



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB4025

Introduced 1/4/2021, by Sen. Robert Peters

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 2012. Changes the provisions concerning violation of bail bond to violations of pretrial release. Establishes penalties for violation of the conditions of pretrial release. Amends the Code of Criminal Procedure of 1963. Provides that on and after the effective date of the amendatory Act, the requirement of posting monetary bail is abolished, except as provided in the Uniform Criminal Extradition Act, the Driver License Compact, or the Nonresident Violator Compact. Provides that it is presumed that a defendant is entitled to release on personal recognizance on the condition that the defendant attend all required court proceedings and the defendant does not commit any criminal offense, and complies with all terms of pretrial release, including, but not limited to, orders of protection. Provides that additional conditions of release shall be set only when it is determined that they are necessary to assure the defendant's appearance in court, assure the defendant does not commit any criminal offense, and complies with all conditions of pretrial release. Provides that detention only shall be imposed when it is determined that the defendant poses a danger to a specific, identifiable person or persons, or has a high likelihood of willful flight. Amends various other Acts to make conforming changes.

LRB101 20752 RLC 70439 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 1. This Act may be referred to as the Pretrial
5 Fairness Act.

6 Section 5. The Statute on Statutes is amended by adding
7 Section 1.43 as follows:

8 (5 ILCS 70/1.43 new)

9 Sec. 1.43. Reference to bail, bail bond, or conditions of
10 bail. Whenever there is a reference in any Act to "bail", "bail
11 bond", or "conditions of bail", these terms shall be construed
12 as "pretrial release" or "conditions of "pretrial release".

13 Section 10. The Freedom of Information Act is amended by
14 changing Section 2.15 as follows:

15 (5 ILCS 140/2.15)

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

17 (a) Arrest reports. The following chronologically
18 maintained arrest and criminal history information maintained
19 by State or local criminal justice agencies shall be furnished
20 as soon as practical, but in no event later than 72 hours after

1 the arrest, notwithstanding the time limits otherwise provided
2 for in Section 3 of this Act: (i) information that identifies
3 the individual, including the name, age, address, and
4 photograph, when and if available; (ii) information detailing
5 any charges relating to the arrest; (iii) the time and location
6 of the arrest; (iv) the name of the investigating or arresting
7 law enforcement agency; (v) if the individual is incarcerated,
8 the conditions of pretrial release ~~amount of any bail or bond~~;
9 and (vi) if the individual is incarcerated, the time and date
10 that the individual was received into, discharged from, or
11 transferred from the arresting agency's custody.

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

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

1 correctional facility.

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

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

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

19 Section 15. The State Records Act is amended by changing
20 Section 4a as follows:

21 (5 ILCS 160/4a)

22 Sec. 4a. Arrest records and reports.

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

1 inspection and copying:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (g) Notwithstanding the requirements of subsection (a), a
23 law enforcement agency may not publish booking photographs,
24 commonly known as "mugshots", on its social networking website
25 in connection with civil offenses, petty offenses, business
26 offenses, Class C misdemeanors, and Class B misdemeanors unless

1 the booking photograph is posted to the social networking
2 website to assist in the search for a missing person or to
3 assist in the search for a fugitive, person of interest, or
4 individual wanted in relation to a crime other than a petty
5 offense, business offense, Class C misdemeanor, or Class B
6 misdemeanor. As used in this subsection, "social networking
7 website" has the meaning provided in Section 10 of the Right to
8 Privacy in the Workplace Act.

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

10 Section 20. The Department of State Police Law of the Civil
11 Administrative Code of Illinois is amended by changing Section
12 2605-302 as follows:

13 (20 ILCS 2605/2605-302) (was 20 ILCS 2605/55a in part)

14 Sec. 2605-302. Arrest reports.

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

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

21 (2) Information detailing any charges relating to the
22 arrest.

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

24 (4) The name of the investigating or arresting law

1 enforcement agency.

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

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

7 (b) The information required by this Section must be made
8 available to the news media for inspection and copying as soon
9 as practicable, but in no event shall the time period exceed 72
10 hours from the arrest. The information described in items (3),
11 (4), (5), and (6) of subsection (a), however, may be withheld
12 if it is determined that disclosure would (i) interfere with
13 pending or actually and reasonably contemplated law
14 enforcement proceedings conducted by any law enforcement or
15 correctional agency; (ii) endanger the life or physical safety
16 of law enforcement or correctional personnel or any other
17 person; or (iii) compromise the security of any correctional
18 facility.

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

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

6 (e) The provisions of this Section do not supersede the
7 confidentiality provisions for arrest records of the Juvenile
8 Court Act of 1987.

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

11 Section 25. The Illinois Criminal Justice Information Act
12 is amended by adding Section 7.7 as follows:

13 (20 ILCS 3930/7.7 new)

14 Sec. 7.7. Pretrial data collection.

15 (a) The Executive Director of the Illinois Criminal Justice
16 Information Authority shall convene an oversight board to be
17 known as the Pretrial Practices Data Oversight Board to oversee
18 the collection and analysis of data regarding pretrial
19 practices in circuit court systems. The Board shall include,
20 but is not limited to, designees from the Administrative Office
21 of the Illinois Courts, the Illinois Criminal Justice
22 Information Authority, and other entities that possess a
23 knowledge of pretrial practices and data collection issues.
24 Members of the Board shall serve without compensation.

1 (b) The Oversight Board shall:

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

4 (2) gather and maintain records of all available
5 pretrial data relating to the topics listed in subsection
6 (c) from circuit clerks' offices;

7 (3) identify resources necessary to systematically
8 collect and report data related to the topics listed in
9 subsections (c) from circuit clerks' offices that are
10 currently not collecting that data;

11 (4) report to the Governor and General Assembly
12 annually on the state of pretrial data collection on the
13 topics listed in subsection (c); and

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

19 The plan and, once implemented, the reports and analysis
20 shall be published and made publicly available on the Oversight
21 Board's government website.

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

1 (1) information on all persons arrested and charged
2 with misdemeanor or felony charges, or both, including
3 information on persons released directly from law
4 enforcement custody;

5 (2) information on the outcomes of pretrial conditions
6 and pretrial detention hearings in the county courts,
7 including but not limited to the number of hearings held,
8 the number of defendants detained, the number of defendants
9 released, and the number of defendants released with
10 electronic monitoring;

11 (3) information regarding persons detained in the
12 county jail pretrial, including, but not limited to, the
13 number of persons detained in the jail pretrial and the
14 number detained in the jail for other reasons, the
15 demographics of the pretrial jail population, including
16 race, sex, age, and ethnicity, the charges on which
17 pretrial defendants are detained, the average length of
18 stay of pretrial defendants; and

19 (4) information regarding persons placed on electronic
20 monitoring programs pretrial, including, but not limited
21 to, the number of participants, the demographics
22 participant population, including race, sex, age, and
23 ethnicity, the charges on which participants are ordered to
24 the program, and the average length of participation in the
25 program;

26 (5) discharge data regarding persons detained pretrial

1 in the county jail, including, but not limited to, the
2 number who are sentenced to the Illinois department of
3 Corrections, the number released after being sentenced to
4 time served, the number who are released on probation,
5 conditional discharge, or other community supervision, the
6 number found not guilty, the number whose cases are
7 dismissed, the number whose cases are dismissed as part of
8 a diversion or deferred prosecution program, and the number
9 who are released pretrial after a hearing re-examining
10 their pretrial detention;

11 (6) information on the pretrial rearrest of
12 individuals released pretrial, including the number
13 arrested and charged with a new misdemeanor offense while
14 released, the number arrested and charged with a new felony
15 offense while released, and the number arrested and charged
16 with a new forcible felony offense while released, and how
17 long after release these arrests occurred;

18 (7) information on the pretrial failure to appear rates
19 of individuals released pretrial, including the number who
20 missed one or more court dates and did not have a warrant
21 issued for their arrest, how many warrants for failures to
22 appear were issued, and how many individuals were detained
23 pretrial or placed on electronic monitoring pretrial after
24 a failure to appear in court;

25 (8) what, if any, validated risk assessment tools are
26 in use in each jurisdiction, and comparisons of the

1 pretrial release and pretrial detention decisions of
2 judges and the risk assessment scores of individuals; and
3 (9) any other information the Pretrial Practices Data
4 Oversight Board considers important and probative of the
5 effectiveness of pretrial practices in the state of
6 Illinois.

7 Section 30. The Local Records Act is amended by changing
8 Section 3b as follows:

9 (50 ILCS 205/3b)

10 Sec. 3b. Arrest records and reports.

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

14 (1) Information that identifies the individual,
15 including the name, age, address, and photograph, when and
16 if available.

17 (2) Information detailing any charges relating to the
18 arrest.

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

20 (4) The name of the investigating or arresting law
21 enforcement agency.

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

24 (6) If the individual is incarcerated, the time and

1 date that the individual was received, discharged, or
2 transferred from the arresting agency's custody.

3 (b) The information required by this Section must be made
4 available to the news media for inspection and copying as soon
5 as practicable, but in no event shall the time period exceed 72
6 hours from the arrest. The information described in paragraphs
7 (3), (4), (5), and (6) of subsection (a), however, may be
8 withheld if it is determined that disclosure would:

9 (1) interfere with pending or actually and reasonably
10 contemplated law enforcement proceedings conducted by any
11 law enforcement or correctional agency;

12 (2) endanger the life or physical safety of law
13 enforcement or correctional personnel or any other person;
14 or

15 (3) compromise the security of any correctional
16 facility.

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

25 (d) Each law enforcement or correctional agency may charge
26 fees for arrest records, but in no instance may the fee exceed

1 the actual cost of copying and reproduction. The fees may not
2 include the cost of the labor used to reproduce the arrest
3 record.

4 (e) The provisions of this Section do not supersede the
5 confidentiality provisions for arrest records of the Juvenile
6 Court Act of 1987.

7 (f) All information, including photographs, made available
8 under this Section is subject to the provisions of Section 2000
9 of the Consumer Fraud and Deceptive Business Practices Act.
10 (Source: P.A. 98-555, eff. 1-1-14; 99-363, eff. 1-1-16.)

11 Section 35. The Counties Code is amended by changing
12 Sections 4-5001, 4-12001, and 4-12001.1 as follows:

13 (55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

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

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

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

22 For serving or attempting to serve each garnishee in each
23 county, \$10.

24 For serving or attempting to serve an order for replevin in

1 each county, \$10.

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

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

6 For returning a defendant from outside the State of
7 Illinois, upon conviction, the court shall assess, as court
8 costs, the cost of returning a defendant to the jurisdiction.

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

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

12 For advertising property for sale, \$5.

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

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

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

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

23 For taking possession of and removing property levied on,
24 the officer shall be allowed to tax the actual cost of such
25 possession or removal.

26 For feeding each prisoner, such compensation to cover the

1 actual cost as may be fixed by the county board, but such
2 compensation shall not be considered a part of the fees of the
3 office.

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

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

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

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

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

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

21 For making certificates of sale, and making and filing
22 duplicate, in counties of first class, \$3; in counties of the
23 second class, \$3.

24 For making certificate of redemption, \$3.

25 For certificate of levy and filing, \$3, and the fee for
26 recording shall be advanced by the judgment creditor and

1 charged as costs.

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

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

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

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

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

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

1 such basis.

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

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

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

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

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

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

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

23 The foregoing fees allowed by this Section are the maximum
24 fees that may be collected from any officer, agency, department
25 or other instrumentality of the State. The county board may,
26 however, by ordinance, increase the fees allowed by this

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

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

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

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

1 (55 ILCS 5/4-12001) (from Ch. 34, par. 4-12001)

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

7 Fees for Sheriff

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

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

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

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

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

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

20 For summoning each juror, \$10.

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

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

25 For serving or attempting to serve an order or judgment for

1 the possession of real estate in an action of ejectment or in
2 any other action, or for restitution in an eviction action,
3 without aid, \$35, and when aid is necessary, the sheriff shall
4 be allowed to tax in addition the actual costs thereof.

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

6 For levying to satisfy an order in an action for
7 attachment, \$25.

8 For executing order of court to seize personal property,
9 \$25.

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

16 For advertising property for sale, \$20.

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

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

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

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

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

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

6 For returning each process, \$15.

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

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

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

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

14 For committing to or discharging each prisoner from jail,
15 \$3.

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

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

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

25 For discharging such prisoners, \$3.

26 For conveying persons to the penitentiary, reformatories,

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

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

26 In addition to the above fees, there shall be allowed to

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

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

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

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

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

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

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

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

1 (55 ILCS 5/4-12001.1) (from Ch. 34, par. 4-12001.1)

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

9 Fees for Sheriff

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

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

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

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

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

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

22 For summoning each juror, \$4.

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

25 For serving or attempting to serve an order for attachment,

1 on each defendant, \$25.

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

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

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

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

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

18 For advertising property for sale, \$3.

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

22 For preparing, executing and acknowledging deed on
23 redemption from a court sale of real estate, \$6; for preparing,
24 executing and acknowledging all other deeds on sale of real
25 estate, \$4.

26 For making and filing certificate of redemption, \$3.50, and

1 the fee for recording same shall be advanced by party making
2 the redemption and taxed as costs.

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

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

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

8 For returning each process, \$5.

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

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

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

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

16 For committing to or discharging each prisoner from jail,
17 \$1.

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

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

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

1 For discharging such prisoners, \$1.

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

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

1 and all fees per mile shall be computed on such basis.

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

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

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

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

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

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

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

23 (65 ILCS 5/1-2-12.1 rep.)

24 Section 40. The Illinois Municipal Code is amended by
25 repealing Section 1-2-12.1.

1 Section 45. The Campus Security Enhancement Act of 2008 is
2 amended by changing Section 15 as follows:

3 (110 ILCS 12/15)

4 Sec. 15. Arrest 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

1 (3), (4), (5), and (6) of subsection (a), however, may be
2 withheld if it is determined that disclosure would:

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

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

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

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

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

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

1 (Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01;
2 92-335, eff. 8-10-01.)

3 Section 50. The Illinois Insurance Code is amended by
4 changing Sections 143.19, 143.19.1, and 205 as follows:

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

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

12 a. Nonpayment of premium;

13 b. The policy was obtained through a material
14 misrepresentation;

15 c. Any insured violated any of the terms and conditions
16 of the policy;

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

20 e. Any insured made a false or fraudulent claim or
21 knowingly aided or abetted another in the presentation of
22 such a claim;

23 f. The named insured or any other operator who either
24 resides in the same household or customarily operates an

1 automobile insured under such policy:

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

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

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

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

16 5. has been convicted, or violated conditions of
17 pretrial release ~~forfeited bail~~, during the 36 months
18 immediately preceding the notice of cancellation, for
19 any felony, criminal negligence resulting in death,
20 homicide or assault arising out of the operation of a
21 motor vehicle, operating a motor vehicle while in an
22 intoxicated condition or while under the influence of
23 drugs, being intoxicated while in, or about, an
24 automobile or while having custody of an automobile,
25 leaving the scene of an accident without stopping to
26 report, theft or unlawful taking of a motor vehicle,

1 making false statements in an application for an
2 operator's or chauffeur's license or has been
3 convicted or pretrial release has been revoked
4 ~~forfeited bail~~ for 3 or more violations within the 12
5 months immediately preceding the notice of
6 cancellation, of any law, ordinance, or regulation
7 limiting the speed of motor vehicles or any of the
8 provisions of the motor vehicle laws of any state,
9 violation of which constitutes a misdemeanor, whether
10 or not the violations were repetitions of the same
11 offense or different offenses;

12 g. The insured automobile is:

13 1. so mechanically defective that its operation
14 might endanger public safety;

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

19 3. used in the business of transportation of
20 flammables or explosives;

21 4. an authorized emergency vehicle;

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

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

26 Nothing in this Section shall apply to nonrenewal.

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

2 (215 ILCS 5/143.19.1) (from Ch. 73, par. 755.19.1)

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

7 a. The policy was obtained through a material
8 misrepresentation; or

9 b. Any insured violated any of the terms and conditions of
10 the policy; or

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

15 d. Any insured made a false or fraudulent claim or
16 knowingly aided or abetted another in the presentation of such
17 a claim; or

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

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

24 2. Is or becomes subject to epilepsy or heart attacks,
25 and such individual does not produce a certificate from a

1 physician testifying to his unqualified ability to operate
2 a motor vehicle safely; or

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

7 4. Has, within the 36 months prior to the notice of
8 non-renewal, been addicted to the use of narcotics or other
9 drugs; or

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

1 violation of which constitutes a misdemeanor, whether or
2 not the violations were repetitions of the same offense or
3 different offenses; or

4 f. The insured automobile is:

5 1. So mechanically defective that its operation might
6 endanger public safety; or

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

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

13 4. An authorized emergency vehicle; or

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

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

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

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

22 (215 ILCS 5/205) (from Ch. 73, par. 817)

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

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

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

3 (i) The reasonable expenses of the Illinois
4 Insurance Guaranty Fund, the Illinois Life and Health
5 Insurance Guaranty Association, and the Illinois
6 Health Maintenance Organization Guaranty Association
7 and of any similar organization in any other state,
8 including overhead, salaries, and other general
9 administrative expenses allocable to the receivership
10 (administrative and claims handling expenses and
11 expenses in connection with arrangements for ongoing
12 coverage), but excluding expenses incurred in the
13 performance of duties under Section 547 or similar
14 duties under the statute governing a similar
15 organization in another state. For property and
16 casualty insurance guaranty associations that guaranty
17 certain obligations of any member company as defined by
18 Section 534.5, expenses shall include, but not be
19 limited to, loss adjustment expenses, which shall
20 include adjusting and other expenses and defense and
21 cost containment expenses. The expenses of such
22 property and casualty guaranty associations, including
23 the Illinois Insurance Guaranty Fund, shall be
24 reimbursed as prescribed by Section 545, but shall be
25 subordinate to all other costs and expenses of
26 administration, including the expenses reimbursed

1 pursuant to subparagraph (ii) of this paragraph (a).

2 (ii) The expenses expressly approved or ratified
3 by the Director as liquidator or rehabilitator,
4 including, but not limited to, the following:

5 (1) the actual and necessary costs of
6 preserving or recovering the property of the
7 insurer;

8 (2) reasonable compensation for all services
9 rendered on behalf of the administrative
10 supervisor or receiver;

11 (3) any necessary filing fees;

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

13 (5) unsecured loans obtained by the receiver;

14 and

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

20 Any unsecured loan falling under item (5) of
21 subparagraph (ii) of this paragraph (a) shall have priority
22 over all other costs and expenses of administration, unless
23 the lender agrees otherwise. Absent agreement to the
24 contrary, all other costs and expenses of administration
25 shall be shared on a pro-rata basis, except for the
26 expenses of property and casualty guaranty associations,

1 which shall have a lower priority pursuant to subparagraph
2 (i) of this paragraph (a).

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

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

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

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

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

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

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

24 (h) Claims of guaranty fund certificate holders,
25 guaranty capital shareholders, capital note holders, and
26 surplus note holders.

1 (i) Proprietary claims of shareholders, members, or
2 other owners.

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

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

19 To the extent that any assets of an insurer, other than
20 those assets properly allocated to and maintained in a separate
21 account, have been used to fund or pay any expenses, taxes, or
22 policyholder benefits that are attributable to a separate
23 account policy, contract, or agreement that should have been
24 paid by a separate account prior to the commencement of
25 receivership proceedings, then upon the commencement of
26 receivership proceedings, the separate accounts that benefited

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

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

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

1 Fund, the Illinois Life and Health Insurance Guaranty
2 Association, the Illinois Health Maintenance Organization
3 Guaranty Association, and similar organizations in other
4 states.

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

26 (3) The changes made in this Section by this amendatory Act

1 of the 100th General Assembly apply to all liquidation,
2 rehabilitation, or conservation proceedings that are pending
3 on the effective date of this amendatory Act of the 100th
4 General Assembly and to all future liquidation,
5 rehabilitation, or conservation proceedings.

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

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

9 Section 55. The Illinois Gambling Act is amended by
10 changing Section 5.1 as follows:

11 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

12 Sec. 5.1. Disclosure of records.

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

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

21 (2) An identification of any applicant or licensee
22 including, if an applicant or licensee is not an
23 individual, the names and addresses of all stockholders and
24 directors, if the entity is a corporation; the names and

1 addresses of all members, if the entity is a limited
2 liability company; the names and addresses of all partners,
3 both general and limited, if the entity is a partnership;
4 and the names and addresses of all beneficiaries, if the
5 entity is a trust. If an applicant or licensee has a
6 pending registration statement filed with the Securities
7 and Exchange Commission, only the names of those persons or
8 entities holding interest of 5% or more must be provided.

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

22 (4) Whether an applicant or licensee has been indicted,
23 convicted, pleaded guilty or nolo contendere, or pretrial
24 release has been revoked ~~forfeited bail~~ concerning any
25 criminal offense under the laws of any jurisdiction, either
26 felony or misdemeanor (except for traffic violations),

1 including the date, the name and location of the court,
2 arresting agency and prosecuting agency, the case number,
3 the offense, the disposition and the location and length of
4 incarceration.

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

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

20 (7) Whether an applicant or licensee has filed, or been
21 served with a complaint or other notice filed with any
22 public body, regarding the delinquency in the payment of,
23 or a dispute over the filings concerning the payment of,
24 any tax required under federal, State or local law,
25 including the amount, type of tax, the taxing agency and
26 time periods involved.

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

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

15 (10) The name and business telephone number of the
16 counsel representing an applicant or licensee in matters
17 before the Board.

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

26 (12) A description of the product or service to be

1 supplied by an applicant for a supplier's license.

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

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

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

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

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

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

17 (2) The statutes, rules, regulations or
18 intergovernmental agreements of any jurisdiction.

19 (d) The Board may assess fees for the copying of
20 information in accordance with Section 6 of the Freedom of
21 Information Act.

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

23 Section 60. The Illinois Vehicle Code is amended by
24 changing Sections 6-204, 6-206, 6-308, 6-500, 6-601, 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 adjudicated truant minors in need of
8 supervision, addicted, or delinquent and of persons found
9 guilty of the criminal offenses or traffic violations which
10 this Code recognizes as evidence relating to unfitness to
11 safely operate motor vehicles, the following duties are imposed
12 upon public officials:

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

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

1 enumerated Sections of this Code: Sections 11-1406
2 (obstruction to driver's view or control), 11-1407
3 (improper opening of door into traffic), 11-1410 (coasting
4 on downgrade), 11-1411 (following fire apparatus),
5 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
6 vehicle which is in unsafe condition or improperly
7 equipped), 12-201(a) (daytime lights on motorcycles),
8 12-202 (clearance, identification and side marker lamps),
9 12-204 (lamp or flag on projecting load), 12-205 (failure
10 to display the safety lights required), 12-401
11 (restrictions as to tire equipment), 12-502 (mirrors),
12 12-503 (windshields must be unobstructed and equipped with
13 wipers), 12-601 (horns and warning devices), 12-602
14 (mufflers, prevention of noise or smoke), 12-603 (seat
15 safety belts), 12-702 (certain vehicles to carry flares or
16 other warning devices), 12-703 (vehicles for oiling roads
17 operated on highways), 12-710 (splash guards and
18 replacements), 13-101 (safety tests), 15-101 (size, weight
19 and load), 15-102 (width), 15-103 (height), 15-104 (name
20 and address on second division vehicles), 15-107 (length of
21 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),
22 15-112 (weights), 15-301 (weights), 15-316 (weights),
23 15-318 (weights), and also excepting the following
24 enumerated Sections of the Chicago Municipal Code:
25 Sections 27-245 (following fire apparatus), 27-254
26 (obstruction of traffic), 27-258 (driving vehicle which is

1 in unsafe condition), 27-259 (coasting on downgrade),
2 27-264 (use of horns and signal devices), 27-265
3 (obstruction to driver's view or driver mechanism), 27-267
4 (dimming of headlights), 27-268 (unattended motor
5 vehicle), 27-272 (illegal funeral procession), 27-273
6 (funeral procession on boulevard), 27-275 (driving freight
7 hauling vehicles on boulevard), 27-276 (stopping and
8 standing of buses or taxicabs), 27-277 (cruising of public
9 passenger vehicles), 27-305 (parallel parking), 27-306
10 (diagonal parking), 27-307 (parking not to obstruct
11 traffic), 27-308 (stopping, standing or parking
12 regulated), 27-311 (parking regulations), 27-312 (parking
13 regulations), 27-313 (parking regulations), 27-314
14 (parking regulations), 27-315 (parking regulations),
15 27-316 (parking regulations), 27-317 (parking
16 regulations), 27-318 (parking regulations), 27-319
17 (parking regulations), 27-320 (parking regulations),
18 27-321 (parking regulations), 27-322 (parking
19 regulations), 27-324 (loading and unloading at an angle),
20 27-333 (wheel and axle loads), 27-334 (load restrictions in
21 the downtown district), 27-335 (load restrictions in
22 residential areas), 27-338 (width of vehicles), 27-339
23 (height of vehicles), 27-340 (length of vehicles), 27-352
24 (reflectors on trailers), 27-353 (mufflers), 27-354
25 (display of plates), 27-355 (display of city vehicle tax
26 sticker), 27-357 (identification of vehicles), 27-358

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

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

1 reporting requirements also apply to individuals
2 adjudicated under the Juvenile Court Act of 1987 based on
3 any offense determined to have been committed in
4 furtherance of the criminal activities of an organized
5 gang, as provided in Section 5-710 of that Act, and that
6 involved the operation or use of a motor vehicle or the use
7 of a driver's license or permit. The reporting requirements
8 of this subsection shall also apply to a truant minor in
9 need of supervision, an addicted minor, or a delinquent
10 minor and whose driver's license and privilege to drive a
11 motor vehicle has been ordered suspended for such times as
12 determined by the court, but only until he or she attains
13 18 years of age. It shall be the duty of the clerk of the
14 court in which adjudication is had within 5 days thereafter
15 to forward to the Secretary of State a report of the
16 adjudication and the court order requiring the Secretary of
17 State to suspend the minor's driver's license and driving
18 privilege for such time as determined by the court, but
19 only until he or she attains the age of 18 years. All
20 juvenile court dispositions reported to the Secretary of
21 State under this provision shall be processed by the
22 Secretary of State as if the cases had been adjudicated in
23 traffic or criminal court. However, information reported
24 relative to the offense of reckless homicide, or Section
25 11-501 of this Code, or a similar provision of a local
26 ordinance, shall be privileged and available only to the

1 Secretary of State, courts, and police officers.

2 The reporting requirements of this subsection (a)
3 apply to all violations listed in paragraphs (1) and (2) of
4 this subsection (a), excluding parking violations, when
5 the driver holds a CLP or CDL, regardless of the type of
6 vehicle in which the violation occurred, or when any driver
7 committed the violation in a commercial motor vehicle as
8 defined in Section 6-500 of this Code.

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

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

1 the age of 21 years shall be forwarded to the Secretary of
2 State.

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

24 (b) Whenever a restricted driving permit is forwarded to a
25 court, as a result of confiscation by a police officer pursuant
26 to the authority in Section 6-113(f), it shall be the duty of

1 the clerk, or judge, if the court has no clerk, to forward such
2 restricted driving permit and a facsimile of the officer's
3 citation to the Secretary of State as expeditiously as
4 practicable.

5 (c) For the purposes of this Code, a violation of the
6 conditions of pretrial release ~~forfeiture of bail or collateral~~
7 ~~deposited to secure a defendant's appearance in court~~ when the
8 conditions of pretrial release have ~~forfeiture has~~ not been
9 vacated, or the failure of a defendant to appear for trial
10 after depositing his driver's license ~~in lieu of other bail,~~
11 shall be equivalent to a conviction.

12 (d) For the purpose of providing the Secretary of State
13 with records necessary to properly monitor and assess driver
14 performance and assist the courts in the proper disposition of
15 repeat traffic law offenders, the clerk of the court shall
16 forward to the Secretary of State, on a form prescribed by the
17 Secretary, records of a driver's participation in a driver
18 remedial or rehabilitative program which was required, through
19 a court order or court supervision, in relation to the driver's
20 arrest for a violation of Section 11-501 of this Code or a
21 similar provision of a local ordinance. The clerk of the court
22 shall also forward to the Secretary, either on paper or in an
23 electronic format or a computer processible medium as required
24 under paragraph (5) of subsection (a) of this Section, any
25 disposition of court supervision for any traffic violation,
26 excluding those offenses listed in paragraph (2) of subsection

1 (a) of this Section. These reports shall be sent within 5 days
2 after disposition, or, if the driver is referred to a driver
3 remedial or rehabilitative program, within 5 days of the
4 driver's referral to that program. These reports received by
5 the Secretary of State, including those required to be
6 forwarded under paragraph (a)(4), shall be privileged
7 information, available only (i) to the affected driver, (ii) to
8 the parent or guardian of a person under the age of 18 years
9 holding an instruction permit or a graduated driver's license,
10 and (iii) for use by the courts, police officers, prosecuting
11 authorities, the Secretary of State, and the driver licensing
12 administrator of any other state. In accordance with 49 C.F.R.
13 Part 384, all reports of court supervision, except violations
14 related to parking, shall be forwarded to the Secretary of
15 State for all holders of a CLP or CDL or any driver who commits
16 an offense while driving a commercial motor vehicle. These
17 reports shall be recorded to the driver's record as a
18 conviction for use in the disqualification of the driver's
19 commercial motor vehicle privileges and shall not be privileged
20 information.

21 (Source: P.A. 100-74, eff. 8-11-17.)

22 (625 ILCS 5/6-206)

23 (Text of Section before amendment by P.A. 101-90 and
24 101-470)

25 Sec. 6-206. Discretionary authority to suspend or revoke

1 license or permit; right to a hearing.

2 (a) The Secretary of State is authorized to suspend or
3 revoke the driving privileges of any person without preliminary
4 hearing upon a showing of the person's records or other
5 sufficient evidence that the person:

6 1. Has committed an offense for which mandatory
7 revocation of a driver's license or permit is required upon
8 conviction;

9 2. Has been convicted of not less than 3 offenses
10 against traffic regulations governing the movement of
11 vehicles committed within any 12 month period. No
12 revocation or suspension shall be entered more than 6
13 months after the date of last conviction;

14 3. Has been repeatedly involved as a driver in motor
15 vehicle collisions or has been repeatedly convicted of
16 offenses against laws and ordinances regulating the
17 movement of traffic, to a degree that indicates lack of
18 ability to exercise ordinary and reasonable care in the
19 safe operation of a motor vehicle or disrespect for the
20 traffic laws and the safety of other persons upon the
21 highway;

22 4. Has by the unlawful operation of a motor vehicle
23 caused or contributed to an accident resulting in injury
24 requiring immediate professional treatment in a medical
25 facility or doctor's office to any person, except that any
26 suspension or revocation imposed by the Secretary of State

1 under the provisions of this subsection shall start no
2 later than 6 months after being convicted of violating a
3 law or ordinance regulating the movement of traffic, which
4 violation is related to the accident, or shall start not
5 more than one year after the date of the accident,
6 whichever date occurs later;

7 5. Has permitted an unlawful or fraudulent use of a
8 driver's license, identification card, or permit;

9 6. Has been lawfully convicted of an offense or
10 offenses in another state, including the authorization
11 contained in Section 6-203.1, which if committed within
12 this State would be grounds for suspension or revocation;

13 7. Has refused or failed to submit to an examination
14 provided for by Section 6-207 or has failed to pass the
15 examination;

16 8. Is ineligible for a driver's license or permit under
17 the provisions of Section 6-103;

18 9. Has made a false statement or knowingly concealed a
19 material fact or has used false information or
20 identification in any application for a license,
21 identification card, or permit;

22 10. Has possessed, displayed, or attempted to
23 fraudulently use any license, identification card, or
24 permit not issued to the person;

25 11. Has operated a motor vehicle upon a highway of this
26 State when the person's driving privilege or privilege to

1 obtain a driver's license or permit was revoked or
2 suspended unless the operation was authorized by a
3 monitoring device driving permit, judicial driving permit
4 issued prior to January 1, 2009, probationary license to
5 drive, or a restricted driving permit issued under this
6 Code;

7 12. Has submitted to any portion of the application
8 process for another person or has obtained the services of
9 another person to submit to any portion of the application
10 process for the purpose of obtaining a license,
11 identification card, or permit for some other person;

12 13. Has operated a motor vehicle upon a highway of this
13 State when the person's driver's license or permit was
14 invalid under the provisions of Sections 6-107.1 and 6-110;

15 14. Has committed a violation of Section 6-301,
16 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
17 14B of the Illinois Identification Card Act;

18 15. Has been convicted of violating Section 21-2 of the
19 Criminal Code of 1961 or the Criminal Code of 2012 relating
20 to criminal trespass to vehicles in which case, the
21 suspension shall be for one year;

22 16. Has been convicted of violating Section 11-204 of
23 this Code relating to fleeing from a peace officer;

24 17. Has refused to submit to a test, or tests, as
25 required under Section 11-501.1 of this Code and the person
26 has not sought a hearing as provided for in Section

1 11-501.1;

2 18. Has, since issuance of a driver's license or
3 permit, been adjudged to be afflicted with or suffering
4 from any mental disability or disease;

5 19. Has committed a violation of paragraph (a) or (b)
6 of Section 6-101 relating to driving without a driver's
7 license;

8 20. Has been convicted of violating Section 6-104
9 relating to classification of driver's license;

10 21. Has been convicted of violating Section 11-402 of
11 this Code relating to leaving the scene of an accident
12 resulting in damage to a vehicle in excess of \$1,000, in
13 which case the suspension shall be for one year;

14 22. Has used a motor vehicle in violating paragraph
15 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
16 the Criminal Code of 1961 or the Criminal Code of 2012
17 relating to unlawful use of weapons, in which case the
18 suspension shall be for one year;

19 23. Has, as a driver, been convicted of committing a
20 violation of paragraph (a) of Section 11-502 of this Code
21 for a second or subsequent time within one year of a
22 similar violation;

23 24. Has been convicted by a court-martial or punished
24 by non-judicial punishment by military authorities of the
25 United States at a military installation in Illinois or in
26 another state of or for a traffic related offense that is

1 the same as or similar to an offense specified under
2 Section 6-205 or 6-206 of this Code;

3 25. Has permitted any form of identification to be used
4 by another in the application process in order to obtain or
5 attempt to obtain a license, identification card, or
6 permit;

7 26. Has altered or attempted to alter a license or has
8 possessed an altered license, identification card, or
9 permit;

10 27. Has violated Section 6-16 of the Liquor Control Act
11 of 1934;

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 period. No revocation or
21 suspension shall be entered more than 6 months after the
22 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;

3 39. Has committed a second or subsequent violation of
4 Section 11-1201 of this Code;

5 40. Has committed a violation of subsection (a-1) of
6 Section 11-908 of this Code;

7 41. Has committed a second or subsequent violation of
8 Section 11-605.1 of this Code, a similar provision of a
9 local ordinance, or a similar violation in any other state
10 within 2 years of the date of the previous violation, in
11 which case the suspension shall be for 90 days;

12 42. Has committed a violation of subsection (a-1) of
13 Section 11-1301.3 of this Code or a similar provision of a
14 local ordinance;

15 43. Has received a disposition of court supervision for
16 a violation of subsection (a), (d), or (e) of Section 6-20
17 of the Liquor Control Act of 1934 or a similar provision of
18 a local ordinance, in which case the suspension shall be
19 for a period of 3 months;

20 44. Is under the age of 21 years at the time of arrest
21 and has been convicted of an offense against traffic
22 regulations governing the movement of vehicles after
23 having previously had his or her driving privileges
24 suspended or revoked pursuant to subparagraph 36 of this
25 Section;

26 45. Has, in connection with or during the course of a

1 formal hearing conducted under Section 2-118 of this Code:
2 (i) committed perjury; (ii) submitted fraudulent or
3 falsified documents; (iii) submitted documents that have
4 been materially altered; or (iv) submitted, as his or her
5 own, documents that were in fact prepared or composed for
6 another person;

7 46. Has committed a violation of subsection (j) of
8 Section 3-413 of this Code;

9 47. Has committed a violation of Section 11-502.1 of
10 this Code; or

11 48. Has submitted a falsified or altered medical
12 examiner's certificate to the Secretary of State or
13 provided false information to obtain a medical examiner's
14 certificate.

15 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
16 and 27 of this subsection, license means any driver's license,
17 any traffic ticket issued when the person's driver's license is
18 deposited ~~in lieu of bail~~, a suspension notice issued by the
19 Secretary of State, a duplicate or corrected driver's license,
20 a probationary driver's license or a temporary driver's
21 license.

22 (b) If any conviction forming the basis of a suspension or
23 revocation authorized under this Section is appealed, the
24 Secretary of State may rescind or withhold the entry of the
25 order of suspension or revocation, as the case may be, provided
26 that a certified copy of a stay order of a court is filed with

1 the Secretary of State. If the conviction is affirmed on
2 appeal, the date of the conviction shall relate back to the
3 time the original judgment of conviction was entered and the 6
4 month limitation prescribed shall not apply.

5 (c) 1. Upon suspending or revoking the driver's license or
6 permit of any person as authorized in this Section, the
7 Secretary of State shall immediately notify the person in
8 writing of the revocation or suspension. The notice to be
9 deposited in the United States mail, postage prepaid, to the
10 last known address of the person.

11 2. If the Secretary of State suspends the driver's license
12 of a person under subsection 2 of paragraph (a) of this
13 Section, a person's privilege to operate a vehicle as an
14 occupation shall not be suspended, provided an affidavit is
15 properly completed, the appropriate fee received, and a permit
16 issued prior to the effective date of the suspension, unless 5
17 offenses were committed, at least 2 of which occurred while
18 operating a commercial vehicle in connection with the driver's
19 regular occupation. All other driving privileges shall be
20 suspended by the Secretary of State. Any driver prior to
21 operating a vehicle for occupational purposes only must submit
22 the affidavit on forms to be provided by the Secretary of State
23 setting forth the facts of the person's occupation. The
24 affidavit shall also state the number of offenses committed
25 while operating a vehicle in connection with the driver's
26 regular occupation. The affidavit shall be accompanied by the

1 driver's license. Upon receipt of a properly completed
2 affidavit, the Secretary of State shall issue the driver a
3 permit to operate a vehicle in connection with the driver's
4 regular occupation only. Unless the permit is issued by the
5 Secretary of State prior to the date of suspension, the
6 privilege to drive any motor vehicle shall be suspended as set
7 forth in the notice that was mailed under this Section. If an
8 affidavit is received subsequent to the effective date of this
9 suspension, a permit may be issued for the remainder of the
10 suspension period.

11 The provisions of this subparagraph shall not apply to any
12 driver required to possess a CDL for the purpose of operating a
13 commercial motor vehicle.

14 Any person who falsely states any fact in the affidavit
15 required herein shall be guilty of perjury under Section 6-302
16 and upon conviction thereof shall have all driving privileges
17 revoked without further rights.

18 3. At the conclusion of a hearing under Section 2-118 of
19 this Code, the Secretary of State shall either rescind or
20 continue an order of revocation or shall substitute an order of
21 suspension; or, good cause appearing therefor, rescind,
22 continue, change, or extend the order of suspension. If the
23 Secretary of State does not rescind the order, the Secretary
24 may upon application, to relieve undue hardship (as defined by
25 the rules of the Secretary of State), issue a restricted
26 driving permit granting the privilege of driving a motor

1 vehicle between the petitioner's residence and petitioner's
2 place of employment or within the scope of the petitioner's
3 employment related duties, or to allow the petitioner to
4 transport himself or herself, or a family member of the
5 petitioner's household to a medical facility, to receive
6 necessary medical care, to allow the petitioner to transport
7 himself or herself to and from alcohol or drug remedial or
8 rehabilitative activity recommended by a licensed service
9 provider, or to allow the petitioner to transport himself or
10 herself or a family member of the petitioner's household to
11 classes, as a student, at an accredited educational
12 institution, or to allow the petitioner to transport children,
13 elderly persons, or persons with disabilities who do not hold
14 driving privileges and are living in the petitioner's household
15 to and from daycare. The petitioner must demonstrate that no
16 alternative means of transportation is reasonably available
17 and that the petitioner will not endanger the public safety or
18 welfare.

19 (A) If a person's license or permit is revoked or
20 suspended due to 2 or more convictions of violating Section
21 11-501 of this Code or a similar provision of a local
22 ordinance or a similar out-of-state offense, or Section 9-3
23 of the Criminal Code of 1961 or the Criminal Code of 2012,
24 where the use of alcohol or other drugs is recited as an
25 element of the offense, or a similar out-of-state offense,
26 or a combination of these offenses, arising out of separate

1 occurrences, that person, if issued a restricted driving
2 permit, may not operate a vehicle unless it has been
3 equipped with an ignition interlock device as defined in
4 Section 1-129.1.

5 (B) If a person's license or permit is revoked or
6 suspended 2 or more times due to any combination of:

7 (i) a single conviction of violating Section
8 11-501 of this Code or a similar provision of a local
9 ordinance or a similar out-of-state offense or Section
10 9-3 of the Criminal Code of 1961 or the Criminal Code
11 of 2012, where the use of alcohol or other drugs is
12 recited as an element of the offense, or a similar
13 out-of-state offense; or

14 (ii) a statutory summary suspension or revocation
15 under Section 11-501.1; or

16 (iii) a suspension under Section 6-203.1;

17 arising out of separate occurrences; that person, if issued
18 a restricted driving permit, may not operate a vehicle
19 unless it has been equipped with an ignition interlock
20 device as defined in Section 1-129.1.

21 (B-5) If a person's license or permit is revoked or
22 suspended due to a conviction for a violation of
23 subparagraph (C) or (F) of paragraph (1) of subsection (d)
24 of Section 11-501 of this Code, or a similar provision of a
25 local ordinance or similar out-of-state offense, that
26 person, if issued a restricted driving permit, may not

1 operate a vehicle unless it has been equipped with an
2 ignition interlock device as defined in Section 1-129.1.

3 (C) The person issued a permit conditioned upon the use
4 of an ignition interlock device must pay to the Secretary
5 of State DUI Administration Fund an amount not to exceed
6 \$30 per month. The Secretary shall establish by rule the
7 amount and the procedures, terms, and conditions relating
8 to these fees.

9 (D) If the restricted driving permit is issued for
10 employment purposes, then the prohibition against
11 operating a motor vehicle that is not equipped with an
12 ignition interlock device does not apply to the operation
13 of an occupational vehicle owned or leased by that person's
14 employer when used solely for employment purposes. For any
15 person who, within a 5-year period, is convicted of a
16 second or subsequent offense under Section 11-501 of this
17 Code, or a similar provision of a local ordinance or
18 similar out-of-state offense, this employment exemption
19 does not apply until either a one-year period has elapsed
20 during which that person had his or her driving privileges
21 revoked or a one-year period has elapsed during which that
22 person had a restricted driving permit which required the
23 use of an ignition interlock device on every motor vehicle
24 owned or operated by that person.

25 (E) In each case the Secretary may issue a restricted
26 driving permit for a period deemed appropriate, except that

1 all permits shall expire no later than 2 years from the
2 date of issuance. A restricted driving permit issued under
3 this Section shall be subject to cancellation, revocation,
4 and suspension by the Secretary of State in like manner and
5 for like cause as a driver's license issued under this Code
6 may be cancelled, revoked, or suspended; except that a
7 conviction upon one or more offenses against laws or
8 ordinances regulating the movement of traffic shall be
9 deemed sufficient cause for the revocation, suspension, or
10 cancellation of a restricted driving permit. The Secretary
11 of State may, as a condition to the issuance of a
12 restricted driving permit, require the applicant to
13 participate in a designated driver remedial or
14 rehabilitative program. The Secretary of State is
15 authorized to cancel a restricted driving permit if the
16 permit holder does not successfully complete the program.

17 (F) A person subject to the provisions of paragraph 4
18 of subsection (b) of Section 6-208 of this Code may make
19 application for a restricted driving permit at a hearing
20 conducted under Section 2-118 of this Code after the
21 expiration of 5 years from the effective date of the most
22 recent revocation or after 5 years from the date of release
23 from a period of imprisonment resulting from a conviction
24 of the most recent offense, whichever is later, provided
25 the person, in addition to all other requirements of the
26 Secretary, shows by clear and convincing evidence:

1 (i) a minimum of 3 years of uninterrupted
2 abstinence from alcohol and the unlawful use or
3 consumption of cannabis under the Cannabis Control
4 Act, a controlled substance under the Illinois
5 Controlled Substances Act, an intoxicating compound
6 under the Use of Intoxicating Compounds Act, or
7 methamphetamine under the Methamphetamine Control and
8 Community Protection Act; and

9 (ii) the successful completion of any
10 rehabilitative treatment and involvement in any
11 ongoing rehabilitative activity that may be
12 recommended by a properly licensed service provider
13 according to an assessment of the person's alcohol or
14 drug use under Section 11-501.01 of this Code.

15 In determining whether an applicant is eligible for a
16 restricted driving permit under this subparagraph (F), the
17 Secretary may consider any relevant evidence, including,
18 but not limited to, testimony, affidavits, records, and the
19 results of regular alcohol or drug tests. Persons subject
20 to the provisions of paragraph 4 of subsection (b) of
21 Section 6-208 of this Code and who have been convicted of
22 more than one violation of paragraph (3), paragraph (4), or
23 paragraph (5) of subsection (a) of Section 11-501 of this
24 Code shall not be eligible to apply for a restricted
25 driving permit under this subparagraph (F).

26 A restricted driving permit issued under this

1 subparagraph (F) shall provide that the holder may only
2 operate motor vehicles equipped with an ignition interlock
3 device as required under paragraph (2) of subsection (c) of
4 Section 6-205 of this Code and subparagraph (A) of
5 paragraph 3 of subsection (c) of this Section. The
6 Secretary may revoke a restricted driving permit or amend
7 the conditions of a restricted driving permit issued under
8 this subparagraph (F) if the holder operates a vehicle that
9 is not equipped with an ignition interlock device, or for
10 any other reason authorized under this Code.

11 A restricted driving permit issued under this
12 subparagraph (F) shall be revoked, and the holder barred
13 from applying for or being issued a restricted driving
14 permit in the future, if the holder is convicted of a
15 violation of Section 11-501 of this Code, a similar
16 provision of a local ordinance, or a similar offense in
17 another state.

18 (c-3) In the case of a suspension under paragraph 43 of
19 subsection (a), reports received by the Secretary of State
20 under this Section shall, except during the actual time the
21 suspension is in effect, be privileged information and for use
22 only by the courts, police officers, prosecuting authorities,
23 the driver licensing administrator of any other state, the
24 Secretary of State, or the parent or legal guardian of a driver
25 under the age of 18. However, beginning January 1, 2008, if the
26 person is a CDL holder, the suspension shall also be made

1 available to the driver licensing administrator of any other
2 state, the U.S. Department of Transportation, and the affected
3 driver or motor carrier or prospective motor carrier upon
4 request.

5 (c-4) In the case of a suspension under paragraph 43 of
6 subsection (a), the Secretary of State shall notify the person
7 by mail that his or her driving privileges and driver's license
8 will be suspended one month after the date of the mailing of
9 the notice.

10 (c-5) The Secretary of State may, as a condition of the
11 reissuance of a driver's license or permit to an applicant
12 whose driver's license or permit has been suspended before he
13 or she reached the age of 21 years pursuant to any of the
14 provisions of this Section, require the applicant to
15 participate in a driver remedial education course and be
16 retested under Section 6-109 of this Code.

17 (d) This Section is subject to the provisions of the
18 Drivers License Compact.

19 (e) The Secretary of State shall not issue a restricted
20 driving permit to a person under the age of 16 years whose
21 driving privileges have been suspended or revoked under any
22 provisions of this Code.

23 (f) In accordance with 49 C.F.R. 384, the Secretary of
24 State may not issue a restricted driving permit for the
25 operation of a commercial motor vehicle to a person holding a
26 CDL whose driving privileges have been suspended, revoked,

1 cancelled, or disqualified under any provisions of this Code.

2 (Source: P.A. 99-143, eff. 7-27-15; 99-290, eff. 1-1-16;
3 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; 99-607, eff. 7-22-16;
4 99-642, eff. 7-28-16; 100-803, eff. 1-1-19.)

5 (Text of Section after amendment by P.A. 101-90 and
6 101-470)

7 Sec. 6-206. Discretionary authority to suspend or revoke
8 license or permit; right to a hearing.

9 (a) The Secretary of State is authorized to suspend or
10 revoke the driving privileges of any person without preliminary
11 hearing upon a showing of the person's records or other
12 sufficient evidence that the person:

13 1. Has committed an offense for which mandatory
14 revocation of a driver's license or permit is required upon
15 conviction;

16 2. Has been convicted of not less than 3 offenses
17 against traffic regulations governing the movement of
18 vehicles committed within any 12 month period. No
19 revocation or suspension shall be entered more than 6
20 months after the date of last conviction;

21 3. Has been repeatedly involved as a driver in motor
22 vehicle collisions or has been repeatedly convicted of
23 offenses against laws and ordinances regulating the
24 movement of traffic, to a degree that indicates lack of
25 ability to exercise ordinary and reasonable care in the

1 safe operation of a motor vehicle or disrespect for the
2 traffic laws and the safety of other persons upon the
3 highway;

4 4. Has by the unlawful operation of a motor vehicle
5 caused or contributed to an accident resulting in injury
6 requiring immediate professional treatment in a medical
7 facility or doctor's office to any person, except that any
8 suspension or revocation imposed by the Secretary of State
9 under the provisions of this subsection shall start no
10 later than 6 months after being convicted of violating a
11 law or ordinance regulating the movement of traffic, which
12 violation is related to the accident, or shall start not
13 more than one year after the date of the accident,
14 whichever date occurs later;

15 5. Has permitted an unlawful or fraudulent use of a
16 driver's license, identification card, or permit;

17 6. Has been lawfully convicted of an offense or
18 offenses in another state, including the authorization
19 contained in Section 6-203.1, which if committed within
20 this State would be grounds for suspension or revocation;

21 7. Has refused or failed to submit to an examination
22 provided for by Section 6-207 or has failed to pass the
23 examination;

24 8. Is ineligible for a driver's license or permit under
25 the provisions of Section 6-103;

26 9. Has made a false statement or knowingly concealed a

1 material fact or has used false information or
2 identification in any application for a license,
3 identification card, or permit;

4 10. Has possessed, displayed, or attempted to
5 fraudulently use any license, identification card, or
6 permit not issued to the person;

7 11. Has operated a motor vehicle upon a highway of this
8 State when the person's driving privilege or privilege to
9 obtain a driver's license or permit was revoked or
10 suspended unless the operation was authorized by a
11 monitoring device driving permit, judicial driving permit
12 issued prior to January 1, 2009, probationary license to
13 drive, or a restricted driving permit issued under this
14 Code;

15 12. Has submitted to any portion of the application
16 process for another person or has obtained the services of
17 another person to submit to any portion of the application
18 process for the purpose of obtaining a license,
19 identification card, or permit for some other person;

20 13. Has operated a motor vehicle upon a highway of this
21 State when the person's driver's license or permit was
22 invalid under the provisions of Sections 6-107.1 and 6-110;

23 14. Has committed a violation of Section 6-301,
24 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
25 14B of the Illinois Identification Card Act;

26 15. Has been convicted of violating Section 21-2 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 relating
2 to criminal trespass to vehicles in which case, the
3 suspension shall be for one year;

4 16. Has been convicted of violating Section 11-204 of
5 this Code relating to fleeing from a peace officer;

6 17. Has refused to submit to a test, or tests, as
7 required under Section 11-501.1 of this Code and the person
8 has not sought a hearing as provided for in Section
9 11-501.1;

10 18. Has, since issuance of a driver's license or
11 permit, been adjudged to be afflicted with or suffering
12 from any mental disability or disease;

13 19. Has committed a violation of paragraph (a) or (b)
14 of Section 6-101 relating to driving without a driver's
15 license;

16 20. Has been convicted of violating Section 6-104
17 relating to classification of driver's license;

18 21. Has been convicted of violating Section 11-402 of
19 this Code relating to leaving the scene of an accident
20 resulting in damage to a vehicle in excess of \$1,000, in
21 which case the suspension shall be for one year;

22 22. Has used a motor vehicle in violating paragraph
23 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
24 the Criminal Code of 1961 or the Criminal Code of 2012
25 relating to unlawful use of weapons, in which case the
26 suspension shall be for one year;

1 23. Has, as a driver, been convicted of committing a
2 violation of paragraph (a) of Section 11-502 of this Code
3 for a second or subsequent time within one year of a
4 similar violation;

5 24. Has been convicted by a court-martial or punished
6 by non-judicial punishment by military authorities of the
7 United States at a military installation in Illinois or in
8 another state of or for a traffic related offense that is
9 the same as or similar to an offense specified under
10 Section 6-205 or 6-206 of this Code;

11 25. Has permitted any form of identification to be used
12 by another in the application process in order to obtain or
13 attempt to obtain a license, identification card, or
14 permit;

15 26. Has altered or attempted to alter a license or has
16 possessed an altered license, identification card, or
17 permit;

18 27. Has violated Section 6-16 of the Liquor Control Act
19 of 1934;

20 28. Has been convicted for a first time of the illegal
21 possession, while operating or in actual physical control,
22 as a driver, of a motor vehicle, of any controlled
23 substance prohibited under the Illinois Controlled
24 Substances Act, any cannabis prohibited under the Cannabis
25 Control Act, or any methamphetamine prohibited under the
26 Methamphetamine Control and Community Protection Act, in

1 which case the person's driving privileges shall be
2 suspended for one year. Any defendant found guilty of this
3 offense while operating a motor vehicle, shall have an
4 entry made in the court record by the presiding judge that
5 this offense did occur while the defendant was operating a
6 motor vehicle and order the clerk of the court to report
7 the violation to the Secretary of State;

8 29. Has been convicted of the following offenses that
9 were committed while the person was operating or in actual
10 physical control, as a driver, of a motor vehicle: criminal
11 sexual assault, predatory criminal sexual assault of a
12 child, aggravated criminal sexual assault, criminal sexual
13 abuse, aggravated criminal sexual abuse, juvenile pimping,
14 soliciting for a juvenile prostitute, promoting juvenile
15 prostitution as described in subdivision (a) (1), (a) (2),
16 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961
17 or the Criminal Code of 2012, and the manufacture, sale or
18 delivery of controlled substances or instruments used for
19 illegal drug use or abuse in which case the driver's
20 driving privileges shall be suspended for one year;

21 30. Has been convicted a second or subsequent time for
22 any combination of the offenses named in paragraph 29 of
23 this subsection, in which case the person's driving
24 privileges shall be suspended for 5 years;

25 31. Has refused to submit to a test as required by
26 Section 11-501.6 of this Code or Section 5-16c of the Boat

1 Registration and Safety Act or has submitted to a test
2 resulting in an alcohol concentration of 0.08 or more or
3 any amount of a drug, substance, or compound resulting from
4 the unlawful use or consumption of cannabis as listed in
5 the Cannabis Control Act, a controlled substance as listed
6 in the Illinois Controlled Substances Act, an intoxicating
7 compound as listed in the Use of Intoxicating Compounds
8 Act, or methamphetamine as listed in the Methamphetamine
9 Control and Community Protection Act, in which case the
10 penalty shall be as prescribed in Section 6-208.1;

11 32. Has been convicted of Section 24-1.2 of the
12 Criminal Code of 1961 or the Criminal Code of 2012 relating
13 to the aggravated discharge of a firearm if the offender
14 was located in a motor vehicle at the time the firearm was
15 discharged, in which case the suspension shall be for 3
16 years;

17 33. Has as a driver, who was less than 21 years of age
18 on the date of the offense, been convicted a first time of
19 a violation of paragraph (a) of Section 11-502 of this Code
20 or a similar provision of a local ordinance;

21 34. Has committed a violation of Section 11-1301.5 of
22 this Code or a similar provision of a local ordinance;

23 35. Has committed a violation of Section 11-1301.6 of
24 this Code or a similar provision of a local ordinance;

25 36. Is under the age of 21 years at the time of arrest
26 and has been convicted of not less than 2 offenses against

1 traffic regulations governing the movement of vehicles
2 committed within any 24 month period. No revocation or
3 suspension shall be entered more than 6 months after the
4 date of last conviction;

5 37. Has committed a violation of subsection (c) of
6 Section 11-907 of this Code that resulted in damage to the
7 property of another or the death or injury of another;

8 38. Has been convicted of a violation of Section 6-20
9 of the Liquor Control Act of 1934 or a similar provision of
10 a local ordinance;

11 39. Has committed a second or subsequent violation of
12 Section 11-1201 of this Code;

13 40. Has committed a violation of subsection (a-1) of
14 Section 11-908 of this Code;

15 41. Has committed a second or subsequent violation of
16 Section 11-605.1 of this Code, a similar provision of a
17 local ordinance, or a similar violation in any other state
18 within 2 years of the date of the previous violation, in
19 which case the suspension shall be for 90 days;

20 42. Has committed a violation of subsection (a-1) of
21 Section 11-1301.3 of this Code or a similar provision of a
22 local ordinance;

23 43. Has received a disposition of court supervision for
24 a violation of subsection (a), (d), or (e) of Section 6-20
25 of the Liquor Control Act of 1934 or a similar provision of
26 a local ordinance, in which case the suspension shall be

1 for a period of 3 months;

2 44. Is under the age of 21 years at the time of arrest
3 and has been convicted of an offense against traffic
4 regulations governing the movement of vehicles after
5 having previously had his or her driving privileges
6 suspended or revoked pursuant to subparagraph 36 of this
7 Section;

8 45. Has, in connection with or during the course of a
9 formal hearing conducted under Section 2-118 of this Code:
10 (i) committed perjury; (ii) submitted fraudulent or
11 falsified documents; (iii) submitted documents that have
12 been materially altered; or (iv) submitted, as his or her
13 own, documents that were in fact prepared or composed for
14 another person;

15 46. Has committed a violation of subsection (j) of
16 Section 3-413 of this Code;

17 47. Has committed a violation of Section 11-502.1 of
18 this Code;

19 48. Has submitted a falsified or altered medical
20 examiner's certificate to the Secretary of State or
21 provided false information to obtain a medical examiner's
22 certificate; ~~or~~

23 49. Has committed a violation of subsection (b-5) of
24 Section 12-610.2 that resulted in great bodily harm,
25 permanent disability, or disfigurement, in which case the
26 driving privileges shall be suspended for 12 months; or

1 50. ~~49.~~ Has been convicted of a violation of Section
2 11-1002 or 11-1002.5 that resulted in a Type A injury to
3 another, in which case the person's driving privileges
4 shall be suspended for 12 months.

5 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
6 and 27 of this subsection, license means any driver's license,
7 any traffic ticket issued when the person's driver's license is
8 deposited ~~in lieu of bail~~, a suspension notice issued by the
9 Secretary of State, a duplicate or corrected driver's license,
10 a probationary driver's license or a temporary driver's
11 license.

12 (b) If any conviction forming the basis of a suspension or
13 revocation authorized under this Section is appealed, the
14 Secretary of State may rescind or withhold the entry of the
15 order of suspension or revocation, as the case may be, provided
16 that a certified copy of a stay order of a court is filed with
17 the Secretary of State. If the conviction is affirmed on
18 appeal, the date of the conviction shall relate back to the
19 time the original judgment of conviction was entered and the 6
20 month limitation prescribed shall not apply.

21 (c) 1. Upon suspending or revoking the driver's license or
22 permit of any person as authorized in this Section, the
23 Secretary of State shall immediately notify the person in
24 writing of the revocation or suspension. The notice to be
25 deposited in the United States mail, postage prepaid, to the
26 last known address of the person.

1 2. If the Secretary of State suspends the driver's license
2 of a person under subsection 2 of paragraph (a) of this
3 Section, a person's privilege to operate a vehicle as an
4 occupation shall not be suspended, provided an affidavit is
5 properly completed, the appropriate fee received, and a permit
6 issued prior to the effective date of the suspension, unless 5
7 offenses were committed, at least 2 of which occurred while
8 operating a commercial vehicle in connection with the driver's
9 regular occupation. All other driving privileges shall be
10 suspended by the Secretary of State. Any driver prior to
11 operating a vehicle for occupational purposes only must submit
12 the affidavit on forms to be provided by the Secretary of State
13 setting forth the facts of the person's occupation. The
14 affidavit shall also state the number of offenses committed
15 while operating a vehicle in connection with the driver's
16 regular occupation. The affidavit shall be accompanied by the
17 driver's license. Upon receipt of a properly completed
18 affidavit, the Secretary of State shall issue the driver a
19 permit to operate a vehicle in connection with the driver's
20 regular occupation only. Unless the permit is issued by the
21 Secretary of State prior to the date of suspension, the
22 privilege to drive any motor vehicle shall be suspended as set
23 forth in the notice that was mailed under this Section. If an
24 affidavit is received subsequent to the effective date of this
25 suspension, a permit may be issued for the remainder of the
26 suspension period.

1 The provisions of this subparagraph shall not apply to any
2 driver required to possess a CDL for the purpose of operating a
3 commercial motor vehicle.

4 Any person who falsely states any fact in the affidavit
5 required herein shall be guilty of perjury under Section 6-302
6 and upon conviction thereof shall have all driving privileges
7 revoked without further rights.

8 3. At the conclusion of a hearing under Section 2-118 of
9 this Code, the Secretary of State shall either rescind or
10 continue an order of revocation or shall substitute an order of
11 suspension; or, good cause appearing therefor, rescind,
12 continue, change, or extend the order of suspension. If the
13 Secretary of State does not rescind the order, the Secretary
14 may upon application, to relieve undue hardship (as defined by
15 the rules of the Secretary of State), issue a restricted
16 driving permit granting the privilege of driving a motor
17 vehicle between the petitioner's residence and petitioner's
18 place of employment or within the scope of the petitioner's
19 employment related duties, or to allow the petitioner to
20 transport himself or herself, or a family member of the
21 petitioner's household to a medical facility, to receive
22 necessary medical care, to allow the petitioner to transport
23 himself or herself to and from alcohol or drug remedial or
24 rehabilitative activity recommended by a licensed service
25 provider, or to allow the petitioner to transport himself or
26 herself or a family member of the petitioner's household to

1 classes, as a student, at an accredited educational
2 institution, or to allow the petitioner to transport children,
3 elderly persons, or persons with disabilities who do not hold
4 driving privileges and are living in the petitioner's household
5 to and from daycare. The petitioner must demonstrate that no
6 alternative means of transportation is reasonably available
7 and that the petitioner will not endanger the public safety or
8 welfare.

9 (A) If a person's license or permit is revoked or
10 suspended due to 2 or more convictions of violating Section
11 11-501 of this Code or a similar provision of a local
12 ordinance or a similar out-of-state offense, or Section 9-3
13 of the Criminal Code of 1961 or the Criminal Code of 2012,
14 where the use of alcohol or other drugs is recited as an
15 element of the offense, or a similar out-of-state offense,
16 or a combination of these offenses, arising out of separate
17 occurrences, that person, if issued a restricted driving
18 permit, may not operate a vehicle unless it has been
19 equipped with an ignition interlock device as defined in
20 Section 1-129.1.

21 (B) If a person's license or permit is revoked or
22 suspended 2 or more times due to any combination of:

23 (i) a single conviction of violating Section
24 11-501 of this Code or a similar provision of a local
25 ordinance or a similar out-of-state offense or Section
26 9-3 of the Criminal Code of 1961 or the Criminal Code

1 of 2012, where the use of alcohol or other drugs is
2 recited as an element of the offense, or a similar
3 out-of-state offense; or

4 (ii) a statutory summary suspension or revocation
5 under Section 11-501.1; or

6 (iii) a suspension under Section 6-203.1;

7 arising out of separate occurrences; that person, if issued
8 a restricted driving permit, may not operate a vehicle
9 unless it has been equipped with an ignition interlock
10 device as defined in Section 1-129.1.

11 (B-5) If a person's license or permit is revoked or
12 suspended due to a conviction for a violation of
13 subparagraph (C) or (F) of paragraph (1) of subsection (d)
14 of Section 11-501 of this Code, or a similar provision of a
15 local ordinance or similar out-of-state offense, that
16 person, if issued a restricted driving permit, may not
17 operate a vehicle unless it has been equipped with an
18 ignition interlock device as defined in Section 1-129.1.

19 (C) The person issued a permit conditioned upon the use
20 of an ignition interlock device must pay to the Secretary
21 of State DUI Administration Fund an amount not to exceed
22 \$30 per month. The Secretary shall establish by rule the
23 amount and the procedures, terms, and conditions relating
24 to these fees.

25 (D) If the restricted driving permit is issued for
26 employment purposes, then the prohibition against

1 operating a motor vehicle that is not equipped with an
2 ignition interlock device does not apply to the operation
3 of an occupational vehicle owned or leased by that person's
4 employer when used solely for employment purposes. For any
5 person who, within a 5-year period, is convicted of a
6 second or subsequent offense under Section 11-501 of this
7 Code, or a similar provision of a local ordinance or
8 similar out-of-state offense, this employment exemption
9 does not apply until either a one-year period has elapsed
10 during which that person had his or her driving privileges
11 revoked or a one-year period has elapsed during which that
12 person had a restricted driving permit which required the
13 use of an ignition interlock device on every motor vehicle
14 owned or operated by that person.

15 (E) In each case the Secretary may issue a restricted
16 driving permit for a period deemed appropriate, except that
17 all permits shall expire no later than 2 years from the
18 date of issuance. A restricted driving permit issued under
19 this Section shall be subject to cancellation, revocation,
20 and suspension by the Secretary of State in like manner and
21 for like cause as a driver's license issued under this Code
22 may be cancelled, revoked, or suspended; except that a
23 conviction upon one or more offenses against laws or
24 ordinances regulating the movement of traffic shall be
25 deemed sufficient cause for the revocation, suspension, or
26 cancellation of a restricted driving permit. The Secretary

1 of State may, as a condition to the issuance of a
2 restricted driving permit, require the applicant to
3 participate in a designated driver remedial or
4 rehabilitative program. The Secretary of State is
5 authorized to cancel a restricted driving permit if the
6 permit holder does not successfully complete the program.

7 (F) A person subject to the provisions of paragraph 4
8 of subsection (b) of Section 6-208 of this Code may make
9 application for a restricted driving permit at a hearing
10 conducted under Section 2-118 of this Code after the
11 expiration of 5 years from the effective date of the most
12 recent revocation or after 5 years from the date of release
13 from a period of imprisonment resulting from a conviction
14 of the most recent offense, whichever is later, provided
15 the person, in addition to all other requirements of the
16 Secretary, shows by clear and convincing evidence:

17 (i) a minimum of 3 years of uninterrupted
18 abstinence from alcohol and the unlawful use or
19 consumption of cannabis under the Cannabis Control
20 Act, a controlled substance under the Illinois
21 Controlled Substances Act, an intoxicating compound
22 under the Use of Intoxicating Compounds Act, or
23 methamphetamine under the Methamphetamine Control and
24 Community Protection Act; and

25 (ii) the successful completion of any
26 rehabilitative treatment and involvement in any

1 ongoing rehabilitative activity that may be
2 recommended by a properly licensed service provider
3 according to an assessment of the person's alcohol or
4 drug use under Section 11-501.01 of this Code.

5 In determining whether an applicant is eligible for a
6 restricted driving permit under this subparagraph (F), the
7 Secretary may consider any relevant evidence, including,
8 but not limited to, testimony, affidavits, records, and the
9 results of regular alcohol or drug tests. Persons subject
10 to the provisions of paragraph 4 of subsection (b) of
11 Section 6-208 of this Code and who have been convicted of
12 more than one violation of paragraph (3), paragraph (4), or
13 paragraph (5) of subsection (a) of Section 11-501 of this
14 Code shall not be eligible to apply for a restricted
15 driving permit under this subparagraph (F).

16 A restricted driving permit issued under this
17 subparagraph (F) shall provide that the holder may only
18 operate motor vehicles equipped with an ignition interlock
19 device as required under paragraph (2) of subsection (c) of
20 Section 6-205 of this Code and subparagraph (A) of
21 paragraph 3 of subsection (c) of this Section. The
22 Secretary may revoke a restricted driving permit or amend
23 the conditions of a restricted driving permit issued under
24 this subparagraph (F) if the holder operates a vehicle that
25 is not equipped with an ignition interlock device, or for
26 any other reason authorized under this Code.

1 A restricted driving permit issued under this
2 subparagraph (F) shall be revoked, and the holder barred
3 from applying for or being issued a restricted driving
4 permit in the future, if the holder is convicted of a
5 violation of Section 11-501 of this Code, a similar
6 provision of a local ordinance, or a similar offense in
7 another state.

8 (c-3) In the case of a suspension under paragraph 43 of
9 subsection (a), reports received by the Secretary of State
10 under this Section shall, except during the actual time the
11 suspension is in effect, be privileged information and for use
12 only by the courts, police officers, prosecuting authorities,
13 the driver licensing administrator of any other state, the
14 Secretary of State, or the parent or legal guardian of a driver
15 under the age of 18. However, beginning January 1, 2008, if the
16 person is a CDL holder, the suspension shall also be made
17 available to the driver licensing administrator of any other
18 state, the U.S. Department of Transportation, and the affected
19 driver or motor carrier or prospective motor carrier upon
20 request.

21 (c-4) In the case of a suspension under paragraph 43 of
22 subsection (a), the Secretary of State shall notify the person
23 by mail that his or her driving privileges and driver's license
24 will be suspended one month after the date of the mailing of
25 the notice.

26 (c-5) The Secretary of State may, as a condition of the

1 reissuance of a driver's license or permit to an applicant
2 whose driver's license or permit has been suspended before he
3 or she reached the age of 21 years pursuant to any of the
4 provisions of this Section, require the applicant to
5 participate in a driver remedial education course and be
6 retested under Section 6-109 of this Code.

7 (d) This Section is subject to the provisions of the
8 Drivers License Compact.

9 (e) The Secretary of State shall not issue a restricted
10 driving permit to a person under the age of 16 years whose
11 driving privileges have been suspended or revoked under any
12 provisions of this Code.

13 (f) In accordance with 49 C.F.R. 384, the Secretary of
14 State may not issue a restricted driving permit for the
15 operation of a commercial motor vehicle to a person holding a
16 CDL whose driving privileges have been suspended, revoked,
17 cancelled, or disqualified under any provisions of this Code.

18 (Source: P.A. 100-803, eff. 1-1-19; 101-90, eff. 7-1-20;
19 101-470, eff. 7-1-20; revised 9-23-19.)

20 (625 ILCS 5/6-308)

21 Sec. 6-308. Procedures for traffic violations.

22 (a) Any person cited for violating this Code or a similar
23 provision of a local ordinance for which a violation is a petty
24 offense as defined by Section 5-1-17 of the Unified Code of
25 Corrections, excluding business offenses as defined by Section

1 5-1-2 of the Unified Code of Corrections or a violation of
2 Section 15-111 or subsection (d) of Section 3-401 of this Code,
3 shall not be required to sign the citation ~~or post bond to~~
4 ~~secure bail~~ for his or her release. All other provisions of
5 this Code or similar provisions of local ordinances shall be
6 governed by the pretrial release ~~bail~~ provisions of the
7 Illinois Supreme Court Rules when it is not practical or
8 feasible to take the person before a judge to have conditions
9 of pretrial release ~~bail~~ set or to avoid undue delay because of
10 the hour or circumstances.

11 (b) Whenever a person fails to appear in court, the court
12 may continue the case for a minimum of 30 days and the clerk of
13 the court shall send notice of the continued court date to the
14 person's last known address. If the person does not appear in
15 court on or before the continued court date or satisfy the
16 court that the person's appearance in and surrender to the
17 court is impossible for no fault of the person, the court shall
18 enter an order of failure to appear. The clerk of the court
19 shall notify the Secretary of State, on a report prescribed by
20 the Secretary, of the court's order. The Secretary, when
21 notified by the clerk of the court that an order of failure to
22 appear has been entered, shall immediately suspend the person's
23 driver's license, which shall be designated by the Secretary as
24 a Failure to Appear suspension. The Secretary shall not remove
25 the suspension, nor issue any permit or privileges to the
26 person whose license has been suspended, until notified by the

1 ordering court that the person has appeared and resolved the
2 violation. Upon compliance, the clerk of the court shall
3 present the person with a notice of compliance containing the
4 seal of the court, and shall notify the Secretary that the
5 person has appeared and resolved the violation.

6 (c) Illinois Supreme Court Rules shall govern pretrial
7 release ~~bail~~ and appearance procedures when a person who is a
8 resident of another state that is not a member of the
9 Nonresident Violator Compact of 1977 is cited for violating
10 this Code or a similar provision of a local ordinance.

11 (Source: P.A. 100-674, eff. 1-1-19.)

12 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

13 Sec. 6-500. Definitions of words and phrases.
14 Notwithstanding the definitions set forth elsewhere in this
15 Code, for purposes of the Uniform Commercial Driver's License
16 Act (UCDLA), the words and phrases listed below have the
17 meanings ascribed to them as follows:

18 (1) Alcohol. "Alcohol" means any substance containing any
19 form of alcohol, including but not limited to ethanol,
20 methanol, propanol, and isopropanol.

21 (2) Alcohol concentration. "Alcohol concentration" means:

22 (A) the number of grams of alcohol per 210 liters of
23 breath; or

24 (B) the number of grams of alcohol per 100 milliliters
25 of blood; or

1 (C) the number of grams of alcohol per 67 milliliters
2 of urine.

3 Alcohol tests administered within 2 hours of the driver
4 being "stopped or detained" shall be considered that driver's
5 "alcohol concentration" for the purposes of enforcing this
6 UCDLA.

7 (3) (Blank).

8 (4) (Blank).

9 (5) (Blank).

10 (5.3) CDLIS driver record. "CDLIS driver record" means the
11 electronic record of the individual CDL driver's status and
12 history stored by the State-of-Record as part of the Commercial
13 Driver's License Information System, or CDLIS, established
14 under 49 U.S.C. 31309.

15 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle
16 record" or "CDLIS MVR" means a report generated from the CDLIS
17 driver record meeting the requirements for access to CDLIS
18 information and provided by states to users authorized in 49
19 C.F.R. 384.225(e) (3) and (4), subject to the provisions of the
20 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

21 (5.7) Commercial driver's license downgrade. "Commercial
22 driver's license downgrade" or "CDL downgrade" means either:

23 (A) a state allows the driver to change his or her
24 self-certification to interstate, but operating
25 exclusively in transportation or operation excepted from
26 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),

1 391.2, 391.68, or 398.3;

2 (B) a state allows the driver to change his or her
3 self-certification to intrastate only, if the driver
4 qualifies under that state's physical qualification
5 requirements for intrastate only;

6 (C) a state allows the driver to change his or her
7 certification to intrastate, but operating exclusively in
8 transportation or operations excepted from all or part of
9 the state driver qualification requirements; or

10 (D) a state removes the CDL privilege from the driver
11 license.

12 (6) Commercial Motor Vehicle.

13 (A) "Commercial motor vehicle" or "CMV" means a motor
14 vehicle or combination of motor vehicles used in commerce,
15 except those referred to in subdivision (B), designed to
16 transport passengers or property if the motor vehicle:

17 (i) has a gross combination weight rating or gross
18 combination weight of 11,794 kilograms or more (26,001
19 pounds or more), whichever is greater, inclusive of any
20 towed unit with a gross vehicle weight rating or gross
21 vehicle weight of more than 4,536 kilograms (10,000
22 pounds), whichever is greater; or

23 (i-5) has a gross vehicle weight rating or gross
24 vehicle weight of 11,794 or more kilograms (26,001
25 pounds or more), whichever is greater; or

26 (ii) is designed to transport 16 or more persons,

1 including the driver; or

2 (iii) is of any size and is used in transporting
3 hazardous materials as defined in 49 C.F.R. 383.5.

4 (B) Pursuant to the interpretation of the Commercial
5 Motor Vehicle Safety Act of 1986 by the Federal Highway
6 Administration, the definition of "commercial motor
7 vehicle" does not include:

8 (i) recreational vehicles, when operated primarily
9 for personal use;

10 (ii) vehicles owned by or operated under the
11 direction of the United States Department of Defense or
12 the United States Coast Guard only when operated by
13 non-civilian personnel. This includes any operator on
14 active military duty; members of the Reserves;
15 National Guard; personnel on part-time training; and
16 National Guard military technicians (civilians who are
17 required to wear military uniforms and are subject to
18 the Code of Military Justice); or

19 (iii) firefighting, police, and other emergency
20 equipment (including, without limitation, equipment
21 owned or operated by a HazMat or technical rescue team
22 authorized by a county board under Section 5-1127 of
23 the Counties Code), with audible and visual signals,
24 owned or operated by or for a governmental entity,
25 which is necessary to the preservation of life or
26 property or the execution of emergency governmental

1 functions which are normally not subject to general
2 traffic rules and regulations.

3 (7) Controlled Substance. "Controlled substance" shall
4 have the same meaning as defined in Section 102 of the Illinois
5 Controlled Substances Act, and shall also include cannabis as
6 defined in Section 3 of the Cannabis Control Act and
7 methamphetamine as defined in Section 10 of the Methamphetamine
8 Control and Community Protection Act.

9 (8) Conviction. "Conviction" means an unvacated
10 adjudication of guilt or a determination that a person has
11 violated or failed to comply with the law in a court of
12 original jurisdiction or by an authorized administrative
13 tribunal; an unvacated revocation of pretrial release
14 ~~forfeiture of bail or collateral deposited to secure the~~
15 ~~person's appearance in court;~~ a plea of guilty or nolo
16 contendere accepted by the court; the payment of a fine or
17 court cost regardless of whether the imposition of sentence is
18 deferred and ultimately a judgment dismissing the underlying
19 charge is entered; or a violation of a condition of pretrial
20 ~~release without bail~~, regardless of whether or not the penalty
21 is rebated, suspended or probated.

22 (8.5) Day. "Day" means calendar day.

23 (9) (Blank).

24 (10) (Blank).

25 (11) (Blank).

26 (12) (Blank).

1 (13) Driver. "Driver" means any person who drives,
2 operates, or is in physical control of a commercial motor
3 vehicle, any person who is required to hold a CDL, or any
4 person who is a holder of a CDL while operating a
5 non-commercial motor vehicle.

6 (13.5) Driver applicant. "Driver applicant" means an
7 individual who applies to a state or other jurisdiction to
8 obtain, transfer, upgrade, or renew a CDL or to obtain or renew
9 a CLP.

10 (13.8) Electronic device. "Electronic device" includes,
11 but is not limited to, a cellular telephone, personal digital
12 assistant, pager, computer, or any other device used to input,
13 write, send, receive, or read text.

14 (14) Employee. "Employee" means a person who is employed as
15 a commercial motor vehicle driver. A person who is
16 self-employed as a commercial motor vehicle driver must comply
17 with the requirements of this UCCLA pertaining to employees. An
18 owner-operator on a long-term lease shall be considered an
19 employee.

20 (15) Employer. "Employer" means a person (including the
21 United States, a State or a local authority) who owns or leases
22 a commercial motor vehicle or assigns employees to operate such
23 a vehicle. A person who is self-employed as a commercial motor
24 vehicle driver must comply with the requirements of this UCCLA.

25 (15.1) Endorsement. "Endorsement" means an authorization
26 to an individual's CLP or CDL required to permit the individual

1 to operate certain types of commercial motor vehicles.

2 (15.2) Entry-level driver training. "Entry-level driver
3 training" means the training an entry-level driver receives
4 from an entity listed on the Federal Motor Carrier Safety
5 Administration's Training Provider Registry prior to: (i)
6 taking the CDL skills test required to receive the Class A or
7 Class B CDL for the first time; (ii) taking the CDL skills test
8 required to upgrade to a Class A or Class B CDL; or (iii)
9 taking the CDL skills test required to obtain a passenger or
10 school bus endorsement for the first time or the CDL knowledge
11 test required to obtain a hazardous materials endorsement for
12 the first time.

13 (15.3) Excepted interstate. "Excepted interstate" means a
14 person who operates or expects to operate in interstate
15 commerce, but engages exclusively in transportation or
16 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or
17 398.3 from all or part of the qualification requirements of 49
18 C.F.R. Part 391 and is not required to obtain a medical
19 examiner's certificate by 49 C.F.R. 391.45.

20 (15.5) Excepted intrastate. "Excepted intrastate" means a
21 person who operates in intrastate commerce but engages
22 exclusively in transportation or operations excepted from all
23 or parts of the state driver qualification requirements.

24 (16) (Blank).

25 (16.5) Fatality. "Fatality" means the death of a person as
26 a result of a motor vehicle accident.

1 (16.7) Foreign commercial driver. "Foreign commercial
2 driver" means a person licensed to operate a commercial motor
3 vehicle by an authority outside the United States, or a citizen
4 of a foreign country who operates a commercial motor vehicle in
5 the United States.

6 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
7 sovereign jurisdiction that does not fall within the definition
8 of "State".

9 (18) (Blank).

10 (19) (Blank).

11 (20) Hazardous materials. "Hazardous material" means any
12 material that has been designated under 49 U.S.C. 5103 and is
13 required to be placarded under subpart F of 49 C.F.R. part 172
14 or any quantity of a material listed as a select agent or toxin
15 in 42 C.F.R. part 73.

16 (20.5) Imminent Hazard. "Imminent hazard" means the
17 existence of any condition of a vehicle, employee, or
18 commercial motor vehicle operations that substantially
19 increases the likelihood of serious injury or death if not
20 discontinued immediately; or a condition relating to hazardous
21 material that presents a substantial likelihood that death,
22 serious illness, severe personal injury, or a substantial
23 endangerment to health, property, or the environment may occur
24 before the reasonably foreseeable completion date of a formal
25 proceeding begun to lessen the risk of that death, illness,
26 injury or endangerment.

1 (20.6) Issuance. "Issuance" means initial issuance,
2 transfer, renewal, or upgrade of a CLP or CDL and non-domiciled
3 CLP or CDL.

4 (20.7) Issue. "Issue" means initial issuance, transfer,
5 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or
6 non-domiciled CDL.

7 (21) Long-term lease. "Long-term lease" means a lease of a
8 commercial motor vehicle by the owner-lessor to a lessee, for a
9 period of more than 29 days.

10 (21.01) Manual transmission. "Manual transmission" means a
11 transmission utilizing a driver-operated clutch that is
12 activated by a pedal or lever and a gear-shift mechanism
13 operated either by hand or foot including those known as a
14 stick shift, stick, straight drive, or standard transmission.
15 All other transmissions, whether semi-automatic or automatic,
16 shall be considered automatic for the purposes of the
17 standardized restriction code.

18 (21.1) Medical examiner. "Medical examiner" means an
19 individual certified by the Federal Motor Carrier Safety
20 Administration and listed on the National Registry of Certified
21 Medical Examiners in accordance with Federal Motor Carrier
22 Safety Regulations, 49 CFR 390.101 et seq.

23 (21.2) Medical examiner's certificate. "Medical examiner's
24 certificate" means either (1) prior to June 22, 2021, a
25 document prescribed or approved by the Secretary of State that
26 is issued by a medical examiner to a driver to medically

1 qualify him or her to drive; or (2) beginning June 22, 2021, an
2 electronic submission of results of an examination conducted by
3 a medical examiner listed on the National Registry of Certified
4 Medical Examiners to the Federal Motor Carrier Safety
5 Administration of a driver to medically qualify him or her to
6 drive.

7 (21.5) Medical variance. "Medical variance" means a driver
8 has received one of the following from the Federal Motor
9 Carrier Safety Administration which allows the driver to be
10 issued a medical certificate: (1) an exemption letter
11 permitting operation of a commercial motor vehicle pursuant to
12 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
13 skill performance evaluation (SPE) certificate permitting
14 operation of a commercial motor vehicle pursuant to 49 C.F.R.
15 391.49.

16 (21.7) Mobile telephone. "Mobile telephone" means a mobile
17 communication device that falls under or uses any commercial
18 mobile radio service, as defined in regulations of the Federal
19 Communications Commission, 47 CFR 20.3. It does not include
20 two-way or citizens band radio services.

21 (22) Motor Vehicle. "Motor vehicle" means every vehicle
22 which is self-propelled, and every vehicle which is propelled
23 by electric power obtained from over head trolley wires but not
24 operated upon rails, except vehicles moved solely by human
25 power and motorized wheel chairs.

26 (22.2) Motor vehicle record. "Motor vehicle record" means a

1 report of the driving status and history of a driver generated
2 from the driver record provided to users, such as drivers or
3 employers, and is subject to the provisions of the Driver
4 Privacy Protection Act, 18 U.S.C. 2721-2725.

5 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
6 combination of motor vehicles not defined by the term
7 "commercial motor vehicle" or "CMV" in this Section.

8 (22.7) Non-excepted interstate. "Non-excepted interstate"
9 means a person who operates or expects to operate in interstate
10 commerce, is subject to and meets the qualification
11 requirements under 49 C.F.R. Part 391, and is required to
12 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

13 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
14 means a person who operates only in intrastate commerce and is
15 subject to State driver qualification requirements.

16 (23) Non-domiciled CLP or Non-domiciled CDL.
17 "Non-domiciled CLP" or "Non-domiciled CDL" means a CLP or CDL,
18 respectively, issued by a state or other jurisdiction under
19 either of the following two conditions:

20 (i) to an individual domiciled in a foreign country
21 meeting the requirements of Part 383.23(b)(1) of 49 C.F.R.
22 of the Federal Motor Carrier Safety Administration.

23 (ii) to an individual domiciled in another state
24 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.
25 of the Federal Motor Carrier Safety Administration.

26 (24) (Blank).

1 (25) (Blank).

2 (25.5) Railroad-Highway Grade Crossing Violation.

3 "Railroad-highway grade crossing violation" means a violation,
4 while operating a commercial motor vehicle, of any of the
5 following:

6 (A) Section 11-1201, 11-1202, or 11-1425 of this Code.

7 (B) Any other similar law or local ordinance of any
8 state relating to railroad-highway grade crossing.

9 (25.7) School Bus. "School bus" means a commercial motor
10 vehicle used to transport pre-primary, primary, or secondary
11 school students from home to school, from school to home, or to
12 and from school-sponsored events. "School bus" does not include
13 a bus used as a common carrier.

14 (26) Serious Traffic Violation. "Serious traffic
15 violation" means:

16 (A) a conviction when operating a commercial motor
17 vehicle, or when operating a non-CMV while holding a CLP or
18 CDL, of:

19 (i) a violation relating to excessive speeding,
20 involving a single speeding charge of 15 miles per hour
21 or more above the legal speed limit; or

22 (ii) a violation relating to reckless driving; or

23 (iii) a violation of any State law or local
24 ordinance relating to motor vehicle traffic control
25 (other than parking violations) arising in connection
26 with a fatal traffic accident; or

1 (iv) a violation of Section 6-501, relating to
2 having multiple driver's licenses; or

3 (v) a violation of paragraph (a) of Section 6-507,
4 relating to the requirement to have a valid CLP or CDL;
5 or

6 (vi) a violation relating to improper or erratic
7 traffic lane changes; or

8 (vii) a violation relating to following another
9 vehicle too closely; or

10 (viii) a violation relating to texting while
11 driving; or

12 (ix) a violation relating to the use of a hand-held
13 mobile telephone while driving; or

14 (B) any other similar violation of a law or local
15 ordinance of any state relating to motor vehicle traffic
16 control, other than a parking violation, which the
17 Secretary of State determines by administrative rule to be
18 serious.

19 (27) State. "State" means a state of the United States, the
20 District of Columbia and any province or territory of Canada.

21 (28) (Blank).

22 (29) (Blank).

23 (30) (Blank).

24 (31) (Blank).

25 (32) Texting. "Texting" means manually entering
26 alphanumeric text into, or reading text from, an electronic

1 device.

2 (1) Texting includes, but is not limited to, short
3 message service, emailing, instant messaging, a command or
4 request to access a World Wide Web page, pressing more than
5 a single button to initiate or terminate a voice
6 communication using a mobile telephone, or engaging in any
7 other form of electronic text retrieval or entry for
8 present or future communication.

9 (2) Texting does not include:

10 (i) inputting, selecting, or reading information
11 on a global positioning system or navigation system; or

12 (ii) pressing a single button to initiate or
13 terminate a voice communication using a mobile
14 telephone; or

15 (iii) using a device capable of performing
16 multiple functions (for example, a fleet management
17 system, dispatching device, smart phone, citizens band
18 radio, or music player) for a purpose that is not
19 otherwise prohibited by Part 392 of the Federal Motor
20 Carrier Safety Regulations.

21 (32.3) Third party skills test examiner. "Third party
22 skills test examiner" means a person employed by a third party
23 tester who is authorized by the State to administer the CDL
24 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

25 (32.5) Third party tester. "Third party tester" means a
26 person (including, but not limited to, another state, a motor

1 carrier, a private driver training facility or other private
2 institution, or a department, agency, or instrumentality of a
3 local government) authorized by the State to employ skills test
4 examiners to administer the CDL skills tests specified in 49
5 C.F.R. Part 383, subparts G and H.

6 (32.7) United States. "United States" means the 50 states
7 and the District of Columbia.

8 (33) Use a hand-held mobile telephone. "Use a hand-held
9 mobile telephone" means:

10 (1) using at least one hand to hold a mobile telephone
11 to conduct a voice communication;

12 (2) dialing or answering a mobile telephone by pressing
13 more than a single button; or

14 (3) reaching for a mobile telephone in a manner that
15 requires a driver to maneuver so that he or she is no
16 longer in a seated driving position, restrained by a seat
17 belt that is installed in accordance with 49 CFR 393.93 and
18 adjusted in accordance with the vehicle manufacturer's
19 instructions.

20 (Source: P.A. 100-223, eff. 8-18-17; 101-185, eff. 1-1-20.)

21 (625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)

22 Sec. 6-601. Penalties.

23 (a) It is a petty offense for any person to violate any of
24 the provisions of this Chapter unless such violation is by this
25 Code or other law of this State declared to be a misdemeanor or

1 a felony.

2 (b) General penalties. Unless another penalty is in this
3 Code or other laws of this State, every person convicted of a
4 petty offense for the violation of any provision of this
5 Chapter shall be punished by a fine of not more than \$500.

6 (c) Unlicensed driving. Except as hereinafter provided a
7 violation of Section 6-101 shall be:

8 1. A Class A misdemeanor if the person failed to obtain
9 a driver's license or permit after expiration of a period
10 of revocation.

11 2. A Class B misdemeanor if the person has been issued
12 a driver's license or permit, which has expired, and if the
13 period of expiration is greater than one year; or if the
14 person has never been issued a driver's license or permit,
15 or is not qualified to obtain a driver's license or permit
16 because of his age.

17 3. A petty offense if the person has been issued a
18 temporary visitor's driver's license or permit and is
19 unable to provide proof of liability insurance as provided
20 in subsection (d-5) of Section 6-105.1.

21 If a licensee under this Code is convicted of violating
22 Section 6-303 for operating a motor vehicle during a time when
23 such licensee's driver's license was suspended under the
24 provisions of Section 6-306.3 or 6-308, then such act shall be
25 a petty offense (provided the licensee has answered the charge
26 which was the basis of the suspension under Section 6-306.3 or

1 6-308), and there shall be imposed no additional like period of
2 suspension as provided in paragraph (b) of Section 6-303.

3 (d) For violations of this Code or a similar provision of a
4 local ordinance for which a violation is a petty offense as
5 defined by Section 5-1-17 of the Unified Code of Corrections,
6 excluding business offenses as defined by Section 5-1-2 of the
7 Unified Code of Corrections or a violation of Section 15-111 or
8 subsection (d) of Section 3-401 of this Code, if the violation
9 may be satisfied without a court appearance, the violator may,
10 pursuant to Supreme Court Rule, satisfy the case with a written
11 plea of guilty and payment of fines, penalties, and costs as
12 ~~equal to the bail amount~~ established by the Supreme Court for
13 the offense.

14 (Source: P.A. 97-1157, eff. 11-28-13; 98-870, eff. 1-1-15;
15 98-1134, eff. 1-1-15.)

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

17 Sec. 16-103. Arrest outside county where violation
18 committed.

19 Whenever a defendant is arrested upon a warrant charging a
20 violation of this Act in a county other than that in which such
21 warrant was issued, the arresting officer, immediately upon the
22 request of the defendant, shall take such defendant before a
23 circuit judge or associate circuit judge in the county in which
24 the arrest was made who shall admit the defendant to pretrial
25 release ~~bail~~ for his appearance before the court named in the

1 warrant. On setting the conditions of pretrial release ~~taking~~
2 ~~such bail~~ the circuit judge or associate circuit judge shall
3 certify such fact on the warrant and deliver the warrant and
4 conditions of pretrial release ~~undertaking of bail or other~~
5 ~~security~~, or the drivers license of such defendant if
6 deposited, under the law relating to such licenses, in lieu of
7 such security, to the officer having charge of the defendant.
8 Such officer shall then immediately discharge the defendant
9 from arrest and without delay deliver such warrant and such
10 acknowledgement by the defendant of his or her receiving the
11 conditions of pretrial release ~~undertaking of bail, or other~~
12 ~~security~~ or drivers license to the court before which the
13 defendant is required to appear.

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

15 Section 65. The Snowmobile Registration and Safety Act is
16 amended by changing Section 5-7 as follows:

17 (625 ILCS 40/5-7)

18 Sec. 5-7. Operating a snowmobile while under the influence
19 of alcohol or other drug or drugs, intoxicating compound or
20 compounds, or a combination of them; criminal penalties;
21 suspension of operating privileges.

22 (a) A person may not operate or be in actual physical
23 control of a snowmobile within this State while:

24 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 70. The Clerks of Courts Act is amended by changing
15 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 75. The Attorney Act is amended by changing Section
8 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 80. The Juvenile Court Act of 1987 is amended by
23 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 85. The Criminal Code of 2012 is amended by
13 changing Section 26.5-5, 31-1, 31A-0.1, 32-10, and 32-15 as
14 follows:

15 (720 ILCS 5/26.5-5)

16 Sec. 26.5-5. Sentence.

17 (a) Except as provided in subsection (b), a person who
18 violates any of the provisions of Section 26.5-1, 26.5-2, or
19 26.5-3 of this Article is guilty of a Class B misdemeanor.
20 Except as provided in subsection (b), a second or subsequent
21 violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article
22 is a Class A misdemeanor, for which the court shall impose a
23 minimum of 14 days in jail or, if public or community service
24 is established in the county in which the offender was

1 convicted, 240 hours of public or community service.

2 (b) In any of the following circumstances, a person who
3 violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article
4 shall be guilty of a Class 4 felony:

5 (1) The person has 3 or more prior violations in the
6 last 10 years of harassment by telephone, harassment
7 through electronic communications, or any similar offense
8 of any other state;

9 (2) The person has previously violated the harassment
10 by telephone provisions, or the harassment through
11 electronic communications provisions, or committed any
12 similar offense in any other state with the same victim or
13 a member of the victim's family or household;

14 (3) At the time of the offense, the offender was under
15 conditions of pretrial release ~~bail~~, probation,
16 conditional discharge, mandatory supervised release or was
17 the subject of an order of protection, in this or any other
18 state, prohibiting contact with the victim or any member of
19 the victim's family or household;

20 (4) In the course of the offense, the offender
21 threatened to kill the victim or any member of the victim's
22 family or household;

23 (5) The person has been convicted in the last 10 years
24 of a forcible felony as defined in Section 2-8 of the
25 Criminal Code of 1961 or the Criminal Code of 2012;

26 (6) The person violates paragraph (5) of Section 26.5-2

1 or paragraph (4) of Section 26.5-3; or

2 (7) The person was at least 18 years of age at the time
3 of the commission of the offense and the victim was under
4 18 years of age at the time of the commission of the
5 offense.

6 (c) The court may order any person convicted under this
7 Article to submit to a psychiatric examination.

8 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)

9 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

10 Sec. 31-1. Resisting or obstructing a peace officer,
11 firefighter, or correctional institution employee.

12 (a) A person who knowingly resists or obstructs the
13 performance by one known to the person to be a peace officer,
14 firefighter, or correctional institution employee of any
15 authorized act within his or her official capacity commits a
16 Class A misdemeanor.

17 (a-5) In addition to any other sentence that may be
18 imposed, a court shall order any person convicted of resisting
19 or obstructing a peace officer, firefighter, or correctional
20 institution employee to be sentenced to a minimum of 48
21 consecutive hours of imprisonment or ordered to perform
22 community service for not less than 100 hours as may be
23 determined by the court. The person shall not be eligible for
24 probation in order to reduce the sentence of imprisonment or
25 community service.

1 (a-7) A person convicted for a violation of this Section
2 whose violation was the proximate cause of an injury to a peace
3 officer, firefighter, or correctional institution employee is
4 guilty of a Class 4 felony.

5 (b) For purposes of this Section, "correctional
6 institution employee" means any person employed to supervise
7 and control inmates incarcerated in a penitentiary, State farm,
8 reformatory, prison, jail, house of correction, police
9 detention area, half-way house, or other institution or place
10 for the incarceration or custody of persons under sentence for
11 offenses or awaiting trial or sentence for offenses, under
12 arrest for an offense, a violation of probation, a violation of
13 parole, a violation of aftercare release, a violation of
14 mandatory supervised release, or awaiting a ~~bail setting~~
15 hearing or preliminary hearing on setting the conditions of
16 pretrial release, or who are sexually dangerous persons or who
17 are sexually violent persons; and "firefighter" means any
18 individual, either as an employee or volunteer, of a regularly
19 constituted fire department of a municipality or fire
20 protection district who performs fire fighting duties,
21 including, but not limited to, the fire chief, assistant fire
22 chief, captain, engineer, driver, ladder person, hose person,
23 pipe person, and any other member of a regularly constituted
24 fire department. "Firefighter" also means a person employed by
25 the Office of the State Fire Marshal to conduct arson
26 investigations.

1 (c) It is an affirmative defense to a violation of this
2 Section if a person resists or obstructs the performance of one
3 known by the person to be a firefighter by returning to or
4 remaining in a dwelling, residence, building, or other
5 structure to rescue or to attempt to rescue any person.

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

7 (720 ILCS 5/31A-0.1)

8 Sec. 31A-0.1. Definitions. For the purposes of this
9 Article:

10 "Deliver" or "delivery" means the actual, constructive or
11 attempted transfer of possession of an item of contraband, with
12 or without consideration, whether or not there is an agency
13 relationship.

14 "Employee" means any elected or appointed officer, trustee
15 or employee of a penal institution or of the governing
16 authority of the penal institution, or any person who performs
17 services for the penal institution pursuant to contract with
18 the penal institution or its governing authority.

19 "Item of contraband" means any of the following:

20 (i) "Alcoholic liquor" as that term is defined in
21 Section 1-3.05 of the Liquor Control Act of 1934.

22 (ii) "Cannabis" as that term is defined in subsection
23 (a) of Section 3 of the Cannabis Control Act.

24 (iii) "Controlled substance" as that term is defined in
25 the Illinois Controlled Substances Act.

1 (iii-a) "Methamphetamine" as that term is defined in
2 the Illinois Controlled Substances Act or the
3 Methamphetamine Control and Community Protection Act.

4 (iv) "Hypodermic syringe" or hypodermic needle, or any
5 instrument adapted for use of controlled substances or
6 cannabis by subcutaneous injection.

7 (v) "Weapon" means any knife, dagger, dirk, billy,
8 razor, stiletto, broken bottle, or other piece of glass
9 which could be used as a dangerous weapon. This term
10 includes any of the devices or implements designated in
11 subsections (a)(1), (a)(3) and (a)(6) of Section 24-1 of
12 this Code, or any other dangerous weapon or instrument of
13 like character.

14 (vi) "Firearm" means any device, by whatever name
15 known, which is designed to expel a projectile or
16 projectiles by the action of an explosion, expansion of gas
17 or escape of gas, including but not limited to:

18 (A) any pneumatic gun, spring gun, or B-B gun which
19 expels a single globular projectile not exceeding .18
20 inch in diameter; or

21 (B) any device used exclusively for signaling or
22 safety and required as recommended by the United States
23 Coast Guard or the Interstate Commerce Commission; or

24 (C) any device used exclusively for the firing of
25 stud cartridges, explosive rivets or industrial
26 ammunition; or

1 (D) any device which is powered by electrical
2 charging units, such as batteries, and which fires one
3 or several barbs attached to a length of wire and
4 which, upon hitting a human, can send out current
5 capable of disrupting the person's nervous system in
6 such a manner as to render him or her incapable of
7 normal functioning, commonly referred to as a stun gun
8 or taser.

9 (vii) "Firearm ammunition" means any self-contained
10 cartridge or shotgun shell, by whatever name known, which
11 is designed to be used or adaptable to use in a firearm,
12 including but not limited to:

13 (A) any ammunition exclusively designed for use
14 with a device used exclusively for signaling or safety
15 and required or recommended by the United States Coast
16 Guard or the Interstate Commerce Commission; or

17 (B) any ammunition designed exclusively for use
18 with a stud or rivet driver or other similar industrial
19 ammunition.

20 (viii) "Explosive" means, but is not limited to, bomb,
21 bombshell, grenade, bottle or other container containing
22 an explosive substance of over one-quarter ounce for like
23 purposes such as black powder bombs and Molotov cocktails
24 or artillery projectiles.

25 (ix) "Tool to defeat security mechanisms" means, but is
26 not limited to, handcuff or security restraint key, tool

1 designed to pick locks, popper, or any device or instrument
2 used to or capable of unlocking or preventing from locking
3 any handcuff or security restraints, doors to cells, rooms,
4 gates or other areas of the penal institution.

5 (x) "Cutting tool" means, but is not limited to,
6 hacksaw blade, wirecutter, or device, instrument or file
7 capable of cutting through metal.

8 (xi) "Electronic contraband" for the purposes of
9 Section 31A-1.1 of this Article means, but is not limited
10 to, any electronic, video recording device, computer, or
11 cellular communications equipment, including, but not
12 limited to, cellular telephones, cellular telephone
13 batteries, videotape recorders, pagers, computers, and
14 computer peripheral equipment brought into or possessed in
15 a penal institution without the written authorization of
16 the Chief Administrative Officer. "Electronic contraband"
17 for the purposes of Section 31A-1.2 of this Article, means,
18 but is not limited to, any electronic, video recording
19 device, computer, or cellular communications equipment,
20 including, but not limited to, cellular telephones,
21 cellular telephone batteries, videotape recorders, pagers,
22 computers, and computer peripheral equipment.

23 "Penal institution" means any penitentiary, State farm,
24 reformatory, prison, jail, house of correction, police
25 detention area, half-way house or other institution or place
26 for the incarceration or custody of persons under sentence for

1 offenses awaiting trial or sentence for offenses, under arrest
2 for an offense, a violation of probation, a violation of
3 parole, a violation of aftercare release, or a violation of
4 mandatory supervised release, or awaiting a ~~bail setting~~
5 hearing on the setting of conditions of pretrial release or
6 preliminary hearing; provided that where the place for
7 incarceration or custody is housed within another public
8 building this Article shall not apply to that part of the
9 building unrelated to the incarceration or custody of persons.

10 (Source: P.A. 97-1108, eff. 1-1-13; 98-558, eff. 1-1-14.)

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

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

14 (a) Whoever, having been released pretrial under
15 conditions ~~admitted to bail~~ for appearance before any court of
16 this State, incurs a violation of conditions of pretrial
17 release ~~forfeiture of the bail~~ and knowingly fails to surrender
18 himself or herself within 30 days following the date of the
19 violation ~~forfeiture~~, commits, if the conditions of pretrial
20 release ~~bail~~ was given in connection with a charge of felony
21 or pending appeal or certiorari after conviction of any
22 offense, ~~a felony of the next lower Class or a Class A~~
23 misdemeanor if the underlying offense was a ~~Class 4~~ felony . If
24 the violation of pretrial conditions were made; or, if the bail
25 ~~was given~~ in connection with a charge of committing a

1 misdemeanor, or for appearance as a witness, commits a
2 ~~misdemeanor of the next lower Class, but not less than~~ a Class
3 C misdemeanor.

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

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

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

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

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

8 (720 ILCS 5/32-15)

9 Sec. 32-15. Pretrial release ~~Bail bond~~ false statement. Any
10 person who in any affidavit, document, schedule or other
11 application to ensure compliance of another with the terms of
12 pretrial release ~~become surety or bail for another on any bail~~
13 ~~bond or recognizance~~ in any civil or criminal proceeding then
14 pending or about to be started against the other person, having
15 taken a lawful oath or made affirmation, shall swear or affirm
16 wilfully, corruptly and falsely as to the factors the court
17 relied on to approve the conditions of the other person's
18 pretrial release ~~ownership or liens or incumbrances upon or the~~
19 ~~value of any real or personal property alleged to be owned by~~
20 the person proposed to ensure those conditions ~~as surety or~~
21 ~~bail, the financial worth or standing of the person proposed as~~
22 ~~surety or bail, or as to the number or total penalties of all~~
23 ~~other bonds or recognizances signed by and standing against the~~
24 ~~proposed surety or bail~~, or any person who, having taken a
25 lawful oath or made affirmation, shall testify wilfully,

1 corruptly and falsely as to any of said matters for the purpose
2 of inducing the approval of any such conditions of pretrial
3 release ~~bail bond~~ or recognizance; or for the purpose of
4 justifying on any such conditions of pretrial release ~~bail bond~~
5 or recognizance, or who shall suborn any other person to so
6 swear, affirm or testify as aforesaid, shall be deemed and
7 adjudged guilty of perjury or subornation of perjury (as the
8 case may be) and punished accordingly.

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

10 Section 90. The Code of Criminal Procedure of 1963 is
11 amended by changing the heading of Article 110 by changing
12 Sections 102-6, 102-7, 103-5, 103-7, 103-9, 104-13, 104-17,
13 106D-1, 107-4, 107-9, 109-1, 109-2, 109-3, 109-3.1, 110-1,
14 110-2, 110-3, 110-4, 110-5, 110-5.1, 110-5.2, 110-6, 110-6.1,
15 110-6.3, 110-6.4, 110-6.5, 110-7, 110-8, 110-9, 110-10,
16 110-11, 110-12, 110-13, 110-14, 110-15, 110-16, 110-17,
17 110-18, 111-2, 112A-23, 114-1, 115-4.1, and 122-6 and by adding
18 Section 110-1.5 as follows:

19 (725 ILCS 5/102-6) (from Ch. 38, par. 102-6)

20 Sec. 102-6. Pretrial release ~~"Bail"~~.

21 "Pretrial release" "Bail" has the meaning ascribed to bail
22 in Section 9 of Article I of the Illinois Constitution that is
23 non-monetary ~~means the amount of money set by the court which~~
24 ~~is required to be obligated and secured as provided by law for~~

1 ~~the release of a person in custody in order that he will appear~~
2 ~~before the court in which his appearance may be required and~~
3 ~~that he will comply with such conditions as set forth in the~~
4 ~~bail bond.~~

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

6 (725 ILCS 5/102-7) (from Ch. 38, par. 102-7)

7 Sec. 102-7. Conditions of pretrial release ~~"Bail bond"~~.

8 "Conditions of pretrial release" ~~"Bail bond"~~ means the
9 conditions established by the court ~~an undertaking secured by~~
10 ~~bail~~ entered into by a person in custody by which he binds
11 himself to comply with such conditions as are set forth
12 therein.

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

14 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

15 Sec. 103-5. Speedy trial.)

16 (a) Every person in custody in this State for an alleged
17 offense shall be tried by the court having jurisdiction within
18 120 days from the date he or she was taken into custody unless
19 delay is occasioned by the defendant, by an examination for
20 fitness ordered pursuant to Section 104-13 of this Act, by a
21 fitness hearing, by an adjudication of unfitness to stand
22 trial, by a continuance allowed pursuant to Section 114-4 of
23 this Act after a court's determination of the defendant's
24 physical incapacity for trial, or by an interlocutory appeal.

1 Delay shall be considered to be agreed to by the defendant
2 unless he or she objects to the delay by making a written
3 demand for trial or an oral demand for trial on the record. The
4 provisions of this subsection (a) do not apply to a person on
5 pretrial release ~~bail~~ or recognizance for an offense but who is
6 in custody for a violation of his or her parole, aftercare
7 release, or mandatory supervised release for another offense.

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

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

25 For purposes of computing the 160 day period under this
26 subsection (b), every person who was in custody for an alleged

1 offense and demanded trial and is subsequently released on
2 pretrial release ~~bail~~ or recognizance and demands trial, shall
3 be given credit for time spent in custody following the making
4 of the demand while in custody. Any demand for trial made under
5 this subsection (b) shall be in writing; and in the case of a
6 defendant not in custody, the demand for trial shall include
7 the date of any prior demand made under this provision while
8 the defendant was in custody.

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

21 (d) Every person not tried in accordance with subsections
22 (a), (b) and (c) of this Section shall be discharged from
23 custody or released from the obligations of his pretrial
24 release ~~bail~~ or recognizance.

25 (e) If a person is simultaneously in custody upon more than
26 one charge pending against him in the same county, or

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

1 without success due diligence to obtain evidence material to
2 the case and that there are reasonable grounds to believe that
3 such evidence may be obtained at a later day the court may
4 continue the cause on application of the State for not more
5 than an additional 60 days.

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

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

20 (725 ILCS 5/103-7) (from Ch. 38, par. 103-7)

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

22 Every sheriff, chief of police or other person who is in
23 charge of any jail, police station or other building where
24 persons under arrest are held in custody pending investigation,
25 pretrial release ~~bail~~ or other criminal proceedings, shall post

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

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

18 (725 ILCS 5/103-9) (from Ch. 38, par. 103-9)

19 Sec. 103-9. Bail bondsmen. No bail bondsman from any state
20 may seize or transport unwillingly any person found in this
21 State who is allegedly in violation of a bail bond posted in
22 some other state or conditions of pretrial release. The return
23 of any such person to another state may be accomplished only as
24 provided by the laws of this State. Any bail bondsman who
25 violates this Section is fully subject to the criminal and

1 civil penalties provided by the laws of this State for his
2 actions.

3 (Source: P.A. 84-694.)

4 (725 ILCS 5/104-13) (from Ch. 38, par. 104-13)

5 Sec. 104-13. Fitness Examination.

6 (a) When the issue of fitness involves the defendant's
7 mental condition, the court shall order an examination of the
8 defendant by one or more licensed physicians, clinical
9 psychologists, or psychiatrists chosen by the court. No
10 physician, clinical psychologist or psychiatrist employed by
11 the Department of Human Services shall be ordered to perform,
12 in his official capacity, an examination under this Section.

13 (b) If the issue of fitness involves the defendant's
14 physical condition, the court shall appoint one or more
15 physicians and in addition, such other experts as it may deem
16 appropriate to examine the defendant and to report to the court
17 regarding the defendant's condition.

18 (c) An examination ordered under this Section shall be
19 given at the place designated by the person who will conduct
20 the examination, except that if the defendant is being held in
21 custody, the examination shall take place at such location as
22 the court directs. No examinations under this Section shall be
23 ordered to take place at mental health or developmental
24 disabilities facilities operated by the Department of Human
25 Services. If the defendant fails to keep appointments without

1 reasonable cause or if the person conducting the examination
2 reports to the court that diagnosis requires hospitalization or
3 extended observation, the court may order the defendant
4 admitted to an appropriate facility for an examination, other
5 than a screening examination, for not more than 7 days. The
6 court may, upon a showing of good cause, grant an additional 7
7 days to complete the examination.

8 (d) Release on pretrial release ~~bail~~ or on recognizance
9 shall not be revoked and an application therefor shall not be
10 denied on the grounds that an examination has been ordered.

11 (e) Upon request by the defense and if the defendant is
12 indigent, the court may appoint, in addition to the expert or
13 experts chosen pursuant to subsection (a) of this Section, a
14 qualified expert selected by the defendant to examine him and
15 to make a report as provided in Section 104-15. Upon the filing
16 with the court of a verified statement of services rendered,
17 the court shall enter an order on the county board to pay such
18 expert a reasonable fee stated in the order.

19 (Source: P.A. 89-507, eff. 7-1-97.)

20 (725 ILCS 5/104-17) (from Ch. 38, par. 104-17)

21 Sec. 104-17. Commitment for treatment; treatment plan.

22 (a) If the defendant is eligible to be or has been released
23 on pretrial release ~~bail~~ or on his own recognizance, the court
24 shall select the least physically restrictive form of treatment
25 therapeutically appropriate and consistent with the treatment

1 plan. The placement may be ordered either on an inpatient or an
2 outpatient basis.

3 (b) If the defendant's disability is mental, the court may
4 order him placed for treatment in the custody of the Department
5 of Human Services, or the court may order him placed in the
6 custody of any other appropriate public or private mental
7 health facility or treatment program which has agreed to
8 provide treatment to the defendant. If the court orders the
9 defendant placed in the custody of the Department of Human
10 Services, the Department shall evaluate the defendant to
11 determine to which secure facility the defendant shall be
12 transported and, within 20 days of the transmittal by the clerk
13 of the circuit court of the placement court order, notify the
14 sheriff of the designated facility. Upon receipt of that
15 notice, the sheriff shall promptly transport the defendant to
16 the designated facility. If the defendant is placed in the
17 custody of the Department of Human Services, the defendant
18 shall be placed in a secure setting. During the period of time
19 required to determine the appropriate placement the defendant
20 shall remain in jail. If during the course of evaluating the
21 defendant for placement, the Department of Human Services
22 determines that the defendant is currently fit to stand trial,
23 it shall immediately notify the court and shall submit a
24 written report within 7 days. In that circumstance the
25 placement shall be held pending a court hearing on the
26 Department's report. Otherwise, upon completion of the

1 placement process, the sheriff shall be notified and shall
2 transport the defendant to the designated facility. If, within
3 20 days of the transmittal by the clerk of the circuit court of
4 the placement court order, the Department fails to notify the
5 sheriff of the identity of the facility to which the defendant
6 shall be transported, the sheriff shall contact a designated
7 person within the Department to inquire about when a placement
8 will become available at the designated facility and bed
9 availability at other facilities. If, within 20 days of the
10 transmittal by the clerk of the circuit court of the placement
11 court order, the Department fails to notify the sheriff of the
12 identity of the facility to which the defendant shall be
13 transported, the sheriff shall notify the Department of its
14 intent to transfer the defendant to the nearest secure mental
15 health facility operated by the Department and inquire as to
16 the status of the placement evaluation and availability for
17 admission to such facility operated by the Department by
18 contacting a designated person within the Department. The
19 Department shall respond to the sheriff within 2 business days
20 of the notice and inquiry by the sheriff seeking the transfer
21 and the Department shall provide the sheriff with the status of
22 the evaluation, information on bed and placement availability,
23 and an estimated date of admission for the defendant and any
24 changes to that estimated date of admission. If the Department
25 notifies the sheriff during the 2 business day period of a
26 facility operated by the Department with placement

1 availability, the sheriff shall promptly transport the
2 defendant to that facility. The placement may be ordered either
3 on an inpatient or an outpatient basis.

4 (c) If the defendant's disability is physical, the court
5 may order him placed under the supervision of the Department of
6 Human Services which shall place and maintain the defendant in
7 a suitable treatment facility or program, or the court may
8 order him placed in an appropriate public or private facility
9 or treatment program which has agreed to provide treatment to
10 the defendant. The placement may be ordered either on an
11 inpatient or an outpatient basis.

12 (d) The clerk of the circuit court shall within 5 days of
13 the entry of the order transmit to the Department, agency or
14 institution, if any, to which the defendant is remanded for
15 treatment, the following:

16 (1) a certified copy of the order to undergo treatment.
17 Accompanying the certified copy of the order to undergo
18 treatment shall be the complete copy of any report prepared
19 under Section 104-15 of this Code or other report prepared
20 by a forensic examiner for the court;

21 (2) the county and municipality in which the offense
22 was committed;

23 (3) the county and municipality in which the arrest
24 took place;

25 (4) a copy of the arrest report, criminal charges,
26 arrest record; and

1 (5) all additional matters which the Court directs the
2 clerk to transmit.

3 (e) Within 30 days of entry of an order to undergo
4 treatment, the person supervising the defendant's treatment
5 shall file with the court, the State, and the defense a report
6 assessing the facility's or program's capacity to provide
7 appropriate treatment for the defendant and indicating his
8 opinion as to the probability of the defendant's attaining
9 fitness within a period of time from the date of the finding of
10 unfitness. For a defendant charged with a felony, the period of
11 time shall be one year. For a defendant charged with a
12 misdemeanor, the period of time shall be no longer than the
13 sentence if convicted of the most serious offense. If the
14 report indicates that there is a substantial probability that
15 the defendant will attain fitness within the time period, the
16 treatment supervisor shall also file a treatment plan which
17 shall include:

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

19 (2) A description of treatment goals with respect to
20 rendering the defendant fit, a specification of the
21 proposed treatment modalities, and an estimated timetable
22 for attainment of the goals;

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

25 (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
26 be taken.

1 (b) The two-way audio-visual communication facilities must
2 provide two-way audio-visual communication between the court
3 and the place of custody or confinement, and must include a
4 secure line over which the person in custody and his or her
5 counsel, if any, may communicate.

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

10 (d) Nothing in this Section shall be construed to establish
11 a right of any person held in custody or confinement to appear
12 in court through two-way audio-visual communication or to
13 require that any governmental entity, or place of custody or
14 confinement, provide two-way audio-visual communication.

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

16 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

17 Sec. 107-4. Arrest by peace officer from other
18 jurisdiction.

19 (a) As used in this Section:

20 (1) "State" means any State of the United States and
21 the District of Columbia.

22 (2) "Peace Officer" means any peace officer or member
23 of any duly organized State, County, or Municipal peace
24 unit, any police force of another State, the United States
25 Department of Defense, or any police force whose members,

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

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

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

8 (a-3) Any peace officer employed by a law enforcement
9 agency of this State may conduct temporary questioning pursuant
10 to Section 107-14 of this Code and may make arrests in any
11 jurisdiction within this State: (1) if the officer is engaged
12 in the investigation of criminal activity that occurred in the
13 officer's primary jurisdiction and the temporary questioning
14 or arrest relates to, arises from, or is conducted pursuant to
15 that investigation; or (2) if the officer, while on duty as a
16 peace officer, becomes personally aware of the immediate
17 commission of a felony or misdemeanor violation of the laws of
18 this State; or (3) if the officer, while on duty as a peace
19 officer, is requested by an appropriate State or local law
20 enforcement official to render aid or assistance to the
21 requesting law enforcement agency that is outside the officer's
22 primary jurisdiction; or (4) in accordance with Section
23 2605-580 of the Department of State Police Law of the Civil
24 Administrative Code of Illinois. While acting pursuant to this
25 subsection, an officer has the same authority as within his or
26 her own jurisdiction.

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

4 (b) Any peace officer of another State who enters this
5 State in fresh pursuit and continues within this State in fresh
6 pursuit of a person in order to arrest him on the ground that
7 he has committed an offense in the other State has the same
8 authority to arrest and hold the person in custody as peace
9 officers of this State have to arrest and hold a person in
10 custody on the ground that he has committed an offense in this
11 State.

12 (c) If an arrest is made in this State by a peace officer
13 of another State in accordance with the provisions of this
14 Section he shall without unnecessary delay take the person
15 arrested before the circuit court of the county in which the
16 arrest was made. Such court shall conduct a hearing for the
17 purpose of determining the lawfulness of the arrest. If the
18 court determines that the arrest was lawful it shall commit the
19 person arrested, to await for a reasonable time the issuance of
20 an extradition warrant by the Governor of this State, or admit
21 him to pretrial release ~~bail~~ for such purpose. If the court
22 determines that the arrest was unlawful it shall discharge the
23 person arrested.

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

25 (725 ILCS 5/107-9) (from Ch. 38, par. 107-9)

1 Sec. 107-9. Issuance of arrest warrant upon complaint.

2 (a) When a complaint is presented to a court charging that
3 an offense has been committed it shall examine upon oath or
4 affirmation the complainant or any witnesses.

5 (b) The complaint shall be in writing and shall:

6 (1) State the name of the accused if known, and if not
7 known the accused may be designated by any name or
8 description by which he can be identified with reasonable
9 certainty;

10 (2) State the offense with which the accused is
11 charged;

12 (3) State the time and place of the offense as
13 definitely as can be done by the complainant; and

14 (4) Be subscribed and sworn to by the complainant.

15 (b-5) If an arrest warrant is sought and the request is
16 made by electronic means that has a simultaneous video and
17 audio transmission between the requester and a judge, the judge
18 may issue an arrest warrant based upon a sworn complaint or
19 sworn testimony communicated in the transmission.

20 (c) A warrant shall be issued by the court for the arrest
21 of the person complained against if it appears from the
22 contents of the complaint and the examination of the
23 complainant or other witnesses, if any, that the person against
24 whom the complaint was made has committed an offense.

25 (d) The warrant of arrest shall:

26 (1) Be in writing;

1 (2) Specify the name, sex and birth date of the person
2 to be arrested or if his name, sex or birth date is
3 unknown, shall designate such person by any name or
4 description by which he can be identified with reasonable
5 certainty;

6 (3) Set forth the nature of the offense;

7 (4) State the date when issued and the municipality or
8 county where issued;

9 (5) Be signed by the judge of the court with the title
10 of his office;

11 (6) Command that the person against whom the complaint
12 was made be arrested and brought before the court issuing
13 the warrant or if he is absent or unable to act before the
14 nearest or most accessible court in the same county;

15 (7) Specify the conditions of pretrial release ~~amount~~
16 ~~of bail~~; and

17 (8) Specify any geographical limitation placed on the
18 execution of the warrant, but such limitation shall not be
19 expressed in mileage.

20 (e) The warrant shall be directed to all peace officers in
21 the State. It shall be executed by the peace officer, or by a
22 private person specially named therein, at any location within
23 the geographic limitation for execution placed on the warrant.
24 If no geographic limitation is placed on the warrant, then it
25 may be executed anywhere in the State.

26 (f) The arrest warrant may be issued electronically or

1 electromagnetically by use of electronic mail or a facsimile
2 transmission machine and any arrest warrant shall have the same
3 validity as a written warrant.

4 (Source: P.A. 101-239, eff. 1-1-20.)

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

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

8 (a) A person arrested with or without a warrant for an
9 offense for which pretrial release may be denied, unless
10 released by the arresting officer shall be taken without
11 unnecessary delay before the nearest and most accessible judge
12 in that county, except when such county is a participant in a
13 regional jail authority, in which event such person may be
14 taken to the nearest and most accessible judge, irrespective of
15 the county where such judge presides, and a charge shall be
16 filed. An arresting officer may release a person arrested for
17 an offense for which pretrial release may be denied, other than
18 first degree murder, attempted first degree murder, or a
19 violent sexual offense, without an appearance before a judge if
20 release of the person is in the public interest. Whenever a
21 person arrested either with or without a warrant is required to
22 be taken before a judge, a charge may be filed against such
23 person by way of a two-way closed circuit television system,
24 except that a hearing to deny pretrial release ~~bail~~ to the
25 defendant may not be conducted by way of closed circuit

1 television.

2 (a-3) A person arrested with or without a warrant for an
3 offense for which pretrial release may not be denied may,
4 except as otherwise provided in this Code, be released by the
5 officer without appearing before a judge. The releasing officer
6 shall issue the person a summons to appear.

7 (a-5) A person charged with an offense shall be allowed
8 counsel at the hearing at which pretrial release ~~bail~~ is
9 determined under Article 110 of this Code. If the defendant
10 desires counsel for his or her initial appearance but is unable
11 to obtain counsel, the court shall appoint a public defender or
12 licensed attorney at law of this State to represent him or her
13 for purposes of that hearing.

14 (a-7) A presumption in favor of pretrial release of a
15 person shall be applied by an arresting officer in the exercise
16 of his or her discretion under this Section.

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

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

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

26 (3) schedule ~~Schedule~~ a preliminary hearing in

1 appropriate cases;

2 (4) admit ~~Admit~~ the defendant to pretrial release ~~bail~~
3 in accordance with the provisions of Article 110 of this
4 Code, or upon verified petition of the State, proceed with
5 the setting of a detention hearing as provided in Section
6 110-6.1; and

7 (5) Order the confiscation of the person's passport or
8 impose travel restrictions on a defendant arrested for
9 first degree murder or other violent crime as defined in
10 Section 3 of the Rights of Crime Victims and Witnesses Act,
11 if the judge determines, based on the factors in Section
12 110-5 of this Code, that this will reasonably ensure the
13 appearance of the defendant and compliance by the defendant
14 with all conditions of release.

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

17 (d) At the initial appearance of a defendant in any
18 criminal proceeding, the court must advise the defendant in
19 open court that any foreign national who is arrested or
20 detained has the right to have notice of the arrest or
21 detention given to his or her country's consular
22 representatives and the right to communicate with those
23 consular representatives if the notice has not already been
24 provided. The court must make a written record of so advising
25 the defendant.

26 (e) If consular notification is not provided to a defendant

1 before his or her first appearance in court, the court shall
2 grant any reasonable request for a continuance of the
3 proceedings to allow contact with the defendant's consulate.
4 Any delay caused by the granting of the request by a defendant
5 shall temporarily suspend for the time of the delay the period
6 within which a person shall be tried as prescribed by
7 subsections (a), (b), or (e) of Section 103-5 of this Code and
8 on the day of the expiration of delay the period shall continue
9 at the point at which it was suspended.

10 (f) At the hearing at which conditions of pretrial release
11 are determined, the person charged shall be present in person
12 rather than by video phone or any other form of electronic
13 communication, unless the physical health and safety of the
14 person would be endangered by appearing in court or the accused
15 waives the right to be present in person.

16 (Source: P.A. 99-78, eff. 7-20-15; 99-190, eff. 1-1-16; 100-1,
17 eff. 1-1-18.)

18 (725 ILCS 5/109-2) (from Ch. 38, par. 109-2)

19 Sec. 109-2. Person arrested in another county. (a) Any
20 person arrested in a county other than the one in which a
21 warrant for his arrest was issued shall be taken without
22 unnecessary delay before the nearest and most accessible judge
23 in the county where the arrest was made or, if no additional
24 delay is created, before the nearest and most accessible judge
25 in the county from which the warrant was issued. He shall be

1 admitted to pretrial release under the conditions ~~bail in the~~
2 ~~amount~~ specified in the warrant or, for offenses other than
3 felonies, in an amount as set by the judge, and such conditions
4 of pretrial release ~~bail~~ shall be conditioned on his appearing
5 in the court issuing the warrant on a certain date. The judge
6 may hold a hearing to determine if the defendant is the same
7 person as named in the warrant.

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

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

18 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

19 Sec. 109-3. Preliminary examination.)

20 (a) The judge shall hold the defendant to answer to the
21 court having jurisdiction of the offense if from the evidence
22 it appears there is probable cause to believe an offense has
23 been committed by the defendant, as provided in Section 109-3.1
24 of this Code, if the offense is a felony.

25 (b) If the defendant waives preliminary examination the

1 judge shall hold him to answer and may, or on the demand of the
2 prosecuting attorney shall, cause the witnesses for the State
3 to be examined. After hearing the testimony if it appears that
4 there is not probable cause to believe the defendant guilty of
5 any offense the judge shall discharge him.

6 (c) During the examination of any witness or when the
7 defendant is making a statement or testifying the judge may and
8 on the request of the defendant or State shall exclude all
9 other witnesses. He may also cause the witnesses to be kept
10 separate and to be prevented from communicating with each other
11 until all are examined.

12 (d) If the defendant is held to answer the judge may
13 require any material witness for the State or defendant to
14 enter into a written undertaking to appear at the trial, and
15 may provide for the forfeiture of a sum certain in the event
16 the witness does not appear at the trial. Any witness who
17 refuses to execute a recognizance may be committed by the judge
18 to the custody of the sheriff until trial or further order of
19 the court having jurisdiction of the cause. Any witness who
20 executes a recognizance and fails to comply with its terms
21 shall, in addition to any forfeiture provided in the
22 recognizance, be subject to the penalty provided in Section
23 32-10 of the Criminal Code of 2012 for violation of the
24 conditions of pretrial release ~~bail bond~~.

25 (e) During preliminary hearing or examination the
26 defendant may move for an order of suppression of evidence

1 pursuant to Section 114-11 or 114-12 of this Act or for other
2 reasons, and may move for dismissal of the charge pursuant to
3 Section 114-1 of this Act or for other reasons.

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

5 (725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

6 Sec. 109-3.1. Persons Charged with Felonies. (a) In any
7 case involving a person charged with a felony in this State,
8 alleged to have been committed on or after January 1, 1984, the
9 provisions of this Section shall apply.

10 (b) Every person in custody in this State for the alleged
11 commission of a felony shall receive either a preliminary
12 examination as provided in Section 109-3 or an indictment by
13 Grand Jury as provided in Section 111-2, within 30 days from
14 the date he or she was taken into custody. Every person on
15 pretrial release ~~bail~~ or recognizance for the alleged
16 commission of a felony shall receive either a preliminary
17 examination as provided in Section 109-3 or an indictment by
18 Grand Jury as provided in Section 111-2, within 60 days from
19 the date he or she was arrested.

20 The provisions of this paragraph shall not apply in the
21 following situations:

22 (1) when delay is occasioned by the defendant; or

23 (2) when the defendant has been indicted by the Grand Jury
24 on the felony offense for which he or she was initially taken
25 into custody or on an offense arising from the same transaction

1 or conduct of the defendant that was the basis for the felony
2 offense or offenses initially charged; or

3 (3) when a competency examination is ordered by the court;
4 or

5 (4) when a competency hearing is held; or

6 (5) when an adjudication of incompetency for trial has been
7 made; or

8 (6) when the case has been continued by the court under
9 Section 114-4 of this Code after a determination that the
10 defendant is physically incompetent to stand trial.

11 (c) Delay occasioned by the defendant shall temporarily
12 suspend, for the time of the delay, the period within which the
13 preliminary examination must be held. On the day of expiration
14 of the delay the period in question shall continue at the point
15 at which it was suspended.

16 (Source: P.A. 83-644.)

17 (725 ILCS 5/Art. 110 heading)

18 ARTICLE 110. PRETRIAL RELEASE ~~BAIL~~

19 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

20 Sec. 110-1. Definitions. (a) (Blank). ~~"Security" is that~~
21 ~~which is required to be pledged to insure the payment of bail.~~

22 (b) "Sureties" encompasses the monetary and nonmonetary
23 requirements set by the court as conditions for release either
24 before or after conviction. ~~"Surety" is one who executes a bail~~

1 ~~bond and binds himself to pay the bail if the person in custody~~
2 ~~fails to comply with all conditions of the bail bond.~~

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

9 (d) "Specific identifiable person or persons" means a named
10 person other than the defendant. ~~"Real and present threat to~~
11 ~~the physical safety of any person or persons", as used in this~~
12 ~~Article, includes a threat to the community, person, persons or~~
13 ~~class of persons.~~

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

15 (725 ILCS 5/110-1.5 new)

16 Sec. 110-1.5. Abolition of monetary bail. On and after the
17 effective date of this amendatory Act of the 101st General
18 Assembly, the requirement of posting monetary bail is
19 abolished, except as provided in the Uniform Criminal
20 Extradition Act, the Driver License Compact, or the Nonresident
21 Violator Compact which are compacts that have been entered into
22 between this State and its sister states.

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

24 Sec. 110-2. Release on own recognizance. It is presumed

1 that a defendant is entitled to release on personal
2 recognizance on the condition that the defendant attend all
3 required court proceedings and the defendant does not commit
4 any criminal offense, and complies with all terms of pretrial
5 release, including, but not limited to, orders of protection.
6 Additional conditions of release shall be set only when it is
7 determined that they are necessary to assure the defendant's
8 appearance in court, assure the defendant does not commit any
9 criminal offense, and complies with all conditions of pretrial
10 release. Detention only shall be imposed when it is determined
11 that the defendant poses a danger to a specific, identifiable
12 person or persons, or has a high likelihood of willful flight.
13 If the court deems that the defendant is to be released on
14 personal recognizance, the court may require that a written
15 admonishment be signed by ~~When from all the circumstances the~~
16 ~~court is of the opinion that the defendant will appear as~~
17 ~~required either before or after conviction and the defendant~~
18 ~~will not pose a danger to any person or the community and that~~
19 ~~the defendant will comply with all conditions of bond, which~~
20 ~~shall include the defendant's current address with a written~~
21 ~~admonishment to~~ the defendant requiring that he or she must
22 comply with the provisions of Section 110-12 of this Code
23 regarding any change in his or her address. The, ~~the~~ defendant
24 may be released on his or her own recognizance upon signature.
25 The defendant's address shall at all times remain a matter of
26 public record with the clerk of the court. A failure to appear

1 as required by such recognizance shall constitute an offense
2 subject to the penalty provided in Section 32-10 of the
3 Criminal Code of 2012 for violation of the conditions of
4 pretrial release ~~bail bond~~, and any obligated sum fixed in the
5 recognizance shall be forfeited and collected in accordance
6 with subsection (g) of Section 110-7 of this Code.

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

19 The State may appeal any order permitting release by
20 personal recognizance.

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

22 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

23 Sec. 110-3. Options for warrant alternatives ~~Issuance of~~
24 ~~warrant~~. Upon failure to comply with any condition of pretrial
25 release ~~a bail bond~~ or recognizance the court having

1 jurisdiction at the time of such failure may, on its own motion
2 or upon motion from the State, issue an order to show cause as
3 to why he or she shall not be found in contempt of court or
4 subject to revocation or forfeiture of pretrial release. The
5 order issued by the court shall state the facts alleged to
6 constitute the hearing to show cause or otherwise why the
7 person is subject to revocation or forfeiture of pretrial
8 release. A certified copy of the order shall be served upon the
9 person at least 48 hours in advance of the scheduled hearing.

10 If the person does not appear at the hearing to show cause
11 or absconds, the court may, in addition to any other action
12 provided by law, issue a warrant for the arrest of the person
13 at liberty on pretrial release ~~bail or his own recognizance~~.
14 The contents of such a warrant shall be the same as required
15 for an arrest warrant issued upon complaint and may modify any
16 previously imposed conditions placed upon the person, rather
17 than revoking pretrial release or issuing a warrant for the
18 person. When a defendant is at liberty on pretrial release ~~bail~~
19 or his own recognizance on a felony charge and fails to appear
20 in court as directed, the court may ~~shall~~ issue a warrant for
21 the arrest of such person after his or her failure to appear at
22 the show for cause hearing as provided in this Section. Such
23 warrant shall be noted with a directive to peace officers to
24 arrest the person and hold such person without pretrial release
25 ~~bail~~ and to deliver such person before the court for further
26 proceedings.

1 The court may not revoke pretrial release and order the
2 defendant detained pending trial unless, after considering all
3 relevant circumstances including, but not limited to, the
4 nature and seriousness of the violation or criminal act
5 alleged, and the defendant's reasons for missing court, the
6 court finds clear and convincing evidence that no condition or
7 combination of conditions of release would reasonably assure
8 the appearance of the defendant for later hearings or protect
9 the integrity of the judicial proceedings from a specific
10 threat to a witness or participant.

11 ~~A defendant who is arrested or surrenders within 30 days of~~
12 ~~the issuance of such warrant shall not be bailable in the case~~
13 ~~in question unless he shows by the preponderance of the~~
14 ~~evidence that his failure to appear was not intentional.~~

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

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

17 Sec. 110-4. Pretrial release ~~Bailable Offenses.~~

18 (a) All persons charged with an offense shall be eligible
19 for pretrial release before conviction. Pretrial release may
20 only be denied when a person is charged with an offense listed
21 in Section 110-6.1 or when the defendant has a high likelihood
22 of willful flight, and after the court has held a hearing under
23 Section 110-6.1. ~~All persons shall be bailable before~~
24 ~~conviction, except the following offenses where the proof is~~
25 ~~evident or the presumption great that the defendant is guilty~~

1 ~~of the offense: capital offenses; offenses for which a sentence~~
2 ~~of life imprisonment may be imposed as a consequence of~~
3 ~~conviction; felony offenses for which a sentence of~~
4 ~~imprisonment, without conditional and revocable release, shall~~
5 ~~be imposed by law as a consequence of conviction, where the~~
6 ~~court after a hearing, determines that the release of the~~
7 ~~defendant would pose a real and present threat to the physical~~
8 ~~safety of any person or persons; stalking or aggravated~~
9 ~~stalking, where the court, after a hearing, determines that the~~
10 ~~release of the defendant would pose a real and present threat~~
11 ~~to the physical safety of the alleged victim of the offense and~~
12 ~~denial of bail is necessary to prevent fulfillment of the~~
13 ~~threat upon which the charge is based; or unlawful use of~~
14 ~~weapons in violation of item (4) of subsection (a) of Section~~
15 ~~24-1 of the Criminal Code of 1961 or the Criminal Code of 2012~~
16 ~~when that offense occurred in a school or in any conveyance~~
17 ~~owned, leased, or contracted by a school to transport students~~
18 ~~to or from school or a school related activity, or on any~~
19 ~~public way within 1,000 feet of real property comprising any~~
20 ~~school, where the court, after a hearing, determines that the~~
21 ~~release of the defendant would pose a real and present threat~~
22 ~~to the physical safety of any person and denial of bail is~~
23 ~~necessary to prevent fulfillment of that threat; or making a~~
24 ~~terrorist threat in violation of Section 29D-20 of the Criminal~~
25 ~~Code of 1961 or the Criminal Code of 2012 or an attempt to~~
26 ~~commit the offense of making a terrorist threat, where the~~

1 ~~court, after a hearing, determines that the release of the~~
2 ~~defendant would pose a real and present threat to the physical~~
3 ~~safety of any person and denial of bail is necessary to prevent~~
4 ~~fulfillment of that threat.~~

5 (b) A person seeking pretrial release ~~on bail~~ who is
6 charged with a capital offense or an offense for which a
7 sentence of life imprisonment may be imposed shall not be
8 eligible for release pretrial ~~bailable~~ until a hearing is held
9 wherein such person has the burden of demonstrating that the
10 proof of his guilt is not evident and the presumption is not
11 great.

12 (c) Where it is alleged that pretrial ~~bail~~ should be denied
13 to a person upon the grounds that the person presents a real
14 and present threat to the physical safety of any person or
15 persons, the burden of proof of such allegations shall be upon
16 the State.

17 (d) When it is alleged that pretrial ~~bail~~ should be denied
18 to a person charged with stalking or aggravated stalking upon
19 the grounds set forth in Section 110-6.3 of this Code, the
20 burden of proof of those allegations shall be upon the State.

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

22 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

23 Sec. 110-5. Determining the ~~amount of bail and~~ conditions
24 of release.

25 (a) In determining which ~~the amount of monetary bail or~~

1 conditions of pretrial release, if any, ~~which~~ will reasonably
2 assure the appearance of a defendant as required or the safety
3 of any other person ~~or the community~~ and the likelihood of
4 compliance by the defendant with all the conditions of pretrial
5 release ~~bail~~, the court may ~~shall~~, on the basis of available
6 information, take into account such matters as:

7 (1) the nature and circumstances of the offense
8 charged;

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

12 (3) the history and characteristics of the eligible
13 defendant, including:

14 (A) the eligible defendant's character, physical
15 and mental condition, family ties, employment,
16 financial resources, length of residence in the
17 community, community ties, past conduct, history
18 relating to drug or alcohol abuse, criminal history,
19 and record concerning appearance at court proceedings;
20 and

21 (B) whether, at the time of the current offense or
22 arrest, the eligible defendant was on probation,
23 parole, or on other release pending trial, sentencing,
24 appeal, or completion of sentence for an offense under
25 federal law, or the law of this or any other state;

26 (4) the nature and seriousness of the danger to any

1 specific, identifiable person or persons that would be
2 posed by the eligible defendant's release, if applicable;
3 and

4 (5) the nature and seriousness of the risk of
5 obstructing or attempting to obstruct the criminal justice
6 process that would be posed by the eligible defendant's
7 release, if applicable.

8 (a-1) The Court may use a regularly validated risk
9 assessment tool to aid its determination of appropriate
10 conditions of release as provided for in Section 110-6.4. Risk
11 assessment tools may not be used as the sole basis to deny
12 pretrial release. If a risk assessment tool is used, the
13 defendant's counsel shall be provided with the information and
14 scoring system of the risk assessment tool used to arrive at
15 the determination. The defendant retains the right to challenge
16 the validity of a risk assessment tool used by the court and to
17 present evidence relevant to the defendant's challenge 7
18 ~~whether the evidence shows that as part of the offense there~~
19 ~~was a use of violence or threatened use of violence, whether~~
20 ~~the offense involved corruption of public officials or~~
21 ~~employees, whether there was physical harm or threats of~~
22 ~~physical harm to any public official, public employee, judge,~~
23 ~~prosecutor, juror or witness, senior citizen, child, or person~~
24 ~~with a disability, whether evidence shows that during the~~
25 ~~offense or during the arrest the defendant possessed or used a~~
26 ~~firearm, machine gun, explosive or metal piercing ammunition or~~

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

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

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

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

11 (a-5) There shall be a presumption that any conditions of
12 release imposed shall be non-monetary in nature and the court
13 shall impose the least restrictive conditions or combination of
14 conditions necessary to reasonably assure the appearance of the
15 defendant for further court proceedings and protect the
16 integrity of the judicial proceedings from a specific threat to
17 a witness or participant. Conditions of release may include,
18 but not be limited to, electronic home monitoring, curfews,
19 drug counseling, stay-away orders, and in-person reporting.
20 The court shall consider the defendant's socio-economic
21 circumstance when setting conditions of release ~~or imposing~~
22 ~~monetary bail.~~

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

24 ~~(1) Sufficient to assure compliance with the~~
25 ~~conditions set forth in the bail bond, which shall include~~
26 ~~the defendant's current address with a written~~

1 ~~admonishment to the defendant that he or she must comply~~
2 ~~with the provisions of Section 110-12 regarding any change~~
3 ~~in his or her address. The defendant's address shall at all~~
4 ~~times remain a matter of public record with the clerk of~~
5 ~~the court.~~

6 ~~(2) Not oppressive.~~

7 ~~(3) Considerate of the financial ability of the~~
8 ~~accused.~~

9 ~~(4) When a person is charged with a drug related~~
10 ~~offense involving possession or delivery of cannabis or~~
11 ~~possession or delivery of a controlled substance as defined~~
12 ~~in the Cannabis Control Act, the Illinois Controlled~~
13 ~~Substances Act, or the Methamphetamine Control and~~
14 ~~Community Protection Act, the full street value of the~~
15 ~~drugs seized shall be considered. "Street value" shall be~~
16 ~~determined by the court on the basis of a proffer by the~~
17 ~~State based upon reliable information of a law enforcement~~
18 ~~official contained in a written report as to the amount~~
19 ~~seized and such proffer may be used by the court as to the~~
20 ~~current street value of the smallest unit of the drug~~
21 ~~seized.~~

22 (b-5) (Blank). ~~Upon the filing of a written request~~
23 ~~demonstrating reasonable cause, the State's Attorney may~~
24 ~~request a source of bail hearing either before or after the~~
25 ~~posting of any funds. If the hearing is granted, before the~~
26 ~~posting of any bail, the accused must file a written notice~~

1 ~~requesting that the court conduct a source of bail hearing. The~~
2 ~~notice must be accompanied by justifying affidavits stating the~~
3 ~~legitimate and lawful source of funds for bail. At the hearing,~~
4 ~~the court shall inquire into any matters stated in any~~
5 ~~justifying affidavits, and may also inquire into matters~~
6 ~~appropriate to the determination which shall include, but are~~
7 ~~not limited to, the following:~~

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

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

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

16 ~~(4) the background, character, reputation, and~~
17 ~~relationship to the accused of the person posting cash~~
18 ~~bail.~~

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

21 ~~The State's Attorney has a right to attend the hearing, to~~
22 ~~call witnesses and to examine any witness in the proceeding.~~
23 ~~The court shall, upon request of the State's Attorney, continue~~
24 ~~the proceedings for a reasonable period to allow the State's~~
25 ~~Attorney to investigate the matter raised in any testimony or~~
26 ~~affidavit. If the hearing is granted after the accused has~~

1 ~~posted bail, the court shall conduct a hearing consistent with~~
2 ~~this subsection (b-5). At the conclusion of the hearing, the~~
3 ~~court must issue an order either approving or disapproving the~~
4 ~~bail.~~

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

8 (c-1) If a person remains in pretrial detention after his
9 or her pretrial conditions hearing after having been ordered
10 released with pretrial conditions, the court shall hold a
11 hearing to determine the reason for continued detention. If the
12 reason for continued detention is due to the unavailability or
13 the defendant's ineligibility for one or more pretrial
14 conditions previously ordered by the court or directed by a
15 pretrial services agency, the court shall reopen the conditions
16 of release hearing to determine what available pretrial
17 conditions exist that will reasonably assure the appearance of
18 a defendant as required or the safety of any other person and
19 the likelihood of compliance by the defendant with all the
20 conditions of pretrial release.

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

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

26 (f) When a person is charged with a violation of an order

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

11 (1) whether the alleged incident involved harassment
12 or abuse, as defined in the Illinois Domestic Violence Act
13 of 1986;

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

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

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

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

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

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

26 (8) based on the severity of the alleged incident that

1 is the basis of the alleged offense, including, but not
2 limited to, the duration of the current incident, and
3 whether the alleged incident involved the use of a weapon,
4 physical injury, sexual assault, strangulation, abuse
5 during the alleged victim's pregnancy, abuse of pets, or
6 forcible entry to gain access to the alleged victim;

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

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

16 (11) whether the person has expressed suicidal or
17 homicidal ideations;

18 (12) based on any information contained in the
19 complaint and any police reports, affidavits, or other
20 documents accompanying the complaint,
21 the court may, in its discretion, order the respondent to
22 undergo a risk assessment evaluation using a recognized,
23 evidence-based instrument conducted by an Illinois Department
24 of Human Services approved partner abuse intervention program
25 provider, pretrial service, probation, or parole agency. These
26 agencies shall have access to summaries of the defendant's

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

19 (g) Electronic monitoring, GPS monitoring, or home
20 confinement can only be imposed as a condition of pretrial
21 release if a no less restrictive condition of release or
22 combination of less restrictive conditions of release would
23 reasonably assure the appearance of the defendant for later
24 hearings or protect an identifiable person or persons from
25 imminent threat of serious physical harm. If the court imposes
26 electronic monitoring, GPS monitoring, or home confinement,

1 the court shall set forth in the record the basis for its
2 finding. A defendant shall be given custodial credit for each
3 day he or she was subjected to that program, at the same rate
4 described in subsection (b) of Section 5-4.5-100 of the Unified
5 Code of Corrections.

6 (Source: P.A. 99-143, eff. 7-27-15; 100-1, eff. 1-1-18; revised
7 7-12-19.)

8 (725 ILCS 5/110-5.1)

9 Sec. 110-5.1. Pretrial release ~~Bail~~; certain persons
10 charged with violent crimes against family or household
11 members.

12 (a) Subject to subsection (c), a person who is charged with
13 a violent crime shall appear before the court for the setting
14 of conditions of pretrial release ~~bail~~ if the alleged victim
15 was a family or household member at the time of the alleged
16 offense, and if any of the following applies:

17 (1) the person charged, at the time of the alleged
18 offense, was subject to the terms of an order of protection
19 issued under Section 112A-14 of this Code or Section 214 of
20 the Illinois Domestic Violence Act of 1986 or previously
21 was convicted of a violation of an order of protection
22 under Section 12-3.4 or 12-30 of the Criminal Code of 1961
23 or the Criminal Code of 2012 or a violent crime if the
24 victim was a family or household member at the time of the
25 offense or a violation of a substantially similar municipal

1 ordinance or law of this or any other state or the United
2 States if the victim was a family or household member at
3 the time of the offense;

4 (2) the arresting officer indicates in a police report
5 or other document accompanying the complaint any of the
6 following:

7 (A) that the arresting officer observed on the
8 alleged victim objective manifestations of physical
9 harm that the arresting officer reasonably believes
10 are a result of the alleged offense;

11 (B) that the arresting officer reasonably believes
12 that the person had on the person's person at the time
13 of the alleged offense a deadly weapon;

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

18 (b) To the extent that information about any of the
19 following is available to the court, the court shall consider
20 all of the following, in addition to any other circumstances
21 considered by the court, before determining the conditions of
22 pretrial release ~~setting bail~~ for a person who appears before
23 the court under ~~pursuant to~~ subsection (a):

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

26 (2) the mental health of the person;

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

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

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

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

9 (7) the severity of the alleged violence that is the
10 basis of the alleged offense, including, but not limited
11 to, the duration of the alleged violent incident, and
12 whether the alleged violent incident involved serious
13 physical injury, sexual assault, strangulation, abuse
14 during the alleged victim's pregnancy, abuse of pets, or
15 forcible entry to gain access to the alleged victim;

16 (8) whether a separation of the person from the alleged
17 victim or a termination of the relationship between the
18 person and the alleged victim has recently occurred or is
19 pending;

20 (9) whether the person has exhibited obsessive or
21 controlling behaviors toward the alleged victim,
22 including, but not limited to, stalking, surveillance, or
23 isolation of the alleged victim;

24 (10) whether the person has expressed suicidal or
25 homicidal ideations;

26 (11) any information contained in the complaint and any

1 police reports, affidavits, or other documents
2 accompanying the complaint.

3 (c) Upon the court's own motion or the motion of a party
4 and upon any terms that the court may direct, a court may
5 permit a person who is required to appear before it by
6 subsection (a) to appear by video conferencing equipment. If,
7 in the opinion of the court, the appearance in person or by
8 video conferencing equipment of a person who is charged with a
9 misdemeanor and who is required to appear before the court by
10 subsection (a) is not practicable, the court may waive the
11 appearance and release the person ~~on bail on one or both of the~~
12 ~~following types of bail in an amount set by the court:~~

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

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

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

24 (d) As used in this Section:

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

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

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

4 (725 ILCS 5/110-5.2)

5 Sec. 110-5.2. Pretrial release ~~Bail~~; pregnant pre-trial
6 detainee.

7 (a) It is the policy of this State that a pre-trial
8 detainee shall not be required to deliver a child while in
9 custody absent a finding by the court that continued pre-trial
10 custody is necessary to protect the public or the victim of the
11 offense on which the charge is based.

12 (b) If the court reasonably believes that a pre-trial
13 detainee will give birth while in custody, the court shall
14 order an alternative to custody unless, after a hearing, the
15 court determines:

16 (1) that the release of the pregnant pre-trial detainee
17 would pose a real and present threat to the physical safety
18 of the alleged victim of the offense and continuing custody
19 is necessary to prevent the fulfillment of the threat upon
20 which the charge is based; or

21 (2) that the release of the pregnant pre-trial detainee
22 would pose a real and present threat to the physical safety
23 of any person or persons or the general public.

24 (c) The court may order a pregnant or post-partum detainee
25 to be subject to electronic monitoring as a condition of

1 pre-trial release or order other condition or combination of
2 conditions the court reasonably determines are in the best
3 interest of the detainee and the public.

4 (d) This Section shall be applicable to a pregnant
5 pre-trial detainee in custody on or after the effective date of
6 this amendatory Act of the 100th General Assembly.

7 (Source: P.A. 100-630, eff. 1-1-19.)

8 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

9 Sec. 110-6. Modification of ~~bail or~~ conditions of pretrial
10 release.

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

1 findings of facts and conclusion of law upon which such order
2 is based.

3 (a-5) (Blank). ~~In addition to any other available motion or~~
4 ~~procedure under this Code, a person in custody solely for a~~
5 ~~Category B offense due to an inability to post monetary bail~~
6 ~~shall be brought before the court at the next available court~~
7 ~~date or 7 calendar days from the date bail was set, whichever~~
8 ~~is earlier, for a rehearing on the amount or conditions of bail~~
9 ~~or release pending further court proceedings. The court may~~
10 ~~reconsider conditions of release for any other person whose~~
11 ~~inability to post monetary bail is the sole reason for~~
12 ~~continued incarceration, including a person in custody for a~~
13 ~~Category A offense or a Category A offense and a Category B~~
14 ~~offense. The court may deny the rehearing permitted under this~~
15 ~~subsection (a-5) if the person has failed to appear as required~~
16 ~~before the court and is incarcerated based on a warrant for~~
17 ~~failure to appear on the same original criminal offense.~~

18 (b) Violation of the conditions of Section 110-10 of this
19 Code or any special conditions of pretrial release bail as
20 ordered by the court shall constitute grounds for the court to
21 ~~increase the amount of bail, or otherwise~~ alter the conditions
22 of pretrial release bail, or, where the alleged offense
23 committed on pretrial release bail is a forcible felony in
24 Illinois or a Class 2 or greater offense under the Illinois
25 Controlled Substances Act, the Cannabis Control Act, or the
26 Methamphetamine Control and Community Protection Act, revoke

1 pretrial release ~~bail~~ pursuant to the appropriate provisions of
2 subsection (e) of this Section.

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

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

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

1 or this subsection of this Section. The defendant shall be held
2 without pretrial release bond pending transfer to and a hearing
3 before such court. At the conclusion of the hearing based on a
4 violation of the conditions of Section 110-10 of this Code or
5 any special conditions of pretrial release bail as ordered by
6 the court the court may enter an order to ~~increasing the amount~~
7 ~~of bail or~~ alter the conditions of pretrial release bail as
8 deemed appropriate.

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

1 accordance with the following provisions:

2 (1) The court shall hold the defendant without granting
3 pretrial release ~~bail~~ pending the hearing on the alleged
4 breach; however, if the defendant is not admitted to
5 pretrial release ~~bail~~ the hearing shall be commenced within
6 10 days from the date the defendant is taken into custody
7 or the defendant may not be held any longer without
8 pretrial release ~~bail~~, unless delay is occasioned by the
9 defendant. Where defendant occasions the delay, the
10 running of the 10 day period is temporarily suspended and
11 resumes at the termination of the period of delay. Where
12 defendant occasions the delay with 5 or fewer days
13 remaining in the 10 day period, the court may grant a
14 period of up to 5 additional days to the State for good
15 cause shown. The State, however, shall retain the right to
16 proceed to hearing on the alleged violation at any time,
17 upon reasonable notice to the defendant and the court.

18 (2) At a hearing on the alleged violation the State has
19 the burden of going forward and proving the violation by
20 clear and convincing evidence. The evidence shall be
21 presented in open court with the opportunity to testify, to
22 present witnesses in his behalf, and to cross-examine
23 witnesses if any are called by the State, and
24 representation by counsel and if the defendant is indigent
25 to have counsel appointed for him. The rules of evidence
26 applicable in criminal trials in this State shall not

1 govern the admissibility of evidence at such hearing.
2 Information used by the court in its findings or stated in
3 or offered in connection with hearings for ~~increase or~~
4 revocation of pretrial release bail may be by way of
5 proffer based upon reliable information offered by the
6 State or defendant. All evidence shall be admissible if it
7 is relevant and reliable regardless of whether it would be
8 admissible under the rules of evidence applicable at
9 criminal trials. A motion by the defendant to suppress
10 evidence or to suppress a confession shall not be
11 entertained at such a hearing. Evidence that proof may have
12 been obtained as a result of an unlawful search and seizure
13 or through improper interrogation is not relevant to this
14 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 pretrial release bail, or where the defendant is on
22 pretrial release bail for a felony domestic battery
23 (enhanced pursuant to subsection (b) of Section 12-3.2 of
24 the Criminal Code of 1961 or the Criminal Code of 2012),
25 aggravated domestic battery, aggravated battery, unlawful
26 restraint, aggravated unlawful restraint or domestic

1 battery in violation of item (1) of subsection (a) of
2 Section 12-3.2 of the Criminal Code of 1961 or the Criminal
3 Code of 2012 against a family or household member as
4 defined in Section 112A-3 of this Code and the violation is
5 an offense of domestic battery, against the same victim,
6 the court shall revoke the pretrial release ~~bail~~ of the
7 defendant and hold the defendant for trial without pretrial
8 release ~~bail~~. Neither the finding of the court nor any
9 transcript or other record of the hearing shall be
10 admissible in the State's case in chief, but shall be
11 admissible for impeachment, or as provided in Section
12 115-10.1 of this Code or in a perjury proceeding.

13 (4) If the pretrial release ~~bail~~ of any defendant is
14 revoked pursuant to paragraph (f) (3) of this Section, the
15 defendant may demand and shall be entitled to be brought to
16 trial on the offense with respect to which he was formerly
17 ~~released~~ on pretrial release ~~bail~~ within 90 days after the
18 date on which his pretrial release ~~bail~~ was revoked. If the
19 defendant is not brought to trial within the 90 day period
20 required by the preceding sentence, he shall not be held
21 longer without pretrial release ~~bail~~. In computing the 90
22 day period, the court shall omit any period of delay
23 resulting from a continuance granted at the request of the
24 defendant.

25 (5) If the defendant either is arrested on a warrant
26 issued pursuant to this Code or is arrested for an

1 unrelated offense and it is subsequently discovered that
2 the defendant is a subject of another warrant or warrants
3 issued pursuant to this Code, the defendant shall be
4 transferred promptly to the court which issued such
5 warrant. If, however, the defendant appears initially
6 before a court other than the court which issued such
7 warrant, the non-issuing court shall not alter the
8 conditions of pretrial release ~~amount of bail~~ set on such
9 warrant unless the court sets forth on the record of
10 proceedings the conclusions of law and facts which are the
11 basis for such altering of another court's conditions of
12 pretrial release ~~bond~~. The non-issuing court shall not
13 alter another courts pretrial release ~~bail~~ set on a warrant
14 unless the interests of justice and public safety are
15 served by such action.

16 (g) The State may appeal any order where the court has
17 ~~increased or reduced the amount of bail or~~ altered the
18 conditions of the pretrial release ~~bail bond~~ or granted
19 pretrial release ~~bail~~ where it has previously been revoked.

20 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

21 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

22 Sec. 110-6.1. Denial of pretrial release ~~bail~~ ~~in~~
23 ~~non-probationable felony offenses.~~

24 (a) Upon verified petition by the State, the court shall
25 hold a hearing and may deny ~~to determine whether bail should be~~

1 ~~denied to~~ a defendant pretrial release only if:

2 (1) the defendant ~~who~~ is charged with a forcible felony
3 offense for which a sentence of imprisonment, without
4 probation, periodic imprisonment or conditional discharge,
5 is required by law upon conviction, and ~~when~~ it is alleged
6 that the defendant's pretrial release poses a real and
7 present threat to a specific, identifiable person or
8 persons ~~admission to bail poses a real and present threat~~
9 ~~to the physical safety of any person or persons;~~

10 (2) the defendant is charged with stalking or
11 aggravated stalking and it is alleged that the defendant's
12 pretrial release poses a real and present threat to the
13 victim of the alleged offense, and denial of release is
14 necessary to prevent fulfillment of the threat upon which
15 the charge is based;

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

1 States if the victim was a family or household member at
2 the time of the offense, and it is alleged that the
3 defendant's pre-trial release poses a real and present
4 threat a specific, identifiable person or persons;

5 (4) the defendant is charged with domestic battery
6 under Section 12-3.2 of the Criminal Code of 2012 and it is
7 alleged that the defendant's pretrial release poses a real
8 and present threat to a specific, identifiable person or
9 persons;

10 (5) the defendant is charged with any of these
11 violations under the Criminal Code of 2012 and it is
12 alleged that the defendant's pretrial release poses a real
13 and present threat to the physical safety of any
14 specifically identifiable person or persons:

15 (A) Section 24-1.2 (aggravated discharge of a
16 firearm);

17 (B) Section 24-1.2-5 (aggravated discharge of a
18 machine gun or a firearm equipped with a device
19 designed or used for silencing the report of a
20 firearm);

21 (C) Section 24-1.5 (reckless discharge of a
22 firearm);

23 (D) Section 24-1.7 (armed habitual criminal);

24 (E) Section 24-2.2 (manufacture, sale or transfer
25 of bullets or shells represented to be armor piercing
26 bullets, dragon's breath shotgun shells, bolo shells,

1 or flechette shells);

2 (F) Section 24-3 (unlawful sale or delivery of
3 firearms);

4 (G) Section 24-3.3 (unlawful sale or delivery of
5 firearms on the premises of any school);

6 (H) Section 24-3.4 (unlawful sale of firearms by
7 liquor licensee);

8 (I) Section 24-3.5 (unlawful purchase of a
9 firearm);

10 (J) Section 24-3A (gunrunning); or

11 (K) Section 24-3B (firearms trafficking);

12 (6) the person has a high likelihood of willful flight
13 to avoid prosecution and is charged with:

14 (A) any felony described in paragraphs (1) through
15 (5) of this subsection (a); or

16 (B) a felony offense other than a Class 4 felony
17 offense.

18 (b) If the charged offense is a felony, the court shall
19 hold a hearing under Section 109-3 to determine whether there
20 is probable cause the defendant has committed an offense,
21 unless a grand jury has returned a true bill of indictment
22 against the defendant. If there is a finding of no probable
23 cause, the defendant shall be released. No such finding is
24 necessary if the defendant is charged with a misdemeanor.

25 (c) Timing of petition.

26 (1) A petition may be filed without prior notice to the

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

7 (2) Upon filing, the court shall immediately hold a
8 hearing on the petition unless a continuance is requested.
9 If a continuance is requested, the hearing shall be held
10 within 48 hours of the defendant's first appearance if the
11 defendant is charged with a Class X felony, Class 1 felony,
12 Class 2 felony, or Class 3 felony, and within 24 hours if
13 the defendant is charged with a Class 4 felony or
14 misdemeanor offense. The court may deny and grant the
15 request for continuance. If the court decides to grant the
16 continuance, the court retains the discretion to detain or
17 release the defendant in the time between the filing of the
18 petition and the hearing.

19 (d) Contents of petition.

20 (1) The petition shall be verified by the State and
21 shall state the grounds upon which it contends the
22 defendant should be denied pretrial release, including the
23 identity of specifically identifiable person or persons
24 the State believes the defendant poses a danger to.

25 (2) Only one petition may be filed under this Section.

26 (e) Eligibility. All defendants shall be presumed eligible

1 for pretrial release, and the State shall bear the burden of
2 proving by clear and convincing evidence that: ~~The hearing~~
3 ~~shall be held immediately upon the defendant's appearance~~
4 ~~before the court, unless for good cause shown the defendant or~~
5 ~~the State seeks a continuance. A continuance on motion of the~~
6 ~~defendant may not exceed 5 calendar days, and a continuance on~~
7 ~~the motion of the State may not exceed 3 calendar days. The~~
8 ~~defendant may be held in custody during such continuance.~~

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

11 (1) the proof is evident or the presumption great that
12 the defendant has committed an offense listed in paragraphs
13 (1) through (6) of subsection (a) ~~for which a sentence of~~
14 ~~imprisonment, without probation, periodic imprisonment or~~
15 ~~conditional discharge, must be imposed by law as a~~
16 ~~consequence of conviction, and~~

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

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

1 this Article can mitigate the specific, imminent threat to
2 a specific, identifiable ~~, can reasonably assure the~~
3 ~~physical safety of any other person or persons~~ or the
4 defendant's willful flight.

5 (f) ~~(e)~~ Conduct of the hearings.

6 (1) Prior to the hearing the State shall tender to the
7 defendant copies of defendant's criminal history, if any,
8 if available, any written or recorded statements, and the
9 substance of any oral statements made by any person, if
10 relied upon by the State in its petition, and any police
11 reports in the State's Attorney's possession at the time of
12 the hearing that are required to be disclosed to the
13 defense under Illinois Supreme Court rules. ~~The hearing on~~
14 ~~the defendant's culpability and dangerousness shall be~~
15 ~~conducted in accordance with the following provisions:~~

16 (2) The State or defendant may present evidence at the
17 hearing ~~(A) Information used by the court in its findings~~
18 ~~or stated in or offered at such hearing may be by way of~~
19 proffer based upon reliable information ~~offered by the~~
20 ~~State or by defendant.~~

21 (3) The defendant ~~Defendant~~ has the right to be
22 represented by counsel, and if he or she is indigent, to
23 have counsel appointed for him or her. ~~The defendant.~~
24 ~~Defendant~~ shall have the opportunity to testify, to present
25 witnesses on ~~in~~ his or her own behalf, and to cross-examine
26 any witnesses that ~~if any~~ are called by the State.

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

23 (5) The rules concerning the admissibility of evidence
24 in criminal trials do not apply to the presentation and
25 consideration of information at the hearing. At the trial
26 concerning the offense for which the hearing was conducted

1 neither the finding of the court nor any transcript or
2 other record of the hearing shall be admissible in the
3 State's case in chief, but shall be admissible for
4 impeachment, or as provided in Section 115-10.1 of this
5 Code, or in a perjury proceeding.

6 (6) ~~The (B) A motion by the~~ defendant may not move to

7 suppress evidence or ~~to suppress~~ a confession, however,

8 evidence shall not be entertained. Evidence that proof of

9 the charged crime may have been ~~obtained as~~ the result of

10 an unlawful search or and seizure, or both, or through

11 improper interrogation, is not relevant in assessing the

12 weight of the evidence against the defendant to this state

13 of the prosecution.

14 ~~(2) The facts relied upon by the court to support a~~

15 ~~finding that the defendant poses a real and present threat~~

16 ~~to the physical safety of any person or persons shall be~~

17 ~~supported by clear and convincing evidence presented by the~~

18 ~~State.~~

19 (g) ~~(d)~~ Factors to be considered in making a determination

20 of dangerousness. The court may, in determining whether the

21 defendant poses a specific, imminent ~~real and present~~ threat of

22 serious to the physical harm to an identifiable ~~safety of any~~

23 person or persons, consider but shall not be limited to

24 evidence or testimony concerning:

25 (1) The nature and circumstances of any offense

26 charged, including whether the offense is a crime of

1 violence, involving a weapon.

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

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

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

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

17 (4) Any statements made by, or attributed to the
18 defendant, together with the circumstances surrounding
19 them;

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

22 (6) The age and physical condition of any victim or
23 complaining witness;

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

26 (8) ~~(7)~~ Whether, at the time of the current offense or

1 any other offense or arrest, the defendant was on
2 probation, parole, aftercare release, mandatory supervised
3 release or other release from custody pending trial,
4 sentencing, appeal or completion of sentence for an offense
5 under federal or state law;

6 (9) ~~(8)~~ Any other factors, including those listed in
7 Section 110-5 of this Article deemed by the court to have a
8 reasonable bearing upon the defendant's propensity or
9 reputation for violent, abusive or assaultive behavior, or
10 lack of such behavior.

11 (h) ~~(e)~~ Detention order. The court shall, in any order for
12 detention:

13 (1) briefly summarize the evidence of the defendant's
14 guilt or innocence, culpability and the court's ~~its~~ reasons
15 for concluding that the defendant should be denied pretrial
16 release ~~held without bail~~;

17 (2) direct that the defendant be committed to the
18 custody of the sheriff for confinement in the county jail
19 pending trial;

20 (3) direct that the defendant be given a reasonable
21 opportunity for private consultation with counsel, and for
22 communication with others of his or her choice by
23 visitation, mail and telephone; and

24 (4) direct that the sheriff deliver the defendant as
25 required for appearances in connection with court
26 proceedings.

1 (i) Detention. ~~(f)~~ If the court enters an order for the
2 detention of the defendant pursuant to subsection (e) of this
3 Section, the defendant shall be brought to trial on the offense
4 for which he is detained within 90 days after the date on which
5 the order for detention was entered. If the defendant is not
6 brought to trial within the 90 day period required by the
7 preceding sentence, he shall not be denied pretrial release
8 ~~held longer without bail~~. In computing the 90 day period, the
9 court shall omit any period of delay resulting from a
10 continuance granted at the request of the defendant.

11 (j) ~~(g)~~ Rights of the defendant. Any person shall be
12 entitled to appeal any order entered under this Section denying
13 pretrial release ~~bail~~ to the defendant.

14 (k) Appeal. ~~(h)~~ The State may appeal any order entered
15 under this Section denying any motion for denial of pretrial
16 release ~~bail~~.

17 (l) Presumption of innocence. ~~(i)~~ Nothing in this Section
18 shall be construed as modifying or limiting in any way the
19 defendant's presumption of innocence in further criminal
20 proceedings.

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

22 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

23 Sec. 110-6.3. Denial of pretrial release ~~bail~~ in stalking
24 and aggravated stalking offenses.

25 (a) Upon verified petition by the State, the court shall

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

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

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

1 any of the offenses set forth in Sections 11-1.20, 11-1.30,
2 11-1.40, 11-1.50, 11-1.60, 12-2, 12-3.05, 12-3.2, 12-3.3,
3 12-4, 12-4.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15
4 or 12-16 of the Criminal Code of 1961 or the Criminal Code
5 of 2012, against the same person as the alleged victim of
6 the stalking or aggravated stalking offense.

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

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

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

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

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

24 (c) Conduct of the hearings.

25 (1) The hearing on the defendant's culpability and
26 threat to the alleged victim of the offense shall be

1 conducted in accordance with the following provisions:

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

1 copies of defendant's criminal history, if any, if
2 available, and any written or recorded statements and
3 the substance of any oral statements made by any
4 person, if relied upon by the State. The rules
5 concerning the admissibility of evidence in criminal
6 trials do not apply to the presentation and
7 consideration of information at the hearing. At the
8 trial concerning the offense for which the hearing was
9 conducted neither the finding of the court nor any
10 transcript or other record of the hearing shall be
11 admissible in the State's case in chief, but shall be
12 admissible for impeachment, or as provided in Section
13 115-10.1 of this Code, or in a perjury proceeding.

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

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

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

25 (B) the denial of pretrial release ~~on bail~~ or
26 personal recognizance is necessary to prevent

1 fulfillment of the threat upon which the charge is
2 based;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (i) Nothing in this Section shall be construed as modifying
26 or limiting in any way the defendant's presumption of innocence

1 in further criminal proceedings.

2 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
3 98-558, eff. 1-1-14.)

4 (725 ILCS 5/110-6.4)

5 Sec. 110-6.4. Statewide risk-assessment tool. The Supreme
6 Court may establish a statewide risk-assessment tool to be used
7 in proceedings to assist the court in establishing conditions
8 of pretrial release ~~bail~~ for a defendant by assessing the
9 defendant's likelihood of appearing at future court
10 proceedings or determining if the defendant poses a real and
11 present threat to the physical safety of any person or persons.
12 The Supreme Court shall consider establishing a
13 risk-assessment tool that does not discriminate on the basis of
14 race, gender, educational level, socio-economic status, or
15 neighborhood. If a risk-assessment tool is utilized within a
16 circuit that does not require a personal interview to be
17 completed, the Chief Judge of the circuit or the director of
18 the pretrial services agency may exempt the requirement under
19 Section 9 and subsection (a) of Section 7 of the Pretrial
20 Services Act.

21 For the purpose of this Section, "risk-assessment tool"
22 means an empirically validated, evidence-based screening
23 instrument that demonstrates reduced instances of a
24 defendant's failure to appear for further court proceedings or
25 prevents future criminal activity.

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

2 (725 ILCS 5/110-6.5)

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

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

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

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

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

1 accordance with this Section.

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

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

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

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

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

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

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

1 (ii) An opportunity for the defendant to provide
2 information on the identification of prescription or
3 nonprescription drugs used in connection with a
4 medical condition.

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

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

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

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

25 (1) Upon the first confirmed positive test result, the
26 pretrial services agency or probation department, shall

1 place the defendant on a more frequent testing schedule and
2 shall warn the defendant of the consequences of continued
3 drug use.

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

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

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

20 (1) change the conditions ~~increase the amount~~ of the
21 defendant's pretrial release ~~bail or conditions of~~
22 release;

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

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

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

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

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

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

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

8 Sec. 110-7. Pretrial release. ~~Deposit of bail security.~~

9 (a) (Blank). The person for whom conditions of pretrial
10 release have ~~bail has~~ been set shall sign a form acknowledging
11 those conditions and that he or she shall comply with those
12 conditions ~~execute the bail bond and deposit with the clerk of~~
13 ~~the court before which the proceeding is pending a sum of money~~
14 ~~equal to 10% of the bail, but in no event shall such deposit be~~
15 ~~less than \$25. The clerk of the court shall provide a space on~~
16 ~~each form for a person other than the accused who has provided~~
17 ~~the money for the posting of bail to so indicate and a space~~
18 ~~signed by an accused who has executed the bail bond indicating~~
19 ~~whether a person other than the accused has provided the money~~
20 ~~for the posting of bail. The form shall also include a written~~
21 ~~notice to such person who has provided the defendant with the~~
22 ~~money for the posting of bail indicating that the bail may be~~
23 ~~used to pay costs, attorney's fees, fines, or other purposes~~
24 ~~authorized by the court and if the defendant fails to comply~~
25 ~~with the conditions of the bail bond, the court shall enter an~~

1 ~~order declaring the bail to be forfeited. The written notice~~
2 ~~must be: (1) distinguishable from the surrounding text; (2) in~~
3 ~~bold type or underscored; and (3) in a type size at least 2~~
4 ~~points larger than the surrounding type. When a person for whom~~
5 ~~bail has been set is charged with an offense under the Illinois~~
6 ~~Controlled Substances Act or the Methamphetamine Control and~~
7 ~~Community Protection Act which is a Class X felony, or making a~~
8 ~~terrorist threat in violation of Section 29D-20 of the Criminal~~
9 ~~Code of 1961 or the Criminal Code of 2012 or an attempt to~~
10 ~~commit the offense of making a terrorist threat, the court may~~
11 ~~require the defendant to deposit a sum equal to 100% of the~~
12 ~~bail. Where any person is charged with a forcible felony while~~
13 ~~free on pretrial release bail and is the subject of proceedings~~
14 ~~under Section 109-3 of this Code the judge conducting the~~
15 ~~preliminary examination may also conduct a hearing upon the~~
16 ~~application of the State pursuant to the provisions of Section~~
17 ~~110-6 of this Code to ~~increase or~~ revoke the pretrial release~~
18 ~~bail for that person's prior alleged offense.~~

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

22 (c) Once conditions of pretrial release have ~~bail has~~ been
23 given and a charge is pending or is thereafter filed in or
24 transferred to a court of competent jurisdiction the latter
25 court shall continue the original conditions of pretrial
26 release ~~bail~~ in that court subject to the provisions of Section

1 110-6 of this Code.

2 (d) After conviction the court may order that the original
3 conditions of pretrial release ~~bail~~ stand as ~~bail~~ pending
4 appeal or deny pretrial release ~~, increase or reduce bail~~
5 subject to the provisions of Section 110-6.2.

6 (e) After the entry of an order by the trial court allowing
7 or denying pretrial release ~~bail~~ pending appeal either party
8 may apply to the reviewing court having jurisdiction or to a
9 justice thereof sitting in vacation for an order ~~increasing or~~
10 ~~decreasing the amount of bail or~~ allowing or denying pretrial
11 release ~~bail~~ pending appeal subject to the provisions of
12 Section 110-6.2.

13 (f) (Blank). ~~When the conditions of the bail bond have been~~
14 ~~performed and the accused has been discharged from all~~
15 ~~obligations in the cause the clerk of the court shall return to~~
16 ~~the accused or to the defendant's designee by an assignment~~
17 ~~executed at the time the bail amount is deposited, unless the~~
18 ~~court orders otherwise, 90% of the sum which had been deposited~~
19 ~~and shall retain as bail bond costs 10% of the amount~~
20 ~~deposited. However, in no event shall the amount retained by~~
21 ~~the clerk as bail bond costs be less than \$5. Notwithstanding~~
22 ~~the foregoing, in counties with a population of 3,000,000 or~~
23 ~~more, in no event shall the amount retained by the clerk as~~
24 ~~bail bond costs exceed \$100. Bail bond deposited by or on~~
25 ~~behalf of a defendant in one case may be used, in the court's~~
26 ~~discretion, to satisfy financial obligations of that same~~

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

16 ~~At the request of the defendant the court may order such~~
17 ~~90% of defendant's bail deposit, or whatever amount is~~
18 ~~repayable to defendant from such deposit, to be paid to~~
19 ~~defendant's attorney of record.~~

20 (g) If the accused does not comply with the conditions of
21 pretrial release ~~the bail bond~~ the court having jurisdiction
22 shall enter an order declaring the pretrial release ~~bail~~ to be
23 forfeited. Notice of such order of forfeiture shall be mailed
24 forthwith to the accused at his last known address. If the
25 accused does not appear and surrender to the court having
26 jurisdiction within 30 days from the date of the forfeiture or

1 within such period satisfy the court that appearance and
2 surrender by the accused is impossible and without his fault
3 the court shall enter judgment for the State if the charge for
4 which pretrial release ~~the bond~~ was given was a felony or
5 misdemeanor, or if the charge was quasi-criminal or traffic,
6 judgment for the political subdivision of the State which
7 prosecuted the case, against the accused for the amount of the
8 ~~bail and~~ costs of the court proceedings; however, in counties
9 with a population of less than 3,000,000, instead of the court
10 entering a judgment for the full amount of the costs ~~bond~~ the
11 court may, in its discretion, enter judgment for ~~the cash~~
12 ~~deposit on the bond, less~~ costs, retain the deposit for further
13 disposition or, ~~if a cash bond was posted~~ for failure to appear
14 in a matter involving enforcement of child support or
15 maintenance, the amount of the costs ~~the cash deposit on the~~
16 ~~bond~~, less outstanding costs, may be awarded to the person or
17 entity to whom the child support or maintenance is due. ~~The~~
18 ~~deposit made in accordance with paragraph (a) shall be applied~~
19 ~~to the payment of costs. If judgment is entered and any amount~~
20 ~~of such deposit remains after the payment of costs it shall be~~
21 ~~applied to payment of the judgment and transferred to the~~
22 ~~treasury of the municipal corporation wherein the bond was~~
23 ~~taken if the offense was a violation of any penal ordinance of~~
24 ~~a political subdivision of this State, or to the treasury of~~
25 ~~the county wherein the bond was taken if the offense was a~~
26 ~~violation of any penal statute of this State.~~ The balance of

1 the judgment for costs may be enforced and collected in the
2 same manner as a judgment entered in a civil action.

3 (h) After a judgment for a fine and court costs or either
4 is entered in the prosecution of a cause in which a deposit had
5 been made in accordance with paragraph (a) the balance of such
6 deposit, ~~after deduction of bail bond costs,~~ shall be applied
7 to the payment of the judgment.

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

1 the arrest warrant. If the Department of State Police is the
2 arresting agency, \$70 of the fee assessed shall be remitted by
3 the clerk of the court to the State Treasurer within one month
4 after receipt for deposit into the State Police Operations
5 Assistance Fund. The clerk of the court shall remit \$5 of the
6 fee assessed to the Circuit Court Clerk Operation and
7 Administrative Fund as provided in Section 27.3d of the Clerks
8 of Courts Act.

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

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

11 Sec. 110-10. Conditions of pretrial release ~~bail bond~~.

12 (a) If a person is released prior to conviction, ~~either~~
13 ~~upon payment of bail security or on his or her own~~
14 ~~recognizance,~~ the conditions of pretrial release ~~the bail bond~~
15 shall be that he or she will:

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

19 (2) Submit himself or herself to the orders and process
20 of the court;

21 (3) (Blank); ~~Not depart this State without leave of the~~
22 ~~court;~~

23 (4) Not violate any criminal statute of any
24 jurisdiction;

25 (5) At a time and place designated by the court,

1 surrender all firearms in his or her possession to a law
2 enforcement officer designated by the court to take custody
3 of and impound the firearms and physically surrender his or
4 her Firearm Owner's Identification Card to the clerk of the
5 circuit court when the offense the person has been charged
6 with is a forcible felony, stalking, aggravated stalking,
7 domestic battery, any violation of the Illinois Controlled
8 Substances Act, the Methamphetamine Control and Community
9 Protection Act, or the Cannabis Control Act that is
10 classified as a Class 2 or greater felony, or any felony
11 violation of Article 24 of the Criminal Code of 1961 or the
12 Criminal Code of 2012; the court may, however, forgo the
13 imposition of this condition when the circumstances of the
14 case clearly do not warrant it or when its imposition would
15 be impractical; if the Firearm Owner's Identification Card
16 is confiscated, the clerk of the circuit court shall mail
17 the confiscated card to the Illinois State Police; all
18 legally possessed firearms shall be returned to the person
19 upon the charges being dismissed, or if the person is found
20 not guilty, unless the finding of not guilty is by reason
21 of insanity; and

22 (6) At a time and place designated by the court, submit
23 to a psychological evaluation when the person has been
24 charged with a violation of item (4) of subsection (a) of
25 Section 24-1 of the Criminal Code of 1961 or the Criminal
26 Code of 2012 and that violation occurred in a school or in

1 any conveyance owned, leased, or contracted by a school to
2 transport students to or from school or a school-related
3 activity, or on any public way within 1,000 feet of real
4 property comprising any school.

5 Psychological evaluations ordered pursuant to this Section
6 shall be completed promptly and made available to the State,
7 the defendant, and the court. As a further condition of
8 pretrial release ~~bail~~ under these circumstances, the court
9 shall order the defendant to refrain from entering upon the
10 property of the school, including any conveyance owned, leased,
11 or contracted by a school to transport students to or from
12 school or a school-related activity, or on any public way
13 within 1,000 feet of real property comprising any school. Upon
14 receipt of the psychological evaluation, either the State or
15 the defendant may request a change in the conditions of
16 pretrial release ~~bail~~, pursuant to Section 110-6 of this Code.
17 The court may change the conditions of ~~bail~~ to include a
18 requirement that the defendant follow the recommendations of
19 the psychological evaluation, including undergoing psychiatric
20 treatment. The conclusions of the psychological evaluation and
21 any statements elicited from the defendant during its
22 administration are not admissible as evidence of guilt during
23 the course of any trial on the charged offense, unless the
24 defendant places his or her mental competency in issue.

25 (b) The court may impose other conditions, such as the
26 following, if the court finds that such conditions are

1 reasonably necessary to assure the defendant's appearance in
2 court, protect the public from the defendant, or prevent the
3 defendant's unlawful interference with the orderly
4 administration of justice:

5 (0.05) Not depart this State without leave of the
6 court;

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

9 (2) Refrain from possessing a firearm or other
10 dangerous weapon;

11 (3) Refrain from approaching or communicating with
12 particular persons or classes of persons;

13 (4) Refrain from going to certain described
14 geographical areas or premises;

15 (5) Refrain from engaging in certain activities or
16 indulging in intoxicating liquors or in certain drugs;

17 (6) Undergo treatment for drug addiction or
18 alcoholism;

19 (7) Undergo medical or psychiatric treatment;

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

22 (9) Attend or reside in a facility designated by the
23 court;

24 (10) Support his or her dependents;

25 (11) If a minor resides with his or her parents or in a
26 foster home, attend school, attend a non-residential

1 program for youths, and contribute to his or her own
2 support at home or in a foster home;

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

4 (13) Remain in the custody of such designated person or
5 organization agreeing to supervise his release. Such third
6 party custodian shall be responsible for notifying the
7 court if the defendant fails to observe the conditions of
8 release which the custodian has agreed to monitor, and
9 shall be subject to contempt of court for failure so to
10 notify the court;

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

17 (14.1) The court may ~~shall~~ impose upon a defendant who
18 is charged with any alcohol, cannabis, methamphetamine, or
19 controlled substance violation and is placed under direct
20 supervision of the Pretrial Services Agency, Probation
21 Department or Court Services Department in a pretrial ~~bond~~
22 home supervision capacity with the use of an approved
23 monitoring device, as a condition of such pretrial
24 monitoring ~~bail—bond~~, a fee that represents costs
25 incidental to the electronic monitoring for each day of
26 such pretrial ~~bail~~ supervision ordered by the court, unless

1 after determining the inability of the defendant to pay the
2 fee, the court assesses a lesser fee or no fee as the case
3 may be. The fee shall be collected by the clerk of the
4 circuit court, except as provided in an administrative
5 order of the Chief Judge of the circuit court. The clerk of
6 the circuit court shall pay all monies collected from this
7 fee to the county treasurer for deposit in the substance
8 abuse services fund under Section 5-1086.1 of the Counties
9 Code, except as provided in an administrative order of the
10 Chief Judge of the circuit court.

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

21 The Chief Judge of the circuit court may suspend any
22 additional charges or fees for late payment, interest, or
23 damage to any device;

24 (14.2) The court may ~~shall~~ impose upon all defendants,
25 including those defendants subject to paragraph (14.1)
26 above, placed under direct supervision of the Pretrial

1 Services Agency, Probation Department or Court Services
2 Department in a pretrial ~~bond~~ home supervision capacity
3 with the use of an approved monitoring device, as a
4 condition of such release ~~bail-bond~~, a fee which shall
5 represent costs incidental to such electronic monitoring
6 for each day of such ~~bail~~ supervision ordered by the court,
7 unless after determining the inability of the defendant to
8 pay the fee, the court assesses a lesser fee or no fee as
9 the case may be. The fee shall be collected by the clerk of
10 the circuit court, except as provided in an administrative
11 order of the Chief Judge of the circuit court. The clerk of
12 the circuit court shall pay all monies collected from this
13 fee to the county treasurer who shall use the monies
14 collected to defray the costs of corrections. The county
15 treasurer shall deposit the fee collected in the county
16 working cash fund under Section 6-27001 or Section 6-29002
17 of the Counties Code, as the case may be, except as
18 provided in an administrative order of the Chief Judge of
19 the circuit court.

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

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

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

7 (14.3) The Chief Judge of the Judicial Circuit may
8 establish reasonable fees to be paid by a person receiving
9 pretrial services while under supervision of a pretrial
10 services agency, probation department, or court services
11 department. Reasonable fees may be charged for pretrial
12 services including, but not limited to, pretrial
13 supervision, diversion programs, electronic monitoring,
14 victim impact services, drug and alcohol testing, DNA
15 testing, GPS electronic monitoring, assessments and
16 evaluations related to domestic violence and other
17 victims, and victim mediation services. The person
18 receiving pretrial services may be ordered to pay all costs
19 incidental to pretrial services in accordance with his or
20 her ability to pay those costs;

21 (14.4) For persons charged with violating Section
22 11-501 of the Illinois Vehicle Code, refrain from operating
23 a motor vehicle not equipped with an ignition interlock
24 device, as defined in Section 1-129.1 of the Illinois
25 Vehicle Code, pursuant to the rules promulgated by the
26 Secretary of State for the installation of ignition

1 interlock devices. Under this condition the court may allow
2 a defendant who is not self-employed to operate a vehicle
3 owned by the defendant's employer that is not equipped with
4 an ignition interlock device in the course and scope of the
5 defendant's employment;

6 (15) Comply with the terms and conditions of an order
7 of protection issued by the court under the Illinois
8 Domestic Violence Act of 1986 or an order of protection
9 issued by the court of another state, tribe, or United
10 States territory;

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

13 (17) Such other reasonable conditions as the court may
14 impose.

15 (c) When a person is charged with an offense under Section
16 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
17 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, involving a victim who is a minor under
19 18 years of age living in the same household with the defendant
20 at the time of the offense, in ~~granting bail or~~ releasing the
21 defendant ~~on his own recognizance~~, the judge shall impose
22 conditions to restrict the defendant's access to the victim
23 which may include, but are not limited to conditions that he
24 will:

25 1. Vacate the household.

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

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

3 (d) When a person is charged with a criminal offense and
4 the victim is a family or household member as defined in
5 Article 112A, conditions shall be imposed at the time of the
6 defendant's release ~~on bond~~ that restrict the defendant's
7 access to the victim. Unless provided otherwise by the court,
8 the restrictions shall include requirements that the defendant
9 do the following:

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

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

16 (e) Local law enforcement agencies shall develop
17 standardized pretrial release ~~bond~~ forms for use in cases
18 involving family or household members as defined in Article
19 112A, including specific conditions of pretrial release ~~bond~~ as
20 provided in subsection (d). Failure of any law enforcement
21 department to develop or use those forms shall in no way limit
22 the applicability and enforcement of subsections (d) and (f).

23 (f) If the defendant is released ~~admitted to bail~~ after
24 conviction following appeal or other post-conviction
25 proceeding, the conditions of the pretrial release ~~bail bond~~
26 shall be that he will, in addition to the conditions set forth

1 in subsections (a) and (b) hereof:

2 (1) Duly prosecute his appeal;

3 (2) Appear at such time and place as the court may
4 direct;

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

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

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

11 (g) Upon a finding of guilty for any felony offense, the
12 defendant shall physically surrender, at a time and place
13 designated by the court, any and all firearms in his or her
14 possession and his or her Firearm Owner's Identification Card
15 as a condition of being released ~~remaining on bond~~ pending
16 sentencing.

17 (h) In the event the defendant is denied pretrial release
18 ~~unable to post bond~~, the court may impose a no contact
19 provision with the victim or other interested party that shall
20 be enforced while the defendant remains in custody.

21 (Source: P.A. 101-138, eff. 1-1-20.)

22 (725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

23 Sec. 110-11. Pretrial release ~~Bail~~ on a new trial. If the
24 judgment of conviction is reversed and the cause remanded for a
25 new trial the trial court may order that the conditions of

1 pretrial release ~~bail~~ stand pending such trial, or modify the
2 conditions of pretrial release ~~reduce or increase bail~~.

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

4 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

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

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

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

20 (725 ILCS 5/110-14) (from Ch. 38, par. 110-14)

21 Sec. 110-14. Credit for incarceration on ~~bailable~~ offense
22 eligible for pretrial release; ~~credit against monetary bail~~ for
23 certain offenses.

24 (a) Any person incarcerated on an ~~a~~ ~~bailable~~ offense

1 eligible for pretrial release who does not comply with the
2 conditions of pretrial release ~~supply bail~~ and against whom a
3 fine is levied on conviction of the offense shall be allowed a
4 credit of \$30 for each day so incarcerated upon application of
5 the defendant. However, in no case shall the amount so allowed
6 or credited exceed the amount of the fine.

7 (b) Subsection (a) does not apply to a person incarcerated
8 for sexual assault as defined in paragraph (1) of subsection
9 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

10 (c) (Blank) ~~A person subject to bail on a Category B~~
11 ~~offense shall have \$30 deducted from his or her 10% cash bond~~
12 ~~amount every day the person is incarcerated. The sheriff shall~~
13 ~~calculate and apply this \$30 per day reduction and send notice~~
14 ~~to the circuit clerk if a defendant's 10% cash bond amount is~~
15 ~~reduced to \$0, at which point the defendant shall be released~~
16 ~~upon his or her own recognizance.~~

17 (d) The court may deny the incarceration credit in
18 subsection (c) of this Section if the person has failed to
19 appear as required before the court and is incarcerated based
20 on a warrant for failure to appear on the same original
21 criminal offense.

22 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19;
23 101-408, eff. 1-1-20.)

24 (725 ILCS 5/110-16) (from Ch. 38, par. 110-16)

25 Sec. 110-16. Revocation of pretrial release ~~Bail~~

1 ~~bond forfeiture~~ in same case or absents self during trial-not
2 eligible for pretrial release ~~bailable~~.

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

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

12 (725 ILCS 5/110-17) (from Ch. 38, par. 110-17)

13 Sec. 110-17. Unclaimed bail deposits. Any sum of money
14 deposited before the effective date of this amendatory Act of
15 the 101st General Assembly by any person to secure his or her
16 release from custody which remains unclaimed by the person
17 entitled to its return for 3 years after the conditions of
18 pretrial release ~~the bail bond~~ have been performed and the
19 accused has been discharged from all obligations in the cause
20 shall be presumed to be abandoned and subject to disposition
21 under the Revised Uniform Unclaimed Property Act.

22 (Source: P.A. 100-22, eff. 1-1-18; 100-929, eff. 1-1-19;
23 101-81, eff. 7-12-19.)

24 (725 ILCS 5/110-18) (from Ch. 38, par. 110-18)

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

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

17 (725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

18 Sec. 111-2. Commencement of prosecutions.

19 (a) All prosecutions of felonies shall be by information or
20 by indictment. No prosecution may be pursued by information
21 unless a preliminary hearing has been held or waived in
22 accordance with Section 109-3 and at that hearing probable
23 cause to believe the defendant committed an offense was found,
24 and the provisions of Section 109-3.1 of this Code have been
25 complied with.

1 (b) All other prosecutions may be by indictment,
2 information or complaint.

3 (c) Upon the filing of an information or indictment in open
4 court charging the defendant with the commission of a sex
5 offense defined in any Section of Article 11 of the Criminal
6 Code of 1961 or the Criminal Code of 2012, and a minor as
7 defined in Section 1-3 of the Juvenile Court Act of 1987 is
8 alleged to be the victim of the commission of the acts of the
9 defendant in the commission of such offense, the court may
10 appoint a guardian ad litem for the minor as provided in
11 Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile Court Act of
12 1987.

13 (d) Upon the filing of an information or indictment in open
14 court, the court shall immediately issue a warrant for the
15 arrest of each person charged with an offense directed to a
16 peace officer or some other person specifically named
17 commanding him to arrest such person.

18 (e) When the offense is eligible for pretrial release
19 ~~bailable~~, the judge shall endorse on the warrant the conditions
20 of pretrial release ~~amount of bail~~ required by the order of the
21 court, and if the court orders the process returnable
22 forthwith, the warrant shall require that the accused be
23 arrested and brought immediately into court.

24 (f) Where the prosecution of a felony is by information or
25 complaint after preliminary hearing, or after a waiver of
26 preliminary hearing in accordance with paragraph (a) of this

1 Section, such prosecution may be for all offenses, arising from
2 the same transaction or conduct of a defendant even though the
3 complaint or complaints filed at the preliminary hearing
4 charged only one or some of the offenses arising from that
5 transaction or conduct.

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

7 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

8 Sec. 112A-23. Enforcement of protective orders.

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

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

16 (i) remedies described in paragraphs (1), (2),
17 (3), (14), or (14.5) of subsection (b) of Section
18 112A-14 of this Code,

19 (ii) a remedy, which is substantially similar to
20 the remedies authorized under paragraphs (1), (2),
21 (3), (14), or (14.5) of subsection (b) of Section 214
22 of the Illinois Domestic Violence Act of 1986, in a
23 valid order of protection, which is authorized under
24 the laws of another state, tribe or United States
25 territory, or

1 (iii) ~~or~~ any other remedy when the act constitutes
2 a crime against the protected parties as defined by the
3 Criminal Code of 1961 or the Criminal Code of 2012.

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

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

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

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

22 (3) The respondent commits the crime of violation of a
23 civil no contact order when the respondent violates Section
24 12-3.8 of the Criminal Code of 2012. Prosecution for a
25 violation of a civil no contact order shall not bar
26 concurrent prosecution for any other crime, including any

1 crime that may have been committed at the time of the
2 violation of the civil no contact order.

3 (4) The respondent commits the crime of violation of a
4 stalking no contact order when the respondent violates
5 Section 12-3.9 of the Criminal Code of 2012. Prosecution
6 for a violation of a stalking no contact order shall not
7 bar concurrent prosecution for any other crime, including
8 any crime that may have been committed at the time of the
9 violation of the stalking no contact order.

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

23 (1) In a contempt proceeding where the petition for a
24 rule to show cause sets forth facts evidencing an immediate
25 danger that the respondent will flee the jurisdiction,
26 conceal a child, or inflict physical abuse on the

1 petitioner or minor children or on dependent adults in
2 petitioner's care, the court may order the attachment of
3 the respondent without prior service of the rule to show
4 cause or the petition for a rule to show cause. Bond shall
5 be set unless specifically denied in writing.

6 (2) A petition for a rule to show cause for violation
7 of a protective order shall be treated as an expedited
8 proceeding.

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

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

23 (1) (Blank).

24 (2) (Blank).

25 (3) By service of a protective order under subsection
26 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

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

3 (e) The enforcement of a protective order in civil or
4 criminal court shall not be affected by either of the
5 following:

6 (1) The existence of a separate, correlative order
7 entered under Section 112A-15 of this Code.

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

10 (f) Circumstances. The court, when determining whether or
11 not a violation of a protective order has occurred, shall not
12 require physical manifestations of abuse on the person of the
13 victim.

14 (g) Penalties.

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

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

1 (3) To the extent permitted by law, the court is
2 encouraged to:

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

8 (ii) impose a minimum penalty of 24 hours
9 imprisonment for respondent's first violation of any
10 protective order; and

11 (iii) impose a minimum penalty of 48 hours
12 imprisonment for respondent's second or subsequent
13 violation of a protective order

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

16 (4) In addition to any other penalties imposed for a
17 violation of a protective order, a criminal court may
18 consider evidence of any violations of a protective order:

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

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

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

1 Code of Corrections.

2 (Source: P.A. 99-90, eff. 1-1-16; 100-199, eff. 1-1-18;
3 100-597, eff. 6-29-18; revised 7-12-19.)

4 (725 ILCS 5/114-1) (from Ch. 38, par. 114-1)

5 Sec. 114-1. Motion to dismiss charge.

6 (a) Upon the written motion of the defendant made prior to
7 trial before or after a plea has been entered the court may
8 dismiss the indictment, information or complaint upon any of
9 the following grounds:

10 (1) The defendant has not been placed on trial in
11 compliance with Section 103-5 of this Code.

12 (2) The prosecution of the offense is barred by
13 Sections 3-3 through 3-8 of the Criminal Code of 2012.

14 (3) The defendant has received immunity from
15 prosecution for the offense charged.

16 (4) The indictment was returned by a Grand Jury which
17 was improperly selected and which results in substantial
18 injustice to the defendant.

19 (5) The indictment was returned by a Grand Jury which
20 acted contrary to Article 112 of this Code and which
21 results in substantial injustice to the defendant.

22 (6) The court in which the charge has been filed does
23 not have jurisdiction.

24 (7) The county is an improper place of trial.

25 (8) The charge does not state an offense.

1 (9) The indictment is based solely upon the testimony
2 of an incompetent witness.

3 (10) The defendant is misnamed in the charge and the
4 misnomer results in substantial injustice to the
5 defendant.

6 (11) The requirements of Section 109-3.1 have not been
7 complied with.

8 (b) The court shall require any motion to dismiss to be
9 filed within a reasonable time after the defendant has been
10 arraigned. Any motion not filed within such time or an
11 extension thereof shall not be considered by the court and the
12 grounds therefor, except as to subsections (a) (6) and (a) (8) of
13 this Section, are waived.

14 (c) If the motion presents only an issue of law the court
15 shall determine it without the necessity of further pleadings.
16 If the motion alleges facts not of record in the case the State
17 shall file an answer admitting or denying each of the factual
18 allegations of the motion.

19 (d) When an issue of fact is presented by a motion to
20 dismiss and the answer of the State the court shall conduct a
21 hearing and determine the issues.

22 (d-5) When a defendant seeks dismissal of the charge upon
23 the ground set forth in subsection (a) (7) of this Section, the
24 defendant shall make a prima facie showing that the county is
25 an improper place of trial. Upon such showing, the State shall
26 have the burden of proving, by a preponderance of the evidence,

1 that the county is the proper place of trial.

2 (d-6) When a defendant seeks dismissal of the charge upon
3 the grounds set forth in subsection (a)(2) of this Section, the
4 prosecution shall have the burden of proving, by a
5 preponderance of the evidence, that the prosecution of the
6 offense is not barred by Sections 3-3 through 3-8 of the
7 Criminal Code of 2012.

8 (e) Dismissal of the charge upon the grounds set forth in
9 subsections (a)(4) through (a)(11) of this Section shall not
10 prevent the return of a new indictment or the filing of a new
11 charge, and upon such dismissal the court may order that the
12 defendant be held in custody or, if the defendant had been
13 previously released on pretrial release ~~bail~~, that the pretrial
14 release ~~bail~~ be continued for a specified time pending the
15 return of a new indictment or the filing of a new charge.

16 (f) If the court determines that the motion to dismiss
17 based upon the grounds set forth in subsections (a)(6) and
18 (a)(7) is well founded it may, instead of dismissal, order the
19 cause transferred to a court of competent jurisdiction or to a
20 proper place of trial.

21 (Source: P.A. 100-434, eff. 1-1-18.)

22 (725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

23 Sec. 115-4.1. Absence of defendant.

24 (a) When a defendant after arrest and an initial court
25 appearance for a non-capital felony or a misdemeanor, fails to

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

1 shall apply to the proceedings the same as if the defendant
2 were present in court and had not either had his or her
3 pretrial release revoked ~~forfeited his bail bond~~ or escaped
4 from custody. The court may set the case for a trial which may
5 be conducted under this Section despite the failure of the
6 defendant to appear at the hearing at which the trial date is
7 set. When such trial date is set the clerk shall send to the
8 defendant, by certified mail at his last known address
9 indicated on his bond slip, notice of the new date which has
10 been set for trial. Such notification shall be required when
11 the defendant was not personally present in open court at the
12 time when the case was set for trial.

13 (b) The absence of a defendant from a trial conducted
14 pursuant to this Section does not operate as a bar to
15 concluding the trial, to a judgment of conviction resulting
16 therefrom, or to a final disposition of the trial in favor of
17 the defendant.

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

25 (d) A defendant who is absent for part of the proceedings
26 of trial, post-trial motions, or sentencing, does not thereby

1 forfeit his right to be present at all remaining proceedings.

2 (e) When a defendant who in his absence has been either
3 convicted or sentenced or both convicted and sentenced appears
4 before the court, he must be granted a new trial or new
5 sentencing hearing if the defendant can establish that his
6 failure to appear in court was both without his fault and due
7 to circumstances beyond his control. A hearing with notice to
8 the State's Attorney on the defendant's request for a new trial
9 or a new sentencing hearing must be held before any such
10 request may be granted. At any such hearing both the defendant
11 and the State may present evidence.

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

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

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

1 (725 ILCS 5/122-6) (from Ch. 38, par. 122-6)

2 Sec. 122-6. Disposition in trial court.

3 The court may receive proof by affidavits, depositions,
4 oral testimony, or other evidence. In its discretion the court
5 may order the petitioner brought before the court for the
6 hearing. If the court finds in favor of the petitioner, it
7 shall enter an appropriate order with respect to the judgment
8 or sentence in the former proceedings and such supplementary
9 orders as to rearraignment, retrial, custody, conditions of
10 pretrial release ~~bail~~ or discharge as may be necessary and
11 proper.

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

13 (725 ILCS 5/110-8 rep.)

14 (725 ILCS 5/110-9 rep.)

15 (725 ILCS 5/110-13 rep.)

16 (725 ILCS 5/110-15 rep.)

17 Section 91. The Code of Criminal Procedure of 1963 is
18 amended by repealing Sections 110-8, 110-9, 110-13, and 110-15.

19 Section 95. The Rights of Crime Victims and Witnesses Act
20 is amended by changing Sections 4 and 4.5 as follows:

21 (725 ILCS 120/4) (from Ch. 38, par. 1404)

22 Sec. 4. Rights of crime victims.

1 (a) Crime victims shall have the following rights:

2 (1) The right to be treated with fairness and respect
3 for their dignity and privacy and to be free from
4 harassment, intimidation, and abuse throughout the
5 criminal justice process.

6 (1.5) The right to notice and to a hearing before a
7 court ruling on a request for access to any of the victim's
8 records, information, or communications which are
9 privileged or confidential by law.

10 (2) The right to timely notification of all court
11 proceedings.

12 (3) The right to communicate with the prosecution.

13 (4) The right to be heard at any post-arraignment court
14 proceeding in which a right of the victim is at issue and
15 any court proceeding involving a post-arraignment release
16 decision, plea, or sentencing.

17 (5) The right to be notified of the conviction, the
18 sentence, the imprisonment and the release of the accused.

19 (6) The right to the timely disposition of the case
20 following the arrest of the accused.

21 (7) The right to be reasonably protected from the
22 accused through the criminal justice process.

23 (7.5) The right to have the safety of the victim and
24 the victim's family considered in ~~denying or fixing the~~
25 ~~amount of bail,~~ determining whether to release the
26 defendant, and setting conditions of release after arrest

1 and conviction.

2 (8) The right to be present at the trial and all other
3 court proceedings on the same basis as the accused, unless
4 the victim is to testify and the court determines that the
5 victim's testimony would be materially affected if the
6 victim hears other testimony at the trial.

7 (9) The right to have present at all court proceedings,
8 including proceedings under the Juvenile Court Act of 1987,
9 subject to the rules of evidence, an advocate and other
10 support person of the victim's choice.

11 (10) The right to restitution.

12 (b) Any law enforcement agency that investigates an offense
13 committed in this State shall provide a crime victim with a
14 written statement and explanation of the rights of crime
15 victims under this amendatory Act of the 99th General Assembly
16 within 48 hours of law enforcement's initial contact with a
17 victim. The statement shall include information about crime
18 victim compensation, including how to contact the Office of the
19 Illinois Attorney General to file a claim, and appropriate
20 referrals to local and State programs that provide victim
21 services. The content of the statement shall be provided to law
22 enforcement by the Attorney General. Law enforcement shall also
23 provide a crime victim with a sign-off sheet that the victim
24 shall sign and date as an acknowledgement that he or she has
25 been furnished with information and an explanation of the
26 rights of crime victims and compensation set forth in this Act.

1 (b-5) Upon the request of the victim, the law enforcement
2 agency having jurisdiction shall provide a free copy of the
3 police report concerning the victim's incident, as soon as
4 practicable, but in no event later than 5 business days from
5 the request.

6 (c) The Clerk of the Circuit Court shall post the rights of
7 crime victims set forth in Article I, Section 8.1(a) of the
8 Illinois Constitution and subsection (a) of this Section within
9 3 feet of the door to any courtroom where criminal proceedings
10 are conducted. The clerk may also post the rights in other
11 locations in the courthouse.

12 (d) At any point, the victim has the right to retain a
13 victim's attorney who may be present during all stages of any
14 interview, investigation, or other interaction with
15 representatives of the criminal justice system. Treatment of
16 the victim should not be affected or altered in any way as a
17 result of the victim's decision to exercise this right.

18 (Source: P.A. 99-413, eff. 8-20-15; 100-1087, eff. 1-1-19.)

19 (725 ILCS 120/4.5)

20 Sec. 4.5. Procedures to implement the rights of crime
21 victims. To afford crime victims their rights, law enforcement,
22 prosecutors, judges, and corrections will provide information,
23 as appropriate, of the following procedures:

24 (a) At the request of the crime victim, law enforcement
25 authorities investigating the case shall provide notice of the

1 status of the investigation, except where the State's Attorney
2 determines that disclosure of such information would
3 unreasonably interfere with the investigation, until such time
4 as the alleged assailant is apprehended or the investigation is
5 closed.

6 (a-5) When law enforcement authorities reopen a closed case
7 to resume investigating, they shall provide notice of the
8 reopening of the case, except where the State's Attorney
9 determines that disclosure of such information would
10 unreasonably interfere with the investigation.

11 (b) The office of the State's Attorney:

12 (1) shall provide notice of the filing of an
13 information, the return of an indictment, or the filing of
14 a petition to adjudicate a minor as a delinquent for a
15 violent crime;

16 (2) shall provide timely notice of the date, time, and
17 place of court proceedings; of any change in the date,
18 time, and place of court proceedings; and of any
19 cancellation of court proceedings. Notice shall be
20 provided in sufficient time, wherever possible, for the
21 victim to make arrangements to attend or to prevent an
22 unnecessary appearance at court proceedings;

23 (3) or victim advocate personnel shall provide
24 information of social services and financial assistance
25 available for victims of crime, including information of
26 how to apply for these services and assistance;

1 (3.5) or victim advocate personnel shall provide
2 information about available victim services, including
3 referrals to programs, counselors, and agencies that
4 assist a victim to deal with trauma, loss, and grief;

5 (4) shall assist in having any stolen or other personal
6 property held by law enforcement authorities for
7 evidentiary or other purposes returned as expeditiously as
8 possible, pursuant to the procedures set out in Section
9 115-9 of the Code of Criminal Procedure of 1963;

10 (5) or victim advocate personnel shall provide
11 appropriate employer intercession services to ensure that
12 employers of victims will cooperate with the criminal
13 justice system in order to minimize an employee's loss of
14 pay and other benefits resulting from court appearances;

15 (6) shall provide, whenever possible, a secure waiting
16 area during court proceedings that does not require victims
17 to be in close proximity to defendants or juveniles accused
18 of a violent crime, and their families and friends;

19 (7) shall provide notice to the crime victim of the
20 right to have a translator present at all court proceedings
21 and, in compliance with the federal Americans with
22 Disabilities Act of 1990, the right to communications
23 access through a sign language interpreter or by other
24 means;

25 (8) (blank);

26 (8.5) shall inform the victim of the right to be

1 present at all court proceedings, unless the victim is to
2 testify and the court determines that the victim's
3 testimony would be materially affected if the victim hears
4 other testimony at trial;

5 (9) shall inform the victim of the right to have
6 present at all court proceedings, subject to the rules of
7 evidence and confidentiality, an advocate and other
8 support person of the victim's choice;

9 (9.3) shall inform the victim of the right to retain an
10 attorney, at the victim's own expense, who, upon written
11 notice filed with the clerk of the court and State's
12 Attorney, is to receive copies of all notices, motions, and
13 court orders filed thereafter in the case, in the same
14 manner as if the victim were a named party in the case;

15 (9.5) shall inform the victim of (A) the victim's right
16 under Section 6 of this Act to make a statement at the
17 sentencing hearing; (B) the right of the victim's spouse,
18 guardian, parent, grandparent, and other immediate family
19 and household members under Section 6 of this Act to
20 present a statement at sentencing; and (C) if a presentence
21 report is to be prepared, the right of the victim's spouse,
22 guardian, parent, grandparent, and other immediate family
23 and household members to submit information to the preparer
24 of the presentence report about the effect the offense has
25 had on the victim and the person;

26 (10) at the sentencing shall make a good faith attempt

1 to explain the minimum amount of time during which the
2 defendant may actually be physically imprisoned. The
3 Office of the State's Attorney shall further notify the
4 crime victim of the right to request from the Prisoner
5 Review Board or Department of Juvenile Justice information
6 concerning the release of the defendant;

7 (11) shall request restitution at sentencing and as
8 part of a plea agreement if the victim requests
9 restitution;

10 (12) shall, upon the court entering a verdict of not
11 guilty by reason of insanity, inform the victim of the
12 notification services available from the Department of
13 Human Services, including the statewide telephone number,
14 under subparagraph (d) (2) of this Section;

15 (13) shall provide notice within a reasonable time
16 after receipt of notice from the custodian, of the release
17 of the defendant on pretrial release ~~bail~~ or personal
18 recognizance or the release from detention of a minor who
19 has been detained;

20 (14) shall explain in nontechnical language the
21 details of any plea or verdict of a defendant, or any
22 adjudication of a juvenile as a delinquent;

23 (15) shall make all reasonable efforts to consult with
24 the crime victim before the Office of the State's Attorney
25 makes an offer of a plea bargain to the defendant or enters
26 into negotiations with the defendant concerning a possible

1 plea agreement, and shall consider the written statement,
2 if prepared prior to entering into a plea agreement. The
3 right to consult with the prosecutor does not include the
4 right to veto a plea agreement or to insist the case go to
5 trial. If the State's Attorney has not consulted with the
6 victim prior to making an offer or entering into plea
7 negotiations with the defendant, the Office of the State's
8 Attorney shall notify the victim of the offer or the
9 negotiations within 2 business days and confer with the
10 victim;

11 (16) shall provide notice of the ultimate disposition
12 of the cases arising from an indictment or an information,
13 or a petition to have a juvenile adjudicated as a
14 delinquent for a violent crime;

15 (17) shall provide notice of any appeal taken by the
16 defendant and information on how to contact the appropriate
17 agency handling the appeal, and how to request notice of
18 any hearing, oral argument, or decision of an appellate
19 court;

20 (18) shall provide timely notice of any request for
21 post-conviction review filed by the defendant under
22 Article 122 of the Code of Criminal Procedure of 1963, and
23 of the date, time and place of any hearing concerning the
24 petition. Whenever possible, notice of the hearing shall be
25 given within 48 hours of the court's scheduling of the
26 hearing; and

1 (19) shall forward a copy of any statement presented
2 under Section 6 to the Prisoner Review Board or Department
3 of Juvenile Justice to be considered in making a
4 determination under Section 3-2.5-85 or subsection (b) of
5 Section 3-3-8 of the Unified Code of Corrections.

6 (c) The court shall ensure that the rights of the victim
7 are afforded.

8 (c-5) The following procedures shall be followed to afford
9 victims the rights guaranteed by Article I, Section 8.1 of the
10 Illinois Constitution:

11 (1) Written notice. A victim may complete a written
12 notice of intent to assert rights on a form prepared by the
13 Office of the Attorney General and provided to the victim
14 by the State's Attorney. The victim may at any time provide
15 a revised written notice to the State's Attorney. The
16 State's Attorney shall file the written notice with the
17 court. At the beginning of any court proceeding in which
18 the right of a victim may be at issue, the court and
19 prosecutor shall review the written notice to determine
20 whether the victim has asserted the right that may be at
21 issue.

22 (2) Victim's retained attorney. A victim's attorney
23 shall file an entry of appearance limited to assertion of
24 the victim's rights. Upon the filing of the entry of
25 appearance and service on the State's Attorney and the
26 defendant, the attorney is to receive copies of all

1 notices, motions and court orders filed thereafter in the
2 case.

3 (3) Standing. The victim has standing to assert the
4 rights enumerated in subsection (a) of Article I, Section
5 8.1 of the Illinois Constitution and the statutory rights
6 under Section 4 of this Act in any court exercising
7 jurisdiction over the criminal case. The prosecuting
8 attorney, a victim, or the victim's retained attorney may
9 assert the victim's rights. The defendant in the criminal
10 case has no standing to assert a right of the victim in any
11 court proceeding, including on appeal.

12 (4) Assertion of and enforcement of rights.

13 (A) The prosecuting attorney shall assert a
14 victim's right or request enforcement of a right by
15 filing a motion or by orally asserting the right or
16 requesting enforcement in open court in the criminal
17 case outside the presence of the jury. The prosecuting
18 attorney shall consult with the victim and the victim's
19 attorney regarding the assertion or enforcement of a
20 right. If the prosecuting attorney decides not to
21 assert or enforce a victim's right, the prosecuting
22 attorney shall notify the victim or the victim's
23 attorney in sufficient time to allow the victim or the
24 victim's attorney to assert the right or to seek
25 enforcement of a right.

26 (B) If the prosecuting attorney elects not to

1 assert a victim's right or to seek enforcement of a
2 right, the victim or the victim's attorney may assert
3 the victim's right or request enforcement of a right by
4 filing a motion or by orally asserting the right or
5 requesting enforcement in open court in the criminal
6 case outside the presence of the jury.

7 (C) If the prosecuting attorney asserts a victim's
8 right or seeks enforcement of a right, and the court
9 denies the assertion of the right or denies the request
10 for enforcement of a right, the victim or victim's
11 attorney may file a motion to assert the victim's right
12 or to request enforcement of the right within 10 days
13 of the court's ruling. The motion need not demonstrate
14 the grounds for a motion for reconsideration. The court
15 shall rule on the merits of the motion.

16 (D) The court shall take up and decide any motion
17 or request asserting or seeking enforcement of a
18 victim's right without delay, unless a specific time
19 period is specified by law or court rule. The reasons
20 for any decision denying the motion or request shall be
21 clearly stated on the record.

22 (5) Violation of rights and remedies.

23 (A) If the court determines that a victim's right
24 has been violated, the court shall determine the
25 appropriate remedy for the violation of the victim's
26 right by hearing from the victim and the parties,

1 considering all factors relevant to the issue, and then
2 awarding appropriate relief to the victim.

3 (A-5) Consideration of an issue of a substantive
4 nature or an issue that implicates the constitutional
5 or statutory right of a victim at a court proceeding
6 labeled as a status hearing shall constitute a per se
7 violation of a victim's right.

8 (B) The appropriate remedy shall include only
9 actions necessary to provide the victim the right to
10 which the victim was entitled and may include reopening
11 previously held proceedings; however, in no event
12 shall the court vacate a conviction. Any remedy shall
13 be tailored to provide the victim an appropriate remedy
14 without violating any constitutional right of the
15 defendant. In no event shall the appropriate remedy be
16 a new trial, damages, or costs.

17 (6) Right to be heard. Whenever a victim has the right
18 to be heard, the court shall allow the victim to exercise
19 the right in any reasonable manner the victim chooses.

20 (7) Right to attend trial. A party must file a written
21 motion to exclude a victim from trial at least 60 days
22 prior to the date set for trial. The motion must state with
23 specificity the reason exclusion is necessary to protect a
24 constitutional right of the party, and must contain an
25 offer of proof. The court shall rule on the motion within
26 30 days. If the motion is granted, the court shall set

1 forth on the record the facts that support its finding that
2 the victim's testimony will be materially affected if the
3 victim hears other testimony at trial.

4 (8) Right to have advocate and support person present
5 at court proceedings.

6 (A) A party who intends to call an advocate as a
7 witness at trial must seek permission of the court
8 before the subpoena is issued. The party must file a
9 written motion at least 90 days before trial that sets
10 forth specifically the issues on which the advocate's
11 testimony is sought and an offer of proof regarding (i)
12 the content of the anticipated testimony of the
13 advocate; and (ii) the relevance, admissibility, and
14 materiality of the anticipated testimony. The court
15 shall consider the motion and make findings within 30
16 days of the filing of the motion. If the court finds by
17 a preponderance of the evidence that: (i) the
18 anticipated testimony is not protected by an absolute
19 privilege; and (ii) the anticipated testimony contains
20 relevant, admissible, and material evidence that is
21 not available through other witnesses or evidence, the
22 court shall issue a subpoena requiring the advocate to
23 appear to testify at an in camera hearing. The
24 prosecuting attorney and the victim shall have 15 days
25 to seek appellate review before the advocate is
26 required to testify at an ex parte in camera

1 proceeding.

2 The prosecuting attorney, the victim, and the
3 advocate's attorney shall be allowed to be present at
4 the ex parte in camera proceeding. If, after conducting
5 the ex parte in camera hearing, the court determines
6 that due process requires any testimony regarding
7 confidential or privileged information or
8 communications, the court shall provide to the
9 prosecuting attorney, the victim, and the advocate's
10 attorney a written memorandum on the substance of the
11 advocate's testimony. The prosecuting attorney, the
12 victim, and the advocate's attorney shall have 15 days
13 to seek appellate review before a subpoena may be
14 issued for the advocate to testify at trial. The
15 presence of the prosecuting attorney at the ex parte in
16 camera proceeding does not make the substance of the
17 advocate's testimony that the court has ruled
18 inadmissible subject to discovery.

19 (B) If a victim has asserted the right to have a
20 support person present at the court proceedings, the
21 victim shall provide the name of the person the victim
22 has chosen to be the victim's support person to the
23 prosecuting attorney, within 60 days of trial. The
24 prosecuting attorney shall provide the name to the
25 defendant. If the defendant intends to call the support
26 person as a witness at trial, the defendant must seek

1 permission of the court before a subpoena is issued.
2 The defendant must file a written motion at least 45
3 days prior to trial that sets forth specifically the
4 issues on which the support person will testify and an
5 offer of proof regarding: (i) the content of the
6 anticipated testimony of the support person; and (ii)
7 the relevance, admissibility, and materiality of the
8 anticipated testimony.

9 If the prosecuting attorney intends to call the
10 support person as a witness during the State's
11 case-in-chief, the prosecuting attorney shall inform
12 the court of this intent in the response to the
13 defendant's written motion. The victim may choose a
14 different person to be the victim's support person. The
15 court may allow the defendant to inquire about matters
16 outside the scope of the direct examination during
17 cross-examination. If the court allows the defendant
18 to do so, the support person shall be allowed to remain
19 in the courtroom after the support person has
20 testified. A defendant who fails to question the
21 support person about matters outside the scope of
22 direct examination during the State's case-in-chief
23 waives the right to challenge the presence of the
24 support person on appeal. The court shall allow the
25 support person to testify if called as a witness in the
26 defendant's case-in-chief or the State's rebuttal.

1 If the court does not allow the defendant to
2 inquire about matters outside the scope of the direct
3 examination, the support person shall be allowed to
4 remain in the courtroom after the support person has
5 been called by the defendant or the defendant has
6 rested. The court shall allow the support person to
7 testify in the State's rebuttal.

8 If the prosecuting attorney does not intend to call
9 the support person in the State's case-in-chief, the
10 court shall verify with the support person whether the
11 support person, if called as a witness, would testify
12 as set forth in the offer of proof. If the court finds
13 that the support person would testify as set forth in
14 the offer of proof, the court shall rule on the
15 relevance, materiality, and admissibility of the
16 anticipated testimony. If the court rules the
17 anticipated testimony is admissible, the court shall
18 issue the subpoena. The support person may remain in
19 the courtroom after the support person testifies and
20 shall be allowed to testify in rebuttal.

21 If the court excludes the victim's support person
22 during the State's case-in-chief, the victim shall be
23 allowed to choose another support person to be present
24 in court.

25 If the victim fails to designate a support person
26 within 60 days of trial and the defendant has

1 subpoenaed the support person to testify at trial, the
2 court may exclude the support person from the trial
3 until the support person testifies. If the court
4 excludes the support person the victim may choose
5 another person as a support person.

6 (9) Right to notice and hearing before disclosure of
7 confidential or privileged information or records. A
8 defendant who seeks to subpoena records of or concerning
9 the victim that are confidential or privileged by law must
10 seek permission of the court before the subpoena is issued.
11 The defendant must file a written motion and an offer of
12 proof regarding the relevance, admissibility and
13 materiality of the records. If the court finds by a
14 preponderance of the evidence that: (A) the records are not
15 protected by an absolute privilege and (B) the records
16 contain relevant, admissible, and material evidence that
17 is not available through other witnesses or evidence, the
18 court shall issue a subpoena requiring a sealed copy of the
19 records be delivered to the court to be reviewed in camera.
20 If, after conducting an in camera review of the records,
21 the court determines that due process requires disclosure
22 of any portion of the records, the court shall provide
23 copies of what it intends to disclose to the prosecuting
24 attorney and the victim. The prosecuting attorney and the
25 victim shall have 30 days to seek appellate review before
26 the records are disclosed to the defendant. The disclosure

1 of copies of any portion of the records to the prosecuting
2 attorney does not make the records subject to discovery.

3 (10) Right to notice of court proceedings. If the
4 victim is not present at a court proceeding in which a
5 right of the victim is at issue, the court shall ask the
6 prosecuting attorney whether the victim was notified of the
7 time, place, and purpose of the court proceeding and that
8 the victim had a right to be heard at the court proceeding.
9 If the court determines that timely notice was not given or
10 that the victim was not adequately informed of the nature
11 of the court proceeding, the court shall not rule on any
12 substantive issues, accept a plea, or impose a sentence and
13 shall continue the hearing for the time necessary to notify
14 the victim of the time, place and nature of the court
15 proceeding. The time between court proceedings shall not be
16 attributable to the State under Section 103-5 of the Code
17 of Criminal Procedure of 1963.

18 (11) Right to timely disposition of the case. A victim
19 has the right to timely disposition of the case so as to
20 minimize the stress, cost, and inconvenience resulting
21 from the victim's involvement in the case. Before ruling on
22 a motion to continue trial or other court proceeding, the
23 court shall inquire into the circumstances for the request
24 for the delay and, if the victim has provided written
25 notice of the assertion of the right to a timely
26 disposition, and whether the victim objects to the delay.

1 If the victim objects, the prosecutor shall inform the
2 court of the victim's objections. If the prosecutor has not
3 conferred with the victim about the continuance, the
4 prosecutor shall inform the court of the attempts to
5 confer. If the court finds the attempts of the prosecutor
6 to confer with the victim were inadequate to protect the
7 victim's right to be heard, the court shall give the
8 prosecutor at least 3 but not more than 5 business days to
9 confer with the victim. In ruling on a motion to continue,
10 the court shall consider the reasons for the requested
11 continuance, the number and length of continuances that
12 have been granted, the victim's objections and procedures
13 to avoid further delays. If a continuance is granted over
14 the victim's objection, the court shall specify on the
15 record the reasons for the continuance and the procedures
16 that have been or will be taken to avoid further delays.

17 (12) Right to Restitution.

18 (A) If the victim has asserted the right to
19 restitution and the amount of restitution is known at
20 the time of sentencing, the court shall enter the
21 judgment of restitution at the time of sentencing.

22 (B) If the victim has asserted the right to
23 restitution and the amount of restitution is not known
24 at the time of sentencing, the prosecutor shall, within
25 5 days after sentencing, notify the victim what
26 information and documentation related to restitution

1 is needed and that the information and documentation
2 must be provided to the prosecutor within 45 days after
3 sentencing. Failure to timely provide information and
4 documentation related to restitution shall be deemed a
5 waiver of the right to restitution. The prosecutor
6 shall file and serve within 60 days after sentencing a
7 proposed judgment for restitution and a notice that
8 includes information concerning the identity of any
9 victims or other persons seeking restitution, whether
10 any victim or other person expressly declines
11 restitution, the nature and amount of any damages
12 together with any supporting documentation, a
13 restitution amount recommendation, and the names of
14 any co-defendants and their case numbers. Within 30
15 days after receipt of the proposed judgment for
16 restitution, the defendant shall file any objection to
17 the proposed judgment, a statement of grounds for the
18 objection, and a financial statement. If the defendant
19 does not file an objection, the court may enter the
20 judgment for restitution without further proceedings.
21 If the defendant files an objection and either party
22 requests a hearing, the court shall schedule a hearing.

23 (13) Access to presentence reports.

24 (A) The victim may request a copy of the
25 presentence report prepared under the Unified Code of
26 Corrections from the State's Attorney. The State's

1 Attorney shall redact the following information before
2 providing a copy of the report:

3 (i) the defendant's mental history and
4 condition;

5 (ii) any evaluation prepared under subsection
6 (b) or (b-5) of Section 5-3-2; and

7 (iii) the name, address, phone number, and
8 other personal information about any other victim.

9 (B) The State's Attorney or the defendant may
10 request the court redact other information in the
11 report that may endanger the safety of any person.

12 (C) The State's Attorney may orally disclose to the
13 victim any of the information that has been redacted if
14 there is a reasonable likelihood that the information
15 will be stated in court at the sentencing.

16 (D) The State's Attorney must advise the victim
17 that the victim must maintain the confidentiality of
18 the report and other information. Any dissemination of
19 the report or information that was not stated at a
20 court proceeding constitutes indirect criminal
21 contempt of court.

22 (14) Appellate relief. If the trial court denies the
23 relief requested, the victim, the victim's attorney, or the
24 prosecuting attorney may file an appeal within 30 days of
25 the trial court's ruling. The trial or appellate court may
26 stay the court proceedings if the court finds that a stay

1 would not violate a constitutional right of the defendant.
2 If the appellate court denies the relief sought, the
3 reasons for the denial shall be clearly stated in a written
4 opinion. In any appeal in a criminal case, the State may
5 assert as error the court's denial of any crime victim's
6 right in the proceeding to which the appeal relates.

7 (15) Limitation on appellate relief. In no case shall
8 an appellate court provide a new trial to remedy the
9 violation of a victim's right.

10 (16) The right to be reasonably protected from the
11 accused throughout the criminal justice process and the
12 right to have the safety of the victim and the victim's
13 family considered in ~~denying or fixing the amount of bail,~~
14 determining whether to release the defendant, and setting
15 conditions of release after arrest and conviction. A victim
16 of domestic violence, a sexual offense, or stalking may
17 request the entry of a protective order under Article 112A
18 of the Code of Criminal Procedure of 1963.

19 (d) Procedures after the imposition of sentence.

20 (1) The Prisoner Review Board shall inform a victim or
21 any other concerned citizen, upon written request, of the
22 prisoner's release on parole, mandatory supervised
23 release, electronic detention, work release, international
24 transfer or exchange, or by the custodian, other than the
25 Department of Juvenile Justice, of the discharge of any
26 individual who was adjudicated a delinquent for a crime

1 from State custody and by the sheriff of the appropriate
2 county of any such person's final discharge from county
3 custody. The Prisoner Review Board, upon written request,
4 shall provide to a victim or any other concerned citizen a
5 recent photograph of any person convicted of a felony, upon
6 his or her release from custody. The Prisoner Review Board,
7 upon written request, shall inform a victim or any other
8 concerned citizen when feasible at least 7 days prior to
9 the prisoner's release on furlough of the times and dates
10 of such furlough. Upon written request by the victim or any
11 other concerned citizen, the State's Attorney shall notify
12 the person once of the times and dates of release of a
13 prisoner sentenced to periodic imprisonment. Notification
14 shall be based on the most recent information as to
15 victim's or other concerned citizen's residence or other
16 location available to the notifying authority.

17 (2) When the defendant has been committed to the
18 Department of Human Services pursuant to Section 5-2-4 or
19 any other provision of the Unified Code of Corrections, the
20 victim may request to be notified by the releasing
21 authority of the approval by the court of an on-grounds
22 pass, a supervised off-grounds pass, an unsupervised
23 off-grounds pass, or conditional release; the release on an
24 off-grounds pass; the return from an off-grounds pass;
25 transfer to another facility; conditional release; escape;
26 death; or final discharge from State custody. The

1 Department of Human Services shall establish and maintain a
2 statewide telephone number to be used by victims to make
3 notification requests under these provisions and shall
4 publicize this telephone number on its website and to the
5 State's Attorney of each county.

6 (3) In the event of an escape from State custody, the
7 Department of Corrections or the Department of Juvenile
8 Justice immediately shall notify the Prisoner Review Board
9 of the escape and the Prisoner Review Board shall notify
10 the victim. The notification shall be based upon the most
11 recent information as to the victim's residence or other
12 location available to the Board. When no such information
13 is available, the Board shall make all reasonable efforts
14 to obtain the information and make the notification. When
15 the escapee is apprehended, the Department of Corrections
16 or the Department of Juvenile Justice immediately shall
17 notify the Prisoner Review Board and the Board shall notify
18 the victim.

19 (4) The victim of the crime for which the prisoner has
20 been sentenced has the right to register with the Prisoner
21 Review Board's victim registry. Victims registered with
22 the Board shall receive reasonable written notice not less
23 than 30 days prior to the parole hearing or target
24 aftercare release date. The victim has the right to submit
25 a victim statement for consideration by the Prisoner Review
26 Board or the Department of Juvenile Justice in writing, on

1 film, videotape, or other electronic means, or in the form
2 of a recording prior to the parole hearing or target
3 aftercare release date, or in person at the parole hearing
4 or aftercare release protest hearing, or by calling the
5 toll-free number established in subsection (f) of this
6 Section. 7 The victim shall be notified within 7 days after
7 the prisoner has been granted parole or aftercare release
8 and shall be informed of the right to inspect the registry
9 of parole decisions, established under subsection (g) of
10 Section 3-3-5 of the Unified Code of Corrections. The
11 provisions of this paragraph (4) are subject to the Open
12 Parole Hearings Act. Victim statements provided to the
13 Board shall be confidential and privileged, including any
14 statements received prior to January 1, 2020 (the effective
15 date of Public Act 101-288) ~~this amendatory Act of the~~
16 ~~101st General Assembly~~, except if the statement was an oral
17 statement made by the victim at a hearing open to the
18 public.

19 (4-1) The crime victim has the right to submit a victim
20 statement for consideration by the Prisoner Review Board or
21 the Department of Juvenile Justice prior to or at a hearing
22 to determine the conditions of mandatory supervised
23 release of a person sentenced to a determinate sentence or
24 at a hearing on revocation of mandatory supervised release
25 of a person sentenced to a determinate sentence. A victim
26 statement may be submitted in writing, on film, videotape,

1 or other electronic means, or in the form of a recording,
2 or orally at a hearing, or by calling the toll-free number
3 established in subsection (f) of this Section. Victim
4 statements provided to the Board shall be confidential and
5 privileged, including any statements received prior to
6 January 1, 2020 (the effective date of Public Act 101-288)
7 ~~this amendatory Act of the 101st General Assembly~~, except
8 if the statement was an oral statement made by the victim
9 at a hearing open to the public.

10 (4-2) The crime victim has the right to submit a victim
11 statement to the Prisoner Review Board for consideration at
12 an executive clemency hearing as provided in Section 3-3-13
13 of the Unified Code of Corrections. A victim statement may
14 be submitted in writing, on film, videotape, or other
15 electronic means, or in the form of a recording prior to a
16 hearing, or orally at a hearing, or by calling the
17 toll-free number established in subsection (f) of this
18 Section. Victim statements provided to the Board shall be
19 confidential and privileged, including any statements
20 received prior to January 1, 2020 (the effective date of
21 Public Act 101-288) ~~this amendatory Act of the 101st~~
22 ~~General Assembly~~, except if the statement was an oral
23 statement made by the victim at a hearing open to the
24 public.

25 (5) If a statement is presented under Section 6, the
26 Prisoner Review Board or Department of Juvenile Justice

1 shall inform the victim of any order of discharge pursuant
2 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
3 Corrections.

4 (6) At the written or oral request of the victim of the
5 crime for which the prisoner was sentenced or the State's
6 Attorney of the county where the person seeking parole or
7 aftercare release was prosecuted, the Prisoner Review
8 Board or Department of Juvenile Justice shall notify the
9 victim and the State's Attorney of the county where the
10 person seeking parole or aftercare release was prosecuted
11 of the death of the prisoner if the prisoner died while on
12 parole or aftercare release or mandatory supervised
13 release.

14 (7) When a defendant who has been committed to the
15 Department of Corrections, the Department of Juvenile
16 Justice, or the Department of Human Services is released or
17 discharged and subsequently committed to the Department of
18 Human Services as a sexually violent person and the victim
19 had requested to be notified by the releasing authority of
20 the defendant's discharge, conditional release, death, or
21 escape from State custody, the releasing authority shall
22 provide to the Department of Human Services such
23 information that would allow the Department of Human
24 Services to contact the victim.

25 (8) When a defendant has been convicted of a sex
26 offense as defined in Section 2 of the Sex Offender

1 Registration Act and has been sentenced to the Department
2 of Corrections or the Department of Juvenile Justice, the
3 Prisoner Review Board or the Department of Juvenile Justice
4 shall notify the victim of the sex offense of the
5 prisoner's eligibility for release on parole, aftercare
6 release, mandatory supervised release, electronic
7 detention, work release, international transfer or
8 exchange, or by the custodian of the discharge of any
9 individual who was adjudicated a delinquent for a sex
10 offense from State custody and by the sheriff of the
11 appropriate county of any such person's final discharge
12 from county custody. The notification shall be made to the
13 victim at least 30 days, whenever possible, before release
14 of the sex offender.

15 (e) The officials named in this Section may satisfy some or
16 all of their obligations to provide notices and other
17 information through participation in a statewide victim and
18 witness notification system established by the Attorney
19 General under Section 8.5 of this Act.

20 (f) The Prisoner Review Board shall establish a toll-free
21 number that may be accessed by the crime victim to present a
22 victim statement to the Board in accordance with paragraphs
23 (4), (4-1), and (4-2) of subsection (d).

24 (Source: P.A. 100-199, eff. 1-1-18; 100-961, eff. 1-1-19;
25 101-81, eff. 7-12-19; 101-288, eff. 1-1-20; revised 9-23-19.)

1 Section 100. The Pretrial Services Act is amended by
2 changing Sections 11, 20, 22, and 34 as follows:

3 (725 ILCS 185/11) (from Ch. 38, par. 311)

4 Sec. 11. No person shall be interviewed by a pretrial
5 services agency unless he or she has first been apprised of the
6 identity and purpose of the interviewer, the scope of the
7 interview, the right to secure legal advice, and the right to
8 refuse cooperation. Inquiry of the defendant shall carefully
9 exclude questions concerning the details of the current charge.
10 Statements made by the defendant during the interview, or
11 evidence derived therefrom, are admissible in evidence only
12 when the court is considering the imposition of pretrial or
13 posttrial conditions to ~~bail or~~ recognizance, or when
14 considering the modification of a prior release order.

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

16 (725 ILCS 185/20) (from Ch. 38, par. 320)

17 Sec. 20. In preparing and presenting its written reports
18 under Sections 17 and 19, pretrial services agencies shall in
19 appropriate cases include specific recommendations for ~~the~~
20 setting the conditions ~~, increase, or decrease~~ of pretrial
21 release bail; the release of the interviewee on his own
22 recognizance in sums certain; and the imposition of ~~pretrial~~
23 conditions of pretrial release ~~to bail~~ or recognizance designed
24 to minimize the risks of nonappearance, the commission of new

1 offenses while awaiting trial, and other potential
2 interference with the orderly administration of justice. In
3 establishing objective internal criteria of any such
4 recommendation policies, the agency may utilize so-called
5 "point scales" for evaluating the aforementioned risks, but no
6 interviewee shall be considered as ineligible for particular
7 agency recommendations by sole reference to such procedures.
8 (Source: P.A. 91-357, eff. 7-29-99.)

9 (725 ILCS 185/22) (from Ch. 38, par. 322)

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

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

21 (725 ILCS 185/34)

22 Sec. 34. Probation and court services departments
23 considered pretrial services agencies. For the purposes of
24 administering the provisions of Public Act 95-773, known as the

1 Cindy Bischof Law, all probation and court services departments
2 are to be considered pretrial services agencies under this Act
3 and under the pretrial release ~~bail bond~~ provisions of the Code
4 of Criminal Procedure of 1963.

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

6 Section 105. The Quasi-criminal and Misdemeanor Bail Act is
7 amended by changing the title of the Act and Sections 0.01, 1,
8 2, 3, and 5 as follows:

9 (725 ILCS 195/Act title)

10 An Act to authorize designated officers to let persons
11 charged with quasi-criminal offenses and misdemeanors to
12 pretrial release ~~bail~~ and to accept and receipt for fines on
13 pleas of guilty in minor offenses, in accordance with schedules
14 established by rule of court.

15 (725 ILCS 195/0.01) (from Ch. 16, par. 80)

16 Sec. 0.01. Short title. This Act may be cited as the
17 Quasi-criminal and Misdemeanor Pretrial Release ~~Bail~~ Act.

18 (Source: P.A. 86-1324.)

19 (725 ILCS 195/1) (from Ch. 16, par. 81)

20 Sec. 1. Whenever in any circuit there shall be in force a
21 rule or order of the Supreme Court establishing a uniform form
22 ~~schedule~~ prescribing the conditions of pretrial release

1 ~~amounts of bail~~ for specified conservation cases, traffic
2 cases, quasi-criminal offenses and misdemeanors, any general
3 superintendent, chief, captain, lieutenant, or sergeant of
4 police, or other police officer, the sheriff, the circuit
5 clerk, and any deputy sheriff or deputy circuit clerk
6 designated by the Circuit Court for the purpose, are authorized
7 to let to pretrial release ~~bail~~ any person charged with a
8 quasi-criminal offense or misdemeanor ~~and to accept and receipt~~
9 ~~for bonds or cash bail in accordance with regulations~~
10 ~~established by rule or order of the Supreme Court. Unless~~
11 ~~otherwise provided by Supreme Court Rule, no such bail may be~~
12 ~~posted or accepted in any place other than a police station,~~
13 ~~sheriff's office or jail, or other county, municipal or other~~
14 ~~building housing governmental units, or a division~~
15 ~~headquarters building of the Illinois State Police. Bonds and~~
16 ~~cash so received shall be delivered to the office of the~~
17 ~~circuit clerk or that of his designated deputy as provided by~~
18 ~~regulation. Such cash and securities so received shall be~~
19 ~~delivered to the office of such clerk or deputy clerk within at~~
20 ~~least 48 hours of receipt or within the time set for the~~
21 ~~accused's appearance in court whichever is earliest.~~

22 ~~In all cases where a person is admitted to bail under a~~
23 ~~uniform schedule prescribing the amount of bail for specified~~
24 ~~conservation cases, traffic cases, quasi-criminal offenses and~~
25 ~~misdemeanors the provisions of Section 110-15 of the "Code of~~
26 ~~Criminal Procedure of 1963", approved August 14, 1963, as~~

1 ~~amended by the 75th General Assembly shall be applicable.~~

2 (Source: P.A. 80-897.)

3 (725 ILCS 195/2) (from Ch. 16, par. 82)

4 Sec. 2. The conditions of the pretrial release ~~bail bond or~~
5 ~~deposit of cash bail~~ shall be that the accused will appear to
6 answer the charge in court at a time and place specified in the
7 pretrial release form ~~bond~~ and thereafter as ordered by the
8 court until discharged on final order of the court and to
9 submit himself to the orders and process of the court. The
10 accused shall be furnished with an official receipt on a form
11 prescribed by rule of court ~~for any cash or other security~~
12 ~~deposited,~~ and shall receive a copy of the pretrial release
13 form ~~bond~~ specifying the time and place of his court
14 appearance.

15 Upon performance of the conditions of the pretrial release
16 ~~bond,~~ the pretrial release form ~~bond~~ shall be null and void and
17 the accused shall be released from the conditions of pretrial
18 release ~~any cash bail or other security shall be returned to~~
19 ~~the accused.~~

20 (Source: Laws 1963, p. 2652.)

21 (725 ILCS 195/3) (from Ch. 16, par. 83)

22 Sec. 3.

23 In lieu of complying with the conditions of pretrial
24 release ~~making bond or depositing cash bail as provided in this~~

1 ~~Act or the deposit of other security authorized by law,~~ any
2 accused person has the right to be brought without unnecessary
3 delay before the nearest or most accessible judge of the
4 circuit to be dealt with according to law.

5 (Source: P.A. 77-1248.)

6 (725 ILCS 195/5) (from Ch. 16, par. 85)

7 Sec. 5.

8 Any person authorized to accept pretrial release ~~bail~~ or
9 pleas of guilty by this Act who violates any provision of this
10 Act is guilty of a Class B misdemeanor.

11 (Source: P.A. 77-2319.)

12 Section 110. The Unified Code of Corrections is amended by
13 changing Sections 5-3-2, 5-5-3.2, 5-6-4, 5-6-4.1, 5-8-4,
14 5-8A-4.1, 5-8A-7, and 8-2-1 as follows:

15 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

16 Sec. 5-3-2. Presentence report.

17 (a) In felony cases, the presentence report shall set
18 forth:

19 (1) the defendant's history of delinquency or
20 criminality, physical and mental history and condition,
21 family situation and background, economic status,
22 education, occupation and personal habits;

23 (2) information about special resources within the

1 community which might be available to assist the
2 defendant's rehabilitation, including treatment centers,
3 residential facilities, vocational training services,
4 correctional manpower programs, employment opportunities,
5 special educational programs, alcohol and drug abuse
6 programming, psychiatric and marriage counseling, and
7 other programs and facilities which could aid the
8 defendant's successful reintegration into society;

9 (3) the effect the offense committed has had upon the
10 victim or victims thereof, and any compensatory benefit
11 that various sentencing alternatives would confer on such
12 victim or victims;

13 (3.5) information provided by the victim's spouse,
14 guardian, parent, grandparent, and other immediate family
15 and household members about the effect the offense
16 committed has had on the victim and on the person providing
17 the information; if the victim's spouse, guardian, parent,
18 grandparent, or other immediate family or household member
19 has provided a written statement, the statement shall be
20 attached to the report;

21 (4) information concerning the defendant's status
22 since arrest, including his record if released on his own
23 recognizance, or the defendant's achievement record if
24 released on a conditional pre-trial supervision program;

25 (5) when appropriate, a plan, based upon the personal,
26 economic and social adjustment needs of the defendant,

1 utilizing public and private community resources as an
2 alternative to institutional sentencing;

3 (6) any other matters that the investigatory officer
4 deems relevant or the court directs to be included;

5 (7) information concerning the defendant's eligibility
6 for a sentence to a county impact incarceration program
7 under Section 5-8-1.2 of this Code; and

8 (8) information concerning the defendant's eligibility
9 for a sentence to an impact incarceration program
10 administered by the Department under Section 5-8-1.1.

11 (b) The investigation shall include a physical and mental
12 examination of the defendant when so ordered by the court. If
13 the court determines that such an examination should be made,
14 it shall issue an order that the defendant submit to
15 examination at such time and place as designated by the court
16 and that such examination be conducted by a physician,
17 psychologist or psychiatrist designated by the court. Such an
18 examination may be conducted in a court clinic if so ordered by
19 the court. The cost of such examination shall be paid by the
20 county in which the trial is held.

21 (b-5) In cases involving felony sex offenses in which the
22 offender is being considered for probation only or any felony
23 offense that is sexually motivated as defined in the Sex
24 Offender Management Board Act in which the offender is being
25 considered for probation only, the investigation shall include
26 a sex offender evaluation by an evaluator approved by the Board

1 and conducted in conformance with the standards developed under
2 the Sex Offender Management Board Act. In cases in which the
3 offender is being considered for any mandatory prison sentence,
4 the investigation shall not include a sex offender evaluation.

5 (c) In misdemeanor, business offense or petty offense
6 cases, except as specified in subsection (d) of this Section,
7 when a presentence report has been ordered by the court, such
8 presentence report shall contain information on the
9 defendant's history of delinquency or criminality and shall
10 further contain only those matters listed in any of paragraphs
11 (1) through (6) of subsection (a) or in subsection (b) of this
12 Section as are specified by the court in its order for the
13 report.

14 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or
15 12-30 of the Criminal Code of 1961 or the Criminal Code of
16 2012, the presentence report shall set forth information about
17 alcohol, drug abuse, psychiatric, and marriage counseling or
18 other treatment programs and facilities, information on the
19 defendant's history of delinquency or criminality, and shall
20 contain those additional 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.

23 (e) Nothing in this Section shall cause the defendant to be
24 held without pretrial release ~~bail~~ or to have his pretrial
25 release ~~bail~~ revoked for the purpose of preparing the
26 presentence report or making an examination.

1 (Source: P.A. 101-105, eff. 1-1-20; revised 9-24-19.)

2 (730 ILCS 5/5-5-3.2)

3 Sec. 5-5-3.2. Factors in aggravation and extended-term
4 sentencing.

5 (a) The following factors shall be accorded weight in favor
6 of imposing a term of imprisonment or may be considered by the
7 court as reasons to impose a more severe sentence under Section
8 5-8-1 or Article 4.5 of Chapter V:

9 (1) the defendant's conduct caused or threatened
10 serious harm;

11 (2) the defendant received compensation for committing
12 the offense;

13 (3) the defendant has a history of prior delinquency or
14 criminal activity;

15 (4) the defendant, by the duties of his office or by
16 his position, was obliged to prevent the particular offense
17 committed or to bring the offenders committing it to
18 justice;

19 (5) the defendant held public office at the time of the
20 offense, and the offense related to the conduct of that
21 office;

22 (6) the defendant utilized his professional reputation
23 or position in the community to commit the offense, or to
24 afford him an easier means of committing it;

25 (7) the sentence is necessary to deter others from

1 committing the same crime;

2 (8) the defendant committed the offense against a
3 person 60 years of age or older or such person's property;

4 (9) the defendant committed the offense against a
5 person who has a physical disability or such person's
6 property;

7 (10) by reason of another individual's actual or
8 perceived race, color, creed, religion, ancestry, gender,
9 sexual orientation, physical or mental disability, or
10 national origin, the defendant committed the offense
11 against (i) the person or property of that individual; (ii)
12 the person or property of a person who has an association
13 with, is married to, or has a friendship with the other
14 individual; or (iii) the person or property of a relative
15 (by blood or marriage) of a person described in clause (i)
16 or (ii). For the purposes of this Section, "sexual
17 orientation" has the meaning ascribed to it in paragraph
18 (O-1) of Section 1-103 of the Illinois Human Rights Act;

19 (11) the offense took place in a place of worship or on
20 the grounds of a place of worship, immediately prior to,
21 during or immediately following worship services. For
22 purposes of this subparagraph, "place of worship" shall
23 mean any church, synagogue or other building, structure or
24 place used primarily for religious worship;

25 (12) the defendant was convicted of a felony committed
26 while he was on pretrial release ~~released on bail~~ or his

1 own recognizance pending trial for a prior felony and was
2 convicted of such prior felony, or the defendant was
3 convicted of a felony committed while he was serving a
4 period of probation, conditional discharge, or mandatory
5 supervised release under subsection (d) of Section 5-8-1
6 for a prior felony;

7 (13) the defendant committed or attempted to commit a
8 felony while he was wearing a bulletproof vest. For the
9 purposes of this paragraph (13), a bulletproof vest is any
10 device which is designed for the purpose of protecting the
11 wearer from bullets, shot or other lethal projectiles;

12 (14) the defendant held a position of trust or
13 supervision such as, but not limited to, family member as
14 defined in Section 11-0.1 of the Criminal Code of 2012,
15 teacher, scout leader, baby sitter, or day care worker, in
16 relation to a victim under 18 years of age, and the
17 defendant committed an offense in violation of Section
18 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
19 11-14.4 except for an offense that involves keeping a place
20 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
21 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
22 or 12-16 of the Criminal Code of 1961 or the Criminal Code
23 of 2012 against that victim;

24 (15) the defendant committed an offense related to the
25 activities of an organized gang. For the purposes of this
26 factor, "organized gang" has the meaning ascribed to it in

1 Section 10 of the Streetgang Terrorism Omnibus Prevention
2 Act;

3 (16) the defendant committed an offense in violation of
4 one of the following Sections while in a school, regardless
5 of the time of day or time of year; on any conveyance
6 owned, leased, or contracted by a school to transport
7 students to or from school or a school related activity; on
8 the real property of a school; or on a public way within
9 1,000 feet of the real property comprising any school:
10 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
11 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
12 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
13 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
14 18-2, or 33A-2, or Section 12-3.05 except for subdivision
15 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
16 Criminal Code of 2012;

17 (16.5) the defendant committed an offense in violation
18 of one of the following Sections while in a day care
19 center, regardless of the time of day or time of year; on
20 the real property of a day care center, regardless of the
21 time of day or time of year; or on a public way within
22 1,000 feet of the real property comprising any day care
23 center, regardless of the time of day or time of year:
24 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
25 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
26 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,

1 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
2 18-2, or 33A-2, or Section 12-3.05 except for subdivision
3 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
4 Criminal Code of 2012;

5 (17) the defendant committed the offense by reason of
6 any person's activity as a community policing volunteer or
7 to prevent any person from engaging in activity as a
8 community policing volunteer. For the purpose of this
9 Section, "community policing volunteer" has the meaning
10 ascribed to it in Section 2-3.5 of the Criminal Code of
11 2012;

12 (18) the defendant committed the offense in a nursing
13 home or on the real property comprising a nursing home. For
14 the purposes of this paragraph (18), "nursing home" means a
15 skilled nursing or intermediate long term care facility
16 that is subject to license by the Illinois Department of
17 Public Health under the Nursing Home Care Act, the
18 Specialized Mental Health Rehabilitation Act of 2013, the
19 ID/DD Community Care Act, or the MC/DD Act;

20 (19) the defendant was a federally licensed firearm
21 dealer and was previously convicted of a violation of
22 subsection (a) of Section 3 of the Firearm Owners
23 Identification Card Act and has now committed either a
24 felony violation of the Firearm Owners Identification Card
25 Act or an act of armed violence while armed with a firearm;

26 (20) the defendant (i) committed the offense of

1 reckless homicide under Section 9-3 of the Criminal Code of
2 1961 or the Criminal Code of 2012 or the offense of driving
3 under the influence of alcohol, other drug or drugs,
4 intoxicating compound or compounds or any combination
5 thereof under Section 11-501 of the Illinois Vehicle Code
6 or a similar provision of a local ordinance and (ii) was
7 operating a motor vehicle in excess of 20 miles per hour
8 over the posted speed limit as provided in Article VI of
9 Chapter 11 of the Illinois Vehicle Code;

10 (21) the defendant (i) committed the offense of
11 reckless driving or aggravated reckless driving under
12 Section 11-503 of the Illinois Vehicle Code and (ii) was
13 operating a motor vehicle in excess of 20 miles per hour
14 over the posted speed limit as provided in Article VI of
15 Chapter 11 of the Illinois Vehicle Code;

16 (22) the defendant committed the offense against a
17 person that the defendant knew, or reasonably should have
18 known, was a member of the Armed Forces of the United
19 States serving on active duty. For purposes of this clause
20 (22), the term "Armed Forces" means any of the Armed Forces
21 of the United States, including a member of any reserve
22 component thereof or National Guard unit called to active
23 duty;

24 (23) the defendant committed the offense against a
25 person who was elderly or infirm or who was a person with a
26 disability by taking advantage of a family or fiduciary

1 relationship with the elderly or infirm person or person
2 with a disability;

3 (24) the defendant committed any offense under Section
4 11-20.1 of the Criminal Code of 1961 or the Criminal Code
5 of 2012 and possessed 100 or more images;

6 (25) the defendant committed the offense while the
7 defendant or the victim was in a train, bus, or other
8 vehicle used for public transportation;

9 (26) the defendant committed the offense of child
10 pornography or aggravated child pornography, specifically
11 including paragraph (1), (2), (3), (4), (5), or (7) of
12 subsection (a) of Section 11-20.1 of the Criminal Code of
13 1961 or the Criminal Code of 2012 where a child engaged in,
14 solicited for, depicted in, or posed in any act of sexual
15 penetration or bound, fettered, or subject to sadistic,
16 masochistic, or sadomasochistic abuse in a sexual context
17 and specifically including paragraph (1), (2), (3), (4),
18 (5), or (7) of subsection (a) of Section 11-20.1B or
19 Section 11-20.3 of the Criminal Code of 1961 where a child
20 engaged in, solicited for, depicted in, or posed in any act
21 of sexual penetration or bound, fettered, or subject to
22 sadistic, masochistic, or sadomasochistic abuse in a
23 sexual context;

24 (27) the defendant committed the offense of first
25 degree murder, assault, aggravated assault, battery,
26 aggravated battery, robbery, armed robbery, or aggravated

1 robbery against a person who was a veteran and the
2 defendant knew, or reasonably should have known, that the
3 person was a veteran performing duties as a representative
4 of a veterans' organization. For the purposes of this
5 paragraph (27), "veteran" means an Illinois resident who
6 has served as a member of the United States Armed Forces, a
7 member of the Illinois National Guard, or a member of the
8 United States Reserve Forces; and "veterans' organization"
9 means an organization comprised of members of which
10 substantially all are individuals who are veterans or
11 spouses, widows, or widowers of veterans, the primary
12 purpose of which is to promote the welfare of its members
13 and to provide assistance to the general public in such a
14 way as to confer a public benefit;

15 (28) the defendant committed the offense of assault,
16 aggravated assault, battery, aggravated battery, robbery,
17 armed robbery, or aggravated robbery against a person that
18 the defendant knew or reasonably should have known was a
19 letter carrier or postal worker while that person was
20 performing his or her duties delivering mail for the United
21 States Postal Service;

22 (29) the defendant committed the offense of criminal
23 sexual assault, aggravated criminal sexual assault,
24 criminal sexual abuse, or aggravated criminal sexual abuse
25 against a victim with an intellectual disability, and the
26 defendant holds a position of trust, authority, or

1 supervision in relation to the victim;

2 (30) the defendant committed the offense of promoting
3 juvenile prostitution, patronizing a prostitute, or
4 patronizing a minor engaged in prostitution and at the time
5 of the commission of the offense knew that the prostitute
6 or minor engaged in prostitution was in the custody or
7 guardianship of the Department of Children and Family
8 Services;

9 (31) the defendant (i) committed the offense of driving
10 while under the influence of alcohol, other drug or drugs,
11 intoxicating compound or compounds or any combination
12 thereof in violation of Section 11-501 of the Illinois
13 Vehicle Code or a similar provision of a local ordinance
14 and (ii) the defendant during the commission of the offense
15 was driving his or her vehicle upon a roadway designated
16 for one-way traffic in the opposite direction of the
17 direction indicated by official traffic control devices;
18 ~~or~~

19 (32) the defendant committed the offense of reckless
20 homicide while committing a violation of Section 11-907 of
21 the Illinois Vehicle Code;~~i-~~

22 (33) ~~(32)~~ the defendant was found guilty of an
23 administrative infraction related to an act or acts of
24 public indecency or sexual misconduct in the penal
25 institution. In this paragraph (33) ~~(32)~~, "penal
26 institution" has the same meaning as in Section 2-14 of the

1 Criminal Code of 2012; or.

2 (34) ~~(32)~~ the defendant committed the offense of
3 leaving the scene of an accident in violation of subsection
4 (b) of Section 11-401 of the Illinois Vehicle Code and the
5 accident resulted in the death of a person and at the time
6 of the offense, the defendant was: (i) driving under the
7 influence of alcohol, other drug or drugs, intoxicating
8 compound or compounds or any combination thereof as defined
9 by Section 11-501 of the Illinois Vehicle Code; or (ii)
10 operating the motor vehicle while using an electronic
11 communication device as defined in Section 12-610.2 of the
12 Illinois Vehicle Code.

13 For the purposes of this Section:

14 "School" is defined as a public or private elementary or
15 secondary school, community college, college, or university.

16 "Day care center" means a public or private State certified
17 and licensed day care center as defined in Section 2.09 of the
18 Child Care Act of 1969 that displays a sign in plain view
19 stating that the property is a day care center.

20 "Intellectual disability" means significantly subaverage
21 intellectual functioning which exists concurrently with
22 impairment in adaptive behavior.

23 "Public transportation" means the transportation or
24 conveyance of persons by means available to the general public,
25 and includes paratransit services.

26 "Traffic control devices" means all signs, signals,

1 markings, and devices that conform to the Illinois Manual on
2 Uniform Traffic Control Devices, placed or erected by authority
3 of a public body or official having jurisdiction, for the
4 purpose of regulating, warning, or guiding traffic.

5 (b) The following factors, related to all felonies, may be
6 considered by the court as reasons to impose an extended term
7 sentence under Section 5-8-2 upon any offender:

8 (1) When a defendant is convicted of any felony, after
9 having been previously convicted in Illinois or any other
10 jurisdiction of the same or similar class felony or greater
11 class felony, when such conviction has occurred within 10
12 years after the previous conviction, excluding time spent
13 in custody, and such charges are separately brought and
14 tried and arise out of different series of acts; or

15 (2) When a defendant is convicted of any felony and the
16 court finds that the offense was accompanied by
17 exceptionally brutal or heinous behavior indicative of
18 wanton cruelty; or

19 (3) When a defendant is convicted of any felony
20 committed against:

21 (i) a person under 12 years of age at the time of
22 the offense or such person's property;

23 (ii) a person 60 years of age or older at the time
24 of the offense or such person's property; or

25 (iii) a person who had a physical disability at the
26 time of the offense or such person's property; or

1 (4) When a defendant is convicted of any felony and the
2 offense involved any of the following types of specific
3 misconduct committed as part of a ceremony, rite,
4 initiation, observance, performance, practice or activity
5 of any actual or ostensible religious, fraternal, or social
6 group:

7 (i) the brutalizing or torturing of humans or
8 animals;

9 (ii) the theft of human corpses;

10 (iii) the kidnapping of humans;

11 (iv) the desecration of any cemetery, religious,
12 fraternal, business, governmental, educational, or
13 other building or property; or

14 (v) ritualized abuse of a child; or

15 (5) When a defendant is convicted of a felony other
16 than conspiracy and the court finds that the felony was
17 committed under an agreement with 2 or more other persons
18 to commit that offense and the defendant, with respect to
19 the other individuals, occupied a position of organizer,
20 supervisor, financier, or any other position of management
21 or leadership, and the court further finds that the felony
22 committed was related to or in furtherance of the criminal
23 activities of an organized gang or was motivated by the
24 defendant's leadership in an organized gang; or

25 (6) When a defendant is convicted of an offense
26 committed while using a firearm with a laser sight attached

1 to it. For purposes of this paragraph, "laser sight" has
2 the meaning ascribed to it in Section 26-7 of the Criminal
3 Code of 2012; or

4 (7) When a defendant who was at least 17 years of age
5 at the time of the commission of the offense is convicted
6 of a felony and has been previously adjudicated a
7 delinquent minor under the Juvenile Court Act of 1987 for
8 an act that if committed by an adult would be a Class X or
9 Class 1 felony when the conviction has occurred within 10
10 years after the previous adjudication, excluding time
11 spent in custody; or

12 (8) When a defendant commits any felony and the
13 defendant used, possessed, exercised control over, or
14 otherwise directed an animal to assault a law enforcement
15 officer engaged in the execution of his or her official
16 duties or in furtherance of the criminal activities of an
17 organized gang in which the defendant is engaged; or

18 (9) When a defendant commits any felony and the
19 defendant knowingly video or audio records the offense with
20 the intent to disseminate the recording.

21 (c) The following factors may be considered by the court as
22 reasons to impose an extended term sentence under Section 5-8-2
23 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

24 (1) When a defendant is convicted of first degree
25 murder, after having been previously convicted in Illinois
26 of any offense listed under paragraph (c)(2) of Section

1 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
2 within 10 years after the previous conviction, excluding
3 time spent in custody, and the charges are separately
4 brought and tried and arise out of different series of
5 acts.

6 (1.5) When a defendant is convicted of first degree
7 murder, after having been previously convicted of domestic
8 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
9 (720 ILCS 5/12-3.3) committed on the same victim or after
10 having been previously convicted of violation of an order
11 of protection (720 ILCS 5/12-30) in which the same victim
12 was the protected person.

13 (2) When a defendant is convicted of voluntary
14 manslaughter, second degree murder, involuntary
15 manslaughter, or reckless homicide in which the defendant
16 has been convicted of causing the death of more than one
17 individual.

18 (3) When a defendant is convicted of aggravated
19 criminal sexual assault or criminal sexual assault, when
20 there is a finding that aggravated criminal sexual assault
21 or criminal sexual assault was also committed on the same
22 victim by one or more other individuals, and the defendant
23 voluntarily participated in the crime with the knowledge of
24 the participation of the others in the crime, and the
25 commission of the crime was part of a single course of
26 conduct during which there was no substantial change in the

1 nature of the criminal objective.

2 (4) If the victim was under 18 years of age at the time
3 of the commission of the offense, when a defendant is
4 convicted of aggravated criminal sexual assault or
5 predatory criminal sexual assault of a child under
6 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
7 of Section 12-14.1 of the Criminal Code of 1961 or the
8 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

9 (5) When a defendant is convicted of a felony violation
10 of Section 24-1 of the Criminal Code of 1961 or the
11 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
12 finding that the defendant is a member of an organized
13 gang.

14 (6) When a defendant was convicted of unlawful use of
15 weapons under Section 24-1 of the Criminal Code of 1961 or
16 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
17 a weapon that is not readily distinguishable as one of the
18 weapons enumerated in Section 24-1 of the Criminal Code of
19 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

20 (7) When a defendant is convicted of an offense
21 involving the illegal manufacture of a controlled
22 substance under Section 401 of the Illinois Controlled
23 Substances Act (720 ILCS 570/401), the illegal manufacture
24 of methamphetamine under Section 25 of the Methamphetamine
25 Control and Community Protection Act (720 ILCS 646/25), or
26 the illegal possession of explosives and an emergency

1 response officer in the performance of his or her duties is
2 killed or injured at the scene of the offense while
3 responding to the emergency caused by the commission of the
4 offense. In this paragraph, "emergency" means a situation
5 in which a person's life, health, or safety is in jeopardy;
6 and "emergency response officer" means a peace officer,
7 community policing volunteer, fireman, emergency medical
8 technician-ambulance, emergency medical
9 technician-intermediate, emergency medical
10 technician-paramedic, ambulance driver, other medical
11 assistance or first aid personnel, or hospital emergency
12 room personnel.

13 (8) When the defendant is convicted of attempted mob
14 action, solicitation to commit mob action, or conspiracy to
15 commit mob action under Section 8-1, 8-2, or 8-4 of the
16 Criminal Code of 2012, where the criminal object is a
17 violation of Section 25-1 of the Criminal Code of 2012, and
18 an electronic communication is used in the commission of
19 the offense. For the purposes of this paragraph (8),
20 "electronic communication" shall have the meaning provided
21 in Section 26.5-0.1 of the Criminal Code of 2012.

22 (d) For the purposes of this Section, "organized gang" has
23 the meaning ascribed to it in Section 10 of the Illinois
24 Streetgang Terrorism Omnibus Prevention Act.

25 (e) The court may impose an extended term sentence under
26 Article 4.5 of Chapter V upon an offender who has been

1 convicted of a felony violation of Section 11-1.20, 11-1.30,
2 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
3 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
4 when the victim of the offense is under 18 years of age at the
5 time of the commission of the offense and, during the
6 commission of the offense, the victim was under the influence
7 of alcohol, regardless of whether or not the alcohol was
8 supplied by the offender; and the offender, at the time of the
9 commission of the offense, knew or should have known that the
10 victim had consumed alcohol.

11 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;
12 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; revised 9-18-19.)

13 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (k) (1) On and after the effective date of this amendatory
12 Act of the 101st General Assembly, this subsection (k) shall
13 apply to arrest warrants in Cook County only. An arrest warrant
14 issued under paragraph (3) of subsection (a) when the
15 underlying conviction is for the offense of theft, retail
16 theft, or possession of a controlled substance shall remain
17 active for a period not to exceed 10 years from the date the
18 warrant was issued unless a motion to extend the warrant is
19 filed by the office of the State's Attorney or by, or on behalf
20 of, the agency supervising the wanted person. A motion to
21 extend the warrant shall be filed within one year before the
22 warrant expiration date and notice shall be provided to the
23 office of the sheriff.

24 (2) If a motion to extend a warrant issued under paragraph
25 (3) of subsection (a) is not filed, the warrant shall be
26 quashed and recalled as a matter of law under paragraph (1) of

1 this subsection (k) and the wanted person's period of
2 probation, conditional discharge, or supervision shall
3 terminate unsatisfactorily as a matter of law.

4 (Source: P.A. 101-406, eff. 1-1-20.)

5 (730 ILCS 5/5-6-4.1) (from Ch. 38, par. 1005-6-4.1)

6 Sec. 5-6-4.1. Violation, Modification or Revocation of
7 Conditional Discharge or Supervision - Hearing.)

8 (a) In cases where a defendant was placed upon supervision
9 or conditional discharge for the commission of a petty offense,
10 upon the oral or written motion of the State, or on the court's
11 own motion, which charges that a violation of a condition of
12 that conditional discharge or supervision has occurred, the
13 court may:

14 (1) Conduct a hearing instanter if the offender is
15 present in court;

16 (2) Order the issuance by the court clerk of a notice
17 to the offender to be present for a hearing for violation;

18 (3) Order summons to the offender to be present; or

19 (4) Order a warrant for the offender's arrest.

20 The oral motion, if the defendant is present, or the
21 issuance of such warrant, summons or notice shall toll the
22 period of conditional discharge or supervision until the final
23 determination of the charge, and the term of conditional
24 discharge or supervision shall not run until the hearing and
25 disposition of the petition for violation.

1 (b) The Court shall admit the offender to pretrial release
2 ~~bail~~ pending the hearing.

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

8 (d) Conditional discharge or supervision shall not be
9 revoked for failure to comply with the conditions of the
10 discharge or supervision which imposed financial obligations
11 upon the offender unless such failure is due to his wilful
12 refusal to pay.

13 (e) If the court finds that the offender has violated a
14 condition at any time prior to the expiration or termination of
15 the period, it may continue him on the existing sentence or
16 supervision with or without modifying or enlarging the
17 conditions, or may impose any other sentence that was available
18 under Article 4.5 of Chapter V of this Code or Section 11-501
19 of the Illinois Vehicle Code at the time of initial sentencing.

20 (f) The conditions of conditional discharge and of
21 supervision may be modified by the court on motion of the
22 probation officer or on its own motion or at the request of the
23 offender after notice to the defendant and a hearing.

24 (g) A judgment revoking supervision is a final appealable
25 order.

26 (h) Resentencing after revocation of conditional discharge

1 or of supervision shall be under Article 4. Time served on
2 conditional discharge or supervision shall be credited by the
3 court against a sentence of imprisonment or periodic
4 imprisonment unless the court orders otherwise.

5 (Source: P.A. 95-1052, eff. 7-1-09.)

6 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

7 Sec. 5-8-4. Concurrent and consecutive terms of
8 imprisonment.

9 (a) (Blank). ~~Concurrent terms; multiple or additional~~
10 ~~sentences. When an Illinois court (i) imposes multiple~~
11 ~~sentences of imprisonment on a defendant at the same time or~~
12 ~~(ii) imposes a sentence of imprisonment on a defendant who is~~
13 ~~already subject to a sentence of imprisonment imposed by an~~
14 ~~Illinois court, a court of another state, or a federal court,~~
15 ~~then the sentences shall run concurrently unless otherwise~~
16 ~~determined by the Illinois court under this Section.~~

17 (b) (Blank). ~~Concurrent terms; misdemeanor and felony. A~~
18 ~~defendant serving a sentence for a misdemeanor who is convicted~~
19 ~~of a felony and sentenced to imprisonment shall be transferred~~
20 ~~to the Department of Corrections, and the misdemeanor sentence~~
21 ~~shall be merged in and run concurrently with the felony~~
22 ~~sentence.~~

23 (c) Consecutive terms; permissive. The court may impose
24 consecutive sentences in any of the following circumstances:

25 (1) If, having regard to the nature and circumstances

1 of the offense and the history and character of the
2 defendant, it is the opinion of the court that consecutive
3 sentences are required to protect the public from further
4 criminal conduct by the defendant, the basis for which the
5 court shall set forth in the record.

6 (2) If one of the offenses for which a defendant was
7 convicted was a violation of Section 32-5.2 (aggravated
8 false personation of a peace officer) of the Criminal Code
9 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
10 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
11 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
12 offense was committed in attempting or committing a
13 forcible felony.

14 (d) Consecutive terms; mandatory. The court shall impose
15 consecutive sentences in each of the following circumstances:

16 (1) One of the offenses for which the defendant was
17 convicted was first degree murder or a Class X or Class 1
18 felony and the defendant inflicted severe bodily injury.

19 (2) The defendant was convicted of a violation of
20 Section 11-1.20 or 12-13 (criminal sexual assault),
21 11-1.30 or 12-14 (aggravated criminal sexual assault), or
22 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
23 child) of the Criminal Code of 1961 or the Criminal Code of
24 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
25 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
26 5/12-14.1).

1 (2.5) The defendant was convicted of a violation of
2 paragraph (1), (2), (3), (4), (5), or (7) of subsection (a)
3 of Section 11-20.1 (child pornography) or of paragraph (1),
4 (2), (3), (4), (5), or (7) of subsection (a) of Section
5 11-20.1B or 11-20.3 (aggravated child pornography) of the
6 Criminal Code of 1961 or the Criminal Code of 2012; or the
7 defendant was convicted of a violation of paragraph (6) of
8 subsection (a) of Section 11-20.1 (child pornography) or of
9 paragraph (6) of subsection (a) of Section 11-20.1B or
10 11-20.3 (aggravated child pornography) of the Criminal
11 Code of 1961 or the Criminal Code of 2012, when the child
12 depicted is under the age of 13.

13 (3) The defendant was convicted of armed violence based
14 upon the predicate offense of any of the following:
15 solicitation of murder, solicitation of murder for hire,
16 heinous battery as described in Section 12-4.1 or
17 subdivision (a)(2) of Section 12-3.05, aggravated battery
18 of a senior citizen as described in Section 12-4.6 or
19 subdivision (a)(4) of Section 12-3.05, criminal sexual
20 assault, a violation of subsection (g) of Section 5 of the
21 Cannabis Control Act (720 ILCS 550/5), cannabis
22 trafficking, a violation of subsection (a) of Section 401
23 of the Illinois Controlled Substances Act (720 ILCS
24 570/401), controlled substance trafficking involving a
25 Class X felony amount of controlled substance under Section
26 401 of the Illinois Controlled Substances Act (720 ILCS

1 570/401), a violation of the Methamphetamine Control and
2 Community Protection Act (720 ILCS 646/), calculated
3 criminal drug conspiracy, or streetgang criminal drug
4 conspiracy.

5 (4) The defendant was convicted of the offense of
6 leaving the scene of a motor vehicle accident involving
7 death or personal injuries under Section 11-401 of the
8 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
9 aggravated driving under the influence of alcohol, other
10 drug or drugs, or intoxicating compound or compounds, or
11 any combination thereof under Section 11-501 of the
12 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
13 homicide under Section 9-3 of the Criminal Code of 1961 or
14 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
15 offense described in item (A) and an offense described in
16 item (B).

17 (5) The defendant was convicted of a violation of
18 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
19 death) or Section 12-20.5 (dismembering a human body) of
20 the Criminal Code of 1961 or the Criminal Code of 2012 (720
21 ILCS 5/9-3.1 or 5/12-20.5).

22 (5.5) The defendant was convicted of a violation of
23 Section 24-3.7 (use of a stolen firearm in the commission
24 of an offense) of the Criminal Code of 1961 or the Criminal
25 Code of 2012.

26 (6) If the defendant was in the custody of the

1 Department of Corrections at the time of the commission of
2 the offense, the sentence shall be served consecutive to
3 the sentence under which the defendant is held by the
4 Department of Corrections. If, however, the defendant is
5 sentenced to punishment by death, the sentence shall be
6 executed at such time as the court may fix without regard
7 to the sentence under which the defendant may be held by
8 the Department.

9 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
10 for escape or attempted escape shall be served consecutive
11 to the terms under which the offender is held by the
12 Department of Corrections.

13 (8) If a person charged with a felony commits a
14 separate felony while on pretrial release or in pretrial
15 detention in a county jail facility or county detention
16 facility, then the sentences imposed upon conviction of
17 these felonies may ~~shall~~ be served consecutively
18 regardless of the order in which the judgments of
19 conviction are entered.

20 (8.5) If a person commits a battery against a county
21 correctional officer or sheriff's employee while serving a
22 sentence or in pretrial detention in a county jail
23 facility, then the sentence imposed upon conviction of the
24 battery may ~~shall~~ be served consecutively with the sentence
25 imposed upon conviction of the earlier misdemeanor or
26 felony, regardless of the order in which the judgments of

1 conviction are entered.

2 (9) If a person admitted to pretrial release ~~bail~~
3 following conviction of a felony commits a separate felony
4 while free on pretrial release ~~bond~~ or if a person detained
5 in a county jail facility or county detention facility
6 following conviction of a felony commits a separate felony
7 while in detention, then any sentence following conviction
8 of the separate felony may ~~shall~~ be consecutive to that of
9 the original sentence for which the defendant was on
10 pretrial release ~~bond~~ or detained.

11 (10) If a person is found to be in possession of an
12 item of contraband, as defined in Section 31A-0.1 of the
13 Criminal Code of 2012, while serving a sentence in a county
14 jail or while in pre-trial detention in a county jail, the
15 sentence imposed upon conviction for the offense of
16 possessing contraband in a penal institution may ~~shall~~ be
17 served consecutively to the sentence imposed for the
18 offense in which the person is serving sentence in the
19 county jail or serving pretrial detention, regardless of
20 the order in which the judgments of conviction are entered.

21 (11) If a person is sentenced for a violation of the
22 conditions of pretrial release ~~bail-bond~~ under Section
23 32-10 of the Criminal Code of 1961 or the Criminal Code of
24 2012, any sentence imposed for that violation may ~~shall~~ be
25 served consecutive to the sentence imposed for the charge
26 for which pretrial release ~~bail~~ had been granted and with

1 respect to which the defendant has been convicted.

2 (e) (Blank). ~~Consecutive terms; subsequent non-Illinois~~
3 ~~term. If an Illinois court has imposed a sentence of~~
4 ~~imprisonment on a defendant and the defendant is subsequently~~
5 ~~sentenced to a term of imprisonment by a court of another state~~
6 ~~or a federal court, then the Illinois sentence shall run~~
7 ~~consecutively to the sentence imposed by the court of the other~~
8 ~~state or the federal court. That same Illinois court, however,~~
9 ~~may order that the Illinois sentence run concurrently with the~~
10 ~~sentence imposed by the court of the other state or the federal~~
11 ~~court, but only if the defendant applies to that same Illinois~~
12 ~~court within 30 days after the sentence imposed by the court of~~
13 ~~the other state or the federal court is finalized.~~

14 (f) ~~Consecutive terms; aggregate maximums and minimums.~~
15 ~~The aggregate maximum and aggregate minimum of consecutive~~
16 ~~sentences shall be determined as follows:~~

17 ~~(1) For sentences imposed under law in effect prior to~~
18 ~~February 1, 1978, the aggregate maximum of consecutive~~
19 ~~sentences shall not exceed the maximum term authorized~~
20 ~~under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of~~
21 ~~Chapter V for the 2 most serious felonies involved. The~~
22 ~~aggregate minimum period of consecutive sentences shall~~
23 ~~not exceed the highest minimum term authorized under~~
24 ~~Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter~~
25 ~~V for the 2 most serious felonies involved. When sentenced~~
26 ~~only for misdemeanors, a defendant shall not be~~

1 ~~consecutively sentenced to more than the maximum for one~~
2 ~~Class A misdemeanor.~~

3 ~~(2) For sentences imposed under the law in effect on or~~
4 ~~after February 1, 1978, the aggregate of consecutive~~
5 ~~sentences for offenses that were committed as part of a~~
6 ~~single course of conduct during which there was no~~
7 ~~substantial change in the nature of the criminal objective~~
8 ~~shall not exceed the sum of the maximum terms authorized~~
9 ~~under Article 4.5 of Chapter V for the 2 most serious~~
10 ~~felonies involved, but no such limitation shall apply for~~
11 ~~offenses that were not committed as part of a single course~~
12 ~~of conduct during which there was no substantial change in~~
13 ~~the nature of the criminal objective. When sentenced only~~
14 ~~for misdemeanors, a defendant shall not be consecutively~~
15 ~~sentenced to more than the maximum for one Class A~~
16 ~~misdemeanor.~~

17 ~~(g) Consecutive terms; manner served. In determining the~~
18 ~~manner in which consecutive sentences of imprisonment, one or~~
19 ~~more of which is for a felony, will be served, the Department~~
20 ~~of Corrections shall treat the defendant as though he or she~~
21 ~~had been committed for a single term subject to each of the~~
22 ~~following:~~

23 ~~(1) The maximum period of a term of imprisonment shall~~
24 ~~consist of the aggregate of the maximums of the imposed~~
25 ~~indeterminate terms, if any, plus the aggregate of the~~
26 ~~imposed determinate sentences for felonies, plus the~~

1 ~~aggregate of the imposed determinate sentences for~~
2 ~~misdemeanors, subject to subsection (f) of this Section.~~

3 ~~(2) The parole or mandatory supervised release term~~
4 ~~shall be as provided in paragraph (c) of Section 5-4.5-50~~
5 ~~(730 ILCS 5/5-4.5-50) for the most serious of the offenses~~
6 ~~involved.~~

7 ~~(3) The minimum period of imprisonment shall be the~~
8 ~~aggregate of the minimum and determinate periods of~~
9 ~~imprisonment imposed by the court, subject to subsection~~
10 ~~(f) of this Section.~~

11 ~~(4) The defendant shall be awarded credit against the~~
12 ~~aggregate maximum term and the aggregate minimum term of~~
13 ~~imprisonment for all time served in an institution since~~
14 ~~the commission of the offense or offenses and as a~~
15 ~~consequence thereof at the rate specified in Section 3-6-3~~
16 ~~(730 ILCS 5/3-6-3).~~

17 (Source: P.A. 97-475, eff. 8-22-11; 97-1108, eff. 1-1-13;
18 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-437, eff.
19 1-1-14.)

20 (730 ILCS 5/5-8A-4.1)

21 Sec. 5-8A-4.1. Escape; failure to comply with a condition
22 of the electronic monitoring or home detention program.

23 (a) A person charged with or convicted of a felony, or
24 charged with or adjudicated delinquent for an act which, if
25 committed by an adult, would constitute a felony, conditionally

1 released from the supervising authority through an electronic
2 monitoring or home detention program, who knowingly violates a
3 condition of the electronic monitoring or home detention
4 program and remains in violation for at least 48 hours is
5 guilty of a Class A misdemeanor ~~3 felony~~.

6 (b) A person charged with or convicted of a misdemeanor, or
7 charged with or adjudicated delinquent for an act which, if
8 committed by an adult, would constitute a misdemeanor,
9 conditionally released from the supervising authority through
10 an electronic monitoring or home detention program, who
11 knowingly violates a condition of the electronic monitoring or
12 home detention program and remains in violation for at least 48
13 hours is guilty of a Class C B misdemeanor.

14 (c) A person who violates this Section while armed with a
15 dangerous weapon is guilty of a Class 4 1 felony for the first
16 offense and a Class 3 felony for a second or subsequent
17 offense.

18 (Source: P.A. 99-797, eff. 8-12-16; 100-431, eff. 8-25-17.)

19 (730 ILCS 5/5-8A-7)

20 Sec. 5-8A-7. Domestic violence surveillance program. If
21 the Prisoner Review Board, Department of Corrections,
22 Department of Juvenile Justice, or court (the supervising
23 authority) orders electronic surveillance as a condition of
24 parole, aftercare release, mandatory supervised release, early
25 release, probation, or conditional discharge for a violation of

1 an order of protection or as a condition of pretrial release
2 ~~bail~~ for a person charged with a violation of an order of
3 protection, the supervising authority shall use the best
4 available global positioning technology to track domestic
5 violence offenders. Best available technology must have
6 real-time and interactive capabilities that facilitate the
7 following objectives: (1) immediate notification to the
8 supervising authority of a breach of a court ordered exclusion
9 zone; (2) notification of the breach to the offender; and (3)
10 communication between the supervising authority, law
11 enforcement, and the victim, regarding the breach. The
12 supervising authority may also require that the electronic
13 surveillance ordered under this Section monitor the
14 consumption of alcohol or drugs.

15 (Source: P.A. 99-628, eff. 1-1-17; 99-797, eff. 8-12-16;
16 100-201, eff. 8-18-17.)

17 (730 ILCS 5/8-2-1) (from Ch. 38, par. 1008-2-1)

18 Sec. 8-2-1. Saving Clause.

19 The repeal of Acts or parts of Acts enumerated in Section
20 8-5-1 does not: (1) affect any offense committed, act done,
21 prosecution pending, penalty, punishment or forfeiture
22 incurred, or rights, powers or remedies accrued under any law
23 in effect immediately prior to the effective date of this Code;
24 (2) impair, avoid, or affect any grant or conveyance made or
25 right acquired or cause of action then existing under any such

1 repealed Act or amendment thereto; (3) affect or impair the
2 validity of any pretrial release ~~bail or other bond~~ or other
3 obligation issued or sold and constituting a valid obligation
4 of the issuing authority immediately prior to the effective
5 date of this Code; (4) the validity of any contract; or (5) the
6 validity of any tax levied under any law in effect prior to the
7 effective date of this Code. The repeal of any validating Act
8 or part thereof shall not avoid the effect of the validation.
9 No Act repealed by Section 8-5-1 shall repeal any Act or part
10 thereof which embraces the same or a similar subject matter as
11 the Act repealed.

12 (Source: P.A. 78-255.)

13 Section 120. The Probation and Probation Officers Act is
14 amended by changing Section 18 as follows:

15 (730 ILCS 110/18)

16 Sec. 18. Probation and court services departments
17 considered pretrial services agencies. For the purposes of
18 administering the provisions of Public Act 95-773, known as the
19 Cindy Bischof Law, all probation and court services departments
20 are to be considered pretrial services agencies under the
21 Pretrial Services Act and under the pretrial release ~~bail bond~~
22 provisions of the Code of Criminal Procedure of 1963.

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

1 Section 125. The County Jail Act is amended by changing
2 Section 5 as follows:

3 (730 ILCS 125/5) (from Ch. 75, par. 105)

4 Sec. 5. Costs of maintaining prisoners.

5 (a) Except as provided in subsections (b) and (c), all
6 costs of maintaining persons committed for violations of
7 Illinois law, shall be the responsibility of the county. Except
8 as provided in subsection (b), all costs of maintaining persons
9 committed under any ordinance or resolution of a unit of local
10 government, including medical costs, is the responsibility of
11 the unit of local government enacting the ordinance or
12 resolution, and arresting the person.

13 (b) If a person who is serving a term of mandatory
14 supervised release for a felony is incarcerated in a county
15 jail, the Illinois Department of Corrections shall pay the
16 county in which that jail is located one-half of the cost of
17 incarceration, as calculated by the Governor's Office of
18 Management and Budget and the county's chief financial officer,
19 for each day that the person remains in the county jail after
20 notice of the incarceration is given to the Illinois Department
21 of Corrections by the county, provided that (i) the Illinois
22 Department of Corrections has issued a warrant for an alleged
23 violation of mandatory supervised release by the person; (ii)
24 if the person is incarcerated on a new charge, unrelated to the
25 offense for which he or she is on mandatory supervised release,

1 there has been a court hearing at which the conditions of
2 pretrial release have ~~bail has~~ been set on the new charge;

3 (iii) the county has notified the Illinois Department of
4 Corrections that the person is incarcerated in the county jail,
5 which notice shall not be given until the ~~bail~~ hearing has
6 concluded, if the person is incarcerated on a new charge; and
7 (iv) the person remains incarcerated in the county jail for
8 more than 48 hours after the notice has been given to the
9 Department of Corrections by the county. Calculation of the per
10 diem cost shall be agreed upon prior to the passage of the
11 annual State budget.

12 (c) If a person who is serving a term of mandatory
13 supervised release is incarcerated in a county jail, following
14 an arrest on a warrant issued by the Illinois Department of
15 Corrections, solely for violation of a condition of mandatory
16 supervised release and not on any new charges for a new
17 offense, then the Illinois Department of Corrections shall pay
18 the medical costs incurred by the county in securing treatment
19 for that person, for any injury or condition other than one
20 arising out of or in conjunction with the arrest of the person
21 or resulting from the conduct of county personnel, while he or
22 she remains in the county jail on the warrant issued by the
23 Illinois Department of Corrections.

24 (Source: P.A. 94-678, eff. 1-1-06; 94-1094, eff. 1-26-07.)

25 Section 130. The County Jail Good Behavior Allowance Act is

1 amended by changing Section 3 as follows:

2 (730 ILCS 130/3) (from Ch. 75, par. 32)

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

25 Such good behavior allowance shall be cumulative and

1 awarded as provided in this Section.

2 The good behavior allowance rate shall be cumulative and
3 awarded on the following basis:

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

21 If consecutive sentences are served and the time served
22 amounts to a total of one year or more, the good behavior
23 allowance shall be calculated on a continuous basis throughout
24 the entire time served beginning on the first date of sentence
25 or incarceration, as the case may be.

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

1 Section 135. The Code of Civil Procedure is amended by
2 changing Sections 10-106, 10-125, 10-127, 10-135, 10-136, and
3 21-103 as follows:

4 (735 ILCS 5/10-106) (from Ch. 110, par. 10-106)

5 Sec. 10-106. Grant of relief - Penalty. Unless it shall
6 appear from the complaint itself, or from the documents thereto
7 annexed, that the party can neither be discharged, admitted to
8 pretrial release ~~bail~~ nor otherwise relieved, the court shall
9 forthwith award relief by habeas corpus. Any judge empowered to
10 grant relief by habeas corpus who shall corruptly refuse to
11 grant the relief when legally applied for in a case where it
12 may lawfully be granted, or who shall for the purpose of
13 oppression unreasonably delay the granting of such relief
14 shall, for every such offense, forfeit to the prisoner or party
15 affected a sum not exceeding \$1,000.

16 (Source: P.A. 83-707.)

17 (735 ILCS 5/10-125) (from Ch. 110, par. 10-125)

18 Sec. 10-125. New commitment. In all cases where the
19 imprisonment is for a criminal, or supposed criminal matter, if
20 it appears to the court that there is sufficient legal cause
21 for the commitment of the prisoner, although such commitment
22 may have been informally made, or without due authority, or the
23 process may have been executed by a person not duly authorized,

1 the court shall make a new commitment in proper form, and
2 direct it to the proper officer, or admit the party to pretrial
3 release bail if the case is eligible for pretrial release
4 bailable. The court shall also, when necessary, take the
5 recognizance of all material witnesses against the prisoner, as
6 in other cases. The recognizances shall be in the form provided
7 by law, and returned as other recognizances. If any judge shall
8 neglect or refuse to bind any such prisoner or witness by
9 recognizance, or to return a recognizance when taken as
10 hereinabove stated, he or she shall be guilty of a Class A
11 misdemeanor in office, and be proceeded against accordingly.

12 (Source: P.A. 82-280.)

13 (735 ILCS 5/10-127) (from Ch. 110, par. 10-127)

14 Sec. 10-127. Grant of habeas corpus. It is not lawful for
15 any court, on a second order of habeas corpus obtained by such
16 prisoner, to discharge the prisoner, if he or she is clearly
17 and specifically charged in the warrant of commitment with a
18 criminal offense; but the court shall, on the return of such
19 second order, have power only to admit such prisoner to
20 pretrial release bail where the offense is eligible for
21 pretrial release bailable by law, or remand him or her to
22 prison where the offense is not eligible for pretrial release
23 bailable, or being eligible for pretrial release bailable,
24 where such prisoner fails to comply with the terms of pretrial
25 release give the bail required.

1 (Source: P.A. 82-280.)

2 (735 ILCS 5/10-135) (from Ch. 110, par. 10-135)

3 Sec. 10-135. Habeas corpus to testify. The several courts
4 having authority to grant relief by habeas corpus, may enter
5 orders, when necessary, to bring before them any prisoner to
6 testify, or to be surrendered in discharge of pretrial release
7 ~~bail~~, or for trial upon any criminal charge lawfully pending in
8 the same court or to testify in a criminal proceeding in
9 another state as provided for by Section 2 of the "Uniform Act
10 to secure the attendance of witnesses from within or without a
11 state in criminal proceedings", approved July 23, 1959, as
12 heretofore or hereafter amended; and the order may be directed
13 to any county in the State, and there be served and returned by
14 any officer to whom it is directed.

15 (Source: P.A. 82-280.)

16 (735 ILCS 5/10-136) (from Ch. 110, par. 10-136)

17 Sec. 10-136. Prisoner remanded or punished. After a
18 prisoner has given his or her testimony, or been surrendered,
19 or his or her pretrial release ~~bail~~ discharged, or he or she
20 has been tried for the crime with which he or she is charged,
21 he or she shall be returned to the jail or other place of
22 confinement from which he or she was taken for that purpose. If
23 such prisoner is convicted of a crime punishable with death or
24 imprisonment in the penitentiary, he or she may be punished

1 accordingly; but in any case where the prisoner has been taken
2 from the penitentiary, and his or her punishment is by
3 imprisonment, the time of such imprisonment shall not commence
4 to run until the expiration of the time of service under any
5 former sentence.

6 (Source: P.A. 82-280.)

7 (735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

8 Sec. 21-103. Notice by publication.

9 (a) Previous notice shall be given of the intended
10 application by publishing a notice thereof in some newspaper
11 published in the municipality in which the person resides if
12 the municipality is in a county with a population under
13 2,000,000, or if the person does not reside in a municipality
14 in a county with a population under 2,000,000, or if no
15 newspaper is published in the municipality or if the person
16 resides in a county with a population of 2,000,000 or more,
17 then in some newspaper published in the county where the person
18 resides, or if no newspaper is published in that county, then
19 in some convenient newspaper published in this State. The
20 notice shall be inserted for 3 consecutive weeks after filing,
21 the first insertion to be at least 6 weeks before the return
22 day upon which the petition is to be heard, and shall be signed
23 by the petitioner or, in case of a minor, the minor's parent or
24 guardian, and shall set forth the return day of court on which
25 the petition is to be heard and the name sought to be assumed.

1 (b) The publication requirement of subsection (a) shall not
2 be required in any application for a change of name involving a
3 minor if, before making judgment under this Article, reasonable
4 notice and opportunity to be heard is given to any parent whose
5 parental rights have not been previously terminated and to any
6 person who has physical custody of the child. If any of these
7 persons are outside this State, notice and opportunity to be
8 heard shall be given under Section 21-104.

9 (b-3) The publication requirement of subsection (a) shall
10 not be required in any application for a change of name
11 involving a person who has received a judgment for dissolution
12 of marriage or declaration of invalidity of marriage and wishes
13 to change his or her name to resume the use of his or her former
14 or maiden name.

15 (b-5) Upon motion, the court may issue an order directing
16 that the notice and publication requirement be waived for a
17 change of name involving a person who files with the court a
18 written declaration that the person believes that publishing
19 notice of the name change would put the person at risk of
20 physical harm or discrimination. The person must provide
21 evidence to support the claim that publishing notice of the
22 name change would put the person at risk of physical harm or
23 discrimination.

24 (c) The Director of State Police or his or her designee may
25 apply to the circuit court for an order directing that the
26 notice and publication requirements of this Section be waived

1 if the Director or his or her designee certifies that the name
2 change being sought is intended to protect a witness during and
3 following a criminal investigation or proceeding.

4 (c-1) The court may enter a written order waiving the
5 publication requirement of subsection (a) if:

6 (i) the petitioner is 18 years of age or older; and

7 (ii) concurrent with the petition, the petitioner
8 files with the court a statement, verified under oath as
9 provided under Section 1-109 of this Code, attesting that
10 the petitioner is or has been a person protected under the
11 Illinois Domestic Violence Act of 1986, the Stalking No
12 Contact Order Act, the Civil No Contact Order Act, Article
13 112A of the Code of Criminal Procedure of 1963, a condition
14 of pretrial release ~~bail~~ under subsections (b) through (d)
15 of Section 110-10 of the Code of Criminal Procedure of
16 1963, or a similar provision of a law in another state or
17 jurisdiction.

18 The petitioner may attach to the statement any supporting
19 documents, including relevant court orders.

20 (c-2) If the petitioner files a statement attesting that
21 disclosure of the petitioner's address would put the petitioner
22 or any member of the petitioner's family or household at risk
23 or reveal the confidential address of a shelter for domestic
24 violence victims, that address may be omitted from all
25 documents filed with the court, and the petitioner may
26 designate an alternative address for service.

1 (c-3) Court administrators may allow domestic abuse
2 advocates, rape crisis advocates, and victim advocates to
3 assist petitioners in the preparation of name changes under
4 subsection (c-1).

5 (c-4) If the publication requirements of subsection (a)
6 have been waived, the circuit court shall enter an order
7 impounding the case.

8 (d) The maximum rate charged for publication of a notice
9 under this Section may not exceed the lowest classified rate
10 paid by commercial users for comparable space in the newspaper
11 in which the notice appears and shall include all cash
12 discounts, multiple insertion discounts, and similar benefits
13 extended to the newspaper's regular customers.

14 (Source: P.A. 100-520, eff. 1-1-18 (see Section 5 of P.A.
15 100-565 for the effective date of P.A. 100-520); 100-788, eff.
16 1-1-19; 100-966, eff. 1-1-19; 101-81, eff. 7-12-19; 101-203,
17 eff. 1-1-20.)

18 Section 140. The Civil No Contact Order Act is amended by
19 changing Section 220 as follows:

20 (740 ILCS 22/220)

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

22 (a) Nothing in this Act shall preclude any Illinois court
23 from enforcing a valid protective order issued in another
24 state.

1 (b) Illinois courts may enforce civil no contact orders
2 through both criminal proceedings and civil contempt
3 proceedings, unless the action which is second in time is
4 barred by collateral estoppel or the constitutional
5 prohibition against double jeopardy.

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

10 (b-2) The court may hold the parents, guardian, or legal
11 custodian of a minor respondent in civil or criminal contempt
12 for a violation of any provision of any order entered under
13 this Act for conduct of the minor respondent in violation of
14 this Act if the parents, guardian, or legal custodian directed,
15 encouraged, or assisted the respondent minor in such conduct.

16 (c) Criminal prosecution. A violation of any civil no
17 contact order, whether issued in a civil or criminal
18 proceeding, shall be enforced by a criminal court when the
19 respondent commits the crime of violation of a civil no contact
20 order pursuant to Section 219 by having knowingly violated:

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

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

1 Prosecution for a violation of a civil no contact order
2 shall not bar a concurrent prosecution for any other crime,
3 including any crime that may have been committed at the time of
4 the violation of the civil no contact order.

5 (d) Contempt of court. A violation of any valid Illinois
6 civil no contact order, whether issued in a civil or criminal
7 proceeding, may be enforced through civil or criminal contempt
8 procedures, as appropriate, by any court with jurisdiction,
9 regardless of where the act or acts which violated the civil no
10 contact order were committed, to the extent consistent with the
11 venue provisions of this Act.

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

24 (2) A petition for a rule to show cause or a petition
25 for adjudication of criminal contempt for violation of a
26 civil no contact order shall be treated as an expedited

1 proceeding.

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

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

7 (2) by notice under Section 218;

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

10 (4) by other means demonstrating actual knowledge of
11 the contents of the order.

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

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

17 (2) any finding or order entered in a conjoined
18 criminal proceeding.

19 (g) Circumstances. The court, when determining whether or
20 not a violation of a civil no contact order has occurred, shall
21 not require physical manifestations of abuse on the person of
22 the victim.

23 (h) Penalties.

24 (1) Except as provided in paragraph (3) of this
25 subsection, where the court finds the commission of a crime
26 or contempt of court under subsection (a) or (b) of this

1 Section, the penalty shall be the penalty that generally
2 applies in such criminal or contempt proceedings, and may
3 include one or more of the following: incarceration,
4 payment of restitution, a fine, payment of attorneys' fees
5 and costs, or community service.

6 (2) The court shall hear and take into account evidence
7 of any factors in aggravation or mitigation before deciding
8 an appropriate penalty under paragraph (1) of this
9 subsection.

10 (3) To the extent permitted by law, the court is
11 encouraged to:

12 (i) increase the penalty for the knowing violation
13 of any civil no contact order over any penalty
14 previously imposed by any court for respondent's
15 violation of any civil no contact order or penal
16 statute involving petitioner as victim and respondent
17 as defendant;

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

21 (iii) impose a minimum penalty of 48 hours
22 imprisonment for respondent's second or subsequent
23 violation of a civil no contact order unless the court
24 explicitly finds that an increased penalty or that
25 period of imprisonment would be manifestly unjust.

26 (4) In addition to any other penalties imposed for a

1 violation of a civil no contact order, a criminal court may
2 consider evidence of any previous violations of a civil no
3 contact order:

4 (i) to ~~increase, revoke or~~ modify the conditions of
5 pretrial release bail bond on an underlying criminal
6 charge pursuant to Section 110-6 of the Code of
7 Criminal Procedure of 1963;

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

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

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

15 Section 145. The Illinois Domestic Violence Act of 1986 is
16 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 150. The Industrial and Linen Supplies Marking Law
11 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 155. 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 160. The Unemployment Insurance Act is amended by
5 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 995. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.

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