participant by the court;

22 (5) attending a regularly scheduled religious
23 service at a place of worship;

24 (6) participating in community work release or
25 community service programs approved for the
26 participant by the supervising authority; or

1 (7) for another compelling reason consistent with
2 the public interest, as approved by the supervising
3 authority.

4 (8) purchasing groceries, food, or other basic
5 necessities.

6 (A-1) At a minimum, any person ordered to pretrial home
7 confinement with or without electronic monitoring must be
8 provided with open movement spread out over no fewer than
9 two days per week, to participate in basic activities such
10 as those listed in paragraph (A).

11 (B) The participant shall admit any person or agent
12 designated by the supervising authority into his or her
13 residence at any time for purposes of verifying the
14 participant's compliance with the conditions of his or her
15 detention.

16 (C) The participant shall make the necessary
17 arrangements to allow for any person or agent designated by
18 the supervising authority to visit the participant's place
19 of education or employment at any time, based upon the
20 approval of the educational institution employer or both,
21 for the purpose of verifying the participant's compliance
22 with the conditions of his or her detention.

23 (D) The participant shall acknowledge and participate
24 with the approved electronic monitoring device as
25 designated by the supervising authority at any time for the
26 purpose of verifying the participant's compliance with the

1 conditions of his or her detention.

2 (E) The participant shall maintain the following:

3 (1) access to a working telephone ~~in the~~
4 ~~participant's home;~~

5 (2) a monitoring device in the participant's home,
6 or on the participant's person, or both; and

7 (3) a monitoring device in the participant's home
8 and on the participant's person in the absence of a
9 telephone.

10 (F) The participant shall obtain approval from the
11 supervising authority before the participant changes
12 residence or the schedule described in subsection (A) of
13 this Section. Such approval shall not be unreasonably
14 withheld.

15 (G) The participant shall not commit another crime
16 during the period of home detention ordered by the Court.

17 (H) Notice to the participant that violation of the
18 order for home detention may subject the participant to
19 prosecution for the crime of escape as described in Section
20 5-8A-4.1.

21 (I) The participant shall abide by other conditions as
22 set by the supervising authority.

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

24 (730 ILCS 5/5-8A-4.1)

25 Sec. 5-8A-4.1. Escape; failure to comply with a condition

1 of the electronic monitoring or home detention program.

2 (a) A person charged with or convicted of a felony, or
3 charged with or adjudicated delinquent for an act which, if
4 committed by an adult, would constitute a felony, conditionally
5 released from the supervising authority through an electronic
6 monitoring or home detention program, who knowingly violates a
7 condition of the electronic monitoring or home detention
8 program and remains in violation for at least 48 hours is
9 guilty of a Class A misdemeanor ~~3 felony~~.

10 (b) A person charged with or convicted of a misdemeanor, or
11 charged with or adjudicated delinquent for an act which, if
12 committed by an adult, would constitute a misdemeanor,
13 conditionally released from the supervising authority through
14 an electronic monitoring or home detention program, who
15 knowingly violates a condition of the electronic monitoring or
16 home detention program and remains in violation for at least 48
17 hours is guilty of a Class C ~~B~~ misdemeanor.

18 (c) A person who violates this Section while armed with a
19 dangerous weapon is guilty of a Class 4 ~~1~~ felony for the first
20 offense and a Class 3 felony for a second or subsequent
21 offense.

22 (Source: P.A. 99-797, eff. 8-12-16; 100-431, eff. 8-25-17.)

23 (730 ILCS 5/5-8A-7)

24 Sec. 5-8A-7. Domestic violence surveillance program. If
25 the Prisoner Review Board, Department of Corrections,

1 Department of Juvenile Justice, or court (the supervising
2 authority) orders electronic surveillance as a condition of
3 parole, aftercare release, mandatory supervised release, early
4 release, probation, or conditional discharge for a violation of
5 an order of protection or as a condition of pretrial release
6 ~~bail~~ for a person charged with a violation of an order of
7 protection, the supervising authority shall use the best
8 available global positioning technology to track domestic
9 violence offenders. Best available technology must have
10 real-time and interactive capabilities that facilitate the
11 following objectives: (1) immediate notification to the
12 supervising authority of a breach of a court ordered exclusion
13 zone; (2) notification of the breach to the offender; and (3)
14 communication between the supervising authority, law
15 enforcement, and the victim, regarding the breach. The
16 supervising authority may also require that the electronic
17 surveillance ordered under this Section monitor the
18 consumption of alcohol or drugs.

19 (Source: P.A. 99-628, eff. 1-1-17; 99-797, eff. 8-12-16;
20 100-201, eff. 8-18-17.)

21 (730 ILCS 5/8-2-1) (from Ch. 38, par. 1008-2-1)

22 Sec. 8-2-1. Saving Clause.

23 The repeal of Acts or parts of Acts enumerated in Section
24 8-5-1 does not: (1) affect any offense committed, act done,
25 prosecution pending, penalty, punishment or forfeiture

1 incurred, or rights, powers or remedies accrued under any law
2 in effect immediately prior to the effective date of this Code;
3 (2) impair, avoid, or affect any grant or conveyance made or
4 right acquired or cause of action then existing under any such
5 repealed Act or amendment thereto; (3) affect or impair the
6 validity of any pretrial release ~~bail or other bond~~ or other
7 obligation issued or sold and constituting a valid obligation
8 of the issuing authority immediately prior to the effective
9 date of this Code; (4) the validity of any contract; or (5) the
10 validity of any tax levied under any law in effect prior to the
11 effective date of this Code. The repeal of any validating Act
12 or part thereof shall not avoid the effect of the validation.
13 No Act repealed by Section 8-5-1 shall repeal any Act or part
14 thereof which embraces the same or a similar subject matter as
15 the Act repealed.

16 (Source: P.A. 78-255.)

17 Section 10-285. The Probation and Probation Officers Act is
18 amended by changing Section 18 as follows:

19 (730 ILCS 110/18)

20 Sec. 18. Probation and court services departments
21 considered pretrial services agencies. For the purposes of
22 administering the provisions of Public Act 95-773, known as the
23 Cindy Bischof Law, all probation and court services departments
24 are to be considered pretrial services agencies under the

1 Pretrial Services Act and under the pretrial release ~~bail bond~~
2 provisions of the Code of Criminal Procedure of 1963.

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

4 Section 10-290. The County Jail Act is amended by changing
5 Section 5 as follows:

6 (730 ILCS 125/5) (from Ch. 75, par. 105)

7 Sec. 5. Costs of maintaining prisoners.

8 (a) Except as provided in subsections (b) and (c), all
9 costs of maintaining persons committed for violations of
10 Illinois law, shall be the responsibility of the county. Except
11 as provided in subsection (b), all costs of maintaining persons
12 committed under any ordinance or resolution of a unit of local
13 government, including medical costs, is the responsibility of
14 the unit of local government enacting the ordinance or
15 resolution, and arresting the person.

16 (b) If a person who is serving a term of mandatory
17 supervised release for a felony is incarcerated in a county
18 jail, the Illinois Department of Corrections shall pay the
19 county in which that jail is located one-half of the cost of
20 incarceration, as calculated by the Governor's Office of
21 Management and Budget and the county's chief financial officer,
22 for each day that the person remains in the county jail after
23 notice of the incarceration is given to the Illinois Department
24 of Corrections by the county, provided that (i) the Illinois

1 Department of Corrections has issued a warrant for an alleged
2 violation of mandatory supervised release by the person; (ii)
3 if the person is incarcerated on a new charge, unrelated to the
4 offense for which he or she is on mandatory supervised release,
5 there has been a court hearing at which the conditions of
6 pretrial release have ~~bail has~~ been set on the new charge;
7 (iii) the county has notified the Illinois Department of
8 Corrections that the person is incarcerated in the county jail,
9 which notice shall not be given until the ~~bail~~ hearing has
10 concluded, if the person is incarcerated on a new charge; and
11 (iv) the person remains incarcerated in the county jail for
12 more than 48 hours after the notice has been given to the
13 Department of Corrections by the county. Calculation of the per
14 diem cost shall be agreed upon prior to the passage of the
15 annual State budget.

16 (c) If a person who is serving a term of mandatory
17 supervised release is incarcerated in a county jail, following
18 an arrest on a warrant issued by the Illinois Department of
19 Corrections, solely for violation of a condition of mandatory
20 supervised release and not on any new charges for a new
21 offense, then the Illinois Department of Corrections shall pay
22 the medical costs incurred by the county in securing treatment
23 for that person, for any injury or condition other than one
24 arising out of or in conjunction with the arrest of the person
25 or resulting from the conduct of county personnel, while he or
26 she remains in the county jail on the warrant issued by the

1 Illinois Department of Corrections.

2 (Source: P.A. 94-678, eff. 1-1-06; 94-1094, eff. 1-26-07.)

3 Section 10-295. The County Jail Good Behavior Allowance Act
4 is amended by changing Section 3 as follows:

5 (730 ILCS 130/3) (from Ch. 75, par. 32)

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

1 conditional discharge is that the individual serve a sentence
2 of periodic imprisonment or to individuals sentenced under an
3 order of court for civil contempt.

4 Such good behavior allowance shall be cumulative and
5 awarded as provided in this Section.

6 The good behavior allowance rate shall be cumulative and
7 awarded on the following basis:

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

25 If consecutive sentences are served and the time served
26 amounts to a total of one year or more, the good behavior

1 allowance shall be calculated on a continuous basis throughout
2 the entire time served beginning on the first date of sentence
3 or incarceration, as the case may be.

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

5 Section 10-296. The Veterans and Servicemembers Court
6 Treatment Act is amended by changing Section 20 as follows:

7 (730 ILCS 167/20)

8 Sec. 20. Eligibility. Veterans and Servicemembers are
9 eligible for Veterans and Servicemembers Courts, provided the
10 following:

11 (a) A defendant, who is eligible for probation based on the
12 nature of the crime convicted of and in consideration of his or
13 her criminal background, if any, may be admitted into a
14 Veterans and Servicemembers Court program before adjudication
15 only upon the agreement of the defendant and with the approval
16 of the Court. A defendant may be admitted into a Veterans and
17 Servicemembers Court program post-adjudication only with the
18 approval of the court.

19 (b) A defendant shall be excluded from Veterans and
20 Servicemembers Court program if any of one of the following
21 applies:

22 (1) The crime is a crime of violence as set forth in
23 clause (3) of this subsection (b).

24 (2) The defendant does not demonstrate a willingness to

1 participate in a treatment program.

2 (3) The defendant has been convicted of a crime of
3 violence within the past 10 years excluding incarceration
4 time, including first degree murder, second degree murder,
5 predatory criminal sexual assault of a child, aggravated
6 criminal sexual assault, criminal sexual assault, armed
7 robbery, aggravated arson, arson, aggravated kidnapping
8 and kidnapping, aggravated battery resulting in great
9 bodily harm or permanent disability, stalking, aggravated
10 stalking, or any offense involving the discharge of a
11 firearm.

12 (4) (Blank).

13 (5) (Blank). ~~The crime for which the defendant has been~~
14 ~~convicted is non probationable.~~

15 (6) The sentence imposed on the defendant, whether the
16 result of a plea or a finding of guilt, renders the
17 defendant ineligible for probation.

18 (Source: P.A. 99-480, eff. 9-9-15; 100-426, eff. 1-1-18.)

19 Section 10-297. The Mental Health Court Treatment Act is
20 amended by changing Section 20 as follows:

21 (730 ILCS 168/20)

22 Sec. 20. Eligibility.

23 (a) A defendant, who is eligible for probation based on the
24 nature of the crime convicted of and in consideration of his or

1 her criminal background, if any, may be admitted into a mental
2 health court program only upon the agreement of the defendant
3 and with the approval of the court.

4 (b) A defendant shall be excluded from a mental health
5 court program if any one of the following applies:

6 (1) The crime is a crime of violence as set forth in
7 clause (3) of this subsection (b).

8 (2) The defendant does not demonstrate a willingness to
9 participate in a treatment program.

10 (3) The defendant has been convicted of a crime of
11 violence within the past 10 years excluding incarceration
12 time. As used in this paragraph (3), "crime of violence"
13 means: first degree murder, second degree murder,
14 predatory criminal sexual assault of a child, aggravated
15 criminal sexual assault, criminal sexual assault, armed
16 robbery, aggravated arson, arson, aggravated kidnapping,
17 kidnapping, aggravated battery resulting in great bodily
18 harm or permanent disability, stalking, aggravated
19 stalking, or any offense involving the discharge of a
20 firearm.

21 (4) (Blank).

22 (5) (Blank). ~~The crime for which the defendant has been~~
23 ~~convicted is non-probationable.~~

24 (6) The sentence imposed on the defendant, whether the
25 result of a plea or a finding of guilt, renders the
26 defendant ineligible for probation.

1 (c) A defendant charged with prostitution under Section
2 11-14 of the Criminal Code of 2012 may be admitted into a
3 mental health court program, if available in the jurisdiction
4 and provided that the requirements in subsections (a) and (b)
5 are satisfied. Mental health court programs may include
6 specialized service programs specifically designed to address
7 the trauma associated with prostitution and human trafficking,
8 and may offer those specialized services to defendants admitted
9 to the mental health court program. Judicial circuits
10 establishing these specialized programs shall partner with
11 prostitution and human trafficking advocates, survivors, and
12 service providers in the development of the programs.

13 (Source: P.A. 100-426, eff. 1-1-18.)

14 Section 10-300. The Code of Civil Procedure is amended by
15 changing Sections 10-106, 10-125, 10-127, 10-135, 10-136, and
16 21-103 as follows:

17 (735 ILCS 5/10-106) (from Ch. 110, par. 10-106)

18 Sec. 10-106. Grant of relief - Penalty. Unless it shall
19 appear from the complaint itself, or from the documents thereto
20 annexed, that the party can neither be discharged, admitted to
21 pretrial release ~~bail~~ nor otherwise relieved, the court shall
22 forthwith award relief by habeas corpus. Any judge empowered to
23 grant relief by habeas corpus who shall corruptly refuse to
24 grant the relief when legally applied for in a case where it

1 may lawfully be granted, or who shall for the purpose of
2 oppression unreasonably delay the granting of such relief
3 shall, for every such offense, forfeit to the prisoner or party
4 affected a sum not exceeding \$1,000.

5 (Source: P.A. 83-707.)

6 (735 ILCS 5/10-125) (from Ch. 110, par. 10-125)

7 Sec. 10-125. New commitment. In all cases where the
8 imprisonment is for a criminal, or supposed criminal matter, if
9 it appears to the court that there is sufficient legal cause
10 for the commitment of the prisoner, although such commitment
11 may have been informally made, or without due authority, or the
12 process may have been executed by a person not duly authorized,
13 the court shall make a new commitment in proper form, and
14 direct it to the proper officer, or admit the party to pretrial
15 release bail if the case is eligible for pretrial release
16 bailable. The court shall also, when necessary, take the
17 recognizance of all material witnesses against the prisoner, as
18 in other cases. The recognizances shall be in the form provided
19 by law, and returned as other recognizances. If any judge shall
20 neglect or refuse to bind any such prisoner or witness by
21 recognizance, or to return a recognizance when taken as
22 hereinabove stated, he or she shall be guilty of a Class A
23 misdemeanor in office, and be proceeded against accordingly.

24 (Source: P.A. 82-280.)

1 (735 ILCS 5/10-127) (from Ch. 110, par. 10-127)

2 Sec. 10-127. Grant of habeas corpus. It is not lawful for
3 any court, on a second order of habeas corpus obtained by such
4 prisoner, to discharge the prisoner, if he or she is clearly
5 and specifically charged in the warrant of commitment with a
6 criminal offense; but the court shall, on the return of such
7 second order, have power only to admit such prisoner to
8 pretrial release bail where the offense is eligible for
9 pretrial release ~~bailable~~ by law, or remand him or her to
10 prison where the offense is not eligible for pretrial release
11 ~~bailable~~, or being eligible for pretrial release ~~bailable~~,
12 where such prisoner fails to comply with the terms of pretrial
13 release ~~give the bail required~~.

14 (Source: P.A. 82-280.)

15 (735 ILCS 5/10-135) (from Ch. 110, par. 10-135)

16 Sec. 10-135. Habeas corpus to testify. The several courts
17 having authority to grant relief by habeas corpus, may enter
18 orders, when necessary, to bring before them any prisoner to
19 testify, or to be surrendered in discharge of pretrial release
20 ~~bail~~, or for trial upon any criminal charge lawfully pending in
21 the same court or to testify in a criminal proceeding in
22 another state as provided for by Section 2 of the "Uniform Act
23 to secure the attendance of witnesses from within or without a
24 state in criminal proceedings", approved July 23, 1959, as
25 heretofore or hereafter amended; and the order may be directed

1 to any county in the State, and there be served and returned by
2 any officer to whom it is directed.

3 (Source: P.A. 82-280.)

4 (735 ILCS 5/10-136) (from Ch. 110, par. 10-136)

5 Sec. 10-136. Prisoner remanded or punished. After a
6 prisoner has given his or her testimony, or been surrendered,
7 or his or her pretrial release ~~bail~~ discharged, or he or she
8 has been tried for the crime with which he or she is charged,
9 he or she shall be returned to the jail or other place of
10 confinement from which he or she was taken for that purpose. If
11 such prisoner is convicted of a crime punishable with death or
12 imprisonment in the penitentiary, he or she may be punished
13 accordingly; but in any case where the prisoner has been taken
14 from the penitentiary, and his or her punishment is by
15 imprisonment, the time of such imprisonment shall not commence
16 to run until the expiration of the time of service under any
17 former sentence.

18 (Source: P.A. 82-280.)

19 (735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

20 Sec. 21-103. Notice by publication.

21 (a) Previous notice shall be given of the intended
22 application by publishing a notice thereof in some newspaper
23 published in the municipality in which the person resides if
24 the municipality is in a county with a population under

1 2,000,000, or if the person does not reside in a municipality
2 in a county with a population under 2,000,000, or if no
3 newspaper is published in the municipality or if the person
4 resides in a county with a population of 2,000,000 or more,
5 then in some newspaper published in the county where the person
6 resides, or if no newspaper is published in that county, then
7 in some convenient newspaper published in this State. The
8 notice shall be inserted for 3 consecutive weeks after filing,
9 the first insertion to be at least 6 weeks before the return
10 day upon which the petition is to be heard, and shall be signed
11 by the petitioner or, in case of a minor, the minor's parent or
12 guardian, and shall set forth the return day of court on which
13 the petition is to be heard and the name sought to be assumed.

14 (b) The publication requirement of subsection (a) shall not
15 be required in any application for a change of name involving a
16 minor if, before making judgment under this Article, reasonable
17 notice and opportunity to be heard is given to any parent whose
18 parental rights have not been previously terminated and to any
19 person who has physical custody of the child. If any of these
20 persons are outside this State, notice and opportunity to be
21 heard shall be given under Section 21-104.

22 (b-3) The publication requirement of subsection (a) shall
23 not be required in any application for a change of name
24 involving a person who has received a judgment for dissolution
25 of marriage or declaration of invalidity of marriage and wishes
26 to change his or her name to resume the use of his or her former

1 or maiden name.

2 (b-5) Upon motion, the court may issue an order directing
3 that the notice and publication requirement be waived for a
4 change of name involving a person who files with the court a
5 written declaration that the person believes that publishing
6 notice of the name change would put the person at risk of
7 physical harm or discrimination. The person must provide
8 evidence to support the claim that publishing notice of the
9 name change would put the person at risk of physical harm or
10 discrimination.

11 (c) The Director of State Police or his or her designee may
12 apply to the circuit court for an order directing that the
13 notice and publication requirements of this Section be waived
14 if the Director or his or her designee certifies that the name
15 change being sought is intended to protect a witness during and
16 following a criminal investigation or proceeding.

17 (c-1) The court may enter a written order waiving the
18 publication requirement of subsection (a) if:

19 (i) the petitioner is 18 years of age or older; and
20 (ii) concurrent with the petition, the petitioner
21 files with the court a statement, verified under oath as
22 provided under Section 1-109 of this Code, attesting that
23 the petitioner is or has been a person protected under the
24 Illinois Domestic Violence Act of 1986, the Stalking No
25 Contact Order Act, the Civil No Contact Order Act, Article
26 112A of the Code of Criminal Procedure of 1963, a condition

1 of pretrial release ~~bail~~ under subsections (b) through (d)
2 of Section 110-10 of the Code of Criminal Procedure of
3 1963, or a similar provision of a law in another state or
4 jurisdiction.

5 The petitioner may attach to the statement any supporting
6 documents, including relevant court orders.

7 (c-2) If the petitioner files a statement attesting that
8 disclosure of the petitioner's address would put the petitioner
9 or any member of the petitioner's family or household at risk
10 or reveal the confidential address of a shelter for domestic
11 violence victims, that address may be omitted from all
12 documents filed with the court, and the petitioner may
13 designate an alternative address for service.

14 (c-3) Court administrators may allow domestic abuse
15 advocates, rape crisis advocates, and victim advocates to
16 assist petitioners in the preparation of name changes under
17 subsection (c-1).

18 (c-4) If the publication requirements of subsection (a)
19 have been waived, the circuit court shall enter an order
20 impounding the case.

21 (d) The maximum rate charged for publication of a notice
22 under this Section may not exceed the lowest classified rate
23 paid by commercial users for comparable space in the newspaper
24 in which the notice appears and shall include all cash
25 discounts, multiple insertion discounts, and similar benefits
26 extended to the newspaper's regular customers.

1 (Source: P.A. 100-520, eff. 1-1-18 (see Section 5 of P.A.
2 100-565 for the effective date of P.A. 100-520); 100-788, eff.
3 1-1-19; 100-966, eff. 1-1-19; 101-81, eff. 7-12-19; 101-203,
4 eff. 1-1-20.)

5 Section 10-305. The Civil No Contact Order Act is amended
6 by changing Section 220 as follows:

7 (740 ILCS 22/220)

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

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

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

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

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

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

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

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

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

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

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

25 (1) In a contempt proceeding where the petition for a
26 rule to show cause or petition for adjudication of criminal

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

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

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

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

20 (2) by notice under Section 218;

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

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

25 (f) The enforcement of a civil no contact order in civil or
26 criminal court shall not be affected by either of the

1 following:

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

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

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

10 (h) Penalties.

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

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

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

25 (i) increase the penalty for the knowing violation
26 of any civil no contact order over any penalty

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

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

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

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

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

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

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

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

2 Section 10-307. The Crime Victims Compensation Act is
3 amended by changing Sections 2, 2.5, 4.1, 6.1, and 7.1 as
4 follows:

5 (740 ILCS 45/2) (from Ch. 70, par. 72)

6 Sec. 2. Definitions. As used in this Act, unless the
7 context otherwise requires:

8 (a) "Applicant" means any person who applies for
9 compensation under this Act or any person the Court of Claims
10 or the Attorney General finds is entitled to compensation,
11 including the guardian of a minor or of a person under legal
12 disability. It includes any person who was a dependent of a
13 deceased victim of a crime of violence for his or her support
14 at the time of the death of that victim.

15 The changes made to this subsection by this amendatory Act
16 of the 101st General Assembly apply to actions commenced or
17 pending on or after January 1, 2021.

18 (b) "Court of Claims" means the Court of Claims created by
19 the Court of Claims Act.

20 (c) "Crime of violence" means and includes any offense
21 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
22 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
23 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,
24 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1,

1 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14,
2 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1, or
3 Section 12-3.05 except for subdivision (a)(4) or (g)(1), or
4 subdivision (a)(4) of Section 11-14.4, of the Criminal Code of
5 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of
6 the Cemetery Protection Act, Section 125 of the Stalking No
7 Contact Order Act, Section 219 of the Civil No Contact Order
8 Act, driving under the influence as defined in Section 11-501
9 of the Illinois Vehicle Code, a violation of Section 11-401 of
10 the Illinois Vehicle Code, provided the victim was a pedestrian
11 or was operating a vehicle moved solely by human power or a
12 mobility device at the time of contact, and a violation of
13 Section 11-204.1 of the Illinois Vehicle Code; so long as the
14 offense did not occur during a civil riot, insurrection or
15 rebellion. "Crime of violence" does not include any other
16 offense or accident involving a motor vehicle except those
17 vehicle offenses specifically provided for in this paragraph.
18 "Crime of violence" does include all of the offenses
19 specifically provided for in this paragraph that occur within
20 this State but are subject to federal jurisdiction and crimes
21 involving terrorism as defined in 18 U.S.C. 2331.

22 (d) "Victim" means (1) a person killed or injured in this
23 State as a result of a crime of violence perpetrated or
24 attempted against him or her, (2) the spouse, ~~or~~ parent, or
25 child of a person killed or injured in this State as a result
26 of a crime of violence perpetrated or attempted against the

1 person, or anyone living in the household of a person killed or
2 injured in a relationship that is substantially similar to that
3 of a parent, spouse, or child, (3) a person killed or injured
4 in this State while attempting to assist a person against whom
5 a crime of violence is being perpetrated or attempted, if that
6 attempt of assistance would be expected of a reasonable person
7 under the circumstances, (4) a person killed or injured in this
8 State while assisting a law enforcement official apprehend a
9 person who has perpetrated a crime of violence or prevent the
10 perpetration of any such crime if that assistance was in
11 response to the express request of the law enforcement
12 official, (5) a person who personally witnessed a violent
13 crime, (5.05) a person who will be called as a witness by the
14 prosecution to establish a necessary nexus between the offender
15 and the violent crime, (5.1) solely for the purpose of
16 compensating for pecuniary loss incurred for psychological
17 treatment of a mental or emotional condition caused or
18 aggravated by the crime, any other person under the age of 18
19 who is the brother, sister, half brother, or half sister,
20 ~~child, or stepchild~~ of a person killed or injured in this State
21 as a result of a crime of violence, (6) an Illinois resident
22 who is a victim of a "crime of violence" as defined in this Act
23 except, if the crime occurred outside this State, the resident
24 has the same rights under this Act as if the crime had occurred
25 in this State upon a showing that the state, territory,
26 country, or political subdivision of a country in which the

1 crime occurred does not have a compensation of victims of
2 crimes law for which that Illinois resident is eligible, (7) a
3 deceased person whose body is dismembered or whose remains are
4 desecrated as the result of a crime of violence, or (8) solely
5 for the purpose of compensating for pecuniary loss incurred for
6 psychological treatment of a mental or emotional condition
7 caused or aggravated by the crime, any parent, spouse, or child
8 under the age of 18 of a deceased person whose body is
9 dismembered or whose remains are desecrated as the result of a
10 crime of violence.

11 (e) "Dependent" means a relative of a deceased victim who
12 was wholly or partially dependent upon the victim's income at
13 the time of his or her death and shall include the child of a
14 victim born after his or her death.

15 (f) "Relative" means a spouse, parent, grandparent,
16 stepfather, stepmother, child, grandchild, brother,
17 brother-in-law, sister, sister-in-law, half brother, half
18 sister, spouse's parent, nephew, niece, uncle, ~~or~~ aunt, or
19 anyone living in the household of a person killed or injured in
20 a relationship that is substantially similar to that of a
21 parent, spouse, or child.

22 (g) "Child" means a ~~an unmarried~~ son or daughter ~~who is~~
23 ~~under 18 years of age~~ and includes a stepchild, an adopted
24 child or a child born out of wedlock.

25 (h) "Pecuniary loss" means, in the case of injury,
26 appropriate medical expenses and hospital expenses including

1 expenses of medical examinations, rehabilitation, medically
2 required nursing care expenses, appropriate psychiatric care
3 or psychiatric counseling expenses, appropriate expenses for
4 care or counseling by a licensed clinical psychologist,
5 licensed clinical social worker, licensed professional
6 counselor, or licensed clinical professional counselor and
7 expenses for treatment by Christian Science practitioners and
8 nursing care appropriate thereto; transportation expenses to
9 and from medical and counseling treatment facilities;
10 prosthetic appliances, eyeglasses, and hearing aids necessary
11 or damaged as a result of the crime; costs associated with
12 trafficking tattoo removal by a person authorized or licensed
13 to perform the specific removal procedure; replacement costs
14 for clothing and bedding used as evidence; costs associated
15 with temporary lodging or relocation necessary as a result of
16 the crime, including, but not limited to, the first month's
17 rent and security deposit of the dwelling that the claimant
18 relocated to and other reasonable relocation expenses incurred
19 as a result of the violent crime; locks or windows necessary or
20 damaged as a result of the crime; the purchase, lease, or
21 rental of equipment necessary to create usability of and
22 accessibility to the victim's real and personal property, or
23 the real and personal property which is used by the victim,
24 necessary as a result of the crime; the costs of appropriate
25 crime scene clean-up; replacement services loss, to a maximum
26 of \$1,250 per month; dependents replacement services loss, to a

1 maximum of \$1,250 per month; loss of tuition paid to attend
2 grammar school or high school when the victim had been enrolled
3 as a student prior to the injury, or college or graduate school
4 when the victim had been enrolled as a day or night student
5 prior to the injury when the victim becomes unable to continue
6 attendance at school as a result of the crime of violence
7 perpetrated against him or her; loss of earnings, loss of
8 future earnings because of disability resulting from the
9 injury, and, in addition, in the case of death, expenses for
10 funeral, burial, and travel and transport for survivors of
11 homicide victims to secure bodies of deceased victims and to
12 transport bodies for burial all of which may be awarded up to
13 ~~not exceed~~ a maximum of \$10,000 ~~\$7,500~~ and loss of support of
14 the dependents of the victim; in the case of dismemberment or
15 desecration of a body, expenses for funeral and burial, all of
16 which may be awarded up to ~~not exceed~~ a maximum of \$10,000
17 ~~\$7,500~~. Loss of future earnings shall be reduced by any income
18 from substitute work actually performed by the victim or by
19 income he or she would have earned in available appropriate
20 substitute work he or she was capable of performing but
21 unreasonably failed to undertake. Loss of earnings, loss of
22 future earnings and loss of support shall be determined on the
23 basis of the victim's average net monthly earnings for the 6
24 months immediately preceding the date of the injury or on
25 \$2,400 ~~\$1,250~~ per month, whichever is less or, in cases where
26 the absences commenced more than 3 years from the date of the

1 crime, on the basis of the net monthly earnings for the 6
2 months immediately preceding the date of the first absence, not
3 to exceed \$2,400 ~~\$1,250~~ per month. If a divorced or legally
4 separated applicant is claiming loss of support for a minor
5 child of the deceased, the amount of support for each child
6 shall be based either on the amount of support pursuant to the
7 judgment prior to the date of the deceased victim's injury or
8 death, or, if the subject of pending litigation filed by or on
9 behalf of the divorced or legally separated applicant prior to
10 the injury or death, on the result of that litigation. Real and
11 personal property includes, but is not limited to, vehicles,
12 houses, apartments, town houses, or condominiums. Pecuniary
13 loss does not include pain and suffering or property loss or
14 damage.

15 The changes made to this subsection by this amendatory Act
16 of the 101st General Assembly apply to actions commenced or
17 pending on or after January 1, 2021.

18 (i) "Replacement services loss" means expenses reasonably
19 incurred in obtaining ordinary and necessary services in lieu
20 of those the injured person would have performed, not for
21 income, but for the benefit of himself or herself or his or her
22 family, if he or she had not been injured.

23 (j) "Dependents replacement services loss" means loss
24 reasonably incurred by dependents or private legal guardians of
25 minor dependents after a victim's death in obtaining ordinary
26 and necessary services in lieu of those the victim would have

1 performed, not for income, but for their benefit, if he or she
2 had not been fatally injured.

3 (k) "Survivor" means immediate family including a parent,
4 stepfather, stepmother, child, brother, sister, or spouse.

5 (l) "Parent" means a natural parent, adopted parent,
6 stepparent, or permanent legal guardian of another person.

7 (m) "Trafficking tattoo" is a tattoo which is applied to a
8 victim in connection with the commission of a violation of
9 Section 10-9 of the Criminal Code of 2012.

10 (Source: P.A. 100-690, eff. 1-1-19; 101-81, eff. 7-12-19.)

11 (740 ILCS 45/2.5)

12 Sec. 2.5. Felon as victim. A victim's criminal history or
13 felony status shall not automatically prevent compensation to
14 that victim or the victim's family. However, no compensation
15 may be granted to a victim or applicant under this Act while
16 the applicant or victim is held in a correctional institution.
17 ~~Notwithstanding paragraph (d) of Section 2, "victim" does not~~
18 ~~include a person who is convicted of a felony until that person~~
19 ~~is discharged from probation or is released from a correctional~~
20 ~~institution and has been discharged from parole or mandatory~~
21 ~~supervised release, if any. For purposes of this Section, the~~
22 ~~death of a felon who is serving a term of parole, probation, or~~
23 ~~mandatory supervised release shall be considered a discharge~~
24 ~~from that sentence. No compensation may be granted to an~~
25 ~~applicant under this Act during a period of time that the~~

1 ~~applicant is held in a correctional institution.~~

2 A victim who has been convicted of a felony may apply for
3 assistance under this Act at any time but no award of
4 compensation may be considered until the applicant meets the
5 requirements of this Section.

6 The changes made to this Section by this amendatory Act of
7 the 96th General Assembly apply to actions commenced or pending
8 on or after the effective date of this amendatory Act of the
9 96th General Assembly.

10 (Source: P.A. 96-267, eff. 8-11-09.)

11 (740 ILCS 45/4.1) (from Ch. 70, par. 74.1)

12 Sec. 4.1. In addition to other powers and duties set forth
13 in this Act and other powers exercised by the Attorney General,
14 the Attorney General shall:

15 (1) investigate all claims and prepare and present an
16 investigatory report and a draft award determination ~~a~~
17 ~~report of each applicant's claim~~ to the Court of Claims for
18 a review period of 28 business days; ~~prior to the issuance~~
19 ~~of an order by the Court of Claims,~~

20 (2) upon conclusion of the review by the Court of
21 Claims, provide the applicant with a compensation
22 determination letter;

23 (3) prescribe and furnish all applications and other
24 forms required to be filed in the office of the Attorney
25 General by the terms of this Act; and

1 (4) represent the interests of the State of Illinois in
2 any hearing before the Court of Claims.

3 The changes made to this Section by this amendatory Act of
4 the 101st General Assembly apply to actions commenced or
5 pending on or after January 1, 2021.

6 (Source: P.A. 97-817, eff. 1-1-13.)

7 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

8 Sec. 6.1. Right to compensation. A person is entitled to
9 compensation under this Act if:

10 (a) Within 5 ~~2~~ years of the occurrence of the crime, or
11 within one year after a criminal charge of a person for an
12 offense, upon which the claim is based, the applicant
13 presents ~~he files~~ an application, under oath, to the
14 Attorney General that is filed with the Court of Claims and
15 on a form prescribed in accordance with Section 7.1
16 furnished by the Attorney General. If the person entitled
17 to compensation is under 18 years of age or under other
18 legal disability at the time of the occurrence or is
19 determined by a court to be under a legal disability as a
20 result of the occurrence, he or she may present ~~file~~ the
21 application required by this subsection within 3 ~~2~~ years
22 after he or she attains the age of 18 years or the
23 disability is removed, as the case may be. Legal disability
24 includes a diagnosis of posttraumatic stress disorder.

25 (a-1) The Attorney General and the Court of Claims may

1 accept an application presented after the period provided
2 in subsection (a) if the Attorney General determines that
3 the applicant had good cause for a delay.

4 (b) For all crimes of violence, except those listed in
5 subsection (b-1) of this Section, the appropriate law
6 enforcement officials were notified within 72 hours of the
7 perpetration of the crime allegedly causing the death or
8 injury to the victim or, in the event such notification was
9 made more than 72 hours after the perpetration of the
10 crime, the applicant establishes that such notice was
11 timely under the circumstances.

12 (b-1) For victims of offenses defined in Sections 10-9,
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, and 12-16 of the Criminal Code of 1961 or
15 the Criminal Code of 2012, the appropriate law enforcement
16 officials were notified within 7 days of the perpetration
17 of the crime allegedly causing death or injury to the
18 victim or, in the event that the notification was made more
19 than 7 days after the perpetration of the crime, the
20 applicant establishes that the notice was timely under the
21 circumstances. If the applicant or victim has obtained an
22 order of protection, a civil no contact order, or a
23 stalking no contact order, has presented himself or herself
24 to a hospital for medical care or sexual assault evidence
25 collection ~~and medical care~~, or is engaged in a legal
26 proceeding involving a claim that the applicant or victim

1 is a victim of human trafficking, such action shall
2 constitute appropriate notification under this subsection
3 (b-1) or subsection (b) of this Section.

4 (c) The applicant has cooperated with law enforcement
5 officials in the apprehension and prosecution of the
6 assailant. If the applicant or victim has obtained an order
7 of protection, a civil no contact order, or a stalking no
8 contact order, has presented himself or herself to a
9 hospital for medical care or sexual assault evidence
10 collection ~~and medical care~~, or is engaged in a legal
11 proceeding involving a claim that the applicant or victim
12 is a victim of human trafficking, such action shall
13 constitute cooperation under this subsection (c). If the
14 victim is under 18 years of age at the time of the
15 commission of the offense, the following shall constitute
16 cooperation under this subsection (c):

17 (1) the applicant or the victim files a police
18 report with a law enforcement agency;

19 (2) a mandated reporter reports the crime to law
20 enforcement; or

21 (3) a person with firsthand knowledge of the crime
22 reports the crime to law enforcement.

23 (d) The applicant is not the offender or an accomplice
24 of the offender and the award would not unjustly benefit
25 the offender or his accomplice.

26 (e) (Blank). ~~The injury to or death of the victim was~~

1 ~~not substantially attributable to his own wrongful act and~~
2 ~~was not substantially provoked by the victim.~~

3 (f) For victims of offenses defined in Section 10-9 of
4 the Criminal Code of 2012, the victim submits a statement
5 under oath on a form prescribed by the Attorney General
6 attesting that the removed tattoo was applied in connection
7 with the commission of the offense.

8 (g) In determining whether cooperation has been
9 reasonable, the Attorney General and Court of Claims may
10 consider the victim's age, physical condition,
11 psychological state, cultural or linguistic barriers, and
12 compelling health and safety concerns, including, but not
13 limited to, a reasonable fear of retaliation or harm that
14 would jeopardize the well-being of the victim or the
15 victim's family, and giving due consideration to the degree
16 of cooperation that the victim or derivative victim is
17 capable of in light of the presence of any of these
18 factors, or any other factor the Attorney General considers
19 relevant.

20 The changes made to this Section by this amendatory Act of
21 the 101st General Assembly apply to actions commenced or
22 pending on or after January 1, 2021.

23 (Source: P.A. 99-143, eff. 7-27-15; 100-575, eff. 1-8-18;
24 100-1037, eff. 1-1-19.)

25 (740 ILCS 45/7.1) (from Ch. 70, par. 77.1)

1 (f) Social Security Administration burial
2 benefits,

3 (g) Veterans administration burial benefits,

4 (h) life, health, accident or liability insurance,

5 (i) the Criminal Victims' Escrow Account Act,

6 (j) the Sexual Assault Survivors Emergency
7 Treatment Act,

8 (k) restitution, or

9 (l) any other source;

10 (8) releases authorizing the surrender to the Court of
11 Claims or Attorney General of reports, documents and other
12 information relating to the matters specified under this
13 Act and rules promulgated in accordance with the Act;

14 (9) such other information as the Court of Claims or
15 the Attorney General reasonably requires.

16 (b) The Attorney General may require that materials
17 substantiating the facts stated in the application be submitted
18 with that application.

19 (c) An applicant, on his or her own motion, may file an
20 amended application or additional substantiating materials to
21 correct inadvertent errors or omissions at any time before the
22 original application has been disposed of by the Court of
23 Claims or the Attorney General. In either case, the filing of
24 additional information or of an amended application shall be
25 considered for the purpose of this Act to have been filed at
26 the same time as the original application.

1 For claims submitted on or after January 1, 2021, an
2 amended application or additional substantiating materials to
3 correct inadvertent errors or omissions may be filed at any
4 time before the original application is disposed of by the
5 Attorney General or the Court of Claims.

6 (d) Determinations submitted by the Attorney General to the
7 Court of Claims shall be available to the Court of Claims for
8 review. The Attorney General shall provide the sources and
9 evidence relied upon as a basis for a compensation
10 determination.

11 (e) The changes made to this Section by this amendatory Act
12 of the 101st General Assembly apply to actions commenced or
13 pending on or after January 1, 2021.

14 (Source: P.A. 97-817, eff. 1-1-13; 98-463, eff. 8-16-13.)

15 Section 10-310. The Illinois Domestic Violence Act of 1986
16 is amended by changing Sections 223 and 301 as follows:

17 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

18 Sec. 223. Enforcement of orders of protection.

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

22 (1) The respondent commits the crime of violation of an
23 order of protection pursuant to Section 12-3.4 or 12-30 of
24 the Criminal Code of 1961 or the Criminal Code of 2012, by

1 having knowingly violated:

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

5 (ii) a remedy, which is substantially similar to
6 the remedies authorized under paragraphs (1), (2),
7 (3), (14), and (14.5) of subsection (b) of Section 214
8 of this Act, in a valid order of protection which is
9 authorized under the laws of another state, tribe, or
10 United States territory; or

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

14 Prosecution for a violation of an order of protection
15 shall not bar concurrent prosecution for any other crime,
16 including any crime that may have been committed at the
17 time of the violation of the order of protection; or

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

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

23 (ii) a remedy, which is substantially similar to
24 the remedies authorized under paragraphs (5), (6), or
25 (8) of subsection (b) of Section 214 of this Act, in a
26 valid order of protection which is authorized under the

1 laws of another state, tribe, or United States
2 territory.

3 (b) When violation is contempt of court. A violation of any
4 valid Illinois order of protection, whether issued in a civil
5 or criminal proceeding, may be enforced through civil or
6 criminal contempt procedures, as appropriate, by any court with
7 jurisdiction, regardless where the act or acts which violated
8 the order of protection were committed, to the extent
9 consistent with the venue provisions of this Act. Nothing in
10 this Act shall preclude any Illinois court from enforcing any
11 valid order of protection issued in another state. Illinois
12 courts may enforce orders of protection through both criminal
13 prosecution and contempt proceedings, unless the action which
14 is second in time is barred by collateral estoppel or the
15 constitutional prohibition against double jeopardy.

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

26 (2) A petition for a rule to show cause for violation

1 of an order of protection shall be treated as an expedited
2 proceeding.

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

7 (b-2) The court may hold the parents, guardian, or legal
8 custodian of a minor respondent in civil or criminal contempt
9 for a violation of any provision of any order entered under
10 this Act for conduct of the minor respondent in violation of
11 this Act if the parents, guardian, or legal custodian directed,
12 encouraged, or assisted the respondent minor in such conduct.

13 (c) Violation of custody or support orders or temporary or
14 final judgments allocating parental responsibilities. A
15 violation of remedies described in paragraphs (5), (6), (8), or
16 (9) of subsection (b) of Section 214 of this Act may be
17 enforced by any remedy provided by Section 607.5 of the
18 Illinois Marriage and Dissolution of Marriage Act. The court
19 may enforce any order for support issued under paragraph (12)
20 of subsection (b) of Section 214 in the manner provided for
21 under Parts V and VII of the Illinois Marriage and Dissolution
22 of Marriage Act.

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

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

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

3 (3) By service of an order of protection under Section
4 222.

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

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

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

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

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

18 (g) Penalties.

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

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

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

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

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

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

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

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

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

1 Criminal Procedure of 1963;

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

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

8 (5) In addition to any other penalties, the court shall
9 impose an additional fine of \$20 as authorized by Section
10 5-9-1.11 of the Unified Code of Corrections upon any person
11 convicted of or placed on supervision for a violation of an
12 order of protection. The additional fine shall be imposed
13 for each violation of this Section.

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

15 (750 ILCS 60/301) (from Ch. 40, par. 2313-1)

16 Sec. 301. Arrest without warrant.

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

24 (b) The law enforcement officer may verify the existence of
25 an order of protection by telephone or radio communication with

1 his or her law enforcement agency or by referring to the copy
2 of the order provided by the petitioner or respondent.

3 (c) Any law enforcement officer may make an arrest without
4 warrant if the officer has reasonable grounds to believe a
5 defendant at liberty under the provisions of subdivision (d) (1)
6 or (d) (2) of Section 110-10 of the Code of Criminal Procedure
7 of 1963 has violated a condition of his or her pretrial release
8 ~~bail bond~~ or recognizance.

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

10 Section 10-315. The Industrial and Linen Supplies Marking
11 Law is amended by changing Section 11 as follows:

12 (765 ILCS 1045/11) (from Ch. 140, par. 111)

13 Sec. 11. Search warrant.

14 Whenever the registrant, or officer, or authorized agent of
15 any firm, partnership or corporation which is a registrant
16 under this Act, takes an oath before any circuit court, that he
17 has reason to believe that any supplies are being unlawfully
18 used, sold, or secreted in any place, the court shall issue a
19 search warrant to any police officer authorizing such officer
20 to search the premises wherein it is alleged such articles may
21 be found and take into custody any person in whose possession
22 the articles are found. Any person so seized shall be taken
23 without unnecessary delay before the court issuing the search
24 warrant. The court is empowered to impose conditions of

1 pretrial release ~~bail~~ on any such person to compel his
2 attendance at any continued hearing.

3 (Source: P.A. 77-1273.)

4 Section 10-320. The Illinois Torture Inquiry and Relief
5 Commission Act is amended by changing Section 50 as follows:

6 (775 ILCS 40/50)

7 Sec. 50. Post-commission judicial review.

8 (a) If the Commission concludes there is sufficient
9 evidence of torture to merit judicial review, the Chair of the
10 Commission shall request the Chief Judge of the Circuit Court
11 of Cook County for assignment to a trial judge for
12 consideration. The court may receive proof by affidavits,
13 depositions, oral testimony, or other evidence. In its
14 discretion the court may order the petitioner brought before
15 the court for the hearing. Notwithstanding the status of any
16 other postconviction proceedings relating to the petitioner,
17 if the court finds in favor of the petitioner, it shall enter
18 an appropriate order with respect to the judgment or sentence
19 in the former proceedings and such supplementary orders as to
20 rearraignment, retrial, custody, pretrial release ~~bail~~ or
21 discharge, or for such relief as may be granted under a
22 petition for a certificate of innocence, as may be necessary
23 and proper.

24 (b) The State's Attorney, or the State's Attorney's

1 designee, shall represent the State at the hearing before the
2 assigned judge.

3 (Source: P.A. 96-223, eff. 8-10-09.)

4 Section 10-325. The Unemployment Insurance Act is amended
5 by changing Section 602 as follows:

6 (820 ILCS 405/602) (from Ch. 48, par. 432)

7 Sec. 602. Discharge for misconduct - Felony.

8 A. An individual shall be ineligible for benefits for the
9 week in which he has been discharged for misconduct connected
10 with his work and, thereafter, until he has become reemployed
11 and has had earnings equal to or in excess of his current
12 weekly benefit amount in each of four calendar weeks which are
13 either for services in employment, or have been or will be
14 reported pursuant to the provisions of the Federal Insurance
15 Contributions Act by each employing unit for which such
16 services are performed and which submits a statement certifying
17 to that fact. The requalification requirements of the preceding
18 sentence shall be deemed to have been satisfied, as of the date
19 of reinstatement, if, subsequent to his discharge by an
20 employing unit for misconduct connected with his work, such
21 individual is reinstated by such employing unit. For purposes
22 of this subsection, the term "misconduct" means the deliberate
23 and willful violation of a reasonable rule or policy of the
24 employing unit, governing the individual's behavior in

1 performance of his work, provided such violation has harmed the
2 employing unit or other employees or has been repeated by the
3 individual despite a warning or other explicit instruction from
4 the employing unit. The previous definition notwithstanding,
5 "misconduct" shall include any of the following work-related
6 circumstances:

7 1. Falsification of an employment application, or any
8 other documentation provided to the employer, to obtain
9 employment through subterfuge.

10 2. Failure to maintain licenses, registrations, and
11 certifications reasonably required by the employer, or
12 those that the individual is required to possess by law, to
13 perform his or her regular job duties, unless the failure
14 is not within the control of the individual.

15 3. Knowing, repeated violation of the attendance
16 policies of the employer that are in compliance with State
17 and federal law following a written warning for an
18 attendance violation, unless the individual can
19 demonstrate that he or she has made a reasonable effort to
20 remedy the reason or reasons for the violations or that the
21 reason or reasons for the violations were out of the
22 individual's control. Attendance policies of the employer
23 shall be reasonable and provided to the individual in
24 writing, electronically, or via posting in the workplace.

25 4. Damaging the employer's property through conduct
26 that is grossly negligent.

1 5. Refusal to obey an employer's reasonable and lawful
2 instruction, unless the refusal is due to the lack of
3 ability, skills, or training for the individual required to
4 obey the instruction or the instruction would result in an
5 unsafe act.

6 6. Consuming alcohol or illegal or non-prescribed
7 prescription drugs, or using an impairing substance in an
8 off-label manner, on the employer's premises during
9 working hours in violation of the employer's policies.

10 7. Reporting to work under the influence of alcohol,
11 illegal or non-prescribed prescription drugs, or an
12 impairing substance used in an off-label manner in
13 violation of the employer's policies, unless the
14 individual is compelled to report to work by the employer
15 outside of scheduled and on-call working hours and informs
16 the employer that he or she is under the influence of
17 alcohol, illegal or non-prescribed prescription drugs, or
18 an impairing substance used in an off-label manner in
19 violation of the employer's policies.

20 8. Grossly negligent conduct endangering the safety of
21 the individual or co-workers.

22 For purposes of paragraphs 4 and 8, conduct is "grossly
23 negligent" when the individual is, or reasonably should be,
24 aware of a substantial risk that the conduct will result in the
25 harm sought to be prevented and the conduct constitutes a
26 substantial deviation from the standard of care a reasonable

1 person would exercise in the situation.

2 Nothing in paragraph 6 or 7 prohibits the lawful use of
3 over-the-counter drug products as defined in Section 206 of the
4 Illinois Controlled Substances Act, provided that the
5 medication does not affect the safe performance of the
6 employee's work duties.

7 B. Notwithstanding any other provision of this Act, no
8 benefit rights shall accrue to any individual based upon wages
9 from any employer for service rendered prior to the day upon
10 which such individual was discharged because of the commission
11 of a felony in connection with his work, or because of theft in
12 connection with his work, for which the employer was in no way
13 responsible; provided, that the employer notified the Director
14 of such possible ineligibility within the time limits specified
15 by regulations of the Director, and that the individual has
16 admitted his commission of the felony or theft to a
17 representative of the Director, or has signed a written
18 admission of such act and such written admission has been
19 presented to a representative of the Director, or such act has
20 resulted in a conviction or order of supervision by a court of
21 competent jurisdiction; and provided further, that if by reason
22 of such act, he is in legal custody, held on pretrial release
23 ~~bail~~ or is a fugitive from justice, the determination of his
24 benefit rights shall be held in abeyance pending the result of
25 any legal proceedings arising therefrom.

26 (Source: P.A. 99-488, eff. 1-3-16.)

1 Section 10-995. No acceleration or delay. Where this Act
2 makes changes in a statute that is represented in this Act by
3 text that is not yet or no longer in effect (for example, a
4 Section represented by multiple versions), the use of that text
5 does not accelerate or delay the taking effect of (i) the
6 changes made by this Act or (ii) provisions derived from any
7 other Public Act.

8 Article 999.

9 Effective Date

10 Section 999-99. Effective date. This Act takes effect upon
11 becoming law.".