



Rep. Ryan Spain

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LRB102 03599 LNS 38686 a

1 AMENDMENT TO HOUSE BILL 1568

2 AMENDMENT NO. _____. Amend House Bill 1568, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "(5 ILCS 845/Act rep.)

6 Section 1. The Statewide Use of Force Standardization Act
7 is repealed.

8 (730 ILCS 205/Act rep.)

9 Section 5. The No Representation Without Population Act is
10 repealed.

11 (730 ILCS 210/Act rep.)

12 Section 10. The Reporting of Deaths in Custody Act is
13 repealed.

14 (20 ILCS 5165/Act rep.)

1 Section 15. The Task Force on Constitutional Rights and
2 Remedies Act is repealed.

3 (5 ILCS 70/1.43 rep.)

4 Section 20. The Statute on Statutes is amended by
5 repealing Section 1.43.

6 Section 25. The Freedom of Information Act is amended by
7 changing Section 2.15 as follows:

8 (5 ILCS 140/2.15)

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

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

1 discharged from, or transferred from the arresting agency's
2 custody.

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

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

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

22 (e) 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

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

9 (Source: P.A. 100-927, eff. 1-1-19; 101-433, eff. 8-20-19;
10 101-652.)

11 Section 30. The State Records Act is amended by changing
12 Section 4a as follows:

13 (5 ILCS 160/4a)

14 Sec. 4a. Arrest records and 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 paragraphs
11 (3), (4), (5), and (6) of subsection (a), however, may be
12 withheld if it is determined that disclosure would:

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

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

19 (3) compromise the security of any correctional
20 facility.

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

1 corporation engaged in making news reels or other motion
2 picture news for public showing.

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

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

11 (f) All information, including photographs, made available
12 under this Section is subject to the provisions of Section
13 2QQQ of the Consumer Fraud and Deceptive Business Practices
14 Act.

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

1 the Right to Privacy in the Workplace Act.

2 (Source: P.A. 101-433, eff. 8-20-19; 101-652.)

3 Section 35. The Illinois Public Labor Relations Act is
4 amended by changing Section 14 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (1) The lawful authority of the employer.

20 (2) Stipulations of the parties.

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

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

1 employment of other employees performing similar services
2 and with other employees generally:

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

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

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

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

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

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

23 (i) In the case of peace officers, the arbitration
24 decision shall be limited to wages, hours, and conditions of
25 employment (which may include residency requirements in
26 municipalities with a population under ~~100,000~~ 1,000,000, but

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

19 In the case of fire fighter, and fire department or fire
20 district paramedic matters, the arbitration decision shall be
21 limited to wages, hours, and conditions of employment
22 (including manning and also including residency requirements
23 in municipalities with a population under 1,000,000, but those
24 residency requirements shall not allow residency outside of
25 Illinois) and shall not include the following matters: i)
26 residency requirements in municipalities with a population of

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

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

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

1 preclude arbitration with respect to any such provision.

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

23 (k) Orders of the arbitration panel shall be reviewable,
24 upon appropriate petition by either the public employer or the
25 exclusive bargaining representative, by the circuit court for
26 the county in which the dispute arose or in which a majority of

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

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

25 (m) Security officers of public employers, and Peace
26 Officers, Fire Fighters and fire department and fire

1 protection district paramedics, covered by this Section may
2 not withhold services, nor may public employers lock out or
3 prevent such employees from performing services at any time.

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

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

1 Section. The voting requirements of this subsection shall
2 apply to all disputes submitted to arbitration pursuant to
3 this Section notwithstanding any contrary voting requirements
4 contained in any existing collective bargaining agreement
5 between the parties.

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

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

19 (Source: P.A. 101-652, eff. 7-1-21.)

20 Section 40. The Community-Law Enforcement and Other First
21 Responder Partnership for Deflection and Substance Use
22 Disorder Treatment Act is amended by changing Sections 1, 5,
23 10, 15, 20, 30, and 35 as follows:

24 (5 ILCS 820/1)

1 Sec. 1. Short title. This Act may be cited as the
2 Community-Law Enforcement ~~and Other First Responder~~
3 Partnership for Deflection and Substance Use Disorder
4 Treatment Act.

5 (Source: P.A. 100-1025, eff. 1-1-19; 101-652.)

6 (5 ILCS 820/5)

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

1 substance use treatment and other services as an alternative
2 to traditional case processing and involvement in the criminal
3 justice system, ~~and to unnecessary admission to emergency~~
4 ~~departments.~~

5 (Source: P.A. 100-1025, eff. 1-1-19; 101-652.)

6 (5 ILCS 820/10)

7 Sec. 10. Definitions. In this Act:

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

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

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

24 "Deflection program" means a program in which a peace
25 officer or member of a law enforcement agency ~~or other first~~

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

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

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

24 (3) an active outreach deflection response initiated
25 by a peace officer or law enforcement agency ~~or other~~
26 ~~first responder~~ as a result of proactive identification of

1 persons thought likely to have a substance use disorder;

2 (4) an officer ~~or other first responder~~ prevention
3 deflection response initiated by a peace officer or law
4 enforcement agency in response to a community call when no
5 criminal charges are present; and

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

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

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

1 "Peace officer" means any peace officer or member of any
2 duly organized State, county, or municipal peace officer unit,
3 any police force of another State, or any police force whose
4 members, by statute, are granted and authorized to exercise
5 powers similar to those conferred upon any peace officer
6 employed by a law enforcement agency of this State.

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

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

20 (Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21;
21 revised 10-6-21.)

22 (5 ILCS 820/15)

23 Sec. 15. Authorization.

24 (a) Any law enforcement agency ~~or other first responder~~
25 ~~entity~~ may establish a deflection program subject to the

1 provisions of this Act in partnership with one or more
2 licensed providers of substance use disorder treatment
3 services and one or more community members or organizations.
4 ~~Programs established by another first responder entity shall~~
5 ~~also include a law enforcement agency.~~

6 (b) The deflection program may involve a post-overdose
7 deflection response, a self-referral deflection response, an
8 active outreach deflection response, an officer ~~or other first~~
9 ~~responder~~ prevention deflection response, or an officer
10 intervention deflection response, or any combination of those.

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

18 (c-5) Whenever appropriate and available, case management
19 should be provided by a licensed treatment provider or other
20 appropriate provider and may include peer recovery support
21 approaches.

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

25 (1) the involvement of one or more licensed treatment
26 programs and one or more community members or

1 organizations; and

2 (2) an agreement with the Illinois Criminal Justice
3 Information Authority to collect and evaluate relevant
4 statistical data related to the program, as established by
5 the Illinois Criminal Justice Information Authority in
6 paragraph (2) of subsection (a) of Section 25 of this Act.

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

13 (Source: P.A. 100-1025, eff. 1-1-19; 101-81, eff. 7-12-19;
14 101-652.)

15 (5 ILCS 820/20)

16 Sec. 20. Procedure. The law enforcement agency ~~or other~~
17 ~~first responder entity~~, licensed treatment providers, and
18 community members or organizations shall establish a local
19 deflection program plan that includes protocols and procedures
20 for participant identification, screening or assessment,
21 treatment facilitation, reporting, and ongoing involvement of
22 the law enforcement agency. Licensed substance use disorder
23 treatment organizations shall adhere to 42 CFR Part 2
24 regarding confidentiality regulations for information exchange
25 or release. Substance use disorder treatment services shall

1 adhere to all regulations specified in Department of Human
2 Services Administrative Rules, Parts 2060 and 2090.

3 (Source: P.A. 100-1025, eff. 1-1-19; 101-652.)

4 (5 ILCS 820/30)

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

11 (Source: P.A. 100-1025, eff. 1-1-19; 101-652.)

12 (5 ILCS 820/35)

13 Sec. 35. Funding.

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

20 ~~(a.1) Up to 10 percent of appropriated funds may be~~
21 ~~expended on activities related to knowledge dissemination,~~
22 ~~training, technical assistance, or other similar activities~~
23 ~~intended to increase practitioner and public awareness of~~
24 ~~deflection and/or to support its implementation. The Illinois~~

1 ~~Criminal Justice Information Authority may adopt guidelines~~
2 ~~and requirements to direct the distribution of funds for these~~
3 ~~activities.~~

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

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

24 (2) case management including case management provided
25 prior to assessment, diagnosis, and engagement in
26 treatment, as well as assistance navigating and gaining

1 access to various treatment modalities and support
2 services;

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

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

9 (5) program evaluation activities.

10 ~~(6) naloxone and related supplies necessary for~~
11 ~~carrying out overdose reversal for purposes of~~
12 ~~distribution to program participants or for use by law~~
13 ~~enforcement or other first responders; and~~

14 ~~(7) treatment necessary to prevent gaps in service~~
15 ~~delivery between linkage and coverage by other funding~~
16 ~~sources when otherwise non reimbursable.~~

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

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

1 101-652.)

2 (5 ILCS 820/21 rep.)

3 Section 45. The Community-Law Enforcement Partnership for
4 Deflection and Substance Use Disorder Treatment Act is amended
5 by repealing Section 21.

6 (15 ILCS 205/10 rep.)

7 Section 50. The Attorney General Act is amended by
8 repealing Section 10.

9 Section 55. The Department of State Police Law of the
10 Civil Administrative Code of Illinois is amended by changing
11 Section 2605-302 as follows:

12 (20 ILCS 2605/2605-302) (was 20 ILCS 2605/55a in part)

13 Sec. 2605-302. Arrest reports.

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

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

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

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

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

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

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

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

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

1 picture news for public showing.

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

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

10 (Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01;
11 incorporates 92-335, eff. 8-10-01; 92-651, eff. 7-11-02;
12 101-652.)

13 Section 60. The State Police Act is amended by changing
14 Section 14 as follows:

15 (20 ILCS 2610/14) (from Ch. 121, par. 307.14)

16 Sec. 14. Except as is otherwise provided in this Act, no
17 Illinois State Police officer shall be removed, demoted, or
18 suspended except for cause, upon written charges filed with
19 the Board by the Director and a hearing before the Board
20 thereon upon not less than 10 days' notice at a place to be
21 designated by the chairman thereof. At such hearing, the
22 accused shall be afforded full opportunity to be heard in his
23 or her own defense and to produce proof in his or her defense.
24 ~~It shall not be a requirement of a person~~ Anyone filing a

1 complaint against a State Police officer ~~Officer to~~must have
2 ~~a~~the complaint supported by a sworn affidavit ~~or any other~~
3 ~~legal documentation. This ban on an affidavit requirement~~
4 ~~shall apply to any collective bargaining agreements entered~~
5 ~~after the effective date of this provision. Any such~~
6 complaint, having been supported by a sworn affidavit, and
7 having been found, in total or in part, to contain false
8 information, shall be presented to the appropriate State's
9 Attorney for a determination of prosecution.

10 Before any such officer may be interrogated or examined by
11 or before the Board, or by an Illinois State Police agent or
12 investigator specifically assigned to conduct an internal
13 investigation, the results of which hearing, interrogation, or
14 examination may be the basis for filing charges seeking his or
15 her suspension for more than 15 days or his or her removal or
16 discharge, he or she shall be advised in writing as to what
17 specific improper or illegal act he or she is alleged to have
18 committed; he or she shall be advised in writing that his or
19 her admissions made in the course of the hearing,
20 interrogation, or examination may be used as the basis for
21 charges seeking his or her suspension, removal, or discharge;
22 and he or she shall be advised in writing that he or she has a
23 right to counsel of his or her choosing, who may be present to
24 advise him or her at any hearing, interrogation, or
25 examination. A complete record of any hearing, interrogation,
26 or examination shall be made, and a complete transcript or

1 electronic recording thereof shall be made available to such
2 officer without charge and without delay.

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

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

24 The Board may include in its order appropriate sanctions
25 based upon the Board's rules and regulations. If the Board
26 finds that a party has made allegations or denials without

1 reasonable cause or has engaged in frivolous litigation for
2 the purpose of delay or needless increase in the cost of
3 litigation, it may order that party to pay the other party's
4 reasonable expenses, including costs and reasonable attorney's
5 fees. The State of Illinois and the Illinois State Police
6 shall be subject to these sanctions in the same manner as other
7 parties.

8 In case of the neglect or refusal of any person to obey a
9 subpoena issued by the Board, any circuit court, upon
10 application of any member of the Board, may order such person
11 to appear before the Board and give testimony or produce
12 evidence, and any failure to obey such order is punishable by
13 the court as a contempt thereof.

14 The provisions of the Administrative Review Law, and all
15 amendments and modifications thereof, and the rules adopted
16 pursuant thereto, shall apply to and govern all proceedings
17 for the judicial review of any order of the Board rendered
18 pursuant to the provisions of this Section.

19 Notwithstanding the provisions of this Section, a policy
20 making officer, as defined in the Employee Rights Violation
21 Act, of the Illinois State Police shall be discharged from the
22 Illinois State Police as provided in the Employee Rights
23 Violation Act, enacted by the 85th General Assembly.

24 (Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21;
25 revised 10-4-21.)

1 (20 ILCS 2610/17c rep.)

2 Section 65. The State Police Act is amended by repealing
3 Section 17c.

4 (20 ILCS 3930/7.7 rep.)

5 (20 ILCS 3930/7.8 rep.)

6 Section 70. The Illinois Criminal Justice Information Act
7 is amended by repealing Sections 7.7 and 7.8.

8 (50 ILCS 105/4.1 rep.)

9 Section 75. The Public Officer Prohibited Activities Act
10 is amended by repealing Section 4.1.

11 Section 80. The Local Records Act is amended by changing
12 Section 3b as follows:

13 (50 ILCS 205/3b)

14 Sec. 3b. Arrest records and 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (Source: P.A. 98-555, eff. 1-1-14; 99-363, eff. 1-1-16;
18 101-652.)

19 (50 ILCS 205/25 rep.)

20 Section 85. The Local Records Act is amended by repealing
21 Section 25.

22 Section 90. The Illinois Police Training Act is amended by
23 changing Sections 6, 6.2, 7, and 10.17 as follows:

1 (50 ILCS 705/6) (from Ch. 85, par. 506)

2 Sec. 6. Powers and duties of the Board; selection and
3 certification of schools. The Board shall select and certify
4 schools within the State of Illinois for the purpose of
5 providing basic training for probationary law enforcement
6 officers, probationary county corrections officers, and court
7 security officers and of providing advanced or in-service
8 training for permanent law enforcement officers or permanent
9 county corrections officers, which schools may be either
10 publicly or privately owned and operated. In addition, the
11 Board has the following power and duties:

12 a. To require local governmental units⁷ to furnish
13 such reports and information as the Board deems necessary
14 to fully implement this Act.

15 b. To establish appropriate mandatory minimum
16 standards relating to the training of probationary local
17 law enforcement officers or probationary county
18 corrections officers, and in-service training of permanent
19 law enforcement officers.

20 c. To provide appropriate certification to those
21 probationary officers who successfully complete the
22 prescribed minimum standard basic training course.

23 d. To review and approve annual training curriculum
24 for county sheriffs.

25 e. To review and approve applicants to ensure that no
26 applicant is admitted to a certified academy unless the

1 applicant is a person of good character and has not been
2 convicted of, found guilty of, or entered a plea of guilty
3 to, or entered a plea of nolo contendere to a felony
4 offense, any of the misdemeanors in Sections 11-1.50,
5 11-6, 11-6.5, 11-6.6, 11-9.1, 11-14, 11-14.1, 11-30, 12-2,
6 12-3.2, 12-3.5, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3,
7 28-3, 29-1, any misdemeanor in violation of any Section of
8 Part E of Title III of the Criminal Code of 1961 or the
9 Criminal Code of 2012, or subsection (a) of Section 17-32
10 of the Criminal Code of 1961 or the Criminal Code of 2012,
11 or Section 5 or 5.2 of the Cannabis Control Act, or a crime
12 involving moral turpitude under the laws of this State or
13 any other state which if committed in this State would be
14 punishable as a felony or a crime of moral turpitude, or
15 any felony or misdemeanor in violation of federal law or
16 the law of any state that is the equivalent of any of the
17 offenses specified therein. The Board may appoint
18 investigators who shall enforce the duties conferred upon
19 the Board by this Act.

20 For purposes of this paragraph e, a person is
21 considered to have been convicted of, found guilty of, or
22 entered a plea of guilty to, plea of nolo contendere to
23 regardless of whether the adjudication of guilt or
24 sentence is withheld or not entered thereon. This includes
25 sentences of supervision, conditional discharge, or first
26 offender probation, or any similar disposition provided

1 for by law.

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

6 ~~f. For purposes of this paragraph (e), a person is~~
7 ~~considered to have been "convicted of, found guilty of, or~~
8 ~~entered a plea of guilty to, plea of nolo contendere to"~~
9 ~~regardless of whether the adjudication of guilt or~~
10 ~~sentence is withheld or not entered thereon. This includes~~
11 ~~sentences of supervision, conditional discharge, or first~~
12 ~~offender probation, or any similar disposition provided~~
13 ~~for by law.~~

14 g. To review and ensure all law enforcement officers
15 remain in compliance with this Act, and any administrative
16 rules adopted under this Act.

17 h. To suspend any certificate for a definite period,
18 limit or restrict any certificate, or revoke any
19 certificate.

20 i. The Board and the Panel shall have power to secure
21 by its subpoena and bring before it any person or entity in
22 this State and to take testimony either orally or by
23 deposition or both with the same fees and mileage and in
24 the same manner as prescribed by law in judicial
25 proceedings in civil cases in circuit courts of this
26 State. The Board and the Panel shall also have the power to

1 subpoena the production of documents, papers, files,
2 books, documents, and records, whether in physical or
3 electronic form, in support of the charges and for
4 defense, and in connection with a hearing or
5 investigation.

6 j. The Executive Director, the administrative law
7 judge designated by the Executive Director, and each
8 member of the Board and the Panel shall have the power to
9 administer oaths to witnesses at any hearing that the
10 Board is authorized to conduct under this Act and any
11 other oaths required or authorized to be administered by
12 the Board under this Act.

13 k. In case of the neglect or refusal of any person to
14 obey a subpoena issued by the Board and the Panel, any
15 circuit court, upon application of the Board and the
16 Panel, through the Illinois Attorney General, may order
17 such person to appear before the Board and the Panel give
18 testimony or produce evidence, and any failure to obey
19 such order is punishable by the court as a contempt
20 thereof. This order may be served by personal delivery, by
21 email, or by mail to the address of record or email address
22 of record.

23 l. The Board shall have the power to administer state
24 certification examinations. Any and all records related to
25 these examinations, including, but not limited to, test
26 questions, test formats, digital files, answer responses,

1 answer keys, and scoring information shall be exempt from
2 disclosure.

3 (Source: P.A. 101-187, eff. 1-1-20; 101-652, Article 10,
4 Section 10-143, eff. 7-1-21; 101-652, Article 25, Section
5 25-40, eff. 1-1-22; revised 4-26-21.)

6 (50 ILCS 705/6.2)

7 Sec. 6.2. Officer professional conduct database.

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

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

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

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

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

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

8 (Source: P.A. 99-352, eff. 1-1-16; 101-652.)

9 (50 ILCS 705/7)

10 (Text of Section before amendment by P.A. 102-345)

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

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

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

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

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

1 selected by the board. The training in the use of
2 electronic control devices shall be conducted for
3 probationary law enforcement officers, including
4 University police officers.

5 b. Minimum courses of study, attendance requirements
6 and equipment requirements.

7 c. Minimum requirements for instructors.

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

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

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

1 conduct that training.

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

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

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

24 The Sheriff's Merit Commission, if one exists, or the
25 Sheriff's Office if there is no Sheriff's Merit
26 Commission, shall maintain a list of all individuals who

1 have filed applications to become court security officers
2 and who meet the eligibility requirements established
3 under this Act. Either the Sheriff's Merit Commission, or
4 the Sheriff's Office if no Sheriff's Merit Commission
5 exists, shall establish a schedule of reasonable intervals
6 for verification of the applicants' qualifications under
7 this Act and as established by the Board.

8 g. Minimum in-service training requirements, which a
9 law enforcement officer must satisfactorily complete every
10 3 years. Those requirements shall include constitutional
11 and proper use of law enforcement authority, procedural
12 justice, civil rights, human rights, mental health
13 awareness and response, officer wellness, reporting child
14 abuse and neglect, and cultural competency, ~~including~~
15 ~~implicit bias and racial and ethnic sensitivity.~~ These
16 trainings shall consist of at least 30 hours of training
17 every 3 years.

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

26 ~~i. Minimum in service training requirements as set~~

1 ~~forth in Section 10.6.~~

2 The amendatory changes to this Section made by Public Act
3 101-652 shall take effect January 1, 2022.

4 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;
5 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff.
6 8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section
7 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.
8 1-1-22; 102-28, eff. 6-25-21; 102-558, eff. 8-20-21; revised
9 10-5-21.)

10 (Text of Section after amendment by P.A. 102-345)

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

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

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

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

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

1 selected by the board. The training in the use of
2 electronic control devices shall be conducted for
3 probationary law enforcement officers, including
4 University police officers. The curriculum shall also
5 include training on the use of a firearms restraining
6 order by providing instruction on the process used to file
7 a firearms restraining order and how to identify
8 situations in which a firearms restraining order is
9 appropriate.

10 b. Minimum courses of study, attendance requirements
11 and equipment requirements.

12 c. Minimum requirements for instructors.

13 d. Minimum basic training requirements, which a
14 probationary law enforcement officer must satisfactorily
15 complete before being eligible for permanent employment as
16 a local law enforcement officer for a participating local
17 governmental or State governmental agency. Those
18 requirements shall include training in first aid
19 (including cardiopulmonary resuscitation).

20 e. Minimum basic training requirements, which a
21 probationary county corrections officer must
22 satisfactorily complete before being eligible for
23 permanent employment as a county corrections officer for a
24 participating local governmental agency.

25 f. Minimum basic training requirements which a
26 probationary court security officer must satisfactorily

1 complete before being eligible for permanent employment as
2 a court security officer for a participating local
3 governmental agency. The Board shall establish those
4 training requirements which it considers appropriate for
5 court security officers and shall certify schools to
6 conduct that training.

7 A person hired to serve as a court security officer
8 must obtain from the Board a certificate (i) attesting to
9 the officer's successful completion of the training
10 course; (ii) attesting to the officer's satisfactory
11 completion of a training program of similar content and
12 number of hours that has been found acceptable by the
13 Board under the provisions of this Act; or (iii) attesting
14 to the Board's determination that the training course is
15 unnecessary because of the person's extensive prior law
16 enforcement experience.

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

24 All individuals hired as court security officers on or
25 after June 1, 1997 (the effective date of Public Act
26 89-685) shall be certified within 12 months of the date of

1 their hire, unless a waiver has been obtained by the
2 Board, or they shall forfeit their positions.

3 The Sheriff's Merit Commission, if one exists, or the
4 Sheriff's Office if there is no Sheriff's Merit
5 Commission, shall maintain a list of all individuals who
6 have filed applications to become court security officers
7 and who meet the eligibility requirements established
8 under this Act. Either the Sheriff's Merit Commission, or
9 the Sheriff's Office if no Sheriff's Merit Commission
10 exists, shall establish a schedule of reasonable intervals
11 for verification of the applicants' qualifications under
12 this Act and as established by the Board.

13 g. Minimum in-service training requirements, which a
14 law enforcement officer must satisfactorily complete every
15 3 years. Those requirements shall include constitutional
16 and proper use of law enforcement authority, procedural
17 justice, civil rights, human rights, mental health
18 awareness and response, officer wellness, reporting child
19 abuse and neglect, and cultural competency, ~~including~~
20 ~~implicit bias and racial and ethnic sensitivity.~~ These
21 trainings shall consist of at least 30 hours of training
22 every 3 years.

23 h. Minimum in-service training requirements, which a
24 law enforcement officer must satisfactorily complete at
25 least annually. Those requirements shall include law
26 updates, ~~emergency medical response training and~~

1 ~~certification, crisis intervention training, and officer~~
2 ~~wellness and mental health~~ and use of force training which
3 shall include scenario based training, or similar training
4 approved by the Board.

5 ~~i. Minimum in service training requirements as set~~
6 ~~forth in Section 10.6.~~

7 The amendatory changes to this Section made by Public Act
8 101-652 shall take effect January 1, 2022.

9 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;
10 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff.
11 8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section
12 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.
13 1-1-22; 102-28, eff. 6-25-21; 102-345, eff. 6-1-22; 102-558,
14 eff. 8-20-21; revised 10-5-21.)

15 (50 ILCS 705/10.17)

16 Sec. 10.17. Crisis intervention team training; mental
17 health awareness training.

18 (a) The Illinois Law Enforcement Training Standards Board
19 shall develop and approve a standard curriculum for certified
20 training programs in crisis intervention ~~of at least 40 hours~~
21 addressing specialized policing responses to people with
22 mental illnesses. The Board shall conduct Crisis Intervention
23 Team (CIT) training programs that train officers to identify
24 signs and symptoms of mental illness, to de-escalate
25 situations involving individuals who appear to have a mental

1 illness, and connect that person in crisis to treatment.
2 ~~Crisis Intervention Team (CIT) training programs shall be a~~
3 ~~collaboration between law enforcement professionals, mental~~
4 ~~health providers, families, and consumer advocates and must~~
5 ~~minimally include the following components: (1) basic~~
6 ~~information about mental illnesses and how to recognize them;~~
7 ~~(2) information about mental health laws and resources; (3)~~
8 ~~learning from family members of individuals with mental~~
9 ~~illness and their experiences; and (4) verbal de-escalation~~
10 ~~training and role plays.~~ Officers who have successfully
11 completed this program shall be issued a certificate attesting
12 to their attendance of a Crisis Intervention Team (CIT)
13 training program.

14 (b) The Board shall create an introductory course
15 incorporating adult learning models that provides law
16 enforcement officers with an awareness of mental health issues
17 including a history of the mental health system, types of
18 mental health illness including signs and symptoms of mental
19 illness and common treatments and medications, and the
20 potential interactions law enforcement officers may have on a
21 regular basis with these individuals, their families, and
22 service providers including de-escalating a potential crisis
23 situation. This course, in addition to other traditional
24 learning settings, may be made available in an electronic
25 format.

26 (Source: P.A. 100-247, eff. 1-1-18; 101-652, eff. 7-1-21.)

1 (50 ILCS 705/10.6 rep.)

2 Section 95. The Illinois Police Training Act is amended by
3 repealing Section 10.6.

4 Section 100. The Law Enforcement Officer-Worn Body Camera
5 Act is amended by changing Sections 10-15, 10-20, and 10-25 as
6 follows:

7 (50 ILCS 706/10-15)

8 Sec. 10-15. Applicability.

9 ~~(a) All Any law enforcement agencies must employ the use~~
10 ~~of agency which employs the use of officer-worn body cameras~~
11 ~~in accordance with is subject to the provisions of this Act,~~
12 whether or not the agency receives or has received monies from
13 the Law Enforcement Camera Grant Fund.

14 ~~(b) All law enforcement agencies must implement the use of~~
15 ~~body cameras for all law enforcement officers, according to~~
16 ~~the following schedule:~~

17 ~~(1) for municipalities and counties with populations~~
18 ~~of 500,000 or more, body cameras shall be implemented by~~
19 ~~January 1, 2022;~~

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

23 ~~(3) for municipalities and counties with populations~~

1 ~~of 50,000 or more but under 100,000, body cameras shall be~~
2 ~~implemented by January 1, 2024;~~

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

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

7 ~~(c) A law enforcement agency's compliance with the~~
8 ~~requirements under this Section shall receive preference by~~
9 ~~the Illinois Law Enforcement Training Standards Board in~~
10 ~~awarding grant funding under the Law Enforcement Camera Grant~~
11 ~~Act.~~

12 (Source: P.A. 101-652, eff. 7-1-21.)

13 (50 ILCS 706/10-20)

14 Sec. 10-20. Requirements.

15 (a) The Board shall develop basic guidelines for the use
16 of officer-worn body cameras by law enforcement agencies. The
17 guidelines developed by the Board shall be the basis for the
18 written policy which must be adopted by each law enforcement
19 agency which employs the use of officer-worn body cameras. The
20 written policy adopted by the law enforcement agency must
21 include, at a minimum, all of the following:

22 (1) Cameras must be equipped with pre-event recording,
23 capable of recording at least the 30 seconds prior to
24 camera activation, unless the officer-worn body camera was
25 purchased and acquired by the law enforcement agency prior

1 to July 1, 2015.

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

6 (3) Cameras must be turned on at all times when the
7 officer is in uniform and is responding to calls for
8 service or engaged in any law enforcement-related
9 encounter or activity, that occurs while the officer is on
10 duty.

11 (A) If exigent circumstances exist which prevent
12 the camera from being turned on, the camera must be
13 turned on as soon as practicable.

14 (B) Officer-worn body cameras may be turned off
15 when the officer is inside of a patrol car which is
16 equipped with a functioning in-car camera; however,
17 the officer must turn on the camera upon exiting the
18 patrol vehicle for law enforcement-related encounters.

19 ~~(C) Officer worn body cameras may be turned off~~
20 ~~when the officer is inside a correctional facility or~~
21 ~~courthouse which is equipped with a functioning camera~~
22 ~~system.~~

23 (4) Cameras must be turned off when:

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

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

5 (C) the officer is interacting with a confidential
6 informant used by the law enforcement agency; or

7 (D) an officer of the Department of Revenue enters
8 a Department of Revenue facility or conducts an
9 interview during which return information will be
10 discussed or visible.

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

20 (4.5) Cameras may be turned off when the officer is
21 engaged in community caretaking functions. However, the
22 camera must be turned on when the officer has reason to
23 believe that the person on whose behalf the officer is
24 performing a community caretaking function has committed
25 or is in the process of committing a crime. If exigent
26 circumstances exist which prevent the camera from being

1 turned on, the camera must be turned on as soon as
2 practicable.

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

9 (6) ~~(A)~~ For the purposes of redaction, labeling, or
10 duplicating recordings, access to camera recordings shall
11 be restricted to only those personnel responsible for
12 those purposes. The recording officer or his or her
13 supervisor may not redact, label, duplicate or otherwise
14 alter the recording officer's camera recordings. Except as
15 otherwise provided in this Section, the recording officer
16 and his or her supervisor may access and review recordings
17 prior to completing incident reports or other
18 documentation, provided that the officer or his or her
19 supervisor discloses that fact in the report or
20 documentation.

21 (i) A law enforcement officer shall not have
22 access to or review his or her body-worn camera
23 recordings or the body-worn camera recordings of
24 another officer prior to completing incident reports
25 or other documentation when the officer:

26 (a) has been involved in or is a witness to an

1 officer-involved shooting, use of deadly force
2 incident, or use of force incidents resulting in
3 great bodily harm;

4 (b) is ordered to write a report in response
5 to or during the investigation of a misconduct
6 complaint against the officer.

7 (ii) If the officer subject to subparagraph (i)
8 prepares a report, any report shall be prepared
9 without viewing body-worn camera recordings, and
10 subject to supervisor's approval, officers may file
11 amendatory reports after viewing body-worn camera
12 recordings. Supplemental reports under this provision
13 shall also contain documentation regarding access to
14 the video footage.

15 ~~(B) The recording officer's assigned field~~
16 ~~training officer may access and review recordings for~~
17 ~~training purposes. Any detective or investigator~~
18 ~~directly involved in the investigation of a matter may~~
19 ~~access and review recordings which pertain to that~~
20 ~~investigation but may not have access to delete or~~
21 ~~alter such recordings.~~

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

26 (A) Under no circumstances shall any recording,

1 except for a non-law enforcement related activity or
2 encounter, made with an officer-worn body camera be
3 altered, erased, or destroyed prior to the expiration
4 of the 90-day storage period. In the event any
5 recording made with an officer-worn body camera is
6 altered, erased, or destroyed prior to the expiration
7 of the 90-day storage period, the law enforcement
8 agency shall maintain, for a period of one year, a
9 written record including (i) the name of the
10 individual who made such alteration, erasure, or
11 destruction, and (ii) the reason for any such
12 alteration, erasure, or destruction.

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

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

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

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

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

1 offense;

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

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

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

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

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

1 policies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 from disclosure under the Freedom of Information Act.

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

5 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
6 revised 7-30-21.)

7 (50 ILCS 706/10-25)

8 Sec. 10-25. Reporting.

9 (a) Each law enforcement agency which employs the use of
10 officer-worn body cameras must provide an annual report ~~on the~~
11 ~~use of officer-worn body cameras~~ to the Board, on or before May
12 1 of the year. The report shall include:

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

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

18 (3) any technical issues with the equipment and how
19 those issues were remedied;

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

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

25 (A) the time, date, location, and precinct of the

1 incident;

2 (B) the offense charged and the date charges were
3 filed; and

4 (6) any other information relevant to the
5 administration of the program.

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

9 (Source: P.A. 99-352, eff. 1-1-16; 101-652.)

10 Section 105. The Uniform Crime Reporting Act is amended by
11 changing Sections 5-10, 5-12, and 5-20 as follows:

12 (50 ILCS 709/5-10)

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

1 (Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21;
2 revised 10-15-21.)

3 (50 ILCS 709/5-12)

4 Sec. 5-12. Monthly reporting. All law enforcement agencies
5 shall submit to the Illinois State Police on a monthly basis
6 the following:

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

16 (2) beginning January 1, 2017, a report on any
17 instance when a law enforcement officer discharges his or
18 her firearm causing a non-fatal injury to a person, during
19 the performance of his or her official duties or in the
20 line of duty;

21 (3) a report of incident-based information on hate
22 crimes including information describing the offense,
23 location of the offense, type of victim, offender, and
24 bias motivation. If no hate crime incidents occurred
25 during a reporting month, the law enforcement agency must

1 submit a no incident record, as required by the Illinois
2 State Police;

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

9 (5) data on an index of offenses selected by the
10 Illinois State Police based on the seriousness of the
11 offense, frequency of occurrence of the offense, and
12 likelihood of being reported to law enforcement. The data
13 shall include the number of index crime offenses committed
14 and number of associated arrests; and

15 (6) data on offenses and incidents reported by schools
16 to local law enforcement. The data shall include offenses
17 defined as an attack against school personnel,
18 intimidation offenses, drug incidents, and incidents
19 involving weapons~~†.~~

20 ~~(7) beginning on July 1, 2021, a report on incidents~~
21 ~~where a law enforcement officer was dispatched to deal~~
22 ~~with a person experiencing a mental health crisis or~~
23 ~~incident. The report shall include the number of~~
24 ~~incidents, the level of law enforcement response and the~~
25 ~~outcome of each incident. For purposes of this Section, a~~
26 ~~"mental health crisis" is when a person's behavior puts~~

1 ~~them at risk of hurting themselves or others or prevents~~
2 ~~them from being able to care for themselves;~~

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

9 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
10 102-538, eff. 8-20-21; revised 10-15-21.)

11 (50 ILCS 709/5-20)

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

23 (Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21;
24 revised 10-15-21.)

1 (50 ILCS 709/5-11 rep.)

2 Section 110. The Uniform Crime Reporting Act is amended by
3 repealing Section 5-11.

4 Section 115. The Uniform Peace Officers' Disciplinary Act
5 is amended by changing Sections 3.2, 3.4, and 3.8 as follows:

6 (50 ILCS 725/3.2) (from Ch. 85, par. 2555)

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

14 (Source: P.A. 83-981; 101-652.)

15 (50 ILCS 725/3.4) (from Ch. 85, par. 2557)

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

1 administrative hearing.

2 (Source: P.A. 94-344, eff. 1-1-06; 101-652.)

3 (50 ILCS 725/3.8) (from Ch. 85, par. 2561)

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

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

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

22 (Source: P.A. 97-472, eff. 8-22-11; 101-652.)

23 Section 120. The Uniform Peace Officers' Disciplinary Act
24 is amended by reenacting Section 6 as follows:

1 (50 ILCS 725/6) (from Ch. 85, par. 2567)

2 Sec. 6. Except as otherwise provided in this Act, the
3 provisions of this Act apply only to the extent there is no
4 collective bargaining agreement currently in effect dealing
5 with the subject matter of this Act.

6 (Source: P.A. 100-911, eff. 8-17-18.)

7 (50 ILCS 727/1-35 rep.)

8 Section 125. The Police and Community Relations
9 Improvement Act is amended by repealing Section 1-35.

10 Section 130. The Counties Code is amended by changing
11 Sections 4-5001, 4-12001, and 4-12001.1 as follows:

12 (55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

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

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

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

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

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

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

5 For serving or attempting to serve a warrant of arrest,
6 \$8, to be paid upon conviction.

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

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

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

13 For advertising property for sale, \$5.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 For making certificate of redemption, \$3.

26 For certificate of levy and filing, \$3, and the fee for

1 recording shall be advanced by the judgment creditor and
2 charged as costs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (Source: P.A. 100-173, eff. 1-1-18; 100-863, eff. 8-14-18;
4 101-652.)

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

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

11 Fees for Sheriff

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

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

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

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

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

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

24 For summoning each juror, \$10.

25 For serving or attempting to serve each order or judgment

1 for replevin, \$35.

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

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

9 For serving or attempting to serve notice of judgment,
10 \$35.

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

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

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

22 For advertising property for sale, \$20.

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

26 For preparing, executing and acknowledging deed on

1 redemption from a court sale of real estate, \$15; for
2 preparing, executing and acknowledging all other deeds on sale
3 of real estate, \$10.

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

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

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

12 For taking special bail, \$5.

13 For returning each process, \$15.

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

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

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

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

21 For committing to or discharging each prisoner from jail,
22 \$3.

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

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

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

6 For discharging such prisoners, \$3.

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

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

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

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

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

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

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

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

26 The fee requirements of this Section do not apply to

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

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

8 (Source: P.A. 100-173, eff. 1-1-18; 101-652.)

9 (55 ILCS 5/4-12001.1) (from Ch. 34, par. 4-12001.1)

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

17 Fees for Sheriff

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

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

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

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

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

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

5 For summoning each juror, \$4.

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

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

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

15 For serving or attempting to serve notice of judgment,
16 \$25.

17 For levying to satisfy an order in an action for
18 attachment, \$25.

19 For executing order of court to seize personal property,
20 \$25.

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

1 removal.

2 For advertising property for sale, \$3.

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

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

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

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

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

18 For taking special bail, \$2.

19 For returning each process, \$5.

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

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

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

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

1 For committing to or discharging each prisoner from jail,
2 \$1.

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

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

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

12 For discharging such prisoners, \$1.

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

1 The fees provided for herein for transporting persons to
2 the penitentiary, reformatories, Illinois State Training
3 School for Boys, Illinois State Training School for Girls,
4 Reception Centers and Illinois Security Hospital, shall be
5 paid for each trip so made. Mileage as used in this Section
6 means the shortest route on a hard surfaced road, (either
7 State Bond Issue Route or Federal highways) or railroad,
8 whichever is shorter, between the place from which the person
9 is to be transported, to the penitentiary, reformatories,
10 Illinois State Training School for Boys, Illinois State
11 Training School for Girls, Reception Centers and Illinois
12 Security Hospital, and all fees per mile shall be computed on
13 such basis.

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

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

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

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

24 In all cases where the judgment is settled by the parties,
25 replevied, stopped by injunction or paid, or where the
26 property levied upon is not actually sold, the sheriff shall

1 be allowed the fee for levying and mileage, together with half
2 the fee for all money collected by him or her which he or she
3 would be entitled to if the same were made by sale in the
4 enforcement of a judgment. In no case shall the fee exceed the
5 amount of money arising from the sale.

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

8 (Source: P.A. 100-173, eff. 1-1-18; 101-652.)

9 (55 ILCS 5/3-6041 rep.)

10 Section 135. The Counties Code is amended by repealing
11 Section 3-6041.

12 (65 ILCS 5/11-5.1-2 rep.)

13 Section 140. The Illinois Municipal Code is amended by
14 repealing Section 11-5.1-2.

15 Section 145. The Illinois Municipal Code is amended by
16 reenacting Section 1-2-12.1 as follows:

17 (65 ILCS 5/1-2-12.1)

18 Sec. 1-2-12.1. Municipal bond fees. A municipality may
19 impose a fee up to \$20 for bail processing against any person
20 arrested for violating aailable municipal ordinance or a
21 State or federal law.

22 (Source: P.A. 97-368, eff. 8-15-11; 101-652, eff. 7-1-21.)

1 Section 150. The Campus Security Enhancement Act of 2008
2 is 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
14 news service whether in print or electronic format, a radio
15 station, a television station, a television network, a
16 community antenna television service, or a person or
17 corporation engaged in making news reels or other motion
18 picture news for public 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; 101-652.)

3 Section 155. 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
16 conditions of the policy;

17 d. The named insured failed to disclose fully his
18 motor vehicle accidents and moving traffic violations for
19 the 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
12 might 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; 101-652.)

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
6 the 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
9 other 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
16 condition or while under the influence of drugs, being
17 intoxicated while in or about an automobile or while
18 having custody of an automobile, leaving the scene of an
19 accident without stopping to report, theft or unlawful
20 taking of a motor vehicle, making false statements in an
21 application for an operators or chauffeurs license, or has
22 been convicted or ~~pretrial release has been revoked~~
23 forfeited bail for 3 or more violations within the 12
24 months immediately preceding the notice of non-renewal, of
25 any law, ordinance or regulation limiting the speed of
26 motor vehicles or any of the provisions of the motor

1 vehicle laws of any state, violation of which constitutes
2 a misdemeanor, whether or not the violations were
3 repetitions of the same offense or 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
8 compensation (the use of an automobile for a car pool
9 shall not be considered use of an automobile for hire or
10 compensation); or

11 3. Used in the business of transportation of
12 flammables 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; 101-652.)

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
18 by 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
22 priority over all other costs and expenses of
23 administration, unless the lender agrees otherwise. Absent
24 agreement to the contrary, all other costs and expenses of
25 administration shall be shared on a pro-rata basis, except
26 for the expenses of property and casualty guaranty

1 associations, which shall have a lower priority pursuant
2 to subparagraph (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
11 government under paragraph (f), then the claims for wages
12 shall have a priority of distribution immediately
13 following that of federal claims under paragraph (f) and
14 immediately preceding claims of general creditors under
15 paragraph (g).

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

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

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

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

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

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

1 surplus note holders.

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

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

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

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

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

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

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

1 evidence that such disbursements have been made by the
2 Illinois Insurance Guaranty Fund, the Illinois Life and Health
3 Insurance Guaranty Association, the Illinois Health
4 Maintenance Organization Guaranty Association, and similar
5 organizations in other states.

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

1 such priorities.

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

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

10 (Source: P.A. 100-410, eff. 8-25-17; 101-652.)

11 Section 160. The Illinois Gambling Act is amended by
12 changing Section 5.1 as follows:

13 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

14 Sec. 5.1. Disclosure of records.

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

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

23 (2) An identification of any applicant or licensee
24 including, if an applicant or licensee is not an

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

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

26 (4) Whether an applicant or licensee has been

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

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

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

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

1 of, or a dispute over the filings concerning the payment
2 of, any tax required under federal, State or local law,
3 including the amount, type of tax, the taxing agency and
4 time periods involved.

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

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

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

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

1 compliance with federal and State affirmative action
2 guidelines, projected or actual admissions and projected
3 or actual adjusted gross gaming receipts.

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

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

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

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

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

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

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

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

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

26 (Source: P.A. 101-31, eff. 6-28-19; 101-652.)

1 Section 165. The Sexual Assault Survivors Emergency
2 Treatment Act is amended by changing Section 7.5 as follows:

3 (410 ILCS 70/7.5)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 The billing protocol must include at a minimum:

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

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

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

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

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

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

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

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

25 If the Office of the Attorney General determines that
26 implementation of the protocol could result in the billing of

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

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

21 (e) This Section is effective on and after January 1,
22 2022.

23 (Source: P.A. 101-634, eff. 6-5-20; 101-652, eff. 7-1-21;
24 102-22, eff. 6-25-21.)

25 Section 170. The Illinois Vehicle Code is amended by

1 changing Sections 6-204, 6-206, 6-308, 6-500, 6-601, and
2 16-103 as follows:

3 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)
4 Sec. 6-204. When court to forward license and reports.

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

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

24 (2) Whenever any person is convicted of any offense
25 under this Code or similar offenses under a municipal

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

1 Code: Sections 27-245 (following fire apparatus), 27-254
2 (obstruction of traffic), 27-258 (driving vehicle which is
3 in unsafe condition), 27-259 (coasting on downgrade),
4 27-264 (use of horns and signal devices), 27-265
5 (obstruction to driver's view or driver mechanism), 27-267
6 (dimming of headlights), 27-268 (unattended motor
7 vehicle), 27-272 (illegal funeral procession), 27-273
8 (funeral procession on boulevard), 27-275 (driving freight
9 hauling vehicles on boulevard), 27-276 (stopping and
10 standing of buses or taxicabs), 27-277 (cruising of public
11 passenger vehicles), 27-305 (parallel parking), 27-306
12 (diagonal parking), 27-307 (parking not to obstruct
13 traffic), 27-308 (stopping, standing or parking
14 regulated), 27-311 (parking regulations), 27-312 (parking
15 regulations), 27-313 (parking regulations), 27-314
16 (parking regulations), 27-315 (parking regulations),
17 27-316 (parking regulations), 27-317 (parking
18 regulations), 27-318 (parking regulations), 27-319
19 (parking regulations), 27-320 (parking regulations),
20 27-321 (parking regulations), 27-322 (parking
21 regulations), 27-324 (loading and unloading at an angle),
22 27-333 (wheel and axle loads), 27-334 (load restrictions
23 in the downtown district), 27-335 (load restrictions in
24 residential areas), 27-338 (width of vehicles), 27-339
25 (height of vehicles), 27-340 (length of vehicles), 27-352
26 (reflectors on trailers), 27-353 (mufflers), 27-354

1 (display of plates), 27-355 (display of city vehicle tax
2 sticker), 27-357 (identification of vehicles), 27-358
3 (projecting of loads), and also excepting the following
4 enumerated paragraphs of Section 2-201 of the Rules and
5 Regulations of the Illinois State Toll Highway Authority:
6 (l) (driving unsafe vehicle on tollway), (m) (vehicles
7 transporting dangerous cargo not properly indicated), it
8 shall be the duty of the clerk of the court in which such
9 conviction is had within 5 days thereafter to forward to
10 the Secretary of State a report of the conviction and the
11 court may recommend the suspension of the driver's license
12 or permit of the person so convicted.

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

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

25 The reporting requirements of this subsection (a)
26 apply to all violations listed in paragraphs (1) and (2)

1 of this subsection (a), excluding parking violations, when
2 the driver holds a CLP or CDL, regardless of the type of
3 vehicle in which the violation occurred, or when any
4 driver committed the violation in a commercial motor
5 vehicle as defined in Section 6-500 of this Code.

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

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

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

22 (b) Whenever a restricted driving permit is forwarded to a
23 court, as a result of confiscation by a police officer
24 pursuant to the authority in Section 6-113(f), it shall be the
25 duty of the clerk, or judge, if the court has no clerk, to
26 forward such restricted driving permit and a facsimile of the

1 officer's citation to the Secretary of State as expeditiously
2 as practicable.

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

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

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

19 (Source: P.A. 100-74, eff. 8-11-17; 101-623, eff. 7-1-20;
20 101-652.)

21 (625 ILCS 5/6-206)

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

24 (a) The Secretary of State is authorized to suspend or
25 revoke the driving privileges of any person without

1 preliminary hearing upon a showing of the person's records or
2 other sufficient evidence that the person:

3 1. Has committed an offense for which mandatory
4 revocation of a driver's license or permit is required
5 upon conviction;

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

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

19 4. Has by the unlawful operation of a motor vehicle
20 caused or contributed to an accident resulting in injury
21 requiring immediate professional treatment in a medical
22 facility or doctor's office to any person, except that any
23 suspension or revocation imposed by the Secretary of State
24 under the provisions of this subsection shall start no
25 later than 6 months after being convicted of violating a
26 law or ordinance regulating the movement of traffic, which

1 violation is related to the accident, or shall start not
2 more than one year after the date of the accident,
3 whichever date occurs later;

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

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

10 7. Has refused or failed to submit to an examination
11 provided for by Section 6-207 or has failed to pass the
12 examination;

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

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

19 10. Has possessed, displayed, or attempted to
20 fraudulently use any license, identification card, or
21 permit not issued to the person;

22 11. Has operated a motor vehicle upon a highway of
23 this State when the person's driving privilege or
24 privilege to obtain a driver's license or permit was
25 revoked or suspended unless the operation was authorized
26 by a monitoring device driving permit, judicial driving

1 permit issued prior to January 1, 2009, probationary
2 license to drive, or restricted driving permit issued
3 under this Code;

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

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

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

16 15. Has been convicted of violating Section 21-2 of
17 the Criminal Code of 1961 or the Criminal Code of 2012
18 relating to criminal trespass to vehicles if the person
19 exercised actual physical control over the vehicle during
20 the commission of the offense, 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
26 person has not sought a hearing as provided for in Section

1 11-501.1;

2 18. (Blank);

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

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

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

12 22. Has used a motor vehicle in violating paragraph
13 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
14 the Criminal Code of 1961 or the Criminal Code of 2012
15 relating to unlawful use of weapons, in which case the
16 suspension shall be for one year;

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

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

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

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

8 27. (Blank);

9 28. Has been convicted for a first time of the illegal
10 possession, while operating or in actual physical control,
11 as a driver, of a motor vehicle, of any controlled
12 substance prohibited under the Illinois Controlled
13 Substances Act, any cannabis prohibited under the Cannabis
14 Control Act, or any methamphetamine prohibited under the
15 Methamphetamine Control and Community Protection Act, in
16 which case the person's driving privileges shall be
17 suspended for one year. Any defendant found guilty of this
18 offense while operating a motor vehicle, shall have an
19 entry made in the court record by the presiding judge that
20 this offense did occur while the defendant was operating a
21 motor vehicle and order the clerk of the court to report
22 the violation to the Secretary of State;

23 29. Has been convicted of the following offenses that
24 were committed while the person was operating or in actual
25 physical control, as a driver, of a motor vehicle:
26 criminal sexual assault, predatory criminal sexual assault

1 of a child, aggravated criminal sexual assault, criminal
2 sexual abuse, aggravated criminal sexual abuse, juvenile
3 pimping, soliciting for a juvenile prostitute, promoting
4 juvenile prostitution as described in subdivision (a)(1),
5 (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code
6 of 1961 or the Criminal Code of 2012, and the manufacture,
7 sale or delivery of controlled substances or instruments
8 used for illegal drug use or abuse in which case the
9 driver's driving privileges shall be suspended for one
10 year;

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

15 31. Has refused to submit to a test as required by
16 Section 11-501.6 of this Code or Section 5-16c of the Boat
17 Registration and Safety Act or has submitted to a test
18 resulting in an alcohol concentration of 0.08 or more or
19 any amount of a drug, substance, or compound resulting
20 from the unlawful use or consumption of cannabis as listed
21 in the Cannabis Control Act, a controlled substance as
22 listed in the Illinois Controlled Substances Act, an
23 intoxicating compound as listed in the Use of Intoxicating
24 Compounds Act, or methamphetamine as listed in the
25 Methamphetamine Control and Community Protection Act, in
26 which case the penalty shall be as prescribed in Section

1 6-208.1;

2 32. Has been convicted of Section 24-1.2 of the
3 Criminal Code of 1961 or the Criminal Code of 2012
4 relating to the aggravated discharge of a firearm if the
5 offender was located in a motor vehicle at the time the
6 firearm was discharged, in which case the suspension shall
7 be for 3 years;

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

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

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

16 36. Is under the age of 21 years at the time of arrest
17 and has been convicted of not less than 2 offenses against
18 traffic regulations governing the movement of vehicles
19 committed within any ~~24-month~~ 24 month period. No
20 revocation or suspension shall be entered more than 6
21 months after the date of last conviction;

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

25 38. Has been convicted of a violation of Section 6-20
26 of the Liquor Control Act of 1934 or a similar provision of

1 a local ordinance and the person was an occupant of a motor
2 vehicle at the time of the violation;

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
16 for a violation of subsection (a), (d), or (e) of Section
17 6-20 of the Liquor Control Act of 1934 or a similar
18 provision of a local ordinance and the person was an
19 occupant of a motor vehicle at the time of the violation,
20 in which case the suspension shall be for a period of 3
21 months;

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

1 Section;

2 45. Has, in connection with or during the course of a
3 formal hearing conducted under Section 2-118 of this Code:

4 (i) committed perjury; (ii) submitted fraudulent or
5 falsified documents; (iii) submitted documents that have
6 been materially altered; or (iv) submitted, as his or her
7 own, documents that were in fact prepared or composed for
8 another person;

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

11 47. Has committed a violation of subsection (a) of
12 Section 11-502.1 of this Code;

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

17 49. Has been convicted of a violation of Section
18 11-1002 or 11-1002.5 that resulted in a Type A injury to
19 another, in which case the driving privileges of the
20 person shall be suspended for 12 months; or

21 50. Has committed a violation of subsection (b-5) of
22 Section 12-610.2 that resulted in great bodily harm,
23 permanent disability, or disfigurement, in which case the
24 driving privileges of the person shall be suspended for 12
25 months. ~~or 50~~

26 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,

1 and 27 of this subsection, license means any driver's license,
2 any traffic ticket issued when the person's driver's license
3 is deposited in lieu of bail, a suspension notice issued by the
4 Secretary of State, a duplicate or corrected driver's license,
5 a probationary driver's license, or a temporary driver's
6 license.

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

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

23 2. If the Secretary of State suspends the driver's license
24 of a person under subsection 2 of paragraph (a) of this
25 Section, a person's privilege to operate a vehicle as an
26 occupation shall not be suspended, provided an affidavit is

1 properly completed, the appropriate fee received, and a permit
2 issued prior to the effective date of the suspension, unless 5
3 offenses were committed, at least 2 of which occurred while
4 operating a commercial vehicle in connection with the driver's
5 regular occupation. All other driving privileges shall be
6 suspended by the Secretary of State. Any driver prior to
7 operating a vehicle for occupational purposes only must submit
8 the affidavit on forms to be provided by the Secretary of State
9 setting forth the facts of the person's occupation. The
10 affidavit shall also state the number of offenses committed
11 while operating a vehicle in connection with the driver's
12 regular occupation. The affidavit shall be accompanied by the
13 driver's license. Upon receipt of a properly completed
14 affidavit, the Secretary of State shall issue the driver a
15 permit to operate a vehicle in connection with the driver's
16 regular occupation only. Unless the permit is issued by the
17 Secretary of State prior to the date of suspension, the
18 privilege to drive any motor vehicle shall be suspended as set
19 forth in the notice that was mailed under this Section. If an
20 affidavit is received subsequent to the effective date of this
21 suspension, a permit may be issued for the remainder of the
22 suspension period.

23 The provisions of this subparagraph shall not apply to any
24 driver required to possess a CDL for the purpose of operating a
25 commercial motor vehicle.

26 Any person who falsely states any fact in the affidavit

1 required herein shall be guilty of perjury under Section 6-302
2 and upon conviction thereof shall have all driving privileges
3 revoked without further rights.

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

1 in the petitioner's household to and from daycare. The
2 petitioner must demonstrate that no alternative means of
3 transportation is reasonably available and that the petitioner
4 will not endanger the public safety or welfare.

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

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

19 (i) a single conviction of violating Section
20 11-501 of this Code or a similar provision of a local
21 ordinance or a similar out-of-state offense or Section
22 9-3 of the Criminal Code of 1961 or the Criminal Code
23 of 2012, where the use of alcohol or other drugs is
24 recited as an element of the offense, or a similar
25 out-of-state offense; or

26 (ii) a statutory summary suspension or revocation

1 under Section 11-501.1; or

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

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

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

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

21 (D) If the restricted driving permit is issued for
22 employment purposes, then the prohibition against
23 operating a motor vehicle that is not equipped with an
24 ignition interlock device does not apply to the operation
25 of an occupational vehicle owned or leased by that
26 person's employer when used solely for employment

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

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

1 designated driver remedial or rehabilitative program. The
2 Secretary of State is authorized to cancel a restricted
3 driving permit if the permit holder does not successfully
4 complete the program.

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

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

23 (ii) the successful completion of any
24 rehabilitative treatment and involvement in any
25 ongoing rehabilitative activity that may be
26 recommended by a properly licensed service provider

1 according to an assessment of the person's alcohol or
2 drug use under Section 11-501.01 of this Code.

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

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

25 A restricted driving permit issued under this
26 subparagraph (F) shall be revoked, and the holder barred

1 from applying for or being issued a restricted driving
2 permit in the future, if the holder is convicted of a
3 violation of Section 11-501 of this Code, a similar
4 provision of a local ordinance, or a similar offense in
5 another state.

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

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

24 (c-5) The Secretary of State may, as a condition of the
25 reissuance of a driver's license or permit to an applicant
26 whose driver's license or permit has been suspended before he

1 or she reached the age of 21 years pursuant to any of the
2 provisions of this Section, require the applicant to
3 participate in a driver remedial education course and be
4 retested under Section 6-109 of this Code.

5 (d) This Section is subject to the provisions of the
6 ~~Driver~~ Drivers License Compact.

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

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

16 (Source: P.A. 101-90, eff. 7-1-20; 101-470, eff. 7-1-20;
17 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-299, eff.
18 8-6-21; 102-558, eff. 8-20-21; revised 10-28-21.)

19 (625 ILCS 5/6-308)

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

21 (a) Any person cited for violating this Code or a similar
22 provision of a local ordinance for which a violation is a petty
23 offense as defined by Section 5-1-17 of the Unified Code of
24 Corrections, excluding business offenses as defined by Section
25 5-1-2 of the Unified Code of Corrections or a violation of

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

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

1 appeared and resolved the violation. Upon compliance, the
2 clerk of the court shall present the person with a notice of
3 compliance containing the seal of the court, and shall notify
4 the Secretary that the person has appeared and resolved the
5 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; 101-652.)

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 UCCLA.

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
13 Commercial Driver's License Information System, or CDLIS,
14 established 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
20 any towed unit with a gross vehicle weight rating or
21 gross vehicle weight of more than 4,536 kilograms
22 (10,000 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
12 or 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
8 Methamphetamine 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 or~~
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
15 as 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 UCDLA pertaining to employees.
18 An 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
23 such a vehicle. A person who is self-employed as a commercial
24 motor vehicle driver must comply with the requirements of this
25 UCDLA.

26 (15.1) Endorsement. "Endorsement" means an authorization

1 to an individual's CLP or CDL required to permit the
2 individual to operate certain types of commercial motor
3 vehicles.

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

15 (15.3) Excepted interstate. "Excepted interstate" means a
16 person who operates or expects to operate in interstate
17 commerce, but engages exclusively in transportation or
18 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68,
19 or 398.3 from all or part of the qualification requirements of
20 49 C.F.R. Part 391 and is not required to obtain a medical
21 examiner's certificate by 49 C.F.R. 391.45.

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

26 (16) (Blank).

1 (16.5) Fatality. "Fatality" means the death of a person as
2 a result of a motor vehicle accident.

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

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

11 (18) (Blank).

12 (19) (Blank).

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

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

1 proceeding begun to lessen the risk of that death, illness,
2 injury or endangerment.

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

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

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

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

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

25 (21.2) Medical examiner's certificate. "Medical examiner's
26 certificate" means either (1) prior to June 22, 2021, a

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

9 (21.5) Medical variance. "Medical variance" means a driver
10 has received one of the following from the Federal Motor
11 Carrier Safety Administration which allows the driver to be
12 issued a medical certificate: (1) an exemption letter
13 permitting operation of a commercial motor vehicle pursuant to
14 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
15 skill performance evaluation (SPE) certificate permitting
16 operation of a commercial motor vehicle pursuant to 49 C.F.R.
17 391.49.

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

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

1 power and motorized wheel chairs.

2 (22.2) Motor vehicle record. "Motor vehicle record" means
3 a report of the driving status and history of a driver
4 generated from the driver record provided to users, such as
5 drivers or employers, and is subject to the provisions of the
6 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

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

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

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

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

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

25 (ii) to an individual domiciled in another state
26 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.

1 of the Federal Motor Carrier Safety Administration.

2 (24) (Blank).

3 (25) (Blank).

4 (25.5) Railroad-Highway Grade Crossing Violation.

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

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

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

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

16 (26) Serious Traffic Violation. "Serious traffic
17 violation" means:

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

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

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

25 (iii) a violation of any State law or local
26 ordinance relating to motor vehicle traffic control

1 (other than parking violations) arising in connection
2 with a fatal traffic accident; or

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

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

8 (vi) a violation relating to improper or erratic
9 traffic lane changes; or

10 (vii) a violation relating to following another
11 vehicle too closely; or

12 (viii) a violation relating to texting while
13 driving; or

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

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

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

24 (28) (Blank).

25 (29) (Blank).

26 (30) (Blank).

1 (31) (Blank).

2 (32) Texting. "Texting" means manually entering
3 alphanumeric text into, or reading text from, an electronic
4 device.

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

12 (2) Texting does not include:

13 (i) inputting, selecting, or reading information
14 on a global positioning system or navigation system;
15 or

16 (ii) pressing a single button to initiate or
17 terminate a voice communication using a mobile
18 telephone; or

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

25 (32.3) Third party skills test examiner. "Third party
26 skills test examiner" means a person employed by a third party

1 tester who is authorized by the State to administer the CDL
2 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

3 (32.5) Third party tester. "Third party tester" means a
4 person (including, but not limited to, another state, a motor
5 carrier, a private driver training facility or other private
6 institution, or a department, agency, or instrumentality of a
7 local government) authorized by the State to employ skills
8 test examiners to administer the CDL skills tests specified in
9 49 C.F.R. Part 383, subparts G and H.

10 (32.7) United States. "United States" means the 50 states
11 and the District of Columbia.

12 (33) Use a hand-held mobile telephone. "Use a hand-held
13 mobile telephone" means:

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

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

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

24 (Source: P.A. 100-223, eff. 8-18-17; 101-185, eff. 1-1-20;
25 101-652.)

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

2 Sec. 6-601. Penalties.

3 (a) It is a petty offense for any person to violate any of
4 the provisions of this Chapter unless such violation is by
5 this Code or other law of this State declared to be a
6 misdemeanor or a felony.

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

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

13 1. A Class A misdemeanor if the person failed to
14 obtain a driver's license or permit after expiration of a
15 period of revocation.

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

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

26 If a licensee under this Code is convicted of violating

1 Section 6-303 for operating a motor vehicle during a time when
2 such licensee's driver's license was suspended under the
3 provisions of Section 6-306.3 or 6-308, then such act shall be
4 a petty offense (provided the licensee has answered the charge
5 which was the basis of the suspension under Section 6-306.3 or
6 6-308), and there shall be imposed no additional like period
7 of suspension as provided in paragraph (b) of Section 6-303.

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

19 (Source: P.A. 97-1157, eff. 11-28-13; 98-870, eff. 1-1-15;
20 98-1134, eff. 1-1-15; 101-652.)

21 (625 ILCS 5/16-103) (from Ch. 95 1/2, par. 16-103)

22 Sec. 16-103. Arrest outside county where violation
23 committed.

24 Whenever a defendant is arrested upon a warrant charging a
25 violation of this Act in a county other than that in which such

1 warrant was issued, the arresting officer, immediately upon
2 the request of the defendant, shall take such defendant before
3 a circuit judge or associate circuit judge in the county in
4 which the arrest was made who shall admit the defendant to
5 ~~pretrial release~~ bail for his appearance before the court
6 named in the warrant. On ~~setting the conditions of pretrial~~
7 ~~release~~ taking such bail the circuit judge or associate
8 circuit judge shall certify such fact on the warrant and
9 deliver the warrant and ~~conditions of pretrial release~~
10 undertaking of bail or other security, or the drivers license
11 of such defendant if deposited, under the law relating to such
12 licenses, in lieu of such security, to the officer having
13 charge of the defendant. Such officer shall then immediately
14 discharge the defendant from arrest and without delay deliver
15 such warrant and such ~~acknowledgment by the defendant of his~~
16 ~~or her receiving the conditions of pretrial release~~
17 undertaking of bail, or other security or drivers license to
18 the court before which the defendant is required to appear.

19 (Source: P.A. 77-1280; 101-652.)

20 Section 175. The Illinois Vehicle Code is amended by
21 changing Sections 6-209.1, 11-208.3, 11-208.6, 11-208.8,
22 11-208.9, and 11-1201.1 as follows:

23 (625 ILCS 5/6-209.1)

24 Sec. 6-209.1. Restoration of driving privileges;

1 revocation; suspension; cancellation.

2 ~~(a)~~ The Secretary shall rescind the suspension or
3 cancellation of a person's driver's license that has been
4 suspended or canceled before ~~July 1, 2020~~ (the effective date
5 of ~~Public Act 101-623~~) this amendatory Act of the 101st
6 General Assembly due to:

7 (1) the person being convicted of theft of motor fuel
8 under ~~Section~~ Sections 16-25 or 16K-15 of the Criminal
9 Code of 1961 or the Criminal Code of 2012;

10 (2) the person, since the issuance of the driver's
11 license, being adjudged to be afflicted with or suffering
12 from any mental disability or disease;

13 (3) a violation of Section 6-16 of the Liquor Control
14 Act of 1934 or a similar provision of a local ordinance;

15 (4) the person being convicted of a violation of
16 Section 6-20 of the Liquor Control Act of 1934 or a similar
17 provision of a local ordinance, if the person presents a
18 certified copy of a court order that includes a finding
19 that the person was not an occupant of a motor vehicle at
20 the time of the violation;

21 (5) the person receiving a disposition of court
22 supervision for a violation of ~~subsection~~ subsections (a),
23 (d), or (e) of Section 6-20 of the Liquor Control Act of
24 1934 or a similar provision of a local ordinance, if the
25 person presents a certified copy of a court order that
26 includes a finding that the person was not an occupant of a

1 motor vehicle at the time of the violation;

2 (6) the person failing to pay any fine or penalty due
3 or owing as a result of 10 or more violations of a
4 municipality's or county's vehicular standing, parking, or
5 compliance regulations established by ordinance under
6 Section 11-208.3 of this Code;

7 (7) the person failing to satisfy any fine or penalty
8 resulting from a final order issued by the ~~Illinois State~~
9 ~~Toll Highway~~ Authority relating directly or indirectly to
10 5 or more toll violations, toll evasions, or both;

11 (8) the person being convicted of a violation of
12 Section 4-102 of this Code, if the person presents a
13 certified copy of a court order that includes a finding
14 that the person did not exercise actual physical control
15 of the vehicle at the time of the violation; or

16 (9) the person being convicted of criminal trespass to
17 vehicles under Section 21-2 of the Criminal Code of 2012,
18 if the person presents a certified copy of a court order
19 that includes a finding that the person did not exercise
20 actual physical control of the vehicle at the time of the
21 violation.

22 ~~(b) As soon as practicable and no later than July 1, 2021,~~
23 ~~the Secretary shall rescind the suspension, cancellation, or~~
24 ~~prohibition of renewal of a person's driver's license that has~~
25 ~~been suspended, canceled, or whose renewal has been prohibited~~
26 ~~before the effective date of this amendatory Act of the 101st~~

1 ~~General Assembly due to the person having failed to pay any~~
2 ~~fine or penalty for traffic violations, automated traffic law~~
3 ~~enforcement system violations as defined in Sections 11-208.6,~~
4 ~~and 11-208.8, 11-208.9, and 11-1201.1, or abandoned vehicle~~
5 ~~fees.~~

6 (Source: P.A. 101-623, eff. 7-1-20; 101-652, eff. 7-1-21;
7 102-558, eff. 8-20-21.)

8 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

9 Sec. 11-208.3. Administrative adjudication of violations
10 of traffic regulations concerning the standing, parking, or
11 condition of vehicles, automated traffic law violations, and
12 automated speed enforcement system violations.

13 (a) Any municipality or county may provide by ordinance
14 for a system of administrative adjudication of vehicular
15 standing and parking violations and vehicle compliance
16 violations as described in this subsection, automated traffic
17 law violations as defined in Section 11-208.6, 11-208.9, or
18 11-1201.1, and automated speed enforcement system violations
19 as defined in Section 11-208.8. The administrative system
20 shall have as its purpose the fair and efficient enforcement
21 of municipal or county regulations through the administrative
22 adjudication of automated speed enforcement system or
23 automated traffic law violations and violations of municipal
24 or county ordinances regulating the standing and parking of
25 vehicles, the condition and use of vehicle equipment, and the

1 display of municipal or county wheel tax licenses within the
2 municipality's or county's borders. The administrative system
3 shall only have authority to adjudicate civil offenses
4 carrying fines not in excess of \$500 or requiring the
5 completion of a traffic education program, or both, that occur
6 after the effective date of the ordinance adopting such a
7 system under this Section. For purposes of this Section,
8 "compliance violation" means a violation of a municipal or
9 county regulation governing the condition or use of equipment
10 on a vehicle or governing the display of a municipal or county
11 wheel tax license.

12 (b) Any ordinance establishing a system of administrative
13 adjudication under this Section shall provide for:

14 (1) A traffic compliance administrator authorized to
15 adopt, distribute, and process parking, compliance, and
16 automated speed enforcement system or automated traffic
17 law violation notices and other notices required by this
18 Section, collect money paid as fines and penalties for
19 violation of parking and compliance ordinances and
20 automated speed enforcement system or automated traffic
21 law violations, and operate an administrative adjudication
22 system. The traffic compliance administrator also may make
23 a certified report to the Secretary of State under Section
24 6-306.5.

25 (2) A parking, standing, compliance, automated speed
26 enforcement system, or automated traffic law violation

1 notice that shall specify or include the date, time, and
2 place of violation of a parking, standing, compliance,
3 automated speed enforcement system, or automated traffic
4 law regulation; the particular regulation violated; any
5 requirement to complete a traffic education program; the
6 fine and any penalty that may be assessed for late payment
7 or failure to complete a required traffic education
8 program, or both, when so provided by ordinance; the
9 vehicle make or a photograph of the vehicle; the state
10 registration number of the vehicle; and the identification
11 number of the person issuing the notice. With regard to
12 automated speed enforcement system or automated traffic
13 law violations, vehicle make shall be specified on the
14 automated speed enforcement system or automated traffic
15 law violation notice if the notice does not include a
16 photograph of the vehicle and the make is available and
17 readily discernible. With regard to municipalities or
18 counties with a population of 1 million or more, it shall
19 be grounds for dismissal of a parking violation if the
20 state registration number or vehicle make specified is
21 incorrect. The violation notice shall state that the
22 completion of any required traffic education program, the
23 payment of any indicated fine, and the payment of any
24 applicable penalty for late payment or failure to complete
25 a required traffic education program, or both, shall
26 operate as a final disposition of the violation. The

1 notice also shall contain information as to the
2 availability of a hearing in which the violation may be
3 contested on its merits. The violation notice shall
4 specify the time and manner in which a hearing may be had.

5 (3) Service of a parking, standing, or compliance
6 violation notice by: (i) affixing the original or a
7 facsimile of the notice to an unlawfully parked or
8 standing vehicle; (ii) handing the notice to the operator
9 of a vehicle if he or she is present; or (iii) mailing the
10 notice to the address of the registered owner or lessee of
11 the cited vehicle as recorded with the Secretary of State
12 or the lessor of the motor vehicle within 30 days after the
13 Secretary of State or the lessor of the motor vehicle
14 notifies the municipality or county of the identity of the
15 owner or lessee of the vehicle, but not later than 90 days
16 after ~~the~~ date of the violation, except that in the case of
17 a lessee of a motor vehicle, service of a parking,
18 standing, or compliance violation notice may occur no
19 later than 210 days after the violation; and service of an
20 automated speed enforcement system or automated traffic
21 law violation notice by mail to the address of the
22 registered owner or lessee of the cited vehicle as
23 recorded with the Secretary of State or the lessor of the
24 motor vehicle within 30 days after the Secretary of State
25 or the lessor of the motor vehicle notifies the
26 municipality or county of the identity of the owner or

1 lessee of the vehicle, but not later than 90 days after the
2 violation, except that in the case of a lessee of a motor
3 vehicle, service of an automated traffic law violation
4 notice may occur no later than 210 days after the
5 violation. A person authorized by ordinance to issue and
6 serve parking, standing, and compliance violation notices
7 shall certify as to the correctness of the facts entered
8 on the violation notice by signing his or her name to the
9 notice at the time of service or, in the case of a notice
10 produced by a computerized device, by signing a single
11 certificate to be kept by the traffic compliance
12 administrator attesting to the correctness of all notices
13 produced by the device while it was under his or her
14 control. In the case of an automated traffic law
15 violation, the ordinance shall require a determination by
16 a technician employed or contracted by the municipality or
17 county that, based on inspection of recorded images, the
18 motor vehicle was being operated in violation of Section
19 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance. If
20 the technician determines that the vehicle entered the
21 intersection as part of a funeral procession or in order
22 to yield the right-of-way to an emergency vehicle, a
23 citation shall not be issued. In municipalities with a
24 population of less than 1,000,000 inhabitants and counties
25 with a population of less than 3,000,000 inhabitants, the
26 automated traffic law ordinance shall require that all

1 determinations by a technician that a motor vehicle was
2 being operated in violation of Section 11-208.6, 11-208.9,
3 or 11-1201.1 or a local ordinance must be reviewed and
4 approved by a law enforcement officer or retired law
5 enforcement officer of the municipality or county issuing
6 the violation. In municipalities with a population of
7 1,000,000 or more inhabitants and counties with a
8 population of 3,000,000 or more inhabitants, the automated
9 traffic law ordinance shall require that all
10 determinations by a technician that a motor vehicle was
11 being operated in violation of Section 11-208.6, 11-208.9,
12 or 11-1201.1 or a local ordinance must be reviewed and
13 approved by a law enforcement officer or retired law
14 enforcement officer of the municipality or county issuing
15 the violation or by an additional ~~fully-trained~~
16 fully-trained reviewing technician who is not employed by
17 the contractor who employs the technician who made the
18 initial determination. In the case of an automated speed
19 enforcement system violation, the ordinance shall require
20 a determination by a technician employed by the
21 municipality, based upon an inspection of recorded images,
22 video or other documentation, including documentation of
23 the speed limit and automated speed enforcement signage,
24 and documentation of the inspection, calibration, and
25 certification of the speed equipment, that the vehicle was
26 being operated in violation of Article VI of Chapter 11 of

1 this Code or a similar local ordinance. If the technician
2 determines that the vehicle speed was not determined by a
3 calibrated, certified speed equipment device based upon
4 the speed equipment documentation, or if the vehicle was
5 an emergency vehicle, a citation may not be issued. The
6 automated speed enforcement ordinance shall require that
7 all determinations by a technician that a violation
8 occurred be reviewed and approved by a law enforcement
9 officer or retired law enforcement officer of the
10 municipality issuing the violation or by an additional
11 fully trained reviewing technician who is not employed by
12 the contractor who employs the technician who made the
13 initial determination. Routine and independent calibration
14 of the speeds produced by automated speed enforcement
15 systems and equipment shall be conducted annually by a
16 qualified technician. Speeds produced by an automated
17 speed enforcement system shall be compared with speeds
18 produced by lidar or other independent equipment. Radar or
19 lidar equipment shall undergo an internal validation test
20 no less frequently than once each week. Qualified
21 technicians shall test ~~loop-based~~ loop based equipment no
22 less frequently than once a year. Radar equipment shall be
23 checked for accuracy by a qualified technician when the
24 unit is serviced, when unusual or suspect readings
25 persist, or when deemed necessary by a reviewing
26 technician. Radar equipment shall be checked with the

1 internal frequency generator and the internal circuit test
2 whenever the radar is turned on. Technicians must be alert
3 for any unusual or suspect readings, and if unusual or
4 suspect readings of a radar unit persist, that unit shall
5 immediately be removed from service and not returned to
6 service until it has been checked by a qualified
7 technician and determined to be functioning properly.
8 Documentation of the annual calibration results, including
9 the equipment tested, test date, technician performing the
10 test, and test results, shall be maintained and available
11 for use in the determination of an automated speed
12 enforcement system violation and issuance of a citation.
13 The technician performing the calibration and testing of
14 the automated speed enforcement equipment shall be trained
15 and certified in the use of equipment for speed
16 enforcement purposes. Training on the speed enforcement
17 equipment may be conducted by law enforcement, civilian,
18 or manufacturer's personnel and if applicable may be
19 equivalent to the equipment use and operations training
20 included in the Speed Measuring Device Operator Program
21 developed by the National Highway Traffic Safety
22 Administration (NHTSA). The vendor or technician who
23 performs the work shall keep accurate records on each
24 piece of equipment the technician calibrates and tests. As
25 used in this paragraph, "~~fully-trained~~ fully-trained
26 reviewing technician" means a person who has received at

1 least 40 hours of supervised training in subjects which
2 shall include image inspection and interpretation, the
3 elements necessary to prove a violation, license plate
4 identification, and traffic safety and management. In all
5 municipalities and counties, the automated speed
6 enforcement system or automated traffic law ordinance
7 shall require that no additional fee shall be charged to
8 the alleged violator for exercising his or her right to an
9 administrative hearing, and persons shall be given at
10 least 25 days following an administrative hearing to pay
11 any civil penalty imposed by a finding that Section
12 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a similar
13 local ordinance has been violated. The original or a
14 facsimile of the violation notice or, in the case of a
15 notice produced by a computerized device, a printed record
16 generated by the device showing the facts entered on the
17 notice, shall be retained by the traffic compliance
18 administrator, and shall be a record kept in the ordinary
19 course of business. A parking, standing, compliance,
20 automated speed enforcement system, or automated traffic
21 law violation notice issued, signed, and served in
22 accordance with this Section, a copy of the notice, or the
23 ~~computer-generated~~ computer generated record shall be
24 prima facie correct and shall be prima facie evidence of
25 the correctness of the facts shown on the notice. The
26 notice, copy, or ~~computer-generated~~ computer generated

1 record shall be admissible in any subsequent
2 administrative or legal proceedings.

3 (4) An opportunity for a hearing for the registered
4 owner of the vehicle cited in the parking, standing,
5 compliance, automated speed enforcement system, or
6 automated traffic law violation notice in which the owner
7 may contest the merits of the alleged violation, and
8 during which formal or technical rules of evidence shall
9 not apply; provided, however, that under Section 11-1306
10 of this Code the lessee of a vehicle cited in the violation
11 notice likewise shall be provided an opportunity for a
12 hearing of the same kind afforded the registered owner.
13 The hearings shall be recorded, and the person conducting
14 the hearing on behalf of the traffic compliance
15 administrator shall be empowered to administer oaths and
16 to secure by subpoena both the attendance and testimony of
17 witnesses and the production of relevant books and papers.
18 Persons appearing at a hearing under this Section may be
19 represented by counsel at their expense. The ordinance may
20 also provide for internal administrative review following
21 the decision of the hearing officer.

22 (5) Service of additional notices, sent by first class
23 United States mail, postage prepaid, to the address of the
24 registered owner of the cited vehicle as recorded with the
25 Secretary of State or, if any notice to that address is
26 returned as undeliverable, to the last known address

1 recorded in a United States Post Office approved database,
2 or, under Section 11-1306 or subsection (p) of Section
3 11-208.6 or 11-208.9, or subsection (p) of Section
4 11-208.8 of this Code, to the lessee of the cited vehicle
5 at the last address known to the lessor of the cited
6 vehicle at the time of lease or, if any notice to that
7 address is returned as undeliverable, to the last known
8 address recorded in a United States Post Office approved
9 database. The service shall be deemed complete as of the
10 date of deposit in the United States mail. The notices
11 shall be in the following sequence and shall include~~7~~ but
12 not be limited to~~7~~ the information specified herein:

13 (i) A second notice of parking, standing, or
14 compliance violation if the first notice of the
15 violation was issued by affixing the original or a
16 facsimile of the notice to the unlawfully parked
17 vehicle or by handing the notice to the operator. This
18 notice shall specify or include the date and location
19 of the violation cited in the parking, standing, or
20 compliance violation notice, the particular regulation
21 violated, the vehicle make or a photograph of the
22 vehicle, the state registration number of the vehicle,
23 any requirement to complete a traffic education
24 program, the fine and any penalty that may be assessed
25 for late payment or failure to complete a traffic
26 education program, or both, when so provided by

1 ordinance, the availability of a hearing in which the
2 violation may be contested on its merits, and the time
3 and manner in which the hearing may be had. The notice
4 of violation shall also state that failure to complete
5 a required traffic education program, to pay the
6 indicated fine and any applicable penalty, or to
7 appear at a hearing on the merits in the time and
8 manner specified, will result in a final determination
9 of violation liability for the cited violation in the
10 amount of the fine or penalty indicated, and that,
11 upon the occurrence of a final determination of
12 violation liability for the failure, and the
13 exhaustion of, or failure to exhaust, available
14 administrative or judicial procedures for review, any
15 incomplete traffic education program or any unpaid
16 fine or penalty, or both, will constitute a debt due
17 and owing the municipality or county.

18 (ii) A notice of final determination of parking,
19 standing, compliance, automated speed enforcement
20 system, or automated traffic law violation liability.
21 This notice shall be sent following a final
22 determination of parking, standing, compliance,
23 automated speed enforcement system, or automated
24 traffic law violation liability and the conclusion of
25 judicial review procedures taken under this Section.
26 The notice shall state that the incomplete traffic

1 education program or the unpaid fine or penalty, or
2 both, is a debt due and owing the municipality or
3 county. The notice shall contain warnings that failure
4 to complete any required traffic education program or
5 to pay any fine or penalty due and owing the
6 municipality or county, or both, within the time
7 specified may result in the municipality's or county's
8 filing of a petition in the Circuit Court to have the
9 incomplete traffic education program or unpaid fine or
10 penalty, or both, rendered a judgment as provided by
11 this Section, or, where applicable, may result in
12 suspension of the person's ~~driver's~~ drivers license
13 for failure to complete a traffic education program.
14 or to pay fines or penalties, or both, for 5 or more
15 automated traffic law violations under Section
16 11-208.6 or 11-208.9 or automated speed enforcement
17 system violations under Section 11-208.8

18 (6) A notice of impending ~~driver's~~ drivers license
19 suspension. This notice shall be sent to the person liable
20 for failure to complete a required traffic education
21 program or to pay any fine or penalty that remains due and
22 owing, or both, on 5 or more unpaid automated speed
23 enforcement system or automated traffic law violations.
24 The notice shall state that failure to complete a required
25 traffic education program or to pay the fine or penalty
26 owing, or both, within 45 days of the notice's date will

1 result in the municipality or county notifying the
2 Secretary of State that the person is eligible for
3 initiation of suspension proceedings under Section 6-306.5
4 of this Code. The notice shall also state that the person
5 may obtain a photostatic copy of an original ticket
6 imposing a fine or penalty by sending a ~~self-addressed~~
7 self addressed, stamped envelope to the municipality or
8 county along with a request for the photostatic copy. The
9 notice of impending ~~driver's~~ drivers license suspension
10 shall be sent by first class United States mail, postage
11 prepaid, to the address recorded with the Secretary of
12 State or, if any notice to that address is returned as
13 undeliverable, to the last known address recorded in a
14 United States Post Office approved database.

15 (7) Final determinations of violation liability. A
16 final determination of violation liability shall occur
17 following failure to complete the required traffic
18 education program or to pay the fine or penalty, or both,
19 after a hearing officer's determination of violation
20 liability and the exhaustion of or failure to exhaust any
21 administrative review procedures provided by ordinance.
22 Where a person fails to appear at a hearing to contest the
23 alleged violation in the time and manner specified in a
24 prior mailed notice, the hearing officer's determination
25 of violation liability shall become final: (A) upon denial
26 of a timely petition to set aside that determination, or

1 (B) upon expiration of the period for filing the petition
2 without a filing having been made.

3 (8) A petition to set aside a determination of
4 parking, standing, compliance, automated speed enforcement
5 system, or automated traffic law violation liability that
6 may be filed by a person owing an unpaid fine or penalty. A
7 petition to set aside a determination of liability may
8 also be filed by a person required to complete a traffic
9 education program. The petition shall be filed with and
10 ruled upon by the traffic compliance administrator in the
11 manner and within the time specified by ordinance. The
12 grounds for the petition may be limited to: (A) the person
13 not having been the owner or lessee of the cited vehicle on
14 the date the violation notice was issued, (B) the person
15 having already completed the required traffic education
16 program or paid the fine or penalty, or both, for the
17 violation in question, and (C) excusable failure to appear
18 at or request a new date for a hearing. With regard to
19 municipalities or counties with a population of 1 million
20 or more, it shall be grounds for dismissal of a parking
21 violation if the state registration number or vehicle
22 make, only if specified in the violation notice, is
23 incorrect. After the determination of parking, standing,
24 compliance, automated speed enforcement system, or
25 automated traffic law violation liability has been set
26 aside upon a showing of just cause, the registered owner

1 shall be provided with a hearing on the merits for that
2 violation.

3 (9) Procedures for non-residents. Procedures by which
4 persons who are not residents of the municipality or
5 county may contest the merits of the alleged violation
6 without attending a hearing.

7 (10) A schedule of civil fines for violations of
8 vehicular standing, parking, compliance, automated speed
9 enforcement system, or automated traffic law regulations
10 enacted by ordinance pursuant to this Section, and a
11 schedule of penalties for late payment of the fines or
12 failure to complete required traffic education programs,
13 provided, however, that the total amount of the fine and
14 penalty for any one violation shall not exceed \$250,
15 except as provided in subsection (c) of Section 11-1301.3
16 of this Code.

17 (11) Other provisions as are necessary and proper to
18 carry into effect the powers granted and purposes stated
19 in this Section.

20 (c) Any municipality or county establishing vehicular
21 standing, parking, compliance, automated speed enforcement
22 system, or automated traffic law regulations under this
23 Section may also provide by ordinance for a program of vehicle
24 immobilization for the purpose of facilitating enforcement of
25 those regulations. The program of vehicle immobilization shall
26 provide for immobilizing any eligible vehicle upon the public

1 way by presence of a restraint in a manner to prevent operation
2 of the vehicle. Any ordinance establishing a program of
3 vehicle immobilization under this Section shall provide:

4 (1) Criteria for the designation of vehicles eligible
5 for immobilization. A vehicle shall be eligible for
6 immobilization when the registered owner of the vehicle
7 has accumulated the number of incomplete traffic education
8 programs or unpaid final determinations of parking,
9 standing, compliance, automated speed enforcement system,
10 or automated traffic law violation liability, or both, as
11 determined by ordinance.

12 (2) A notice of impending vehicle immobilization and a
13 right to a hearing to challenge the validity of the notice
14 by disproving liability for the incomplete traffic
15 education programs or unpaid final determinations of
16 parking, standing, compliance, automated speed enforcement
17 system, or automated traffic law violation liability, or
18 both, listed on the notice.

19 (3) The right to a prompt hearing after a vehicle has
20 been immobilized or subsequently towed without the
21 completion of the required traffic education program or
22 payment of the outstanding fines and penalties on parking,
23 standing, compliance, automated speed enforcement system,
24 or automated traffic law violations, or both, for which
25 final determinations have been issued. An order issued
26 after the hearing is a final administrative decision

1 within the meaning of Section 3-101 of the Code of Civil
2 Procedure.

3 (4) A post immobilization and post-towing notice
4 advising the registered owner of the vehicle of the right
5 to a hearing to challenge the validity of the impoundment.

6 (d) Judicial review of final determinations of parking,
7 standing, compliance, automated speed enforcement system, or
8 automated traffic law violations and final administrative
9 decisions issued after hearings regarding vehicle
10 immobilization and impoundment made under this Section shall
11 be subject to the provisions of the Administrative Review Law.

12 (e) Any fine, penalty, incomplete traffic education
13 program, or part of any fine or any penalty remaining unpaid
14 after the exhaustion of, or the failure to exhaust,
15 administrative remedies created under this Section and the
16 conclusion of any judicial review procedures shall be a debt
17 due and owing the municipality or county and, as such, may be
18 collected in accordance with applicable law. Completion of any
19 required traffic education program and payment in full of any
20 fine or penalty resulting from a standing, parking,
21 compliance, automated speed enforcement system, or automated
22 traffic law violation shall constitute a final disposition of
23 that violation.

24 (f) After the expiration of the period within which
25 judicial review may be sought for a final determination of
26 parking, standing, compliance, automated speed enforcement

1 system, or automated traffic law violation, the municipality
2 or county may commence a proceeding in the Circuit Court for
3 purposes of obtaining a judgment on the final determination of
4 violation. Nothing in this Section shall prevent a
5 municipality or county from consolidating multiple final
6 determinations of parking, standing, compliance, automated
7 speed enforcement system, or automated traffic law violations
8 against a person in a proceeding. Upon commencement of the
9 action, the municipality or county shall file a certified copy
10 or record of the final determination of parking, standing,
11 compliance, automated speed enforcement system, or automated
12 traffic law violation, which shall be accompanied by a
13 certification that recites facts sufficient to show that the
14 final determination of violation was issued in accordance with
15 this Section and the applicable municipal or county ordinance.
16 Service of the summons and a copy of the petition may be by any
17 method provided by Section 2-203 of the Code of Civil
18 Procedure or by certified mail, return receipt requested,
19 provided that the total amount of fines and penalties for
20 final determinations of parking, standing, compliance,
21 automated speed enforcement system, or automated traffic law
22 violations does not exceed \$2500. If the court is satisfied
23 that the final determination of parking, standing, compliance,
24 automated speed enforcement system, or automated traffic law
25 violation was entered in accordance with the requirements of
26 this Section and the applicable municipal or county ordinance,

1 and that the registered owner or the lessee, as the case may
2 be, had an opportunity for an administrative hearing and for
3 judicial review as provided in this Section, the court shall
4 render judgment in favor of the municipality or county and
5 against the registered owner or the lessee for the amount
6 indicated in the final determination of parking, standing,
7 compliance, automated speed enforcement system, or automated
8 traffic law violation, plus costs. The judgment shall have the
9 same effect and may be enforced in the same manner as other
10 judgments for the recovery of money.

11 (g) The fee for participating in a traffic education
12 program under this Section shall not exceed \$25.

13 A low-income individual required to complete a traffic
14 education program under this Section who provides proof of
15 eligibility for the federal earned income tax credit under
16 Section 32 of the Internal Revenue Code or the Illinois earned
17 income tax credit under Section 212 of the Illinois Income Tax
18 Act shall not be required to pay any fee for participating in a
19 required traffic education program.

20 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;
21 101-652, eff. 7-1-21; 102-558, eff. 8-20-21.)

22 (625 ILCS 5/11-208.6)

23 Sec. 11-208.6. Automated traffic law enforcement system.

24 (a) As used in this Section, "automated traffic law
25 enforcement system" means a device with one or more motor

1 vehicle sensors working in conjunction with a red light signal
2 to produce recorded images of motor vehicles entering an
3 intersection against a red signal indication in violation of
4 Section 11-306 of this Code or a similar provision of a local
5 ordinance.

6 An automated traffic law enforcement system is a system,
7 in a municipality or county operated by a governmental agency,
8 that produces a recorded image of a motor vehicle's violation
9 of a provision of this Code or a local ordinance and is
10 designed to obtain a clear recorded image of the vehicle and
11 the vehicle's license plate. The recorded image must also
12 display the time, date, and location of the violation.

13 (b) As used in this Section, "recorded images" means
14 images recorded by an automated traffic law enforcement system
15 on:

16 (1) 2 or more photographs;

17 (2) 2 or more microphotographs;

18 (3) 2 or more electronic images; or

19 (4) a video recording showing the motor vehicle and,
20 on at least one image or portion of the recording, clearly
21 identifying the registration plate or digital registration
22 plate number of the motor vehicle.

23 (b-5) A municipality or county that produces a recorded
24 image of a motor vehicle's violation of a provision of this
25 Code or a local ordinance must make the recorded images of a
26 violation accessible to the alleged violator by providing the

1 alleged violator with a website address, accessible through
2 the Internet.

3 (c) Except as provided under Section 11-208.8 of this
4 Code, a county or municipality, including a home rule county
5 or municipality, may not use an automated traffic law
6 enforcement system to provide recorded images of a motor
7 vehicle for the purpose of recording its speed. Except as
8 provided under Section 11-208.8 of this Code, the regulation
9 of the use of automated traffic law enforcement systems to
10 record vehicle speeds is an exclusive power and function of
11 the State. This subsection (c) is a denial and limitation of
12 home rule powers and functions under subsection (h) of Section
13 6 of Article VII of the Illinois Constitution.

14 (c-5) A county or municipality, including a home rule
15 county or municipality, may not use an automated traffic law
16 enforcement system to issue violations in instances where the
17 motor vehicle comes to a complete stop and does not enter the
18 intersection, as defined by Section 1-132 of this Code, during
19 the cycle of the red signal indication unless one or more
20 pedestrians or bicyclists are present, even if the motor
21 vehicle stops at a point past a stop line or crosswalk where a
22 driver is required to stop, as specified in subsection (c) of
23 Section 11-306 of this Code or a similar provision of a local
24 ordinance.

25 (c-6) A county, or a municipality with less than 2,000,000
26 inhabitants, including a home rule county or municipality, may

1 not use an automated traffic law enforcement system to issue
2 violations in instances where a motorcyclist enters an
3 intersection against a red signal indication when the red
4 signal fails to change to a green signal within a reasonable
5 period of time not less than 120 seconds because of a signal
6 malfunction or because the signal has failed to detect the
7 arrival of the motorcycle due to the motorcycle's size or
8 weight.

9 (d) For each violation of a provision of this Code or a
10 local ordinance recorded by an automatic traffic law
11 enforcement system, the county or municipality having
12 jurisdiction shall issue a written notice of the violation to
13 the registered owner of the vehicle as the alleged violator.
14 The notice shall be delivered to the registered owner of the
15 vehicle, by mail, within 30 days after the Secretary of State
16 notifies the municipality or county of the identity of the
17 owner of the vehicle, but in no event later than 90 days after
18 the violation.

19 The notice shall include:

20 (1) the name and address of the registered owner of
21 the vehicle;

22 (2) the registration number of the motor vehicle
23 involved in the violation;

24 (3) the violation charged;

25 (4) the location where the violation occurred;

26 (5) the date and time of the violation;

1 (6) a copy of the recorded images;

2 (7) the amount of the civil penalty imposed and the
3 requirements of any traffic education program imposed and
4 the date by which the civil penalty should be paid and the
5 traffic education program should be completed;

6 (8) a statement that recorded images are evidence of a
7 violation of a red light signal;

8 (9) a warning that failure to pay the civil penalty,
9 to complete a required traffic education program, or to
10 contest liability in a timely manner is an admission of
11 liability and may result in a suspension of the driving
12 privileges of the registered owner of the vehicle;

13 (10) a statement that the person may elect to proceed
14 by:

15 (A) paying the fine, completing a required traffic
16 education program, or both; or

17 (B) challenging the charge in court, by mail, or
18 by administrative hearing; and

19 (11) a website address, accessible through the
20 Internet, where the person may view the recorded images of
21 the violation.

22 (e) ~~(Blank)~~. If a person charged with a traffic violation,
23 as a result of an automated traffic law enforcement system,
24 does not pay the fine or complete a required traffic education
25 program, or both, or successfully contest the civil penalty
26 resulting from that violation, the Secretary of State shall

1 suspend the driving privileges of the registered owner of the
2 vehicle under Section 6-306.5 of this Code for failing to
3 complete a required traffic education program or to pay any
4 fine or penalty due and owing, or both, as a result of a
5 combination of 5 violations of the automated traffic law
6 enforcement system or the automated speed enforcement system
7 under Section 11-208.8 of this Code.

8 (f) Based on inspection of recorded images produced by an
9 automated traffic law enforcement system, a notice alleging
10 that the violation occurred shall be evidence of the facts
11 contained in the notice and admissible in any proceeding
12 alleging a violation under this Section.

13 (g) Recorded images made by an automatic traffic law
14 enforcement system are confidential and shall be made
15 available only to the alleged violator and governmental and
16 law enforcement agencies for purposes of adjudicating a
17 violation of this Section, for statistical purposes, or for
18 other governmental purposes. Any recorded image evidencing a
19 violation of this Section, however, may be admissible in any
20 proceeding resulting from the issuance of the citation.

21 (h) The court or hearing officer may consider in defense
22 of a violation:

23 (1) that the motor vehicle or registration plates or
24 digital registration plates of the motor vehicle were
25 stolen before the violation occurred and not under the
26 control of or in the possession of the owner at the time of

1 the violation;

2 (2) that the driver of the vehicle passed through the
3 intersection when the light was red either (i) in order to
4 yield the right-of-way to an emergency vehicle or (ii) as
5 part of a funeral procession; and

6 (3) any other evidence or issues provided by municipal
7 or county ordinance.

8 (i) To demonstrate that the motor vehicle or the
9 registration plates or digital registration plates were stolen
10 before the violation occurred and were not under the control
11 or possession of the owner at the time of the violation, the
12 owner must submit proof that a report concerning the stolen
13 motor vehicle or registration plates was filed with a law
14 enforcement agency in a timely manner.

15 (j) Unless the driver of the motor vehicle received a
16 Uniform Traffic Citation from a police officer at the time of
17 the violation, the motor vehicle owner is subject to a civil
18 penalty not exceeding \$100 or the completion of a traffic
19 education program, or both, plus an additional penalty of not
20 more than \$100 for failure to pay the original penalty or to
21 complete a required traffic education program, or both, in a
22 timely manner, if the motor vehicle is recorded by an
23 automated traffic law enforcement system. A violation for
24 which a civil penalty is imposed under this Section is not a
25 violation of a traffic regulation governing the movement of
26 vehicles and may not be recorded on the driving record of the

1 owner of the vehicle.

2 (j-3) A registered owner who is a holder of a valid
3 commercial driver's license is not required to complete a
4 traffic education program.

5 (j-5) For purposes of the required traffic education
6 program only, a registered owner may submit an affidavit to
7 the court or hearing officer swearing that at the time of the
8 alleged violation, the vehicle was in the custody and control
9 of another person. The affidavit must identify the person in
10 custody and control of the vehicle, including the person's
11 name and current address. The person in custody and control of
12 the vehicle at the time of the violation is required to
13 complete the required traffic education program. If the person
14 in custody and control of the vehicle at the time of the
15 violation completes the required traffic education program,
16 the registered owner of the vehicle is not required to
17 complete a traffic education program.

18 (k) An intersection equipped with an automated traffic law
19 enforcement system must be posted with a sign visible to
20 approaching traffic indicating that the intersection is being
21 monitored by an automated traffic law enforcement system.

22 (k-3) A municipality or county that has one or more
23 intersections equipped with an automated traffic law
24 enforcement system must provide notice to drivers by posting
25 the locations of automated traffic law systems on the
26 municipality or county website.

1 (k-5) An intersection equipped with an automated traffic
2 law enforcement system must have a yellow change interval that
3 conforms with the Illinois Manual on Uniform Traffic Control
4 Devices (IMUTCD) published by the Illinois Department of
5 Transportation.

6 (k-7) A municipality or county operating an automated
7 traffic law enforcement system shall conduct a statistical
8 analysis to assess the safety impact of each automated traffic
9 law enforcement system at an intersection following
10 installation of the system. The statistical analysis shall be
11 based upon the best available crash, traffic, and other data,
12 and shall cover a period of time before and after installation
13 of the system sufficient to provide a statistically valid
14 comparison of safety impact. The statistical analysis shall be
15 consistent with professional judgment and acceptable industry
16 practice. The statistical analysis also shall be consistent
17 with the data required for valid comparisons of before and
18 after conditions and shall be conducted within a reasonable
19 period following the installation of the automated traffic law
20 enforcement system. The statistical analysis required by this
21 subsection (k-7) shall be made available to the public and
22 shall be published on the website of the municipality or
23 county. If the statistical analysis for the 36 month period
24 following installation of the system indicates that there has
25 been an increase in the rate of accidents at the approach to
26 the intersection monitored by the system, the municipality or

1 county shall undertake additional studies to determine the
2 cause and severity of the accidents, and may take any action
3 that it determines is necessary or appropriate to reduce the
4 number or severity of the accidents at that intersection.

5 (l) The compensation paid for an automated traffic law
6 enforcement system must be based on the value of the equipment
7 or the services provided and may not be based on the number of
8 traffic citations issued or the revenue generated by the
9 system.

10 (m) This Section applies only to the counties of Cook,
11 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
12 to municipalities located within those counties.

13 (n) The fee for participating in a traffic education
14 program under this Section shall not exceed \$25.

15 A low-income individual required to complete a traffic
16 education program under this Section who provides proof of
17 eligibility for the federal earned income tax credit under
18 Section 32 of the Internal Revenue Code or the Illinois earned
19 income tax credit under Section 212 of the Illinois Income Tax
20 Act shall not be required to pay any fee for participating in a
21 required traffic education program.

22 (o) ~~(Blank).~~ A municipality or county shall make a
23 certified report to the Secretary of State pursuant to Section
24 6-306.5 of this Code whenever a registered owner of a vehicle
25 has failed to pay any fine or penalty due and owing as a result
26 of a combination of 5 offenses for automated traffic law or

1 speed enforcement system violations.

2 (p) No person who is the lessor of a motor vehicle pursuant
3 to a written lease agreement shall be liable for an automated
4 speed or traffic law enforcement system violation involving
5 such motor vehicle during the period of the lease; provided
6 that upon the request of the appropriate authority received
7 within 120 days after the violation occurred, the lessor
8 provides within 60 days after such receipt the name and
9 address of the lessee. The drivers license number of a lessee
10 may be subsequently individually requested by the appropriate
11 authority if needed for enforcement of this Section.

12 Upon the provision of information by the lessor pursuant
13 to this subsection, the county or municipality may issue the
14 violation to the lessee of the vehicle in the same manner as it
15 would issue a violation to a registered owner of a vehicle
16 pursuant to this Section, and the lessee may be held liable for
17 the violation.

18 (Source: P.A. 101-395, eff. 8-16-19; 101-652.)

19 (625 ILCS 5/11-208.8)

20 Sec. 11-208.8. Automated speed enforcement systems in
21 safety zones.

22 (a) As used in this Section:

23 "Automated speed enforcement system" means a photographic
24 device, radar device, laser device, or other electrical or
25 mechanical device or devices installed or utilized in a safety

1 zone and designed to record the speed of a vehicle and obtain a
2 clear photograph or other recorded image of the vehicle and
3 the vehicle's registration plate or digital registration plate
4 while the driver is violating Article VI of Chapter 11 of this
5 Code or a similar provision of a local ordinance.

6 An automated speed enforcement system is a system, located
7 in a safety zone which is under the jurisdiction of a
8 municipality, that produces a recorded image of a motor
9 vehicle's violation of a provision of this Code or a local
10 ordinance and is designed to obtain a clear recorded image of
11 the vehicle and the vehicle's license plate. The recorded
12 image must also display the time, date, and location of the
13 violation.

14 "Owner" means the person or entity to whom the vehicle is
15 registered.

16 "Recorded image" means images recorded by an automated
17 speed enforcement system on:

18 (1) 2 or more photographs;

19 (2) 2 or more microphotographs;

20 (3) 2 or more electronic images; or

21 (4) a video recording showing the motor vehicle and,
22 on at least one image or portion of the recording, clearly
23 identifying the registration plate or digital registration
24 plate number of the motor vehicle.

25 "Safety zone" means an area that is within one-eighth of a
26 mile from the nearest property line of any public or private

1 elementary or secondary school, or from the nearest property
2 line of any facility, area, or land owned by a school district
3 that is used for educational purposes approved by the Illinois
4 State Board of Education, not including school district
5 headquarters or administrative buildings. A safety zone also
6 includes an area that is within one-eighth of a mile from the
7 nearest property line of any facility, area, or land owned by a
8 park district used for recreational purposes. However, if any
9 portion of a roadway is within either one-eighth mile radius,
10 the safety zone also shall include the roadway extended to the
11 furthest portion of the next furthest intersection. The term
12 "safety zone" does not include any portion of the roadway
13 known as Lake Shore Drive or any controlled access highway
14 with 8 or more lanes of traffic.

15 (a-5) The automated speed enforcement system shall be
16 operational and violations shall be recorded only at the
17 following times:

18 (i) if the safety zone is based upon the property line
19 of any facility, area, or land owned by a school district,
20 only on school days and no earlier than 6 a.m. and no later
21 than 8:30 p.m. if the school day is during the period of
22 Monday through Thursday, or 9 p.m. if the school day is a
23 Friday; and

24 (ii) if the safety zone is based upon the property
25 line of any facility, area, or land owned by a park
26 district, no earlier than one hour prior to the time that

1 the facility, area, or land is open to the public or other
2 patrons, and no later than one hour after the facility,
3 area, or land is closed to the public or other patrons.

4 (b) A municipality that produces a recorded image of a
5 motor vehicle's violation of a provision of this Code or a
6 local ordinance must make the recorded images of a violation
7 accessible to the alleged violator by providing the alleged
8 violator with a website address, accessible through the
9 Internet.

10 (c) Notwithstanding any penalties for any other violations
11 of this Code, the owner of a motor vehicle used in a traffic
12 violation recorded by an automated speed enforcement system
13 shall be subject to the following penalties:

14 (1) if the recorded speed is no less than 6 miles per
15 hour and no more than 10 miles per hour over the legal
16 speed limit, a civil penalty not exceeding \$50, plus an
17 additional penalty of not more than \$50 for failure to pay
18 the original penalty in a timely manner; or

19 (2) if the recorded speed is more than 10 miles per
20 hour over the legal speed limit, a civil penalty not
21 exceeding \$100, plus an additional penalty of not more
22 than \$100 for failure to pay the original penalty in a
23 timely manner.

24 A penalty may not be imposed under this Section if the
25 driver of the motor vehicle received a Uniform Traffic
26 Citation from a police officer for a speeding violation

1 occurring within one-eighth of a mile and 15 minutes of the
2 violation that was recorded by the system. A violation for
3 which a civil penalty is imposed under this Section is not a
4 violation of a traffic regulation governing the movement of
5 vehicles and may not be recorded on the driving record of the
6 owner of the vehicle. A law enforcement officer is not
7 required to be present or to witness the violation. No penalty
8 may be imposed under this Section if the recorded speed of a
9 vehicle is 5 miles per hour or less over the legal speed limit.
10 The municipality may send, in the same manner that notices are
11 sent under this Section, a speed violation warning notice
12 where the violation involves a speed of 5 miles per hour or
13 less above the legal speed limit.

14 (d) The net proceeds that a municipality receives from
15 civil penalties imposed under an automated speed enforcement
16 system, after deducting all non-personnel and personnel costs
17 associated with the operation and maintenance of such system,
18 shall be expended or obligated by the municipality for the
19 following purposes:

20 (i) public safety initiatives to ensure safe passage
21 around schools, and to provide police protection and
22 surveillance around schools and parks, including but not
23 limited to: (1) personnel costs; and (2) non-personnel
24 costs such as construction and maintenance of public
25 safety infrastructure and equipment;

26 (ii) initiatives to improve pedestrian and traffic

1 safety;

2 (iii) construction and maintenance of infrastructure
3 within the municipality, including but not limited to
4 roads and bridges; and

5 (iv) after school programs.

6 (e) For each violation of a provision of this Code or a
7 local ordinance recorded by an automated speed enforcement
8 system, the municipality having jurisdiction shall issue a
9 written notice of the violation to the registered owner of the
10 vehicle as the alleged violator. The notice shall be delivered
11 to the registered owner of the vehicle, by mail, within 30 days
12 after the Secretary of State notifies the municipality of the
13 identity of the owner of the vehicle, but in no event later
14 than 90 days after the violation.

15 (f) The notice required under subsection (e) of this
16 Section shall include:

17 (1) the name and address of the registered owner of
18 the vehicle;

19 (2) the registration number of the motor vehicle
20 involved in the violation;

21 (3) the violation charged;

22 (4) the date, time, and location where the violation
23 occurred;

24 (5) a copy of the recorded image or images;

25 (6) the amount of the civil penalty imposed and the
26 date by which the civil penalty should be paid;

1 (7) a statement that recorded images are evidence of a
2 violation of a speed restriction;

3 (8) a warning that failure to pay the civil penalty or
4 to contest liability in a timely manner is an admission of
5 liability and may result in a suspension of the driving
6 privileges of the registered owner of the vehicle;

7 (9) a statement that the person may elect to proceed
8 by:

9 (A) paying the fine; or

10 (B) challenging the charge in court, by mail, or
11 by administrative hearing; and

12 (10) a website address, accessible through the
13 Internet, where the person may view the recorded images of
14 the violation.

15 (g) ~~(Blank)~~. If a person charged with a traffic violation,
16 as a result of an automated speed enforcement system, does not
17 pay the fine or successfully contest the civil penalty
18 resulting from that violation, the Secretary of State shall
19 suspend the driving privileges of the registered owner of the
20 vehicle under Section 6-306.5 of this Code for failing to pay
21 any fine or penalty due and owing, or both, as a result of a
22 combination of 5 violations of the automated speed enforcement
23 system or the automated traffic law under Section 11-208.6 of
24 this Code.

25 (h) Based on inspection of recorded images produced by an
26 automated speed enforcement system, a notice alleging that the

1 violation occurred shall be evidence of the facts contained in
2 the notice and admissible in any proceeding alleging a
3 violation under this Section.

4 (i) Recorded images made by an automated speed enforcement
5 system are confidential and shall be made available only to
6 the alleged violator and governmental and law enforcement
7 agencies for purposes of adjudicating a violation of this
8 Section, for statistical purposes, or for other governmental
9 purposes. Any recorded image evidencing a violation of this
10 Section, however, may be admissible in any proceeding
11 resulting from the issuance of the citation.

12 (j) The court or hearing officer may consider in defense
13 of a violation:

14 (1) that the motor vehicle or registration plates or
15 digital registration plates of the motor vehicle were
16 stolen before the violation occurred and not under the
17 control or in the possession of the owner at the time of
18 the violation;

19 (2) that the driver of the motor vehicle received a
20 Uniform Traffic Citation from a police officer for a
21 speeding violation occurring within one-eighth of a mile
22 and 15 minutes of the violation that was recorded by the
23 system; and

24 (3) any other evidence or issues provided by municipal
25 ordinance.

26 (k) To demonstrate that the motor vehicle or the

1 registration plates or digital registration plates were stolen
2 before the violation occurred and were not under the control
3 or possession of the owner at the time of the violation, the
4 owner must submit proof that a report concerning the stolen
5 motor vehicle or registration plates was filed with a law
6 enforcement agency in a timely manner.

7 (l) A roadway equipped with an automated speed enforcement
8 system shall be posted with a sign conforming to the national
9 Manual on Uniform Traffic Control Devices that is visible to
10 approaching traffic stating that vehicle speeds are being
11 photo-enforced and indicating the speed limit. The
12 municipality shall install such additional signage as it
13 determines is necessary to give reasonable notice to drivers
14 as to where automated speed enforcement systems are installed.

15 (m) A roadway where a new automated speed enforcement
16 system is installed shall be posted with signs providing 30
17 days notice of the use of a new automated speed enforcement
18 system prior to the issuance of any citations through the
19 automated speed enforcement system.

20 (n) The compensation paid for an automated speed
21 enforcement system must be based on the value of the equipment
22 or the services provided and may not be based on the number of
23 traffic citations issued or the revenue generated by the
24 system.

25 (o) ~~(Blank)~~. A municipality shall make a certified report
26 to the Secretary of State pursuant to Section 6-306.5 of this

1 Code whenever a registered owner of a vehicle has failed to pay
2 any fine or penalty due and owing as a result of a combination
3 of 5 offenses for automated speed or traffic law enforcement
4 system violations.

5 (p) No person who is the lessor of a motor vehicle pursuant
6 to a written lease agreement shall be liable for an automated
7 speed or traffic law enforcement system violation involving
8 such motor vehicle during the period of the lease; provided
9 that upon the request of the appropriate authority received
10 within 120 days after the violation occurred, the lessor
11 provides within 60 days after such receipt the name and
12 address of the lessee. The drivers license number of a lessee
13 may be subsequently individually requested by the appropriate
14 authority if needed for enforcement of this Section.

15 Upon the provision of information by the lessor pursuant
16 to this subsection, the municipality may issue the violation
17 to the lessee of the vehicle in the same manner as it would
18 issue a violation to a registered owner of a vehicle pursuant
19 to this Section, and the lessee may be held liable for the
20 violation.

21 (q) A municipality using an automated speed enforcement
22 system must provide notice to drivers by publishing the
23 locations of all safety zones where system equipment is
24 installed on the website of the municipality.

25 (r) A municipality operating an automated speed
26 enforcement system shall conduct a statistical analysis to

1 assess the safety impact of the system. The statistical
2 analysis shall be based upon the best available crash,
3 traffic, and other data, and shall cover a period of time
4 before and after installation of the system sufficient to
5 provide a statistically valid comparison of safety impact. The
6 statistical analysis shall be consistent with professional
7 judgment and acceptable industry practice. The statistical
8 analysis also shall be consistent with the data required for
9 valid comparisons of before and after conditions and shall be
10 conducted within a reasonable period following the
11 installation of the automated traffic law enforcement system.
12 The statistical analysis required by this subsection shall be
13 made available to the public and shall be published on the
14 website of the municipality.

15 (s) This Section applies only to municipalities with a
16 population of 1,000,000 or more inhabitants.

17 (Source: P.A. 101-395, eff. 8-16-19; 101-652.)

18 (625 ILCS 5/11-208.9)

19 Sec. 11-208.9. Automated traffic law enforcement system;
20 approaching, overtaking, and passing a school bus.

21 (a) As used in this Section, "automated traffic law
22 enforcement system" means a device with one or more motor
23 vehicle sensors working in conjunction with the visual signals
24 on a school bus, as specified in Sections 12-803 and 12-805 of
25 this Code, to produce recorded images of motor vehicles that

1 fail to stop before meeting or overtaking, from either
2 direction, any school bus stopped at any location for the
3 purpose of receiving or discharging pupils in violation of
4 Section 11-1414 of this Code or a similar provision of a local
5 ordinance.

6 An automated traffic law enforcement system is a system,
7 in a municipality or county operated by a governmental agency,
8 that produces a recorded image of a motor vehicle's violation
9 of a provision of this Code or a local ordinance and is
10 designed to obtain a clear recorded image of the vehicle and
11 the vehicle's license plate. The recorded image must also
12 display the time, date, and location of the violation.

13 (b) As used in this Section, "recorded images" means
14 images recorded by an automated traffic law enforcement system
15 on:

- 16 (1) 2 or more photographs;
17 (2) 2 or more microphotographs;
18 (3) 2 or more electronic images; or
19 (4) a video recording showing the motor vehicle and,
20 on at least one image or portion of the recording, clearly
21 identifying the registration plate or digital registration
22 plate number of the motor vehicle.

23 (c) A municipality or county that produces a recorded
24 image of a motor vehicle's violation of a provision of this
25 Code or a local ordinance must make the recorded images of a
26 violation accessible to the alleged violator by providing the

1 alleged violator with a website address, accessible through
2 the Internet.

3 (d) For each violation of a provision of this Code or a
4 local ordinance recorded by an automated traffic law
5 enforcement system, the county or municipality having
6 jurisdiction shall issue a written notice of the violation to
7 the registered owner of the vehicle as the alleged violator.
8 The notice shall be delivered to the registered owner of the
9 vehicle, by mail, within 30 days after the Secretary of State
10 notifies the municipality or county of the identity of the
11 owner of the vehicle, but in no event later than 90 days after
12 the violation.

13 (e) The notice required under subsection (d) shall
14 include:

15 (1) the name and address of the registered owner of
16 the vehicle;

17 (2) the registration number of the motor vehicle
18 involved in the violation;

19 (3) the violation charged;

20 (4) the location where the violation occurred;

21 (5) the date and time of the violation;

22 (6) a copy of the recorded images;

23 (7) the amount of the civil penalty imposed and the
24 date by which the civil penalty should be paid;

25 (8) a statement that recorded images are evidence of a
26 violation of overtaking or passing a school bus stopped

1 for the purpose of receiving or discharging pupils;

2 (9) a warning that failure to pay the civil penalty or
3 to contest liability in a timely manner is an admission of
4 liability and may result in a suspension of the driving
5 privileges of the registered owner of the vehicle;

6 (10) a statement that the person may elect to proceed
7 by:

8 (A) paying the fine; or

9 (B) challenging the charge in court, by mail, or
10 by administrative hearing; and

11 (11) a website address, accessible through the
12 Internet, where the person may view the recorded images of
13 the violation.

14 (f) ~~(Blank)~~. If a person charged with a traffic violation,
15 as a result of an automated traffic law enforcement system
16 under this Section, does not pay the fine or successfully
17 contest the civil penalty resulting from that violation, the
18 Secretary of State shall suspend the driving privileges of the
19 registered owner of the vehicle under Section 6-306.5 of this
20 Code for failing to pay any fine or penalty due and owing as a
21 result of a combination of 5 violations of the automated
22 traffic law enforcement system or the automated speed
23 enforcement system under Section 11-208.8 of this Code.

24 (g) Based on inspection of recorded images produced by an
25 automated traffic law enforcement system, a notice alleging
26 that the violation occurred shall be evidence of the facts

1 contained in the notice and admissible in any proceeding
2 alleging a violation under this Section.

3 (h) Recorded images made by an automated traffic law
4 enforcement system are confidential and shall be made
5 available only to the alleged violator and governmental and
6 law enforcement agencies for purposes of adjudicating a
7 violation of this Section, for statistical purposes, or for
8 other governmental purposes. Any recorded image evidencing a
9 violation of this Section, however, may be admissible in any
10 proceeding resulting from the issuance of the citation.

11 (i) The court or hearing officer may consider in defense
12 of a violation:

13 (1) that the motor vehicle or registration plates or
14 digital registration plates of the motor vehicle were
15 stolen before the violation occurred and not under the
16 control of or in the possession of the owner at the time of
17 the violation;

18 (2) that the driver of the motor vehicle received a
19 Uniform Traffic Citation from a police officer for a
20 violation of Section 11-1414 of this Code within
21 one-eighth of a mile and 15 minutes of the violation that
22 was recorded by the system;

23 (3) that the visual signals required by Sections
24 12-803 and 12-805 of this Code were damaged, not
25 activated, not present in violation of Sections 12-803 and
26 12-805, or inoperable; and

1 (4) any other evidence or issues provided by municipal
2 or county ordinance.

3 (j) To demonstrate that the motor vehicle or the
4 registration plates or digital registration plates were stolen
5 before the violation occurred and were not under the control
6 or possession of the owner at the time of the violation, the
7 owner must submit proof that a report concerning the stolen
8 motor vehicle or registration plates was filed with a law
9 enforcement agency in a timely manner.

10 (k) Unless the driver of the motor vehicle received a
11 Uniform Traffic Citation from a police officer at the time of
12 the violation, the motor vehicle owner is subject to a civil
13 penalty not exceeding \$150 for a first time violation or \$500
14 for a second or subsequent violation, plus an additional
15 penalty of not more than \$100 for failure to pay the original
16 penalty in a timely manner, if the motor vehicle is recorded by
17 an automated traffic law enforcement system. A violation for
18 which a civil penalty is imposed under this Section is not a
19 violation of a traffic regulation governing the movement of
20 vehicles and may not be recorded on the driving record of the
21 owner of the vehicle, but may be recorded by the municipality
22 or county for the purpose of determining if a person is subject
23 to the higher fine for a second or subsequent offense.

24 (l) A school bus equipped with an automated traffic law
25 enforcement system must be posted with a sign indicating that
26 the school bus is being monitored by an automated traffic law

1 enforcement system.

2 (m) A municipality or county that has one or more school
3 buses equipped with an automated traffic law enforcement
4 system must provide notice to drivers by posting a list of
5 school districts using school buses equipped with an automated
6 traffic law enforcement system on the municipality or county
7 website. School districts that have one or more school buses
8 equipped with an automated traffic law enforcement system must
9 provide notice to drivers by posting that information on their
10 websites.

11 (n) A municipality or county operating an automated
12 traffic law enforcement system shall conduct a statistical
13 analysis to assess the safety impact in each school district
14 using school buses equipped with an automated traffic law
15 enforcement system following installation of the system. The
16 statistical analysis shall be based upon the best available
17 crash, traffic, and other data, and shall cover a period of
18 time before and after installation of the system sufficient to
19 provide a statistically valid comparison of safety impact. The
20 statistical analysis shall be consistent with professional
21 judgment and acceptable industry practice. The statistical
22 analysis also shall be consistent with the data required for
23 valid comparisons of before and after conditions and shall be
24 conducted within a reasonable period following the
25 installation of the automated traffic law enforcement system.
26 The statistical analysis required by this subsection shall be

1 made available to the public and shall be published on the
2 website of the municipality or county. If the statistical
3 analysis for the 36-month period following installation of the
4 system indicates that there has been an increase in the rate of
5 accidents at the approach to school buses monitored by the
6 system, the municipality or county shall undertake additional
7 studies to determine the cause and severity of the accidents,
8 and may take any action that it determines is necessary or
9 appropriate to reduce the number or severity of the accidents
10 involving school buses equipped with an automated traffic law
11 enforcement system.

12 (o) The compensation paid for an automated traffic law
13 enforcement system must be based on the value of the equipment
14 or the services provided and may not be based on the number of
15 traffic citations issued or the revenue generated by the
16 system.

17 (p) No person who is the lessor of a motor vehicle pursuant
18 to a written lease agreement shall be liable for an automated
19 speed or traffic law enforcement system violation involving
20 such motor vehicle during the period of the lease; provided
21 that upon the request of the appropriate authority received
22 within 120 days after the violation occurred, the lessor
23 provides within 60 days after such receipt the name and
24 address of the lessee. The drivers license number of a lessee
25 may be subsequently individually requested by the appropriate
26 authority if needed for enforcement of this Section.

1 Upon the provision of information by the lessor pursuant
2 to this subsection, the county or municipality may issue the
3 violation to the lessee of the vehicle in the same manner as it
4 would issue a violation to a registered owner of a vehicle
5 pursuant to this Section, and the lessee may be held liable for
6 the violation.

7 (q) ~~(Blank)~~. A municipality or county shall make a
8 certified report to the Secretary of State pursuant to Section
9 6-306.5 of this Code whenever a registered owner of a vehicle
10 has failed to pay any fine or penalty due and owing as a result
11 of a combination of 5 offenses for automated traffic law or
12 speed enforcement system violations.

13 (r) After a municipality or county enacts an ordinance
14 providing for automated traffic law enforcement systems under
15 this Section, each school district within that municipality or
16 county's jurisdiction may implement an automated traffic law
17 enforcement system under this Section. The elected school
18 board for that district must approve the implementation of an
19 automated traffic law enforcement system. The school district
20 shall be responsible for entering into a contract, approved by
21 the elected school board of that district, with vendors for
22 the installation, maintenance, and operation of the automated
23 traffic law enforcement system. The school district must enter
24 into an intergovernmental agreement, approved by the elected
25 school board of that district, with the municipality or county
26 with jurisdiction over that school district for the

1 administration of the automated traffic law enforcement
2 system. The proceeds from a school district's automated
3 traffic law enforcement system's fines shall be divided
4 equally between the school district and the municipality or
5 county administering the automated traffic law enforcement
6 system.

7 (Source: P.A. 101-395, eff. 8-16-19; 101-652.)

8 (625 ILCS 5/11-1201.1)

9 Sec. 11-1201.1. Automated Railroad Crossing Enforcement
10 System.

11 (a) For the purposes of this Section, an automated
12 railroad grade crossing enforcement system is a system in a
13 municipality or county operated by a governmental agency that
14 produces a recorded image of a motor vehicle's violation of a
15 provision of this Code or local ordinance and is designed to
16 obtain a clear recorded image of the vehicle and vehicle's
17 license plate. The recorded image must also display the time,
18 date, and location of the violation.

19 As used in this Section, "recorded images" means images
20 recorded by an automated railroad grade crossing enforcement
21 system on:

- 22 (1) 2 or more photographs;
23 (2) 2 or more microphotographs;
24 (3) 2 or more electronic images; or
25 (4) a video recording showing the motor vehicle and,

1 on at least one image or portion of the recording, clearly
2 identifying the registration plate or digital registration
3 plate number of the motor vehicle.

4 (b) The Illinois Commerce Commission may, in cooperation
5 with a local law enforcement agency, establish in any county
6 or municipality an automated railroad grade crossing
7 enforcement system at any railroad grade crossing equipped
8 with a crossing gate designated by local authorities. Local
9 authorities desiring the establishment of an automated
10 railroad crossing enforcement system must initiate the process
11 by enacting a local ordinance requesting the creation of such
12 a system. After the ordinance has been enacted, and before any
13 additional steps toward the establishment of the system are
14 undertaken, the local authorities and the Commission must
15 agree to a plan for obtaining, from any combination of
16 federal, State, and local funding sources, the moneys required
17 for the purchase and installation of any necessary equipment.

18 (b-1) (Blank.)

19 (c) For each violation of Section 11-1201 of this Code or a
20 local ordinance recorded by an automated railroad grade
21 crossing enforcement system, the county or municipality having
22 jurisdiction shall issue a written notice of the violation to
23 the registered owner of the vehicle as the alleged violator.
24 The notice shall be delivered to the registered owner of the
25 vehicle, by mail, no later than 90 days after the violation.

26 The notice shall include:

1 (1) the name and address of the registered owner of
2 the vehicle;

3 (2) the registration number of the motor vehicle
4 involved in the violation;

5 (3) the violation charged;

6 (4) the location where the violation occurred;

7 (5) the date and time of the violation;

8 (6) a copy of the recorded images;

9 (7) the amount of the civil penalty imposed and the
10 date by which the civil penalty should be paid;

11 (8) a statement that recorded images are evidence of a
12 violation of a railroad grade crossing;

13 (9) a warning that failure to pay the civil penalty or
14 to contest liability in a timely manner is an admission of
15 liability and may result in a suspension of the driving
16 privileges of the registered owner of the vehicle; and

17 (10) a statement that the person may elect to proceed
18 by:

19 (A) paying the fine; or

20 (B) challenging the charge in court, by mail, or
21 by administrative hearing.

22 (d) ~~(Blank)~~. If a person charged with a traffic violation,
23 as a result of an automated railroad grade crossing
24 enforcement system, does not pay or successfully contest the
25 civil penalty resulting from that violation, the Secretary of
26 State shall suspend the driving privileges of the registered

1 owner of the vehicle under Section 6-306.5 of this Code for
2 failing to pay any fine or penalty due and owing as a result of
3 5 violations of the automated railroad grade crossing
4 enforcement system.

5 (d-1) (Blank.)

6 (d-2) (Blank.)

7 (e) Based on inspection of recorded images produced by an
8 automated railroad grade crossing enforcement system, a notice
9 alleging that the violation occurred shall be evidence of the
10 facts contained in the notice and admissible in any proceeding
11 alleging a violation under this Section.

12 (e-1) Recorded images made by an automated railroad grade
13 crossing enforcement system are confidential and shall be made
14 available only to the alleged violator and governmental and
15 law enforcement agencies for purposes of adjudicating a
16 violation of this Section, for statistical purposes, or for
17 other governmental purposes. Any recorded image evidencing a
18 violation of this Section, however, may be admissible in any
19 proceeding resulting from the issuance of the citation.

20 (e-2) The court or hearing officer may consider the
21 following in the defense of a violation:

22 (1) that the motor vehicle or registration plates or
23 digital registration plates of the motor vehicle were
24 stolen before the violation occurred and not under the
25 control of or in the possession of the owner at the time of
26 the violation;

1 (2) that the driver of the motor vehicle received a
2 Uniform Traffic Citation from a police officer at the time
3 of the violation for the same offense;

4 (3) any other evidence or issues provided by municipal
5 or county ordinance.

6 (e-3) To demonstrate that the motor vehicle or the
7 registration plates or digital registration plates were stolen
8 before the violation occurred and were not under the control
9 or possession of the owner at the time of the violation, the
10 owner must submit proof that a report concerning the stolen
11 motor vehicle or registration plates was filed with a law
12 enforcement agency in a timely manner.

13 (f) Rail crossings equipped with an automatic railroad
14 grade crossing enforcement system shall be posted with a sign
15 visible to approaching traffic stating that the railroad grade
16 crossing is being monitored, that citations will be issued,
17 and the amount of the fine for violation.

18 (g) The compensation paid for an automated railroad grade
19 crossing enforcement system must be based on the value of the
20 equipment or the services provided and may not be based on the
21 number of citations issued or the revenue generated by the
22 system.

23 (h) (Blank.)

24 (i) If any part or parts of this Section are held by a
25 court of competent jurisdiction to be unconstitutional, the
26 unconstitutionality shall not affect the validity of the

1 remaining parts of this Section. The General Assembly hereby
2 declares that it would have passed the remaining parts of this
3 Section if it had known that the other part or parts of this
4 Section would be declared unconstitutional.

5 (j) Penalty. A civil fine of \$250 shall be imposed for a
6 first violation of this Section, and a civil fine of \$500 shall
7 be imposed for a second or subsequent violation of this
8 Section.

9 (Source: P.A. 101-395, eff. 8-16-19; 101-652.)

10 Section 180. The Illinois Vehicle Code is amended by
11 reenacting and amending Sections 4-214.1, 6-306.5, and 6-306.6
12 as follows:

13 (625 ILCS 5/4-214.1)

14 Sec. 4-214.1. Failure to pay fines, charges, and costs on
15 an abandoned vehicle. (a) Whenever any resident of this
16 State fails to pay any fine, charge, or cost imposed for a
17 violation of Section 4-201 of this Code, or a similar
18 provision of a local ordinance, the clerk shall notify the
19 Secretary of State, on a report prescribed by the Secretary,
20 and the Secretary shall prohibit the renewal, reissue, or
21 reinstatement of the resident's driving privileges until the
22 fine, charge, or cost has been paid in full. The clerk shall
23 provide notice to the owner, at the owner's last known address
24 as shown on the court's records, stating that the action will

1 be effective on the 46th day following the date of the above
2 notice if payment is not received in full by the court of
3 venue.

4 (b) Following receipt of the report from the clerk, the
5 Secretary of State shall make the proper notation to the
6 owner's file to prohibit the renewal, reissue, or
7 reinstatement of the owner's driving privileges. Except as
8 provided in subsection (d) of this Section, the notation shall
9 not be removed from the owner's record until the owner
10 satisfies the outstanding fine, charge, or cost and an
11 appropriate notice on a form prescribed by the Secretary is
12 received by the Secretary from the court of venue, stating
13 that the fine, charge, or cost has been paid in full. Upon
14 payment in full of a fine, charge, or court cost which has
15 previously been reported under this Section as unpaid, the
16 clerk of the court shall present the owner with a signed
17 receipt containing the seal of the court indicating that the
18 fine, charge, or cost has been paid in full, and shall forward
19 immediately to the Secretary of State a notice stating that
20 the fine, charge, or cost has been paid in full.

21 (c) Notwithstanding the receipt of a report from the clerk
22 as prescribed in subsection (a), nothing in this Section is
23 intended to place any responsibility upon the Secretary of
24 State to provide independent notice to the owner of any
25 potential action to disallow the renewal, reissue, or
26 reinstatement of the owner's driving privileges.

1 (d) The Secretary of State shall renew, reissue, or
2 reinstate an owner's driving privileges which were previously
3 refused under this Section upon presentation of an original
4 receipt which is signed by the clerk of the court and contains
5 the seal of the court indicating that the fine, charge, or cost
6 has been paid in full. The Secretary of State shall retain the
7 receipt for his or her records.

8 (Source: P.A. 95-621, eff. 6-1-08.)

9 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

10 Sec. 6-306.5. Failure to pay fine or penalty for standing,
11 parking, compliance, automated speed enforcement system, or
12 automated traffic law violations; suspension of driving
13 privileges.

14 (a) Upon receipt of a certified report, as prescribed by
15 subsection (c) of this Section, from any municipality or
16 county stating that the owner of a registered vehicle has
17 failed to pay any fine or penalty due and owing as a result of
18 5 offenses for automated speed enforcement system violations
19 or automated traffic violations as defined in Sections
20 11-208.6, 11-208.8, 11-208.9, or 11-1201.1, or combination
21 thereof, or ~~(3)~~ is more than 14 days in default of a payment
22 plan pursuant to which a suspension had been terminated under
23 subsection (c) of this Section, the Secretary of State shall
24 suspend the driving privileges of such person in accordance
25 with the procedures set forth in this Section. The Secretary

1 shall also suspend the driving privileges of an owner of a
2 registered vehicle upon receipt of a certified report, as
3 prescribed by subsection (f) of this Section, from any
4 municipality or county stating that such person has failed to
5 satisfy any fines or penalties imposed by final judgments for
6 5 or more automated speed enforcement system or automated
7 traffic law violations, or combination thereof, after
8 exhaustion of judicial review procedures.

9 (b) Following receipt of the certified report of the
10 municipality or county as specified in this Section, the
11 Secretary of State shall notify the person whose name appears
12 on the certified report that the person's driver's ~~drivers~~
13 license will be suspended at the end of a specified period of
14 time unless the Secretary of State is presented with a notice
15 from the municipality or county certifying that the fine or
16 penalty due and owing the municipality or county has been paid
17 or that inclusion of that person's name on the certified
18 report was in error. The Secretary's notice shall state in
19 substance the information contained in the municipality's or
20 county's certified report to the Secretary, and shall be
21 effective as specified by subsection (c) of Section 6-211 of
22 this Code.

23 (c) The report of the appropriate municipal or county
24 official notifying the Secretary of State of unpaid fines or
25 penalties pursuant to this Section shall be certified and
26 shall contain the following:

1 (1) The name, last known address as recorded with the
2 Secretary of State, as provided by the lessor of the cited
3 vehicle at the time of lease, or as recorded in a United
4 States Post Office approved database if any notice sent
5 under Section 11-208.3 of this Code is returned as
6 undeliverable, and driver's ~~drivers~~ license number of the
7 person who failed to pay the fine or penalty or who has
8 defaulted in a payment plan and the registration number of
9 any vehicle known to be registered to such person in this
10 State.

11 (2) The name of the municipality or county making the
12 report pursuant to this Section.

13 (3) A statement that the municipality or county sent a
14 notice of impending driver's ~~drivers~~ license suspension as
15 prescribed by ordinance enacted pursuant to Section
16 11-208.3 of this Code or a notice of default in a payment
17 plan, to the person named in the report at the address
18 recorded with the Secretary of State or at the last
19 address known to the lessor of the cited vehicle at the
20 time of lease or, if any notice sent under Section
21 11-208.3 of this Code is returned as undeliverable, at the
22 last known address recorded in a United States Post Office
23 approved database; the date on which such notice was sent;
24 and the address to which such notice was sent. In a
25 municipality or county with a population of 1,000,000 or
26 more, the report shall also include a statement that the

1 alleged violator's State vehicle registration number and
2 vehicle make, if specified on the automated speed
3 enforcement system violation or automated traffic law
4 violation notice, are correct as they appear on the
5 citations.

6 (4) A unique identifying reference number for each
7 request of suspension sent whenever a person has failed to
8 pay the fine or penalty or has defaulted on a payment plan.

9 (d) Any municipality or county making a certified report
10 to the Secretary of State pursuant to this Section shall
11 notify the Secretary of State, in a form prescribed by the
12 Secretary, whenever a person named in the certified report has
13 paid the previously reported fine or penalty, whenever a
14 person named in the certified report has entered into a
15 payment plan pursuant to which the municipality or county has
16 agreed to terminate the suspension, or whenever the
17 municipality or county determines that the original report was
18 in error. A certified copy of such notification shall also be
19 given upon request and at no additional charge to the person
20 named therein. Upon receipt of the municipality's or county's
21 notification or presentation of a certified copy of such
22 notification, the Secretary of State shall terminate the
23 suspension.

24 (e) Any municipality or county making a certified report
25 to the Secretary of State pursuant to this Section shall also
26 by ordinance establish procedures for persons to challenge the

1 accuracy of the certified report. The ordinance shall also
2 state the grounds for such a challenge, which may be limited to
3 (1) the person not having been the owner or lessee of the
4 vehicle or vehicles receiving a combination of 5 or more
5 automated speed enforcement system or automated traffic law
6 violations on the date or dates such notices were issued; and
7 (2) the person having already paid the fine or penalty for the
8 combination of 5 or more automated speed enforcement system or
9 automated traffic law violations indicated on the certified
10 report.

11 (f) Any municipality or county, other than a municipality
12 or county establishing automated speed enforcement system
13 regulations under Section 11-208.8, or automated traffic law
14 regulations under Section 11-208.6, 11-208.9, or 11-1201.1,
15 may also cause a suspension of a person's driver's ~~drivers~~
16 license pursuant to this Section. Such municipality or county
17 may invoke this sanction by making a certified report to the
18 Secretary of State upon a person's failure to satisfy any fine
19 or penalty imposed by final judgment for a combination of 5 or
20 more automated speed enforcement system or automated traffic
21 law violations after exhaustion of judicial review procedures,
22 but only if:

23 (1) the municipality or county complies with the
24 provisions of this Section in all respects except in
25 regard to enacting an ordinance pursuant to Section
26 11-208.3;

1 (2) the municipality or county has sent a notice of
2 impending driver's ~~drivers~~ license suspension as
3 prescribed by an ordinance enacted pursuant to subsection
4 (g) of this Section; and

5 (3) in municipalities or counties with a population of
6 1,000,000 or more, the municipality or county has verified
7 that the alleged violator's State vehicle registration
8 number and vehicle make are correct as they appear on the
9 citations.

10 (g) Any municipality or county, other than a municipality
11 or county establishing automated speed enforcement system
12 regulations under Section 11-208.8, or automated traffic law
13 regulations under Section 11-208.6, 11-208.9, or 11-1201.1,
14 may provide by ordinance for the sending of a notice of
15 impending driver's ~~drivers~~ license suspension to the person
16 who has failed to satisfy any fine or penalty imposed by final
17 judgment for a combination of 5 or more automated speed
18 enforcement system or automated traffic law violations after
19 exhaustion of judicial review procedures. An ordinance so
20 providing shall specify that the notice sent to the person
21 liable for any fine or penalty shall state that failure to pay
22 the fine or penalty owing within 45 days of the notice's date
23 will result in the municipality or county notifying the
24 Secretary of State that the person's driver's ~~drivers~~ license
25 is eligible for suspension pursuant to this Section. The
26 notice of impending driver's ~~drivers~~ license suspension shall

1 be sent by first class United States mail, postage prepaid, to
2 the address recorded with the Secretary of State or at the last
3 address known to the lessor of the cited vehicle at the time of
4 lease or, if any notice sent under Section 11-208.3 of this
5 Code is returned as undeliverable, to the last known address
6 recorded in a United States Post Office approved database.

7 (h) An administrative hearing to contest an impending
8 suspension or a suspension made pursuant to this Section may
9 be had upon filing a written request with the Secretary of
10 State. The filing fee for this hearing shall be \$20, to be paid
11 at the time the request is made. A municipality or county which
12 files a certified report with the Secretary of State pursuant
13 to this Section shall reimburse the Secretary for all
14 reasonable costs incurred by the Secretary as a result of the
15 filing of the report, including, but not limited to, the costs
16 of providing the notice required pursuant to subsection (b)
17 and the costs incurred by the Secretary in any hearing
18 conducted with respect to the report pursuant to this
19 subsection and any appeal from such a hearing.

20 (i) The provisions of this Section shall apply on and
21 after January 1, 1988.

22 (j) For purposes of this Section, the term "compliance
23 violation" is defined as in Section 11-208.3.

24 (Source: P.A. 101-623, eff. 7-1-20; revised 8-18-20.)

1 Sec. 6-306.6. Failure to pay traffic fines, penalties, or
2 court costs.

3 (a) Whenever any resident of this State fails to pay any
4 traffic fine, penalty, or cost imposed for a violation of this
5 Code, or similar provision of local ordinance, the clerk may
6 notify the Secretary of State, on a report prescribed by the
7 Secretary, and the Secretary shall prohibit the renewal,
8 reissue or reinstatement of such resident's driving privileges
9 until such fine, penalty, or cost has been paid in full. The
10 clerk shall provide notice to the driver, at the driver's last
11 known address as shown on the court's records, stating that
12 such action will be effective on the 46th day following the
13 date of the above notice if payment is not received in full by
14 the court of venue.

15 (a-1) Whenever any resident of this State who has made a
16 partial payment on any traffic fine, penalty, or cost that was
17 imposed under a conviction entered on or after the effective
18 date of this amendatory Act of the 93rd General Assembly, for a
19 violation of this Code or a similar provision of a local
20 ordinance, fails to pay the remainder of the outstanding fine,
21 penalty, or cost within the time limit set by the court, the
22 clerk may notify the Secretary of State, on a report
23 prescribed by the Secretary, and the Secretary shall prohibit
24 the renewal, reissue, or reinstatement of the resident's
25 driving privileges until the fine, penalty, or cost has been
26 paid in full. The clerk shall provide notice to the driver, at

1 the driver's last known address as shown on the court's
2 records, stating that the action will be effective on the 46th
3 day following the date of the notice if payment is not received
4 in full by the court of venue.

5 (b) Except as provided in subsection (b-1), following
6 receipt of the report from the clerk, the Secretary of State
7 shall make the proper notation to the driver's file to
8 prohibit the renewal, reissue or reinstatement of such
9 driver's driving privileges. Except as provided in paragraph
10 (2) of subsection (d) of this Section, such notation shall not
11 be removed from the driver's record until the driver satisfies
12 the outstanding fine, penalty, or cost and an appropriate
13 notice on a form prescribed by the Secretary is received by the
14 Secretary from the court of venue, stating that such fine,
15 penalty, or cost has been paid in full. Upon payment in full of
16 a traffic fine, penalty, or court cost which has previously
17 been reported under this Section as unpaid, the clerk of the
18 court shall present the driver with a signed receipt
19 containing the seal of the court indicating that such fine,
20 penalty, or cost has been paid in full, and shall forward
21 forthwith to the Secretary of State a notice stating that the
22 fine, penalty, or cost has been paid in full.

23 (b-1) In a county with a population of 3,000,000 or more,
24 following receipt of the report from the clerk, the Secretary
25 of State shall make the proper notation to the driver's file to
26 prohibit the renewal, reissue or reinstatement of such

1 driver's driving privileges. Such notation shall not be
2 removed from the driver's record until the driver satisfies
3 the outstanding fine, penalty, or cost and an appropriate
4 notice on a form prescribed by the Secretary is received by the
5 Secretary directly from the court of venue, stating that such
6 fine, penalty, or cost has been paid in full. Upon payment in
7 full of a traffic fine, penalty, or court cost which has
8 previously been reported under this Section as unpaid, the
9 clerk of the court shall forward forthwith directly to the
10 Secretary of State a notice stating that the fine, penalty, or
11 cost has been paid in full and shall provide the driver with a
12 signed receipt containing the seal of the court, indicating
13 that the fine, penalty, and cost have been paid in full. The
14 receipt may not be used by the driver to clear the driver's
15 record.

16 (c) The provisions of this Section shall be limited to a
17 single action per arrest and as a post conviction measure
18 only. Fines, penalty, or costs to be collected subsequent to
19 orders of court supervision, or other available court
20 diversions are not applicable to this Section.

21 (d) (1) Notwithstanding the receipt of a report from the
22 clerk as prescribed in subsections (a) and (e), nothing in
23 this Section is intended to place any responsibility upon the
24 Secretary of State to provide independent notice to the driver
25 of any potential action to disallow the renewal, reissue or
26 reinstatement of such driver's driving privileges.

1 (2) Except as provided in subsection (b-1), the Secretary
2 of State shall renew, reissue or reinstate a driver's driving
3 privileges which were previously refused pursuant to this
4 Section upon presentation of an original receipt which is
5 signed by the clerk of the court and contains the seal of the
6 court indicating that the fine, penalty, or cost has been paid
7 in full. The Secretary of State shall retain such receipt for
8 his records.

9 (e) Upon receipt of notification from another state that
10 is a member of the Nonresident Violator Compact of 1977,
11 stating a resident of this State failed to pay a traffic fine,
12 penalty, or cost imposed for a violation that occurs in
13 another state, the Secretary shall make the proper notation to
14 the driver's license file to prohibit the renewal, reissue, or
15 reinstatement of the resident's driving privileges until the
16 fine, penalty, or cost has been paid in full. The Secretary of
17 State shall renew, reissue, or reinstate the driver's driving
18 privileges that were previously refused under this Section
19 upon receipt of notification from the other state that
20 indicates that the fine, penalty, or cost has been paid in
21 full. The Secretary of State shall retain the out-of-state
22 receipt for his or her records.

23 (Source: P.A. 98-178, eff. 1-1-14.)

24 Section 185. The Snowmobile Registration and Safety Act is
25 amended by changing Section 5-7 as follows:

1 (625 ILCS 40/5-7)

2 (Text of Section before amendment by P.A. 101-652)

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

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

9 1. The alcohol concentration in that person's blood,
10 other bodily substance, or breath is a concentration at
11 which driving a motor vehicle is prohibited under
12 subdivision (1) of subsection (a) of Section 11-501 of the
13 Illinois Vehicle Code;

14 2. The person is under the influence of alcohol;

15 3. The person is under the influence of any other drug
16 or combination of drugs to a degree that renders that
17 person incapable of safely operating a snowmobile;

18 3.1. The person is under the influence of any
19 intoxicating compound or combination of intoxicating
20 compounds to a degree that renders the person incapable of
21 safely operating a snowmobile;

22 4. The person is under the combined influence of
23 alcohol and any other drug or drugs or intoxicating
24 compound or compounds to a degree that renders that person
25 incapable of safely operating a snowmobile;

1 4.3. The person who is not a CDL holder has a
2 tetrahydrocannabinol concentration in the person's whole
3 blood or other bodily substance at which driving a motor
4 vehicle is prohibited under subdivision (7) of subsection
5 (a) of Section 11-501 of the Illinois Vehicle Code;

6 4.5. The person who is a CDL holder has any amount of a
7 drug, substance, or compound in the person's breath,
8 blood, other bodily substance, or urine resulting from the
9 unlawful use or consumption of cannabis listed in the
10 Cannabis Control Act; or

11 5. There is any amount of a drug, substance, or
12 compound in that person's breath, blood, other bodily
13 substance, or urine resulting from the unlawful use or
14 consumption of a controlled substance listed in the
15 Illinois Controlled Substances Act, methamphetamine as
16 listed in the Methamphetamine Control and Community
17 Protection Act, or intoxicating compound listed in the use
18 of Intoxicating Compounds Act.

19 (b) The fact that a person charged with violating this
20 Section is or has been legally entitled to use alcohol, other
21 drug or drugs, any intoxicating compound or compounds, or any
22 combination of them does not constitute a defense against a
23 charge of violating this Section.

24 (c) Every person convicted of violating this Section or a
25 similar provision of a local ordinance is guilty of a Class A
26 misdemeanor, except as otherwise provided in this Section.

1 (c-1) As used in this Section, "first time offender" means
2 any person who has not had a previous conviction or been
3 assigned supervision for violating this Section or a similar
4 provision of a local ordinance, or any person who has not had a
5 suspension imposed under subsection (e) of Section 5-7.1.

6 (c-2) For purposes of this Section, the following are
7 equivalent to a conviction:

8 (1) a forfeiture of bail or collateral deposited to
9 secure a defendant's appearance in court when forfeiture
10 has not been vacated; or

11 (2) the failure of a defendant to appear for trial.

12 (d) Every person convicted of violating this Section is
13 guilty of a Class 4 felony if:

14 1. The person has a previous conviction under this
15 Section;

16 2. The offense results in personal injury where a
17 person other than the operator suffers great bodily harm
18 or permanent disability or disfigurement, when the
19 violation was a proximate cause of the injuries. A person
20 guilty of a Class 4 felony under this paragraph 2, if
21 sentenced to a term of imprisonment, shall be sentenced to
22 not less than one year nor more than 12 years; or

23 3. The offense occurred during a period in which the
24 person's privileges to operate a snowmobile are revoked or
25 suspended, and the revocation or suspension was for a
26 violation of this Section or was imposed under Section

1 5-7.1.

2 (e) Every person convicted of violating this Section is
3 guilty of a Class 2 felony if the offense results in the death
4 of a person. A person guilty of a Class 2 felony under this
5 subsection (e), if sentenced to a term of imprisonment, shall
6 be sentenced to a term of not less than 3 years and not more
7 than 14 years.

8 (e-1) Every person convicted of violating this Section or
9 a similar provision of a local ordinance who had a child under
10 the age of 16 on board the snowmobile at the time of offense
11 shall be subject to a mandatory minimum fine of \$500 and shall
12 be subject to a mandatory minimum of 5 days of community
13 service in a program benefiting children. The assignment under
14 this subsection shall not be subject to suspension nor shall
15 the person be eligible for probation in order to reduce the
16 assignment.

17 (e-2) Every person found guilty of violating this Section,
18 whose operation of a snowmobile while in violation of this
19 Section proximately caused any incident resulting in an
20 appropriate emergency response, shall be liable for the
21 expense of an emergency response as provided in subsection (i)
22 of Section 11-501.01 of the Illinois Vehicle Code.

23 (e-3) In addition to any other penalties and liabilities,
24 a person who is found guilty of violating this Section,
25 including any person placed on court supervision, shall be
26 fined \$100, payable to the circuit clerk, who shall distribute

1 the money to the law enforcement agency that made the arrest or
2 as provided in subsection (c) of Section 10-5 of the Criminal
3 and Traffic Assessment Act if the arresting agency is a State
4 agency, unless more than one agency is responsible for the
5 arrest, in which case the amount shall be remitted to each unit
6 of government equally. Any moneys received by a law
7 enforcement agency under this subsection (e-3) shall be used
8 to purchase law enforcement equipment or to provide law
9 enforcement training that will assist in the prevention of
10 alcohol related criminal violence throughout the State. Law
11 enforcement equipment shall include, but is not limited to,
12 in-car video cameras, radar and laser speed detection devices,
13 and alcohol breath testers.

14 (f) In addition to any criminal penalties imposed, the
15 Department of Natural Resources shall suspend the snowmobile
16 operation privileges of a person convicted or found guilty of
17 a misdemeanor under this Section for a period of one year,
18 except that first-time offenders are exempt from this
19 mandatory one-year ~~one-year~~ suspension.

20 (g) In addition to any criminal penalties imposed, the
21 Department of Natural Resources shall suspend for a period of
22 5 years the snowmobile operation privileges of any person
23 convicted or found guilty of a felony under this Section.

24 (Source: P.A. 102-145, eff. 7-23-21; revised 8-5-21.)

25 (Text of Section after amendment by P.A. 101-652)

1 Sec. 5-7. Operating a snowmobile while under the influence
2 of alcohol or other drug or drugs, intoxicating compound or
3 compounds, or a combination of them; criminal penalties;
4 suspension of operating privileges.

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

7 1. The alcohol concentration in that person's blood,
8 other bodily substance, or breath is a concentration at
9 which driving a motor vehicle is prohibited under
10 subdivision (1) of subsection (a) of Section 11-501 of the
11 Illinois Vehicle Code;

12 2. The person is under the influence of alcohol;

13 3. The person is under the influence of any other drug
14 or combination of drugs to a degree that renders that
15 person incapable of safely operating a snowmobile;

16 3.1. The person is under the influence of any
17 intoxicating compound or combination of intoxicating
18 compounds to a degree that renders the person incapable of
19 safely operating a snowmobile;

20 4. The person is under the combined influence of
21 alcohol and any other drug or drugs or intoxicating
22 compound or compounds to a degree that renders that person
23 incapable of safely operating a snowmobile;

24 4.3. The person who is not a CDL holder has a
25 tetrahydrocannabinol concentration in the person's whole
26 blood or other bodily substance at which driving a motor

1 vehicle is prohibited under subdivision (7) of subsection
2 (a) of Section 11-501 of the Illinois Vehicle Code;

3 4.5. The person who is a CDL holder has any amount of a
4 drug, substance, or compound in the person's breath,
5 blood, other bodily substance, or urine resulting from the
6 unlawful use or consumption of cannabis listed in the
7 Cannabis Control Act; or

8 5. There is any amount of a drug, substance, or
9 compound in that person's breath, blood, other bodily
10 substance, or urine resulting from the unlawful use or
11 consumption of a controlled substance listed in the
12 Illinois Controlled Substances Act, methamphetamine as
13 listed in the Methamphetamine Control and Community
14 Protection Act, or intoxicating compound listed in the use
15 of Intoxicating Compounds Act.

16 (b) The fact that a person charged with violating this
17 Section is or has been legally entitled to use alcohol, other
18 drug or drugs, any intoxicating compound or compounds, or any
19 combination of them does not constitute a defense against a
20 charge of violating this Section.

21 (c) Every person convicted of violating this Section or a
22 similar provision of a local ordinance is guilty of a Class A
23 misdemeanor, except as otherwise provided in this Section.

24 (c-1) As used in this Section, "first time offender" means
25 any person who has not had a previous conviction or been
26 assigned supervision for violating this Section or a similar

1 provision of a local ordinance, or any person who has not had a
2 suspension imposed under subsection (e) of Section 5-7.1.

3 (c-2) For purposes of this Section, the following are
4 equivalent to a conviction:

5 (1) a ~~violation of the terms of pretrial release when~~
6 ~~the court has not relieved the defendant of complying with~~
7 ~~the terms of pretrial release~~ forfeiture of bail or
8 collateral deposited to secure a defendant's appearance in
9 court when forfeiture has not been vacated; or

10 (2) the failure of a defendant to appear for trial.

11 (d) Every person convicted of violating this Section is
12 guilty of a Class 4 felony if:

13 1. The person has a previous conviction under this
14 Section;

15 2. The offense results in personal injury where a
16 person other than the operator suffers great bodily harm
17 or permanent disability or disfigurement, when the
18 violation was a proximate cause of the injuries. A person
19 guilty of a Class 4 felony under this paragraph 2, if
20 sentenced to a term of imprisonment, shall be sentenced to
21 not less than one year nor more than 12 years; or

22 3. The offense occurred during a period in which the
23 person's privileges to operate a snowmobile are revoked or
24 suspended, and the revocation or suspension was for a
25 violation of this Section or was imposed under Section
26 5-7.1.

1 (e) Every person convicted of violating this Section is
2 guilty of a Class 2 felony if the offense results in the death
3 of a person. A person guilty of a Class 2 felony under this
4 subsection (e), if sentenced to a term of imprisonment, shall
5 be sentenced to a term of not less than 3 years and not more
6 than 14 years.

7 (e-1) Every person convicted of violating this Section or
8 a similar provision of a local ordinance who had a child under
9 the age of 16 on board the snowmobile at the time of offense
10 shall be subject to a mandatory minimum fine of \$500 and shall
11 be subject to a mandatory minimum of 5 days of community
12 service in a program benefiting children. The assignment under
13 this subsection shall not be subject to suspension nor shall
14 the person be eligible for probation in order to reduce the
15 assignment.

16 (e-2) Every person found guilty of violating this Section,
17 whose operation of a snowmobile while in violation of this
18 Section proximately caused any incident resulting in an
19 appropriate emergency response, shall be liable for the
20 expense of an emergency response as provided in subsection (i)
21 of Section 11-501.01 of the Illinois Vehicle Code.

22 (e-3) In addition to any other penalties and liabilities,
23 a person who is found guilty of violating this Section,
24 including any person placed on court supervision, shall be
25 fined \$100, payable to the circuit clerk, who shall distribute
26 the money to the law enforcement agency that made the arrest or

1 as provided in subsection (c) of Section 10-5 of the Criminal
2 and Traffic Assessment Act if the arresting agency is a State
3 agency, unless more than one agency is responsible for the
4 arrest, in which case the amount shall be remitted to each unit
5 of government equally. Any moneys received by a law
6 enforcement agency under this subsection (e-3) shall be used
7 to purchase law enforcement equipment or to provide law
8 enforcement training that will assist in the prevention of
9 alcohol related criminal violence throughout the State. Law
10 enforcement equipment shall include, but is not limited to,
11 in-car video cameras, radar and laser speed detection devices,
12 and alcohol breath testers.

13 (f) In addition to any criminal penalties imposed, the
14 Department of Natural Resources shall suspend the snowmobile
15 operation privileges of a person convicted or found guilty of
16 a misdemeanor under this Section for a period of one year,
17 except that first-time offenders are exempt from this
18 mandatory one-year ~~one-year~~ suspension.

19 (g) In addition to any criminal penalties imposed, the
20 Department of Natural Resources shall suspend for a period of
21 5 years the snowmobile operation privileges of any person
22 convicted or found guilty of a felony under this Section.

23 (Source: P.A. 101-652, eff. 1-1-23; 102-145, eff. 7-23-21;
24 revised 8-5-21.)

25 Section 190. The Clerks of Courts Act is amended by

1 changing Section 27.3b as follows:

2 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

3 (Text of Section after amendment by P.A. 102-356 but
4 before amendment by P.A. 101-652)

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

20 The clerk of the circuit court is authorized to enter into
21 contracts with credit card or debit card companies approved by
22 the clerk and to negotiate the payment of convenience and
23 administrative fees normally charged by those companies for
24 allowing the clerk of the circuit court to accept their credit
25 cards or debit cards in payment as authorized herein. The

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

20 As used in this Section, "certified check" has the meaning
21 provided in Section 3-409 of the Uniform Commercial Code.

22 (Source: P.A. 95-331, eff. 8-21-07; 102-356, eff. 1-1-22.)

23 (Text of Section after amendment by P.A. 101-652)

24 Sec. 27.3b. The clerk of court may accept payment of
25 fines, penalties, or costs by certified check, credit card, or

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

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

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

13 As used in this Section, "certified check" has the meaning
14 provided in Section 3-409 of the Uniform Commercial Code.

15 (Source: P.A. 101-652, eff. 1-1-23; 102-356, eff. 1-1-22.)

16 Section 195. The Attorney Act is amended by changing
17 Section 9 as follows:

18 (705 ILCS 205/9) (from Ch. 13, par. 9)

19 Sec. 9. All attorneys and counselors at law, judges,
20 clerks and sheriffs, and all other officers of the several
21 courts within this state, shall be liable to be arrested and
22 held to ~~terms of pretrial release~~ bail, and shall be subject to
23 the same legal process, and may in all respects be prosecuted
24 and proceeded against in the same courts and in the same manner

1 as other persons are, any law, usage or custom to the contrary
2 notwithstanding: Provided, nevertheless, said judges,
3 counselors or attorneys, clerks, sheriffs and other officers
4 of said courts, shall be privileged from arrest while
5 attending courts, and whilst going to and returning from
6 court.

7 (Source: R.S. 1874, p. 169; 101-652.)

8 Section 200. The Juvenile Court Act of 1987 is amended by
9 changing Sections 1-7, 1-8, and 5-150 as follows:

10 (705 ILCS 405/1-7)

11 (Text of Section before amendment by P.A. 101-652)

12 Sec. 1-7. Confidentiality of juvenile law enforcement and
13 municipal ordinance violation records.

14 (A) All juvenile law enforcement records which have not
15 been expunged are confidential and may never be disclosed to
16 the general public or otherwise made widely available.
17 Juvenile law enforcement records may be obtained only under
18 this Section and Section 1-8 and Part 9 of Article V of this
19 Act, when their use is needed for good cause and with an order
20 from the juvenile court, as required by those not authorized
21 to retain them. Inspection, copying, and disclosure of
22 juvenile law enforcement records maintained by law enforcement
23 agencies or records of municipal ordinance violations
24 maintained by any State, local, or municipal agency that

1 relate to a minor who has been investigated, arrested, or
2 taken into custody before his or her 18th birthday shall be
3 restricted to the following:

4 (0.05) The minor who is the subject of the juvenile
5 law enforcement record, his or her parents, guardian, and
6 counsel.

7 (0.10) Judges of the circuit court and members of the
8 staff of the court designated by the judge.

9 (0.15) An administrative adjudication hearing officer
10 or members of the staff designated to assist in the
11 administrative adjudication process.

12 (1) Any local, State, or federal law enforcement
13 officers or designated law enforcement staff of any
14 jurisdiction or agency when necessary for the discharge of
15 their official duties during the investigation or
16 prosecution of a crime or relating to a minor who has been
17 adjudicated delinquent and there has been a previous
18 finding that the act which constitutes the previous
19 offense was committed in furtherance of criminal
20 activities by a criminal street gang, or, when necessary
21 for the discharge of its official duties in connection
22 with a particular investigation of the conduct of a law
23 enforcement officer, an independent agency or its staff
24 created by ordinance and charged by a unit of local
25 government with the duty of investigating the conduct of
26 law enforcement officers. For purposes of this Section,

1 "criminal street gang" has the meaning ascribed to it in
2 Section 10 of the Illinois Streetgang Terrorism Omnibus
3 Prevention Act.

4 (2) Prosecutors, public defenders, probation officers,
5 social workers, or other individuals assigned by the court
6 to conduct a pre-adjudication or pre-disposition
7 investigation, and individuals responsible for supervising
8 or providing temporary or permanent care and custody for
9 minors under the order of the juvenile court, when
10 essential to performing their responsibilities.

11 (3) Federal, State, or local prosecutors, public
12 defenders, probation officers, and designated staff:

13 (a) in the course of a trial when institution of
14 criminal proceedings has been permitted or required
15 under Section 5-805;

16 (b) when institution of criminal proceedings has
17 been permitted or required under Section 5-805 and the
18 minor is the subject of a proceeding to determine the
19 amount of bail;

20 (c) when criminal proceedings have been permitted
21 or required under Section 5-805 and the minor is the
22 subject of a pre-trial investigation, pre-sentence
23 investigation, fitness hearing, or proceedings on an
24 application for probation; or

25 (d) in the course of prosecution or administrative
26 adjudication of a violation of a traffic, boating, or

1 fish and game law, or a county or municipal ordinance.

2 (4) Adult and Juvenile Prisoner Review Board.

3 (5) Authorized military personnel.

4 (5.5) Employees of the federal government authorized
5 by law.

6 (6) Persons engaged in bona fide research, with the
7 permission of the Presiding Judge and the chief executive
8 of the respective law enforcement agency; provided that
9 publication of such research results in no disclosure of a
10 minor's identity and protects the confidentiality of the
11 minor's record.

12 (7) Department of Children and Family Services child
13 protection investigators acting in their official
14 capacity.

15 (8) The appropriate school official only if the agency
16 or officer believes that there is an imminent threat of
17 physical harm to students, school personnel, or others who
18 are present in the school or on school grounds.

19 (A) Inspection and copying shall be limited to
20 juvenile law enforcement records transmitted to the
21 appropriate school official or officials whom the
22 school has determined to have a legitimate educational
23 or safety interest by a local law enforcement agency
24 under a reciprocal reporting system established and
25 maintained between the school district and the local
26 law enforcement agency under Section 10-20.14 of the

1 School Code concerning a minor enrolled in a school
2 within the school district who has been arrested or
3 taken into custody for any of the following offenses:

4 (i) any violation of Article 24 of the
5 Criminal Code of 1961 or the Criminal Code of
6 2012;

7 (ii) a violation of the Illinois Controlled
8 Substances Act;

9 (iii) a violation of the Cannabis Control Act;

10 (iv) a forcible felony as defined in Section
11 2-8 of the Criminal Code of 1961 or the Criminal
12 Code of 2012;

13 (v) a violation of the Methamphetamine Control
14 and Community Protection Act;

15 (vi) a violation of Section 1-2 of the
16 Harassing and Obscene Communications Act;

17 (vii) a violation of the Hazing Act; or

18 (viii) a violation of Section 12-1, 12-2,
19 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
20 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
21 Criminal Code of 1961 or the Criminal Code of
22 2012.

23 The information derived from the juvenile law
24 enforcement records shall be kept separate from and
25 shall not become a part of the official school record
26 of that child and shall not be a public record. The

1 information shall be used solely by the appropriate
2 school official or officials whom the school has
3 determined to have a legitimate educational or safety
4 interest to aid in the proper rehabilitation of the
5 child and to protect the safety of students and
6 employees in the school. If the designated law
7 enforcement and school officials deem it to be in the
8 best interest of the minor, the student may be
9 referred to in-school or community-based social
10 services if those services are available.
11 "Rehabilitation services" may include interventions by
12 school support personnel, evaluation for eligibility
13 for special education, referrals to community-based
14 agencies such as youth services, behavioral healthcare
15 service providers, drug and alcohol prevention or
16 treatment programs, and other interventions as deemed
17 appropriate for the student.

18 (B) Any information provided to appropriate school
19 officials whom the school has determined to have a
20 legitimate educational or safety interest by local law
21 enforcement officials about a minor who is the subject
22 of a current police investigation that is directly
23 related to school safety shall consist of oral
24 information only, and not written juvenile law
25 enforcement records, and shall be used solely by the
26 appropriate school official or officials to protect

1 the safety of students and employees in the school and
2 aid in the proper rehabilitation of the child. The
3 information derived orally from the local law
4 enforcement officials shall be kept separate from and
5 shall not become a part of the official school record
6 of the child and shall not be a public record. This
7 limitation on the use of information about a minor who
8 is the subject of a current police investigation shall
9 in no way limit the use of this information by
10 prosecutors in pursuing criminal charges arising out
11 of the information disclosed during a police
12 investigation of the minor. For purposes of this
13 paragraph, "investigation" means an official
14 systematic inquiry by a law enforcement agency into
15 actual or suspected criminal activity.

16 (9) Mental health professionals on behalf of the
17 Department of Corrections or the Department of Human
18 Services or prosecutors who are evaluating, prosecuting,
19 or investigating a potential or actual petition brought
20 under the Sexually Violent Persons Commitment Act relating
21 to a person who is the subject of juvenile law enforcement
22 records or the respondent to a petition brought under the
23 Sexually Violent Persons Commitment Act who is the subject
24 of the juvenile law enforcement records sought. Any
25 juvenile law enforcement records and any information
26 obtained from those juvenile law enforcement records under

1 this paragraph (9) may be used only in sexually violent
2 persons commitment proceedings.

3 (10) The president of a park district. Inspection and
4 copying shall be limited to juvenile law enforcement
5 records transmitted to the president of the park district
6 by the Illinois State Police under Section 8-23 of the
7 Park District Code or Section 16a-5 of the Chicago Park
8 District Act concerning a person who is seeking employment
9 with that park district and who has been adjudicated a
10 juvenile delinquent for any of the offenses listed in
11 subsection (c) of Section 8-23 of the Park District Code
12 or subsection (c) of Section 16a-5 of the Chicago Park
13 District Act.

14 (11) Persons managing and designated to participate in
15 a court diversion program as designated in subsection (6)
16 of Section 5-105.

17 (12) The Public Access Counselor of the Office of the
18 Attorney General, when reviewing juvenile law enforcement
19 records under its powers and duties under the Freedom of
20 Information Act.

21 (13) Collection agencies, contracted or otherwise
22 engaged by a governmental entity, to collect any debts due
23 and owing to the governmental entity.

24 (B) (1) Except as provided in paragraph (2), no law
25 enforcement officer or other person or agency may knowingly
26 transmit to the Department of Corrections, the Illinois State

1 Police, or the Federal Bureau of Investigation any fingerprint
2 or photograph relating to a minor who has been arrested or
3 taken into custody before his or her 18th birthday, unless the
4 court in proceedings under this Act authorizes the
5 transmission or enters an order under Section 5-805 permitting
6 or requiring the institution of criminal proceedings.

7 (2) Law enforcement officers or other persons or agencies
8 shall transmit to the Illinois State Police copies of
9 fingerprints and descriptions of all minors who have been
10 arrested or taken into custody before their 18th birthday for
11 the offense of unlawful use of weapons under Article 24 of the
12 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
13 or Class 1 felony, a forcible felony as defined in Section 2-8
14 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
15 Class 2 or greater felony under the Cannabis Control Act, the
16 Illinois Controlled Substances Act, the Methamphetamine
17 Control and Community Protection Act, or Chapter 4 of the
18 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
19 Identification Act. Information reported to the Department
20 pursuant to this Section may be maintained with records that
21 the Department files pursuant to Section 2.1 of the Criminal
22 Identification Act. Nothing in this Act prohibits a law
23 enforcement agency from fingerprinting a minor taken into
24 custody or arrested before his or her 18th birthday for an
25 offense other than those listed in this paragraph (2).

26 (C) The records of law enforcement officers, or of an

1 independent agency created by ordinance and charged by a unit
2 of local government with the duty of investigating the conduct
3 of law enforcement officers, concerning all minors under 18
4 years of age must be maintained separate from the records of
5 arrests and may not be open to public inspection or their
6 contents disclosed to the public. For purposes of obtaining
7 documents under this Section, a civil subpoena is not an order
8 of the court.

9 (1) In cases where the law enforcement, or independent
10 agency, records concern a pending juvenile court case, the
11 party seeking to inspect the records shall provide actual
12 notice to the attorney or guardian ad litem of the minor
13 whose records are sought.

14 (2) In cases where the records concern a juvenile
15 court case that is no longer pending, the party seeking to
16 inspect the records shall provide actual notice to the
17 minor or the minor's parent or legal guardian, and the
18 matter shall be referred to the chief judge presiding over
19 matters pursuant to this Act.

20 (3) In determining whether the records should be
21 available for inspection, the court shall consider the
22 minor's interest in confidentiality and rehabilitation
23 over the moving party's interest in obtaining the
24 information. Any records obtained in violation of this
25 subsection (C) shall not be admissible in any criminal or
26 civil proceeding, or operate to disqualify a minor from

1 subsequently holding public office or securing employment,
2 or operate as a forfeiture of any public benefit, right,
3 privilege, or right to receive any license granted by
4 public authority.

5 (D) Nothing contained in subsection (C) of this Section
6 shall prohibit the inspection or disclosure to victims and
7 witnesses of photographs contained in the records of law
8 enforcement agencies when the inspection and disclosure is
9 conducted in the presence of a law enforcement officer for the
10 purpose of the identification or apprehension of any person
11 subject to the provisions of this Act or for the investigation
12 or prosecution of any crime.

13 (E) Law enforcement officers, and personnel of an
14 independent agency created by ordinance and charged by a unit
15 of local government with the duty of investigating the conduct
16 of law enforcement officers, may not disclose the identity of
17 any minor in releasing information to the general public as to
18 the arrest, investigation or disposition of any case involving
19 a minor.

20 (F) Nothing contained in this Section shall prohibit law
21 enforcement agencies from communicating with each other by
22 letter, memorandum, teletype, or intelligence alert bulletin
23 or other means the identity or other relevant information
24 pertaining to a person under 18 years of age if there are
25 reasonable grounds to believe that the person poses a real and
26 present danger to the safety of the public or law enforcement

1 officers. The information provided under this subsection (F)
2 shall remain confidential and shall not be publicly disclosed,
3 except as otherwise allowed by law.

4 (G) Nothing in this Section shall prohibit the right of a
5 Civil Service Commission or appointing authority of any
6 federal government, state, county or municipality examining
7 the character and fitness of an applicant for employment with
8 a law enforcement agency, correctional institution, or fire
9 department from obtaining and examining the records of any law
10 enforcement agency relating to any record of the applicant
11 having been arrested or taken into custody before the
12 applicant's 18th birthday.

13 (G-5) Information identifying victims and alleged victims
14 of sex offenses shall not be disclosed or open to the public
15 under any circumstances. Nothing in this Section shall
16 prohibit the victim or alleged victim of any sex offense from
17 voluntarily disclosing his or her own identity.

18 (H) The changes made to this Section by Public Act 98-61
19 apply to law enforcement records of a minor who has been
20 arrested or taken into custody on or after January 1, 2014 (the
21 effective date of Public Act 98-61).

22 (H-5) Nothing in this Section shall require any court or
23 adjudicative proceeding for traffic, boating, fish and game
24 law, or municipal and county ordinance violations to be closed
25 to the public.

26 (I) Willful violation of this Section is a Class C

1 misdemeanor and each violation is subject to a fine of \$1,000.
2 This subsection (I) shall not apply to the person who is the
3 subject of the record.

4 (J) A person convicted of violating this Section is liable
5 for damages in the amount of \$1,000 or actual damages,
6 whichever is greater.

7 (Source: P.A. 102-538, eff. 8-20-21.)

8 (Text of Section after amendment by P.A. 101-652)

9 Sec. 1-7. Confidentiality of juvenile law enforcement and
10 municipal ordinance violation records.

11 (A) All juvenile law enforcement records which have not
12 been expunged are confidential and may never be disclosed to
13 the general public or otherwise made widely available.
14 Juvenile law enforcement records may be obtained only under
15 this Section and Section 1-8 and Part 9 of Article V of this
16 Act, when their use is needed for good cause and with an order
17 from the juvenile court, as required by those not authorized
18 to retain them. Inspection, copying, and disclosure of
19 juvenile law enforcement records maintained by law enforcement
20 agencies or records of municipal ordinance violations
21 maintained by any State, local, or municipal agency that
22 relate to a minor who has been investigated, arrested, or
23 taken into custody before his or her 18th birthday shall be
24 restricted to the following:

25 (0.05) The minor who is the subject of the juvenile

1 law enforcement record, his or her parents, guardian, and
2 counsel.

3 (0.10) Judges of the circuit court and members of the
4 staff of the court designated by the judge.

5 (0.15) An administrative adjudication hearing officer
6 or members of the staff designated to assist in the
7 administrative adjudication process.

8 (1) Any local, State, or federal law enforcement
9 officers or designated law enforcement staff of any
10 jurisdiction or agency when necessary for the discharge of
11 their official duties during the investigation or
12 prosecution of a crime or relating to a minor who has been
13 adjudicated delinquent and there has been a previous
14 finding that the act which constitutes the previous
15 offense was committed in furtherance of criminal
16 activities by a criminal street gang, or, when necessary
17 for the discharge of its official duties in connection
18 with a particular investigation of the conduct of a law
19 enforcement officer, an independent agency or its staff
20 created by ordinance and charged by a unit of local
21 government with the duty of investigating the conduct of
22 law enforcement officers. For purposes of this Section,
23 "criminal street gang" has the meaning ascribed to it in
24 Section 10 of the Illinois Streetgang Terrorism Omnibus
25 Prevention Act.

26 (2) Prosecutors, public defenders, probation officers,

1 social workers, or other individuals assigned by the court
2 to conduct a pre-adjudication or pre-disposition
3 investigation, and individuals responsible for supervising
4 or providing temporary or permanent care and custody for
5 minors under the order of the juvenile court, when
6 essential to performing their responsibilities.

7 (3) Federal, State, or local prosecutors, public
8 defenders, probation officers, and designated staff:

9 (a) in the course of a trial when institution of
10 criminal proceedings has been permitted or required
11 under Section 5-805;

12 (b) when institution of criminal proceedings has
13 been permitted or required under Section 5-805 and the
14 minor is the subject of a proceeding to determine the
15 ~~conditions of pretrial release~~ amount of bail;

16 (c) when criminal proceedings have been permitted
17 or required under Section 5-805 and the minor is the
18 subject of a pre-trial investigation, pre-sentence
19 investigation, fitness hearing, or proceedings on an
20 application for probation; or

21 (d) in the course of prosecution or administrative
22 adjudication of a violation of a traffic, boating, or
23 fish and game law, or a county or municipal ordinance.

24 (4) Adult and Juvenile Prisoner Review Board.

25 (5) Authorized military personnel.

26 (5.5) Employees of the federal government authorized

1 by law.

2 (6) Persons engaged in bona fide research, with the
3 permission of the Presiding Judge and the chief executive
4 of the respective law enforcement agency; provided that
5 publication of such research results in no disclosure of a
6 minor's identity and protects the confidentiality of the
7 minor's record.

8 (7) Department of Children and Family Services child
9 protection investigators acting in their official
10 capacity.

11 (8) The appropriate school official only if the agency
12 or officer believes that there is an imminent threat of
13 physical harm to students, school personnel, or others who
14 are present in the school or on school grounds.

15 (A) Inspection and copying shall be limited to
16 juvenile law enforcement records transmitted to the
17 appropriate school official or officials whom the
18 school has determined to have a legitimate educational
19 or safety interest by a local law enforcement agency
20 under a reciprocal reporting system established and
21 maintained between the school district and the local
22 law enforcement agency under Section 10-20.14 of the
23 School Code concerning a minor enrolled in a school
24 within the school district who has been arrested or
25 taken into custody for any of the following offenses:

26 (i) any violation of Article 24 of the

1 Criminal Code of 1961 or the Criminal Code of
2 2012;

3 (ii) a violation of the Illinois Controlled
4 Substances Act;

5 (iii) a violation of the Cannabis Control Act;

6 (iv) a forcible felony as defined in Section
7 2-8 of the Criminal Code of 1961 or the Criminal
8 Code of 2012;

9 (v) a violation of the Methamphetamine Control
10 and Community Protection Act;

11 (vi) a violation of Section 1-2 of the
12 Harassing and Obscene Communications Act;

13 (vii) a violation of the Hazing Act; or

14 (viii) a violation of Section 12-1, 12-2,
15 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
16 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
17 Criminal Code of 1961 or the Criminal Code of
18 2012.

19 The information derived from the juvenile law
20 enforcement records shall be kept separate from and
21 shall not become a part of the official school record
22 of that child and shall not be a public record. The
23 information shall be used solely by the appropriate
24 school official or officials whom the school has
25 determined to have a legitimate educational or safety
26 interest to aid in the proper rehabilitation of the

1 child and to protect the safety of students and
2 employees in the school. If the designated law
3 enforcement and school officials deem it to be in the
4 best interest of the minor, the student may be
5 referred to in-school or community-based social
6 services if those services are available.
7 "Rehabilitation services" may include interventions by
8 school support personnel, evaluation for eligibility
9 for special education, referrals to community-based
10 agencies such as youth services, behavioral healthcare
11 service providers, drug and alcohol prevention or
12 treatment programs, and other interventions as deemed
13 appropriate for the student.

14 (B) Any information provided to appropriate school
15 officials whom the school has determined to have a
16 legitimate educational or safety interest by local law
17 enforcement officials about a minor who is the subject
18 of a current police investigation that is directly
19 related to school safety shall consist of oral
20 information only, and not written juvenile law
21 enforcement records, and shall be used solely by the
22 appropriate school official or officials to protect
23 the safety of students and employees in the school and
24 aid in the proper rehabilitation of the child. The
25 information derived orally from the local law
26 enforcement officials shall be kept separate from and

1 shall not become a part of the official school record
2 of the child and shall not be a public record. This
3 limitation on the use of information about a minor who
4 is the subject of a current police investigation shall
5 in no way limit the use of this information by
6 prosecutors in pursuing criminal charges arising out
7 of the information disclosed during a police
8 investigation of the minor. For purposes of this
9 paragraph, "investigation" means an official
10 systematic inquiry by a law enforcement agency into
11 actual or suspected criminal activity.

12 (9) Mental health professionals on behalf of the
13 Department of Corrections or the Department of Human
14 Services or prosecutors who are evaluating, prosecuting,
15 or investigating a potential or actual petition brought
16 under the Sexually Violent Persons Commitment Act relating
17 to a person who is the subject of juvenile law enforcement
18 records or the respondent to a petition brought under the
19 Sexually Violent Persons Commitment Act who is the subject
20 of the juvenile law enforcement records sought. Any
21 juvenile law enforcement records and any information
22 obtained from those juvenile law enforcement records under
23 this paragraph (9) may be used only in sexually violent
24 persons commitment proceedings.

25 (10) The president of a park district. Inspection and
26 copying shall be limited to juvenile law enforcement

1 records transmitted to the president of the park district
2 by the Illinois State Police under Section 8-23 of the
3 Park District Code or Section 16a-5 of the Chicago Park
4 District Act concerning a person who is seeking employment
5 with that park district and who has been adjudicated a
6 juvenile delinquent for any of the offenses listed in
7 subsection (c) of Section 8-23 of the Park District Code
8 or subsection (c) of Section 16a-5 of the Chicago Park
9 District Act.

10 (11) Persons managing and designated to participate in
11 a court diversion program as designated in subsection (6)
12 of Section 5-105.

13 (12) The Public Access Counselor of the Office of the
14 Attorney General, when reviewing juvenile law enforcement
15 records under its powers and duties under the Freedom of
16 Information Act.

17 (13) Collection agencies, contracted or otherwise
18 engaged by a governmental entity, to collect any debts due
19 and owing to the governmental entity.

20 (B)(1) Except as provided in paragraph (2), no law
21 enforcement officer or other person or agency may knowingly
22 transmit to the Department of Corrections, the Illinois State
23 Police, or the Federal Bureau of Investigation any fingerprint
24 or photograph relating to a minor who has been arrested or
25 taken into custody before his or her 18th birthday, unless the
26 court in proceedings under this Act authorizes the

1 transmission or enters an order under Section 5-805 permitting
2 or requiring the institution of criminal proceedings.

3 (2) Law enforcement officers or other persons or agencies
4 shall transmit to the Illinois State Police copies of
5 fingerprints and descriptions of all minors who have been
6 arrested or taken into custody before their 18th birthday for
7 the offense of unlawful use of weapons under Article 24 of the
8 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
9 or Class 1 felony, a forcible felony as defined in Section 2-8
10 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
11 Class 2 or greater felony under the Cannabis Control Act, the
12 Illinois Controlled Substances Act, the Methamphetamine
13 Control and Community Protection Act, or Chapter 4 of the
14 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
15 Identification Act. Information reported to the Department
16 pursuant to this Section may be maintained with records that
17 the Department files pursuant to Section 2.1 of the Criminal
18 Identification Act. Nothing in this Act prohibits a law
19 enforcement agency from fingerprinting a minor taken into
20 custody or arrested before his or her 18th birthday for an
21 offense other than those listed in this paragraph (2).

22 (C) The records of law enforcement officers, or of an
23 independent agency created by ordinance and charged by a unit
24 of local government with the duty of investigating the conduct
25 of law enforcement officers, concerning all minors under 18
26 years of age must be maintained separate from the records of

1 arrests and may not be open to public inspection or their
2 contents disclosed to the public. For purposes of obtaining
3 documents under this Section, a civil subpoena is not an order
4 of the court.

5 (1) In cases where the law enforcement, or independent
6 agency, records concern a pending juvenile court case, the
7 party seeking to inspect the records shall provide actual
8 notice to the attorney or guardian ad litem of the minor
9 whose records are sought.

10 (2) In cases where the records concern a juvenile
11 court case that is no longer pending, the party seeking to
12 inspect the records shall provide actual notice to the
13 minor or the minor's parent or legal guardian, and the
14 matter shall be referred to the chief judge presiding over
15 matters pursuant to this Act.

16 (3) In determining whether the records should be
17 available for inspection, the court shall consider the
18 minor's interest in confidentiality and rehabilitation
19 over the moving party's interest in obtaining the
20 information. Any records obtained in violation of this
21 subsection (C) shall not be admissible in any criminal or
22 civil proceeding, or operate to disqualify a minor from
23 subsequently holding public office or securing employment,
24 or operate as a forfeiture of any public benefit, right,
25 privilege, or right to receive any license granted by
26 public authority.

1 (D) Nothing contained in subsection (C) of this Section
2 shall prohibit the inspection or disclosure to victims and
3 witnesses of photographs contained in the records of law
4 enforcement agencies when the inspection and disclosure is
5 conducted in the presence of a law enforcement officer for the
6 purpose of the identification or apprehension of any person
7 subject to the provisions of this Act or for the investigation
8 or prosecution of any crime.

9 (E) Law enforcement officers, and personnel of an
10 independent agency created by ordinance and charged by a unit
11 of local government with the duty of investigating the conduct
12 of law enforcement officers, may not disclose the identity of
13 any minor in releasing information to the general public as to
14 the arrest, investigation or disposition of any case involving
15 a minor.

16 (F) Nothing contained in this Section shall prohibit law
17 enforcement agencies from communicating with each other by
18 letter, memorandum, teletype, or intelligence alert bulletin
19 or other means the identity or other relevant information
20 pertaining to a person under 18 years of age if there are
21 reasonable grounds to believe that the person poses a real and
22 present danger to the safety of the public or law enforcement
23 officers. The information provided under this subsection (F)
24 shall remain confidential and shall not be publicly disclosed,
25 except as otherwise allowed by law.

26 (G) Nothing in this Section shall prohibit the right of a

1 Civil Service Commission or appointing authority of any
2 federal government, state, county or municipality examining
3 the character and fitness of an applicant for employment with
4 a law enforcement agency, correctional institution, or fire
5 department from obtaining and examining the records of any law
6 enforcement agency relating to any record of the applicant
7 having been arrested or taken into custody before the
8 applicant's 18th birthday.

9 (G-5) Information identifying victims and alleged victims
10 of sex offenses shall not be disclosed or open to the public
11 under any circumstances. Nothing in this Section shall
12 prohibit the victim or alleged victim of any sex offense from
13 voluntarily disclosing his or her own identity.

14 (H) The changes made to this Section by Public Act 98-61
15 apply to law enforcement records of a minor who has been
16 arrested or taken into custody on or after January 1, 2014 (the
17 effective date of Public Act 98-61).

18 (H-5) Nothing in this Section shall require any court or
19 adjudicative proceeding for traffic, boating, fish and game
20 law, or municipal and county ordinance violations to be closed
21 to the public.

22 (I) Willful violation of this Section is a Class C
23 misdemeanor and each violation is subject to a fine of \$1,000.
24 This subsection (I) shall not apply to the person who is the
25 subject of the record.

26 (J) A person convicted of violating this Section is liable

1 for damages in the amount of \$1,000 or actual damages,
2 whichever is greater.

3 (Source: P.A. 101-652, eff. 1-1-23; 102-538, eff. 8-20-21;
4 revised 10-13-21.)

5 (705 ILCS 405/1-8)

6 (Text of Section before amendment by P.A. 101-652)

7 Sec. 1-8. Confidentiality and accessibility of juvenile
8 court records.

9 (A) A juvenile adjudication shall never be considered a
10 conviction nor shall an adjudicated individual be considered a
11 criminal. Unless expressly allowed by law, a juvenile
12 adjudication shall not operate to impose upon the individual
13 any of the civil disabilities ordinarily imposed by or
14 resulting from conviction. Unless expressly allowed by law,
15 adjudications shall not prejudice or disqualify the individual
16 in any civil service application or appointment, from holding
17 public office, or from receiving any license granted by public
18 authority. All juvenile court records which have not been
19 expunged are sealed and may never be disclosed to the general
20 public or otherwise made widely available. Sealed juvenile
21 court records may be obtained only under this Section and
22 Section 1-7 and Part 9 of Article V of this Act, when their use
23 is needed for good cause and with an order from the juvenile
24 court. Inspection and copying of juvenile court records
25 relating to a minor who is the subject of a proceeding under

1 this Act shall be restricted to the following:

2 (1) The minor who is the subject of record, his or her
3 parents, guardian, and counsel.

4 (2) Law enforcement officers and law enforcement
5 agencies when such information is essential to executing
6 an arrest or search warrant or other compulsory process,
7 or to conducting an ongoing investigation or relating to a
8 minor who has been adjudicated delinquent and there has
9 been a previous finding that the act which constitutes the
10 previous offense was committed in furtherance of criminal
11 activities by a criminal street gang.

12 Before July 1, 1994, for the purposes of this Section,
13 "criminal street gang" means any ongoing organization,
14 association, or group of 3 or more persons, whether formal
15 or informal, having as one of its primary activities the
16 commission of one or more criminal acts and that has a
17 common name or common identifying sign, symbol or specific
18 color apparel displayed, and whose members individually or
19 collectively engage in or have engaged in a pattern of
20 criminal activity.

21 Beginning July 1, 1994, for purposes of this Section,
22 "criminal street gang" has the meaning ascribed to it in
23 Section 10 of the Illinois Streetgang Terrorism Omnibus
24 Prevention Act.

25 (3) Judges, hearing officers, prosecutors, public
26 defenders, probation officers, social workers, or other

1 individuals assigned by the court to conduct a
2 pre-adjudication or pre-disposition investigation, and
3 individuals responsible for supervising or providing
4 temporary or permanent care and custody for minors under
5 the order of the juvenile court when essential to
6 performing their responsibilities.

7 (4) Judges, federal, State, and local prosecutors,
8 public defenders, probation officers, and designated
9 staff:

10 (a) in the course of a trial when institution of
11 criminal proceedings has been permitted or required
12 under Section 5-805;

13 (b) when criminal proceedings have been permitted
14 or required under Section 5-805 and a minor is the
15 subject of a proceeding to determine the amount of
16 bail;

17 (c) when criminal proceedings have been permitted
18 or required under Section 5-805 and a minor is the
19 subject of a pre-trial investigation, pre-sentence
20 investigation or fitness hearing, or proceedings on an
21 application for probation; or

22 (d) when a minor becomes 18 years of age or older,
23 and is the subject of criminal proceedings, including
24 a hearing to determine the amount of bail, a pre-trial
25 investigation, a pre-sentence investigation, a fitness
26 hearing, or proceedings on an application for

1 probation.

2 (5) Adult and Juvenile Prisoner Review Boards.

3 (6) Authorized military personnel.

4 (6.5) Employees of the federal government authorized
5 by law.

6 (7) Victims, their subrogees and legal
7 representatives; however, such persons shall have access
8 only to the name and address of the minor and information
9 pertaining to the disposition or alternative adjustment
10 plan of the juvenile court.

11 (8) Persons engaged in bona fide research, with the
12 permission of the presiding judge of the juvenile court
13 and the chief executive of the agency that prepared the
14 particular records; provided that publication of such
15 research results in no disclosure of a minor's identity
16 and protects the confidentiality of the record.

17 (9) The Secretary of State to whom the Clerk of the
18 Court shall report the disposition of all cases, as
19 required in Section 6-204 of the Illinois Vehicle Code.
20 However, information reported relative to these offenses
21 shall be privileged and available only to the Secretary of
22 State, courts, and police officers.

23 (10) The administrator of a bonafide substance abuse
24 student assistance program with the permission of the
25 presiding judge of the juvenile court.

26 (11) Mental health professionals on behalf of the

1 Department of Corrections or the Department of Human
2 Services or prosecutors who are evaluating, prosecuting,
3 or investigating a potential or actual petition brought
4 under the Sexually Violent Persons Commitment Act relating
5 to a person who is the subject of juvenile court records or
6 the respondent to a petition brought under the Sexually
7 Violent Persons Commitment Act, who is the subject of
8 juvenile court records sought. Any records and any
9 information obtained from those records under this
10 paragraph (11) may be used only in sexually violent
11 persons commitment proceedings.

12 (12) Collection agencies, contracted or otherwise
13 engaged by a governmental entity, to collect any debts due
14 and owing to the governmental entity.

15 (A-1) Findings and exclusions of paternity entered in
16 proceedings occurring under Article II of this Act shall be
17 disclosed, in a manner and form approved by the Presiding
18 Judge of the Juvenile Court, to the Department of Healthcare
19 and Family Services when necessary to discharge the duties of
20 the Department of Healthcare and Family Services under Article
21 X of the Illinois Public Aid Code.

22 (B) A minor who is the victim in a juvenile proceeding
23 shall be provided the same confidentiality regarding
24 disclosure of identity as the minor who is the subject of
25 record.

26 (C) (0.1) In cases where the records concern a pending

1 juvenile court case, the requesting party seeking to inspect
2 the juvenile court records shall provide actual notice to the
3 attorney or guardian ad litem of the minor whose records are
4 sought.

5 (0.2) In cases where the juvenile court records concern a
6 juvenile court case that is no longer pending, the requesting
7 party seeking to inspect the juvenile court records shall
8 provide actual notice to the minor or the minor's parent or
9 legal guardian, and the matter shall be referred to the chief
10 judge presiding over matters pursuant to this Act.

11 (0.3) In determining whether juvenile court records should
12 be made available for inspection and whether inspection should
13 be limited to certain parts of the file, the court shall
14 consider the minor's interest in confidentiality and
15 rehabilitation over the requesting party's interest in
16 obtaining the information. The State's Attorney, the minor,
17 and the minor's parents, guardian, and counsel shall at all
18 times have the right to examine court files and records.

19 (0.4) Any records obtained in violation of this Section
20 shall not be admissible in any criminal or civil proceeding,
21 or operate to disqualify a minor from subsequently holding
22 public office, or operate as a forfeiture of any public
23 benefit, right, privilege, or right to receive any license
24 granted by public authority.

25 (D) Pending or following any adjudication of delinquency
26 for any offense defined in Sections 11-1.20 through 11-1.60 or

1 12-13 through 12-16 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, the victim of any such offense shall
3 receive the rights set out in Sections 4 and 6 of the Bill of
4 Rights for Victims and Witnesses of Violent Crime Act; and the
5 juvenile who is the subject of the adjudication,
6 notwithstanding any other provision of this Act, shall be
7 treated as an adult for the purpose of affording such rights to
8 the victim.

9 (E) Nothing in this Section shall affect the right of a
10 Civil Service Commission or appointing authority of the
11 federal government, or any state, county, or municipality
12 examining the character and fitness of an applicant for
13 employment with a law enforcement agency, correctional
14 institution, or fire department to ascertain whether that
15 applicant was ever adjudicated to be a delinquent minor and,
16 if so, to examine the records of disposition or evidence which
17 were made in proceedings under this Act.

18 (F) Following any adjudication of delinquency for a crime
19 which would be a felony if committed by an adult, or following
20 any adjudication of delinquency for a violation of Section
21 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, the State's Attorney shall ascertain
23 whether the minor respondent is enrolled in school and, if so,
24 shall provide a copy of the dispositional order to the
25 principal or chief administrative officer of the school.
26 Access to the dispositional order shall be limited to the

1 principal or chief administrative officer of the school and
2 any school counselor designated by him or her.

3 (G) Nothing contained in this Act prevents the sharing or
4 disclosure of information or records relating or pertaining to
5 juveniles subject to the provisions of the Serious Habitual
6 Offender Comprehensive Action Program when that information is
7 used to assist in the early identification and treatment of
8 habitual juvenile offenders.

9 (H) When a court hearing a proceeding under Article II of
10 this Act becomes aware that an earlier proceeding under
11 Article II had been heard in a different county, that court
12 shall request, and the court in which the earlier proceedings
13 were initiated shall transmit, an authenticated copy of the
14 juvenile court record, including all documents, petitions, and
15 orders filed and the minute orders, transcript of proceedings,
16 and docket entries of the court.

17 (I) The Clerk of the Circuit Court shall report to the
18 Illinois State Police, in the form and manner required by the
19 Illinois State Police, the final disposition of each minor who
20 has been arrested or taken into custody before his or her 18th
21 birthday for those offenses required to be reported under
22 Section 5 of the Criminal Identification Act. Information
23 reported to the Department under this Section may be
24 maintained with records that the Department files under
25 Section 2.1 of the Criminal Identification Act.

26 (J) The changes made to this Section by Public Act 98-61

1 apply to juvenile law enforcement records of a minor who has
2 been arrested or taken into custody on or after January 1, 2014
3 (the effective date of Public Act 98-61).

4 (K) Willful violation of this Section is a Class C
5 misdemeanor and each violation is subject to a fine of \$1,000.
6 This subsection (K) shall not apply to the person who is the
7 subject of the record.

8 (L) A person convicted of violating this Section is liable
9 for damages in the amount of \$1,000 or actual damages,
10 whichever is greater.

11 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
12 revised 10-12-21.)

13 (Text of Section after amendment by P.A. 101-652)

14 Sec. 1-8. Confidentiality and accessibility of juvenile
15 court records.

16 (A) A juvenile adjudication shall never be considered a
17 conviction nor shall an adjudicated individual be considered a
18 criminal. Unless expressly allowed by law, a juvenile
19 adjudication shall not operate to impose upon the individual
20 any of the civil disabilities ordinarily imposed by or
21 resulting from conviction. Unless expressly allowed by law,
22 adjudications shall not prejudice or disqualify the individual
23 in any civil service application or appointment, from holding
24 public office, or from receiving any license granted by public
25 authority. All juvenile court records which have not been

1 expunged are sealed and may never be disclosed to the general
2 public or otherwise made widely available. Sealed juvenile
3 court records may be obtained only under this Section and
4 Section 1-7 and Part 9 of Article V of this Act, when their use
5 is needed for good cause and with an order from the juvenile
6 court. Inspection and copying of juvenile court records
7 relating to a minor who is the subject of a proceeding under
8 this Act shall be restricted to the following:

9 (1) The minor who is the subject of record, his or her
10 parents, guardian, and counsel.

11 (2) Law enforcement officers and law enforcement
12 agencies when such information is essential to executing
13 an arrest or search warrant or other compulsory process,
14 or to conducting an ongoing investigation or relating to a
15 minor who has been adjudicated delinquent and there has
16 been a previous finding that the act which constitutes the
17 previous offense was committed in furtherance of criminal
18 activities by a criminal street gang.

19 Before July 1, 1994, for the purposes of this Section,
20 "criminal street gang" means any ongoing organization,
21 association, or group of 3 or more persons, whether formal
22 or informal, having as one of its primary activities the
23 commission of one or more criminal acts and that has a
24 common name or common identifying sign, symbol or specific
25 color apparel displayed, and whose members individually or
26 collectively engage in or have engaged in a pattern of

1 criminal activity.

2 Beginning July 1, 1994, for purposes of this Section,
3 "criminal street gang" has the meaning ascribed to it in
4 Section 10 of the Illinois Streetgang Terrorism Omnibus
5 Prevention Act.

6 (3) Judges, hearing officers, prosecutors, public
7 defenders, probation officers, social workers, or other
8 individuals assigned by the court to conduct a
9 pre-adjudication or pre-disposition investigation, and
10 individuals responsible for supervising or providing
11 temporary or permanent care and custody for minors under
12 the order of the juvenile court when essential to
13 performing their responsibilities.

14 (4) Judges, federal, State, and local prosecutors,
15 public defenders, probation officers, and designated
16 staff:

17 (a) in the course of a trial when institution of
18 criminal proceedings has been permitted or required
19 under Section 5-805;

20 (b) when criminal proceedings have been permitted
21 or required under Section 5-805 and a minor is the
22 subject of a proceeding to determine the ~~conditions of~~
23 ~~pretrial release~~ amount of bail;

24 (c) when criminal proceedings have been permitted
25 or required under Section 5-805 and a minor is the
26 subject of a pre-trial investigation, pre-sentence

1 investigation or fitness hearing, or proceedings on an
2 application for probation; or

3 (d) when a minor becomes 18 years of age or older,
4 and is the subject of criminal proceedings, including
5 a hearing to determine the ~~conditions of pretrial~~
6 ~~release~~ amount of bail, a pre-trial investigation, a
7 pre-sentence investigation, a fitness hearing, or
8 proceedings on an application for probation.

9 (5) Adult and Juvenile Prisoner Review Boards.

10 (6) Authorized military personnel.

11 (6.5) Employees of the federal government authorized
12 by law.

13 (7) Victims, their subrogees and legal
14 representatives; however, such persons shall have access
15 only to the name and address of the minor and information
16 pertaining to the disposition or alternative adjustment
17 plan of the juvenile court.

18 (8) Persons engaged in bona fide research, with the
19 permission of the presiding judge of the juvenile court
20 and the chief executive of the agency that prepared the
21 particular records; provided that publication of such
22 research results in no disclosure of a minor's identity
23 and protects the confidentiality of the record.

24 (9) The Secretary of State to whom the Clerk of the
25 Court shall report the disposition of all cases, as
26 required in Section 6-204 of the Illinois Vehicle Code.

1 However, information reported relative to these offenses
2 shall be privileged and available only to the Secretary of
3 State, courts, and police officers.

4 (10) The administrator of a bonafide substance abuse
5 student assistance program with the permission of the
6 presiding judge of the juvenile court.

7 (11) Mental health professionals on behalf of the
8 Department of Corrections or the Department of Human
9 Services or prosecutors who are evaluating, prosecuting,
10 or investigating a potential or actual petition brought
11 under the Sexually Violent Persons Commitment Act relating
12 to a person who is the subject of juvenile court records or
13 the respondent to a petition brought under the Sexually
14 Violent Persons Commitment Act, who is the subject of
15 juvenile court records sought. Any records and any
16 information obtained from those records under this
17 paragraph (11) may be used only in sexually violent
18 persons commitment proceedings.

19 (12) Collection agencies, contracted or otherwise
20 engaged by a governmental entity, to collect any debts due
21 and owing to the governmental entity.

22 (A-1) Findings and exclusions of paternity entered in
23 proceedings occurring under Article II of this Act shall be
24 disclosed, in a manner and form approved by the Presiding
25 Judge of the Juvenile Court, to the Department of Healthcare
26 and Family Services when necessary to discharge the duties of

1 the Department of Healthcare and Family Services under Article
2 X of the Illinois Public Aid Code.

3 (B) A minor who is the victim in a juvenile proceeding
4 shall be provided the same confidentiality regarding
5 disclosure of identity as the minor who is the subject of
6 record.

7 (C) (0.1) In cases where the records concern a pending
8 juvenile court case, the requesting party seeking to inspect
9 the juvenile court records shall provide actual notice to the
10 attorney or guardian ad litem of the minor whose records are
11 sought.

12 (0.2) In cases where the juvenile court records concern a
13 juvenile court case that is no longer pending, the requesting
14 party seeking to inspect the juvenile court records shall
15 provide actual notice to the minor or the minor's parent or
16 legal guardian, and the matter shall be referred to the chief
17 judge presiding over matters pursuant to this Act.

18 (0.3) In determining whether juvenile court records should
19 be made available for inspection and whether inspection should
20 be limited to certain parts of the file, the court shall
21 consider the minor's interest in confidentiality and
22 rehabilitation over the requesting party's interest in
23 obtaining the information. The State's Attorney, the minor,
24 and the minor's parents, guardian, and counsel shall at all
25 times have the right to examine court files and records.

26 (0.4) Any records obtained in violation of this Section

1 shall not be admissible in any criminal or civil proceeding,
2 or operate to disqualify a minor from subsequently holding
3 public office, or operate as a forfeiture of any public
4 benefit, right, privilege, or right to receive any license
5 granted by public authority.

6 (D) Pending or following any adjudication of delinquency
7 for any offense defined in Sections 11-1.20 through 11-1.60 or
8 12-13 through 12-16 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, the victim of any such offense shall
10 receive the rights set out in Sections 4 and 6 of the Bill of
11 Rights for Victims and Witnesses of Violent Crime Act; and the
12 juvenile who is the subject of the adjudication,
13 notwithstanding any other provision of this Act, shall be
14 treated as an adult for the purpose of affording such rights to
15 the victim.

16 (E) Nothing in this Section shall affect the right of a
17 Civil Service Commission or appointing authority of the
18 federal government, or any state, county, or municipality
19 examining the character and fitness of an applicant for
20 employment with a law enforcement agency, correctional
21 institution, or fire department to ascertain whether that
22 applicant was ever adjudicated to be a delinquent minor and,
23 if so, to examine the records of disposition or evidence which
24 were made in proceedings under this Act.

25 (F) Following any adjudication of delinquency for a crime
26 which would be a felony if committed by an adult, or following

1 any adjudication of delinquency for a violation of Section
2 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, the State's Attorney shall ascertain
4 whether the minor respondent is enrolled in school and, if so,
5 shall provide a copy of the dispositional order to the
6 principal or chief administrative officer of the school.
7 Access to the dispositional order shall be limited to the
8 principal or chief administrative officer of the school and
9 any school counselor designated by him or her.

10 (G) Nothing contained in this Act prevents the sharing or
11 disclosure of information or records relating or pertaining to
12 juveniles subject to the provisions of the Serious Habitual
13 Offender Comprehensive Action Program when that information is
14 used to assist in the early identification and treatment of
15 habitual juvenile offenders.

16 (H) When a court hearing a proceeding under Article II of
17 this Act becomes aware that an earlier proceeding under
18 Article II had been heard in a different county, that court
19 shall request, and the court in which the earlier proceedings
20 were initiated shall transmit, an authenticated copy of the
21 juvenile court record, including all documents, petitions, and
22 orders filed and the minute orders, transcript of proceedings,
23 and docket entries of the court.

24 (I) The Clerk of the Circuit Court shall report to the
25 Illinois State Police, in the form and manner required by the
26 Illinois State Police, the final disposition of each minor who

1 has been arrested or taken into custody before his or her 18th
2 birthday for those offenses required to be reported under
3 Section 5 of the Criminal Identification Act. Information
4 reported to the Department under this Section may be
5 maintained with records that the Department files under
6 Section 2.1 of the Criminal Identification Act.

7 (J) The changes made to this Section by Public Act 98-61
8 apply to juvenile law enforcement records of a minor who has
9 been arrested or taken into custody on or after January 1, 2014
10 (the effective date of Public Act 98-61).

11 (K) 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 (K) shall not apply to the person who is the
14 subject of the record.

15 (L) 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. 101-652, eff. 1-1-23; 102-197, eff. 7-30-21;
19 102-538, eff. 8-20-21; revised 10-12-21.)

20 (705 ILCS 405/5-150)

21 Sec. 5-150. Admissibility of evidence and adjudications in
22 other proceedings.

23 (1) Evidence and adjudications in proceedings under this
24 Act shall be admissible:

25 (a) in subsequent proceedings under this Act

1 concerning the same minor; or

2 (b) in criminal proceedings when the court is to
3 determine the ~~conditions of pretrial release~~ amount of
4 bail, fitness of the defendant or in sentencing under the
5 Unified Code of Corrections; or

6 (c) in proceedings under this Act or in criminal
7 proceedings in which anyone who has been adjudicated
8 delinquent under Section 5-105 is to be a witness
9 including the minor or defendant if he or she testifies,
10 and then only for purposes of impeachment and pursuant to
11 the rules of evidence for criminal trials; or

12 (d) in civil proceedings concerning causes of action
13 arising out of the incident or incidents which initially
14 gave rise to the proceedings under this Act.

15 (2) No adjudication or disposition under this Act shall
16 operate to disqualify a minor from subsequently holding public
17 office nor shall operate as a forfeiture of any right,
18 privilege or right to receive any license granted by public
19 authority.

20 (3) The court which adjudicated that a minor has committed
21 any offense relating to motor vehicles prescribed in Sections
22 4-102 and 4-103 of the Illinois Vehicle Code shall notify the
23 Secretary of State of that adjudication and the notice shall
24 constitute sufficient grounds for revoking that minor's
25 driver's license or permit as provided in Section 6-205 of the
26 Illinois Vehicle Code; no minor shall be considered a criminal

1 by reason thereof, nor shall any such adjudication be
2 considered a conviction.

3 (Source: P.A. 90-590, eff. 1-1-99; 101-652.)

4 Section 205. The Criminal Code of 2012 is amended by
5 changing Sections 26.5-5, 31-1, 31A-0.1, 32-10, and 32-15 as
6 follows:

7 (720 ILCS 5/26.5-5)

8 Sec. 26.5-5. Sentence.

9 (a) Except as provided in subsection (b), a person who
10 violates any of the provisions of Section 26.5-1, 26.5-2, or
11 26.5-3 of this Article is guilty of a Class B misdemeanor.
12 Except as provided in subsection (b), a second or subsequent
13 violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article
14 is a Class A misdemeanor, for which the court shall impose a
15 minimum of 14 days in jail or, if public or community service
16 is established in the county in which the offender was
17 convicted, 240 hours of public or community service.

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

21 (1) The person has 3 or more prior violations in the
22 last 10 years of harassment by telephone, harassment
23 through electronic communications, or any similar offense
24 of any other state;

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

6 (3) At the time of the offense, the offender was under
7 conditions of ~~pretrial—release~~ bail, probation,
8 conditional discharge, mandatory supervised release or was
9 the subject of an order of protection, in this or any other
10 state, prohibiting contact with the victim or any member
11 of the victim's family or household;

12 (4) In the course of the offense, the offender
13 threatened to kill the victim or any member of the
14 victim's family or household;

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

18 (6) The person violates paragraph (5) of Section
19 26.5-2 or paragraph (4) of Section 26.5-3; or

20 (7) The person was at least 18 years of age at the time
21 of the commission of the offense and the victim was under
22 18 years of age at the time of the commission of the
23 offense.

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

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

1 101-652.)

2 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

3 (Text of Section before amendment by P.A. 101-652)

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

6 (a) A person who knowingly resists or obstructs the
7 performance by one known to the person to be a peace officer,
8 firefighter, or correctional institution employee of any
9 authorized act within his or her official capacity commits a
10 Class A misdemeanor.

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

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

24 (b) For purposes of this Section, "correctional
25 institution employee" means any person employed to supervise

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

20 (c) It is an affirmative defense to a violation of this
21 Section if a person resists or obstructs the performance of
22 one known by the person to be a firefighter by returning to or
23 remaining in a dwelling, residence, building, or other
24 structure to rescue or to attempt to rescue any person.

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

1 (Text of Section after amendment by P.A. 101-652)

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

4 (a) A person who knowingly resists or obstructs the
5 performance by one known to the person to be a peace officer,
6 firefighter, or correctional institution employee of any
7 authorized act within his or her official capacity commits a
8 Class A misdemeanor.

9 (a-5) In addition to any other sentence that may be
10 imposed, a court shall order any person convicted of resisting
11 or obstructing a peace officer, firefighter, or correctional
12 institution employee to be sentenced to a minimum of 48
13 consecutive hours of imprisonment or ordered to perform
14 community service for not less than 100 hours as may be
15 determined by the court. The person shall not be eligible for
16 probation in order to reduce the sentence of imprisonment or
17 community service.

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

22 (b) For purposes of this Section, "correctional
23 institution employee" means any person employed to supervise
24 and control inmates incarcerated in a penitentiary, State
25 farm, reformatory, prison, jail, house of correction, police
26 detention area, half-way house, or other institution or place

1 for the incarceration or custody of persons under sentence for
2 offenses or awaiting trial or sentence for offenses, under
3 arrest for an offense, a violation of probation, a violation
4 of parole, a violation of aftercare release, a violation of
5 mandatory supervised release, or awaiting a bail setting
6 hearing or preliminary hearing ~~on setting the conditions of~~
7 ~~pretrial release~~, or who are sexually dangerous persons or who
8 are sexually violent persons; and "firefighter" means any
9 individual, either as an employee or volunteer, of a regularly
10 constituted fire department of a municipality or fire
11 protection district who performs fire fighting duties,
12 including, but not limited to, the fire chief, assistant fire
13 chief, captain, engineer, driver, ladder person, hose person,
14 pipe person, and any other member of a regularly constituted
15 fire department. "Firefighter" also means a person employed by
16 the Office of the State Fire Marshal to conduct arson
17 investigations.

18 (c) It is an affirmative defense to a violation of this
19 Section if a person resists or obstructs the performance of
20 one known by the person to be a firefighter by returning to or
21 remaining in a dwelling, residence, building, or other
22 structure to rescue or to attempt to rescue any person.

23 ~~(d) A person shall not be subject to arrest under this~~
24 ~~Section unless there is an underlying offense for which the~~
25 ~~person was initially subject to arrest.~~

26 (Source: P.A. 101-652, eff. 1-1-23.)

1 (720 ILCS 5/31A-0.1)

2 Sec. 31A-0.1. Definitions. For the purposes of this
3 Article:

4 "Deliver" or "delivery" means the actual, constructive or
5 attempted transfer of possession of an item of contraband,
6 with or without consideration, whether or not there is an
7 agency relationship.

8 "Employee" means any elected or appointed officer, trustee
9 or employee of a penal institution or of the governing
10 authority of the penal institution, or any person who performs
11 services for the penal institution pursuant to contract with
12 the penal institution or its governing authority.

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

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

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

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

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

23 (iv) "Hypodermic syringe" or hypodermic needle, or any
24 instrument adapted for use of controlled substances or
25 cannabis by subcutaneous injection.

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

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

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

15 (B) any device used exclusively for signaling or
16 safety and required as recommended by the United
17 States Coast Guard or the Interstate Commerce
18 Commission; or

19 (C) any device used exclusively for the firing of
20 stud cartridges, explosive rivets or industrial
21 ammunition; or

22 (D) any device which is powered by electrical
23 charging units, such as batteries, and which fires one
24 or several barbs attached to a length of wire and
25 which, upon hitting a human, can send out current
26 capable of disrupting the person's nervous system in

1 such a manner as to render him or her incapable of
2 normal functioning, commonly referred to as a stun gun
3 or taser.

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

8 (A) any ammunition exclusively designed for use
9 with a device used exclusively for signaling or safety
10 and required or recommended by the United States Coast
11 Guard or the Interstate Commerce Commission; or

12 (B) any ammunition designed exclusively for use
13 with a stud or rivet driver or other similar
14 industrial ammunition.

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

20 (ix) "Tool to defeat security mechanisms" means, but
21 is not limited to, handcuff or security restraint key,
22 tool designed to pick locks, popper, or any device or
23 instrument used to or capable of unlocking or preventing
24 from locking any handcuff or security restraints, doors to
25 cells, rooms, gates or other areas of the penal
26 institution.

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

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

20 "Penal institution" means any penitentiary, State farm,
21 reformatory, prison, jail, house of correction, police
22 detention area, half-way house or other institution or place
23 for the incarceration or custody of persons under sentence for
24 offenses awaiting trial or sentence for offenses, under arrest
25 for an offense, a violation of probation, a violation of
26 parole, a violation of aftercare release, or a violation of

1 mandatory supervised release, or awaiting a bail setting
2 hearing ~~on the setting of conditions of pretrial release~~ or
3 preliminary hearing; provided that where the place for
4 incarceration or custody is housed within another public
5 building this Article shall not apply to that part of the
6 building unrelated to the incarceration or custody of persons.
7 (Source: P.A. 97-1108, eff. 1-1-13; 98-558, eff. 1-1-14;
8 101-652.)

9 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

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

12 (a) Whoever, having been ~~released pretrial under~~
13 ~~conditions~~ admitted to bail for appearance before any court of
14 this State, incurs a ~~violation of conditions of pretrial~~
15 ~~release~~ forfeiture of the bail and knowingly fails to
16 surrender himself or herself within 30 days following the date
17 of the ~~violation forfeiture~~, commits, if the ~~conditions of~~
18 ~~pretrial release~~ bail was given in connection with a charge of
19 felony or pending appeal or certiorari after conviction of any
20 offense, a felony of the next lower Class or a Class A
21 misdemeanor if the underlying offense was a Class 4 felony. ~~If~~
22 ~~the violation of pretrial conditions were made;~~ or, if the
23 bail was given in connection with a charge of committing a
24 misdemeanor, or for appearance as a witness, commits a
25 misdemeanor of the next lower Class, but not less than a Class

1 C misdemeanor.

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

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

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

25 (d) Nothing in this Section shall interfere with or
26 prevent the exercise by any court of its power to punishment

1 for contempt. Any sentence imposed for violation of this
2 Section ~~may~~ shall be served consecutive to the sentence
3 imposed for the charge for which ~~pretrial release~~ bail had
4 been granted and with respect to which the defendant has been
5 convicted.

6 (Source: P.A. 97-1108, eff. 1-1-13; 101-652.)

7 (720 ILCS 5/32-15)

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

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

9 (Source: P.A. 97-1108, eff. 1-1-13; 101-652.)

10 Section 210. The Criminal Code of 2012 is amended by
11 changing Sections 7-5, 7-5.5, 7-9, 9-1, and 33-3 as follows:

12 (720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

13 Sec. 7-5. Peace officer's use of force in making arrest.

14 (a) A peace officer, or any person whom he has summoned or
15 directed to assist him, need not retreat or desist from
16 efforts to make a lawful arrest because of resistance or
17 threatened resistance to the arrest. He is justified in the
18 use of any force which he reasonably believes, ~~based on the~~
19 ~~totality of the circumstances,~~ to be necessary to effect the
20 arrest and of any force which he reasonably believes, ~~based on~~
21 ~~the totality of the circumstances,~~ to be necessary to defend
22 himself or another from bodily harm while making the arrest.
23 However, he is justified in using force likely to cause death
24 or great bodily harm only when: (i) he reasonably believes,

1 ~~based on the totality of the circumstances,~~ that such force is
2 necessary to prevent death or great bodily harm to himself or
3 such other person; or (ii) when he reasonably believes, ~~based~~
4 ~~on the totality of the circumstances,~~ both that:

5 (1) Such force is necessary to prevent the arrest from
6 being defeated by resistance or escape ~~and the officer~~
7 ~~reasonably believes that the person to be arrested is~~
8 ~~likely to cause great bodily harm to another;~~ and

9 (2) The person to be arrested committed or attempted a
10 forcible felony which involves the infliction or
11 threatened infliction of great bodily harm or is
12 attempting to escape by use of a deadly weapon, or
13 otherwise indicates that he will endanger human life or
14 inflict great bodily harm unless arrested without delay.

15 ~~As used in this subsection, "retreat" does not mean~~
16 ~~tactical repositioning or other de-escalation tactics.~~

17 ~~A peace officer is not justified in using force likely to~~
18 ~~cause death or great bodily harm when there is no longer an~~
19 ~~imminent threat of great bodily harm to the officer or~~
20 ~~another.~~

21 ~~(a-5) Where feasible, a peace officer shall, prior to the~~
22 ~~use of force, make reasonable efforts to identify himself or~~
23 ~~herself as a peace officer and to warn that deadly force may be~~
24 ~~used.~~

25 ~~(a-10) A peace officer shall not use deadly force against~~
26 ~~a person based on the danger that the person poses to himself~~

1 ~~or herself if an reasonable officer would believe the person~~
2 ~~does not pose an imminent threat of death or great bodily harm~~
3 ~~to the peace officer or to another person.~~

4 ~~(a-15) A peace officer shall not use deadly force against~~
5 ~~a person who is suspected of committing a property offense,~~
6 ~~unless that offense is terrorism or unless deadly force is~~
7 ~~otherwise authorized by law.~~

8 ~~(b) A peace officer making an arrest pursuant to an~~
9 ~~invalid warrant is justified in the use of any force which he~~
10 ~~would be justified in using if the warrant were valid, unless~~
11 ~~he knows that the warrant is invalid.~~

12 ~~(c) The authority to use physical force conferred on peace~~
13 ~~officers by this Article is a serious responsibility that~~
14 ~~shall be exercised judiciously and with respect for human~~
15 ~~rights and dignity and for the sanctity of every human life.~~

16 ~~(d) Peace officers shall use deadly force only when~~
17 ~~reasonably necessary in defense of human life. In determining~~
18 ~~whether deadly force is reasonably necessary, officers shall~~
19 ~~evaluate each situation in light of the totality of~~
20 ~~circumstances of each case including but not limited to the~~
21 ~~proximity in time of the use of force to the commission of a~~
22 ~~forcible felony, and the reasonable feasibility of safely~~
23 ~~apprehending a subject at a later time, and shall use other~~
24 ~~available resources and techniques, if reasonably safe and~~
25 ~~feasible to a reasonable officer.~~

26 ~~(e) The decision by a peace officer to use force shall be~~

1 ~~evaluated carefully and thoroughly, in a manner that reflects~~
2 ~~the gravity of that authority and the serious consequences of~~
3 ~~the use of force by peace officers, in order to ensure that~~
4 ~~officers use force consistent with law and agency policies.~~

5 ~~(f) The decision by a peace officer to use force shall be~~
6 ~~evaluated from the perspective of a reasonable officer in the~~
7 ~~same situation, based on the totality of the circumstances~~
8 ~~known to or perceived by the officer at the time of the~~
9 ~~decision, rather than with the benefit of hindsight, and that~~
10 ~~the totality of the circumstances shall account for occasions~~
11 ~~when officers may be forced to make quick judgments about~~
12 ~~using force.~~

13 ~~(g) Law enforcement agencies are encouraged to adopt and~~
14 ~~develop policies designed to protect individuals with~~
15 ~~physical, mental health, developmental, or intellectual~~
16 ~~disabilities, or individuals who are significantly more likely~~
17 ~~to experience greater levels of physical force during police~~
18 ~~interactions, as these disabilities may affect the ability of~~
19 ~~a person to understand or comply with commands from peace~~
20 ~~officers.~~

21 ~~(h) As used in this Section:~~

22 ~~(1) "Deadly force" means any use of force that creates~~
23 ~~a substantial risk of causing death or great bodily harm,~~
24 ~~including, but not limited to, the discharge of a firearm.~~

25 ~~(2) A threat of death or serious bodily injury is~~
26 ~~"imminent" when, based on the totality of the~~

1 ~~circumstances, a reasonable officer in the same situation~~
2 ~~would believe that a person has the present ability,~~
3 ~~opportunity, and apparent intent to immediately cause~~
4 ~~death or great bodily harm to the peace officer or another~~
5 ~~person. An imminent harm is not merely a fear of future~~
6 ~~harm, no matter how great the fear and no matter how great~~
7 ~~the likelihood of the harm, but is one that, from~~
8 ~~appearances, must be instantly confronted and addressed.~~

9 ~~(3) "Totality of the circumstances" means all facts~~
10 ~~known to the peace officer at the time, or that would be~~
11 ~~known to a reasonable officer in the same situation,~~
12 ~~including the conduct of the officer and the subject~~
13 ~~leading up to the use of deadly force.~~

14 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
15 revised 8-2-21.)

16 (720 ILCS 5/7-5.5)

17 Sec. 7-5.5. Prohibited use of force by a peace officer.

18 (a) A peace officer, ~~or any other person acting under the~~
19 ~~color of law,~~ shall not use a chokehold ~~or restraint above the~~
20 ~~shoulders with risk of asphyxiation~~ in the performance of his
21 or her duties, unless deadly force is justified under this
22 Article ~~7 of this Code.~~

23 (b) A peace officer, ~~or any other person acting under the~~
24 ~~color of law,~~ shall not use a chokehold ~~or restraint above the~~
25 ~~shoulders with risk of asphyxiation,~~ or any lesser contact

1 with the throat or neck area of another, in order to prevent
2 the destruction of evidence by ingestion.

3 (c) As used in this Section, "chokehold" means applying
4 any direct pressure to the throat, windpipe, or airway of
5 another with the intent to reduce or prevent the intake of
6 air.. "Chokehold" does not include any holding involving
7 contact with the neck that is not intended to reduce the intake
8 of air such as a headlock where the only pressure applied is to
9 the head.

10 ~~(d) As used in this Section, "restraint above the~~
11 ~~shoulders with risk of positional asphyxiation" means a use of~~
12 ~~a technique used to restrain a person above the shoulders,~~
13 ~~including the neck or head, in a position which interferes~~
14 ~~with the person's ability to breathe after the person no~~
15 ~~longer poses a threat to the officer or any other person.~~

16 ~~(e) A peace officer, or any other person acting under the~~
17 ~~color of law, shall not:~~

18 ~~(i) use force as punishment or retaliation;~~

19 ~~(ii) discharge kinetic impact projectiles and all~~
20 ~~other non-or less-lethal projectiles in a manner that~~
21 ~~targets the head, neck, groin, anterior pelvis, or back;~~

22 ~~(iii) discharge conducted electrical weapons in a~~
23 ~~manner that targets the head, chest, neck, groin, or~~
24 ~~anterior pelvis;~~

25 ~~(iv) discharge firearms or kinetic impact projectiles~~
26 ~~indiscriminately into a crowd;~~

1 ~~(v) use chemical agents or irritants for crowd~~
2 ~~control, including pepper spray and tear gas, prior to~~
3 ~~issuing an order to disperse in a sufficient manner to~~
4 ~~allow for the order to be heard and repeated if necessary,~~
5 ~~followed by sufficient time and space to allow compliance~~
6 ~~with the order unless providing such time and space would~~
7 ~~unduly place an officer or another person at risk of death~~
8 ~~or great bodily harm; or~~

9 ~~(vi) use chemical agents or irritants, including~~
10 ~~pepper spray and tear gas, prior to issuing an order in a~~
11 ~~sufficient manner to ensure the order is heard, and~~
12 ~~repeated if necessary, to allow compliance with the order~~
13 ~~unless providing such time and space would unduly place an~~
14 ~~officer or another person at risk of death or great bodily~~
15 ~~harm.~~

16 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
17 revised 8-2-21.)

18 (720 ILCS 5/7-9) (from Ch. 38, par. 7-9)

19 Sec. 7-9. Use of force to prevent escape.

20 (a) A peace officer or other person who has an arrested
21 person in his custody is justified in the use of such force,
22 ~~except deadly force,~~ to prevent the escape of the arrested
23 person from custody as he would be justified in using if he
24 were arresting such person.

25 (b) A guard or other peace officer is justified in the use

1 of force, including force likely to cause death or great
2 bodily harm, which he reasonably believes to be necessary to
3 prevent the escape from a penal institution of a person whom
4 the officer reasonably believes to be lawfully detained in
5 such institution under sentence for an offense or awaiting
6 trial or commitment for an offense.

7 ~~(e) Deadly force shall not be used to prevent escape under~~
8 ~~this Section unless, based on the totality of the~~
9 ~~circumstances, deadly force is necessary to prevent death or~~
10 ~~great bodily harm to himself or such other person.~~

11 (Source: Laws 1961, p. 1983; P.A. 101-652.)

12 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

13 Sec. 9-1. First degree murder; death penalties;
14 exceptions; separate hearings; proof; findings; appellate
15 procedures; reversals.

16 (a) A person who kills an individual without lawful
17 justification commits first degree murder if, in performing
18 the acts which cause the death:

19 (1) he or she either intends to kill or do great bodily
20 harm to that individual or another, or knows that such
21 acts will cause death to that individual or another; or

22 (2) he or she knows that such acts create a strong
23 probability of death or great bodily harm to that
24 individual or another; or

25 (3) ~~he or she, acting alone or with one or more~~

1 ~~participants, commits or attempts to commit a forcible~~
2 ~~felony other than second degree murder, and in the course~~
3 ~~of or in furtherance of such crime or flight therefrom, he~~
4 ~~or she or another participant causes the death of a person~~
5 he or she is attempting or committing a forcible felony
6 other than second degree murder.

7 (b) Aggravating Factors. A defendant who at the time of
8 the commission of the offense has attained the age of 18 or
9 more and who has been found guilty of first degree murder may
10 be sentenced to death if:

11 (1) the murdered individual was a peace officer or
12 fireman killed in the course of performing his official
13 duties, to prevent the performance of his or her official
14 duties, or in retaliation for performing his or her
15 official duties, and the defendant knew or should have
16 known that the murdered individual was a peace officer or
17 fireman; or

18 (2) the murdered individual was an employee of an
19 institution or facility of the Department of Corrections,
20 or any similar local correctional agency, killed in the
21 course of performing his or her official duties, to
22 prevent the performance of his or her official duties, or
23 in retaliation for performing his or her official duties,
24 or the murdered individual was an inmate at such
25 institution or facility and was killed on the grounds
26 thereof, or the murdered individual was otherwise present

1 in such institution or facility with the knowledge and
2 approval of the chief administrative officer thereof; or

3 (3) the defendant has been convicted of murdering two
4 or more individuals under subsection (a) of this Section
5 or under any law of the United States or of any state which
6 is substantially similar to subsection (a) of this Section
7 regardless of whether the deaths occurred as the result of
8 the same act or of several related or unrelated acts so
9 long as the deaths were the result of either an intent to
10 kill more than one person or of separate acts which the
11 defendant knew would cause death or create a strong
12 probability of death or great bodily harm to the murdered
13 individual or another; or

14 (4) the murdered individual was killed as a result of
15 the hijacking of an airplane, train, ship, bus, or other
16 public conveyance; or

17 (5) the defendant committed the murder pursuant to a
18 contract, agreement, or understanding by which he or she
19 was to receive money or anything of value in return for
20 committing the murder or procured another to commit the
21 murder for money or anything of value; or

22 (6) the murdered individual was killed in the course
23 of another felony if:

24 (a) the murdered individual:

25 (i) was actually killed by the defendant, or

26 (ii) received physical injuries personally

1 inflicted by the defendant substantially
2 contemporaneously with physical injuries caused by
3 one or more persons for whose conduct the
4 defendant is legally accountable under Section 5-2
5 of this Code, and the physical injuries inflicted
6 by either the defendant or the other person or
7 persons for whose conduct he is legally
8 accountable caused the death of the murdered
9 individual; and

10 (b) in performing the acts which caused the death
11 of the murdered individual or which resulted in
12 physical injuries personally inflicted by the
13 defendant on the murdered individual under the
14 circumstances of subdivision (ii) of subparagraph (a)
15 of paragraph (6) of subsection (b) of this Section,
16 the defendant acted with the intent to kill the
17 murdered individual or with the knowledge that his
18 acts created a strong probability of death or great
19 bodily harm to the murdered individual or another; and

20 (c) the other felony was an inherently violent
21 crime or the attempt to commit an inherently violent
22 crime. In this subparagraph (c), "inherently violent
23 crime" includes, but is not limited to, armed robbery,
24 robbery, predatory criminal sexual assault of a child,
25 aggravated criminal sexual assault, aggravated
26 kidnapping, aggravated vehicular hijacking, aggravated

1 arson, aggravated stalking, residential burglary, and
2 home invasion; or

3 (7) the murdered individual was under 12 years of age
4 and the death resulted from exceptionally brutal or
5 heinous behavior indicative of wanton cruelty; or

6 (8) the defendant committed the murder with intent to
7 prevent the murdered individual from testifying or
8 participating in any criminal investigation or prosecution
9 or giving material assistance to the State in any
10 investigation or prosecution, either against the defendant
11 or another; or the defendant committed the murder because
12 the murdered individual was a witness in any prosecution
13 or gave material assistance to the State in any
14 investigation or prosecution, either against the defendant
15 or another; for purposes of this paragraph (8),
16 "participating in any criminal investigation or
17 prosecution" is intended to include those appearing in the
18 proceedings in any capacity such as trial judges,
19 prosecutors, defense attorneys, investigators, witnesses,
20 or jurors; or

21 (9) the defendant, while committing an offense
22 punishable under Sections 401, 401.1, 401.2, 405, 405.2,
23 407 or 407.1 or subsection (b) of Section 404 of the
24 Illinois Controlled Substances Act, or while engaged in a
25 conspiracy or solicitation to commit such offense,
26 intentionally killed an individual or counseled,

1 commanded, induced, procured or caused the intentional
2 killing of the murdered individual; or

3 (10) the defendant was incarcerated in an institution
4 or facility of the Department of Corrections at the time
5 of the murder, and while committing an offense punishable
6 as a felony under Illinois law, or while engaged in a
7 conspiracy or solicitation to commit such offense,
8 intentionally killed an individual or counseled,
9 commanded, induced, procured or caused the intentional
10 killing of the murdered individual; or

11 (11) the murder was committed in a cold, calculated
12 and premeditated manner pursuant to a preconceived plan,
13 scheme or design to take a human life by unlawful means,
14 and the conduct of the defendant created a reasonable
15 expectation that the death of a human being would result
16 therefrom; or

17 (12) the murdered individual was an emergency medical
18 technician - ambulance, emergency medical technician -
19 intermediate, emergency medical technician - paramedic,
20 ambulance driver, or other medical assistance or first aid
21 personnel, employed by a municipality or other
22 governmental unit, killed in the course of performing his
23 official duties, to prevent the performance of his
24 official duties, or in retaliation for performing his
25 official duties, and the defendant knew or should have
26 known that the murdered individual was an emergency

1 medical technician - ambulance, emergency medical
2 technician - intermediate, emergency medical technician -
3 paramedic, ambulance driver, or other medical assistance
4 or first aid personnel; or

5 (13) the defendant was a principal administrator,
6 organizer, or leader of a calculated criminal drug
7 conspiracy consisting of a hierarchical position of
8 authority superior to that of all other members of the
9 conspiracy, and the defendant counseled, commanded,
10 induced, procured, or caused the intentional killing of
11 the murdered person; or

12 (14) the murder was intentional and involved the
13 infliction of torture. For the purpose of this Section
14 torture means the infliction of or subjection to extreme
15 physical pain, motivated by an intent to increase or
16 prolong the pain, suffering or agony of the victim; or

17 (15) the murder was committed as a result of the
18 intentional discharge of a firearm by the defendant from a
19 motor vehicle and the victim was not present within the
20 motor vehicle; or

21 (16) the murdered individual was 60 years of age or
22 older and the death resulted from exceptionally brutal or
23 heinous behavior indicative of wanton cruelty; or

24 (17) the murdered individual was a person with a
25 disability and the defendant knew or should have known
26 that the murdered individual was a person with a

1 disability. For purposes of this paragraph (17), "person
2 with a disability" means a person who suffers from a
3 permanent physical or mental impairment resulting from
4 disease, an injury, a functional disorder, or a congenital
5 condition that renders the person incapable of adequately
6 providing for his or her own health or personal care; or

7 (18) the murder was committed by reason of any
8 person's activity as a community policing volunteer or to
9 prevent any person from engaging in activity as a
10 community policing volunteer; or

11 (19) the murdered individual was subject to an order
12 of protection and the murder was committed by a person
13 against whom the same order of protection was issued under
14 the Illinois Domestic Violence Act of 1986; or

15 (20) the murdered individual was known by the
16 defendant to be a teacher or other person employed in any
17 school and the teacher or other employee is upon the
18 grounds of a school or grounds adjacent to a school, or is
19 in any part of a building used for school purposes; or

20 (21) the murder was committed by the defendant in
21 connection with or as a result of the offense of terrorism
22 as defined in Section 29D-14.9 of this Code; or

23 (22) the murdered individual was a member of a
24 congregation engaged in prayer or other religious
25 activities at a church, synagogue, mosque, or other
26 building, structure, or place used for religious worship.

1 (b-5) Aggravating Factor; Natural Life Imprisonment. A
2 defendant who has been found guilty of first degree murder and
3 who at the time of the commission of the offense had attained
4 the age of 18 years or more may be sentenced to natural life
5 imprisonment if (i) the murdered individual was a physician,
6 physician assistant, psychologist, nurse, or advanced practice
7 registered nurse, (ii) the defendant knew or should have known
8 that the murdered individual was a physician, physician
9 assistant, psychologist, nurse, or advanced practice
10 registered nurse, and (iii) the murdered individual was killed
11 in the course of acting in his or her capacity as a physician,
12 physician assistant, psychologist, nurse, or advanced practice
13 registered nurse, or to prevent him or her from acting in that
14 capacity, or in retaliation for his or her acting in that
15 capacity.

16 (c) Consideration of factors in Aggravation and
17 Mitigation.

18 The court shall consider, or shall instruct the jury to
19 consider any aggravating and any mitigating factors which are
20 relevant to the imposition of the death penalty. Aggravating
21 factors may include but need not be limited to those factors
22 set forth in subsection (b). Mitigating factors may include
23 but need not be limited to the following:

24 (1) the defendant has no significant history of prior
25 criminal activity;

26 (2) the murder was committed while the defendant was

1 under the influence of extreme mental or emotional
2 disturbance, although not such as to constitute a defense
3 to prosecution;

4 (3) the murdered individual was a participant in the
5 defendant's homicidal conduct or consented to the
6 homicidal act;

7 (4) the defendant acted under the compulsion of threat
8 or menace of the imminent infliction of death or great
9 bodily harm;

10 (5) the defendant was not personally present during
11 commission of the act or acts causing death;

12 (6) the defendant's background includes a history of
13 extreme emotional or physical abuse;

14 (7) the defendant suffers from a reduced mental
15 capacity.

16 Provided, however, that an action that does not otherwise
17 mitigate first degree murder cannot qualify as a mitigating
18 factor for first degree murder because of the discovery,
19 knowledge, or disclosure of the victim's sexual orientation as
20 defined in Section 1-103 of the Illinois Human Rights Act.

21 (d) Separate sentencing hearing.

22 Where requested by the State, the court shall conduct a
23 separate sentencing proceeding to determine the existence of
24 factors set forth in subsection (b) and to consider any
25 aggravating or mitigating factors as indicated in subsection
26 (c). The proceeding shall be conducted:

1 (1) before the jury that determined the defendant's
2 guilt; or

3 (2) before a jury impanelled for the purpose of the
4 proceeding if:

5 A. the defendant was convicted upon a plea of
6 guilty; or

7 B. the defendant was convicted after a trial
8 before the court sitting without a jury; or

9 C. the court for good cause shown discharges the
10 jury that determined the defendant's guilt; or

11 (3) before the court alone if the defendant waives a
12 jury for the separate proceeding.

13 (e) Evidence and Argument.

14 During the proceeding any information relevant to any of
15 the factors set forth in subsection (b) may be presented by
16 either the State or the defendant under the rules governing
17 the admission of evidence at criminal trials. Any information
18 relevant to any additional aggravating factors or any
19 mitigating factors indicated in subsection (c) may be
20 presented by the State or defendant regardless of its
21 admissibility under the rules governing the admission of
22 evidence at criminal trials. The State and the defendant shall
23 be given fair opportunity to rebut any information received at
24 the hearing.

25 (f) Proof.

26 The burden of proof of establishing the existence of any

1 of the factors set forth in subsection (b) is on the State and
2 shall not be satisfied unless established beyond a reasonable
3 doubt.

4 (g) Procedure - Jury.

5 If at the separate sentencing proceeding the jury finds
6 that none of the factors set forth in subsection (b) exists,
7 the court shall sentence the defendant to a term of
8 imprisonment under Chapter V of the Unified Code of
9 Corrections. If there is a unanimous finding by the jury that
10 one or more of the factors set forth in subsection (b) exist,
11 the jury shall consider aggravating and mitigating factors as
12 instructed by the court and shall determine whether the
13 sentence of death shall be imposed. If the jury determines
14 unanimously, after weighing the factors in aggravation and
15 mitigation, that death is the appropriate sentence, the court
16 shall sentence the defendant to death. If the court does not
17 concur with the jury determination that death is the
18 appropriate sentence, the court shall set forth reasons in
19 writing including what facts or circumstances the court relied
20 upon, along with any relevant documents, that compelled the
21 court to non-concur with the sentence. This document and any
22 attachments shall be part of the record for appellate review.
23 The court shall be bound by the jury's sentencing
24 determination.

25 If after weighing the factors in aggravation and
26 mitigation, one or more jurors determines that death is not

1 the appropriate sentence, the court shall sentence the
2 defendant to a term of imprisonment under Chapter V of the
3 Unified Code of Corrections.

4 (h) Procedure - No Jury.

5 In a proceeding before the court alone, if the court finds
6 that none of the factors found in subsection (b) exists, the
7 court shall sentence the defendant to a term of imprisonment
8 under Chapter V of the Unified Code of Corrections.

9 If the Court determines that one or more of the factors set
10 forth in subsection (b) exists, the Court shall consider any
11 aggravating and mitigating factors as indicated in subsection
12 (c). If the Court determines, after weighing the factors in
13 aggravation and mitigation, that death is the appropriate
14 sentence, the Court shall sentence the defendant to death.

15 If the court finds that death is not the appropriate
16 sentence, the court shall sentence the defendant to a term of
17 imprisonment under Chapter V of the Unified Code of
18 Corrections.

19 (h-5) Decertification as a capital case.

20 In a case in which the defendant has been found guilty of
21 first degree murder by a judge or jury, or a case on remand for
22 resentencing, and the State seeks the death penalty as an
23 appropriate sentence, on the court's own motion or the written
24 motion of the defendant, the court may decertify the case as a
25 death penalty case if the court finds that the only evidence
26 supporting the defendant's conviction is the uncorroborated

1 testimony of an informant witness, as defined in Section
2 115-21 of the Code of Criminal Procedure of 1963, concerning
3 the confession or admission of the defendant or that the sole
4 evidence against the defendant is a single eyewitness or
5 single accomplice without any other corroborating evidence. If
6 the court decertifies the case as a capital case under either
7 of the grounds set forth above, the court shall issue a written
8 finding. The State may pursue its right to appeal the
9 decertification pursuant to Supreme Court Rule 604(a)(1). If
10 the court does not decertify the case as a capital case, the
11 matter shall proceed to the eligibility phase of the
12 sentencing hearing.

13 (i) Appellate Procedure.

14 The conviction and sentence of death shall be subject to
15 automatic review by the Supreme Court. Such review shall be in
16 accordance with rules promulgated by the Supreme Court. The
17 Illinois Supreme Court may overturn the death sentence, and
18 order the imposition of imprisonment under Chapter V of the
19 Unified Code of Corrections if the court finds that the death
20 sentence is fundamentally unjust as applied to the particular
21 case. If the Illinois Supreme Court finds that the death
22 sentence is fundamentally unjust as applied to the particular
23 case, independent of any procedural grounds for relief, the
24 Illinois Supreme Court shall issue a written opinion
25 explaining this finding.

26 (j) Disposition of reversed death sentence.

1 In the event that the death penalty in this Act is held to
2 be unconstitutional by the Supreme Court of the United States
3 or of the State of Illinois, any person convicted of first
4 degree murder shall be sentenced by the court to a term of
5 imprisonment under Chapter V of the Unified Code of
6 Corrections.

7 In the event that any death sentence pursuant to the
8 sentencing provisions of this Section is declared
9 unconstitutional by the Supreme Court of the United States or
10 of the State of Illinois, the court having jurisdiction over a
11 person previously sentenced to death shall cause the defendant
12 to be brought before the court, and the court shall sentence
13 the defendant to a term of imprisonment under Chapter V of the
14 Unified Code of Corrections.

15 (k) Guidelines for seeking the death penalty.

16 The Attorney General and State's Attorneys Association
17 shall consult on voluntary guidelines for procedures governing
18 whether or not to seek the death penalty. The guidelines do not
19 have the force of law and are only advisory in nature.

20 (Source: P.A. 100-460, eff. 1-1-18; 100-513, eff. 1-1-18;
21 100-863, eff. 8-14-18; 101-223, eff. 1-1-20; 101-652.)

22 (720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

23 Sec. 33-3. Official misconduct.

24 (a) A public officer or employee or special government
25 agent commits misconduct when, in his official capacity or

1 capacity as a special government agent, he or she commits any
2 of the following acts:

3 (1) Intentionally or recklessly fails to perform any
4 mandatory duty as required by law; or

5 (2) Knowingly performs an act which he knows he is
6 forbidden by law to perform; or

7 (3) With intent to obtain a personal advantage for
8 himself or another, he performs an act in excess of his
9 lawful authority; or

10 (4) Solicits or knowingly accepts for the performance
11 of any act a fee or reward which he knows is not authorized
12 by law.

13 (b) An employee of a law enforcement agency commits
14 misconduct when he or she knowingly uses or communicates,
15 directly or indirectly, information acquired in the course of
16 employment, with the intent to obstruct, impede, or prevent
17 the investigation, apprehension, or prosecution of any
18 criminal offense or person. Nothing in this subsection (b)
19 shall be construed to impose liability for communicating to a
20 confidential resource, who is participating or aiding law
21 enforcement, in an ongoing investigation.

22 (c) A public officer or employee or special government
23 agent convicted of violating any provision of this Section
24 forfeits his or her office or employment or position as a
25 special government agent. In addition, he or she commits a
26 Class 3 felony.

1 (d) For purposes of this Section~~+~~

2 ~~"Special~~ , "special government agent" has the meaning
3 ascribed to it in subsection (1) of Section 4A-101 of the
4 Illinois Governmental Ethics Act.

5 (Source: P.A. 98-867, eff. 1-1-15; 101-652.)

6 (720 ILCS 5/7-15 rep.)

7 (720 ILCS 5/7-16 rep.)

8 (720 ILCS 5/33-9 rep.)

9 Section 215. The Criminal Code of 2012 is amended by
10 repealing Sections 7-15, 7-16, and 33-9.

11 Section 220. The Code of Criminal Procedure of 1963 is
12 amended by changing the heading of Article 110 and by changing
13 Sections 102-6, 102-7, 103-5, 103-7, 103-9, 104-13, 104-17,
14 106D-1, 107-4, 107-9, 109-1, 109-2, 109-3, 109-3.1, 110-1,
15 110-2, 110-3, 110-4, 110-5, 110-5.2, 110-6, 110-6.1, 110-6.2,
16 110-6.4, 110-10, 110-11, 110-12, 111-2, 112A-23, 114-1,
17 115-4.1, and 122-6 as follows:

18 (725 ILCS 5/102-6) (from Ch. 38, par. 102-6)

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

20 ~~"Pretrial release" "Bail" has the meaning ascribed to bail~~
21 ~~in Section 9 of Article I of the Illinois Constitution that is~~
22 ~~non-monetary~~ means the amount of money set by the court which
23 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; P.A. 101-652.)

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; P.A. 101-652.)

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
6 is 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
15 days 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
20 after a court's determination of the defendant's physical
21 incapacity for trial, or by an interlocutory appeal. The
22 defendant's failure to appear for any court date set by the
23 court operates to waive the defendant's demand for trial made
24 under this 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
26 than 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
15 on 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
19 be dismissed and barred for want of prosecution unless delay
20 is 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
24 after a court's determination of the defendant's physical
25 incapacity for trial, or by an interlocutory appeal; provided,
26 however, that if the court determines that the State has

1 exercised without success due diligence to obtain evidence
2 material to the case and that there are reasonable grounds to
3 believe that such evidence may be obtained at a later day the
4 court may continue the cause on application of the State for
5 not more 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),
9 or (e) of this Section and on the day of expiration of the
10 delay the said period shall continue at the point at which it
11 was suspended. Where such delay occurs within 21 days of the
12 end of the period within which a person shall be tried as
13 prescribed by subsections (a), (b), or (e) of this Section,
14 the court may continue the cause on application of the State
15 for not more than an additional 21 days beyond the period
16 prescribed by subsections (a), (b), or (e). This subsection
17 (f) shall become effective on, and apply to persons charged
18 with alleged offenses committed on or after, March 1, 1977.

19 (Source: P.A. 98-558, eff. 1-1-14; 101-652.)

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
25 investigation, ~~pretrial release~~ bail or other criminal

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

17 (Source: Laws 1965, p. 2622; P.A. 101-652.)

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; 101-652.)

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
17 court 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
3 or 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; 101-652.)

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
25 treatment therapeutically appropriate and consistent with the

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

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

1 placement availability, the sheriff shall promptly transport
2 the defendant to that facility. The placement may be ordered
3 either 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
6 of Human Services which shall place and maintain the defendant
7 in 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
17 treatment. Accompanying the certified copy of the order to
18 undergo treatment shall be the complete copy of any report
19 prepared under Section 104-15 of this Code or other report
20 prepared 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
11 of 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;
26 101-652.)

1 (725 ILCS 5/106D-1)

2 (Text of Section before amendment by P.A. 101-652)

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

5 (a) Whenever the appearance in person in court, in either
6 a civil or criminal proceeding, is required of anyone held in a
7 place of custody or confinement operated by the State or any of
8 its political subdivisions, including counties and
9 municipalities, the chief judge of the circuit by rule may
10 permit the personal appearance to be made by means of two-way
11 audio-visual communication, including closed circuit
12 television and computerized video conference, in the following
13 proceedings:

14 (1) the initial appearance before a judge on a
15 criminal complaint, at which bail 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 at which no witness testimony will
25 be taken conducted under the following:

- 1 (A) Section 104-20 of this Code (90-day hearings);
- 2 (B) Section 104-22 of this Code (trial with
3 special provisions and assistance);
- 4 (C) Section 104-25 of this Code (discharge
5 hearing); or
- 6 (D) Section 5-2-4 of the Unified Code of
7 Corrections (proceedings after acquittal by reason of
8 insanity).
- 9 (b) The two-way audio-visual communication facilities must
10 provide two-way audio-visual communication between the court
11 and the place of custody or confinement, and must include a
12 secure line over which the person in custody and his or her
13 counsel, if any, may communicate.
- 14 (c) Nothing in this Section shall be construed to prohibit
15 other court appearances through the use of two-way
16 audio-visual communication, upon waiver of any right the
17 person in custody or confinement may have to be present
18 physically.
- 19 (d) Nothing in this Section shall be construed to
20 establish a right of any person held in custody or confinement
21 to appear in court through two-way audio-visual communication
22 or to require that any governmental entity, or place of
23 custody or confinement, provide two-way audio-visual
24 communication.
- 25 (Source: P.A. 102-486, eff. 8-20-21.)

1 (Text of Section after amendment by P.A. 101-652)

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
5 a 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
14 criminal complaint, at which ~~the conditions of pretrial~~
15 ~~release~~ bail 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 at which no witness testimony will
25 be taken conducted under the following:

26 (A) Section 104-20 of this Code (90-day hearings);

1 (B) Section 104-22 of this Code (trial with
2 special provisions and assistance);

3 (C) Section 104-25 of this Code (discharge
4 hearing); or

5 (D) Section 5-2-4 of the Unified Code of
6 Corrections (proceedings after acquittal by reason of
7 insanity).

8 (b) The two-way audio-visual communication facilities must
9 provide two-way audio-visual communication between the court
10 and the place of custody or confinement, and must include a
11 secure line over which the person in custody and his or her
12 counsel, if any, may communicate.

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

18 (d) Nothing in this Section shall be construed to
19 establish a right of any person held in custody or confinement
20 to appear in court through two-way audio-visual communication
21 or to require that any governmental entity, or place of
22 custody or confinement, provide two-way audio-visual
23 communication.

24 (Source: P.A. 101-652, eff. 1-1-23; 102-486, eff. 8-20-21;
25 revised 10-12-21.)

1 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

2 (Text of Section before amendment by P.A. 101-652)

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

5 (a) As used in this Section:

6 (1) "State" means any State of the United States and
7 the District of Columbia.

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

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

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

19 (a-3) Any peace officer employed by a law enforcement
20 agency of this State may conduct temporary questioning
21 pursuant to Section 107-14 of this Code and may make arrests in
22 any jurisdiction within this State: (1) if the officer is
23 engaged in the investigation of criminal activity that
24 occurred in the officer's primary jurisdiction and the
25 temporary questioning or arrest relates to, arises from, or is
26 conducted pursuant to that investigation; or (2) if the

1 officer, while on duty as a peace officer, becomes personally
2 aware of the immediate commission of a felony or misdemeanor
3 violation of the laws of this State; or (3) if the officer,
4 while on duty as a peace officer, is requested by an
5 appropriate State or local law enforcement official to render
6 aid or assistance to the requesting law enforcement agency
7 that is outside the officer's primary jurisdiction; or (4) in
8 accordance with Section 2605-580 of the Illinois State Police
9 Law of the Civil Administrative Code of Illinois. While acting
10 pursuant to this subsection, an officer has the same authority
11 as within his or her own jurisdiction.

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

15 (b) Any peace officer of another State who enters this
16 State in fresh pursuit and continues within this State in
17 fresh pursuit of a person in order to arrest him on the ground
18 that he has committed an offense in the other State has the
19 same authority to arrest and hold the person in custody as
20 peace officers of this State have to arrest and hold a person
21 in custody on the ground that he has committed an offense in
22 this State.

23 (c) If an arrest is made in this State by a peace officer
24 of another State in accordance with the provisions of this
25 Section he shall without unnecessary delay take the person
26 arrested before the circuit court of the county in which the

1 arrest was made. Such court shall conduct a hearing for the
2 purpose of determining the lawfulness of the arrest. If the
3 court determines that the arrest was lawful it shall commit
4 the person arrested, to await for a reasonable time the
5 issuance of an extradition warrant by the Governor of this
6 State, or admit him to bail for such purpose. If the court
7 determines that the arrest was unlawful it shall discharge the
8 person arrested.

9 (Source: P.A. 102-538, eff. 8-20-21.)

10 (Text of Section after amendment by P.A. 101-652)

11 Sec. 107-4. Arrest by peace officer from other
12 jurisdiction.

13 (a) As used in this Section:

14 (1) "State" means any State of the United States and
15 the District of Columbia.

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

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

25 (4) "Law enforcement agency" means a municipal police

1 department or county sheriff's office of this State.

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

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

24 (b) Any peace officer of another State who enters this
25 State in fresh pursuit and continues within this State in
26 fresh pursuit of a person in order to arrest him on the ground

1 that he has committed an offense in the other State has the
2 same authority to arrest and hold the person in custody as
3 peace officers of this State have to arrest and hold a person
4 in custody on the ground that he has committed an offense in
5 this State.

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

18 (Source: P.A. 101-652, eff. 1-1-23; 102-538, eff. 8-20-21;
19 revised 10-20-21.)

20 (725 ILCS 5/107-9) (from Ch. 38, par. 107-9)

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

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

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

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

5 (2) State the offense with which the accused is
6 charged;

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

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

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

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

20 (d) The warrant of arrest shall:

21 (1) Be in writing;

22 (2) Specify the name, sex and birth date of the person
23 to be arrested or if his name, sex or birth date is
24 unknown, shall designate such person by any name or
25 description by which he can be identified with reasonable
26 certainty;

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

2 (4) State the date when issued and the municipality or
3 county where issued;

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

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

10 (7) Specify the ~~conditions of pretrial release~~ amount
11 of bail; and

12 (8) Specify any geographical limitation placed on the
13 execution of the warrant, but such limitation shall not be
14 expressed in mileage.

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

21 (f) The arrest warrant may be issued electronically or
22 electromagnetically by use of electronic mail or a facsimile
23 transmission machine and any arrest warrant shall have the
24 same validity as a written warrant.

25 (Source: P.A. 101-239, eff. 1-1-20; 101-652.)

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

2 Sec. 109-1. Person arrested; ~~release from law enforcement~~
3 ~~eustody and court appearance; geographical constraints prevent~~
4 ~~in-person appearances.~~

5 (a) A person arrested with or without a warrant ~~for an~~
6 ~~offense for which pretrial release may be denied under~~
7 ~~paragraphs (1) through (6) of Section 110-6.1~~ shall be taken
8 without unnecessary delay before the nearest and most
9 accessible judge in that county, except when such county is a
10 participant in a regional jail authority, in which event such
11 person may be taken to the nearest and most accessible judge,
12 irrespective of the county where such judge presides, and a
13 charge shall be filed. Whenever a person arrested either with
14 or without a warrant is required to be taken before a judge, a
15 charge may be filed against such person by way of a two-way
16 closed circuit television system, except that a hearing to
17 deny ~~pretrial release~~ bail to the defendant may not be
18 conducted by way of closed circuit television.

19 ~~(a 1) Law enforcement shall issue a citation in lieu of~~
20 ~~eustodial arrest, upon proper identification, for those~~
21 ~~accused of traffic and Class B and C criminal misdemeanor~~
22 ~~offenses, or of petty and business offenses, who pose no~~
23 ~~obvious threat to the community or any person, or who have no~~
24 ~~obvious medical or mental health issues that pose a risk to~~
25 ~~their own safety. Those released on citation shall be~~
26 ~~scheduled into court within 21 days.~~

1 ~~(a-3) A person arrested with or without a warrant for an~~
2 ~~offense for which pretrial release may not be denied may,~~
3 ~~except as otherwise provided in this Code, be released by the~~
4 ~~officer without appearing before a judge. The releasing~~
5 ~~officer shall issue the person a summons to appear within 21~~
6 ~~days. A presumption in favor of pretrial release shall by~~
7 ~~applied by an arresting officer in the exercise of his or her~~
8 ~~discretion under this Section.~~

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

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

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

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

25 (3) ~~schedule~~ Schedule a preliminary hearing in
26 appropriate cases;

1 (4) ~~admit~~ Admit the defendant to ~~pretrial release bail~~
2 in accordance with the provisions of Article ~~110/5~~ 110 of
3 this Code, ~~or upon verified petition of the State, proceed~~
4 ~~with the setting of a detention hearing as provided in~~
5 ~~Section 110-6.1; and~~

6 (5) Order the confiscation of the person's passport or
7 impose travel restrictions on a defendant arrested for
8 first degree murder or other violent crime as defined in
9 Section 3 of the Rights of Crime Victims and Witnesses
10 Act, if the judge determines, based on the factors in
11 Section 110-5 of this Code, that this will reasonably
12 ensure the appearance of the defendant and compliance by
13 the defendant with all conditions of release.

14 (c) The court may issue an order of protection in
15 accordance with the provisions of Article 112A of this Code.
16 ~~Crime victims shall be given notice by the State's Attorney's~~
17 ~~office of this hearing as required in paragraph (2) of~~
18 ~~subsection (b) of the Rights of Crime Victims and Witnesses~~
19 ~~Act and shall be informed of their opportunity at this hearing~~
20 ~~to obtain an order of protection under Article 112A of this~~
21 ~~Code.~~

22 (d) At the initial appearance of a defendant in any
23 criminal proceeding, the court must advise the defendant in
24 open court that any foreign national who is arrested or
25 detained has the right to have notice of the arrest or
26 detention given to his or her country's consular

1 representatives and the right to communicate with those
2 consular representatives if the notice has not already been
3 provided. The court must make a written record of so advising
4 the defendant.

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

15 ~~(f) At the hearing at which conditions of pretrial release~~
16 ~~are determined, the person charged shall be present in person~~
17 ~~rather than by video phone or any other form of electronic~~
18 ~~communication, unless the physical health and safety of the~~
19 ~~person would be endangered by appearing in court or the~~
20 ~~accused waives the right to be present in person.~~

21 ~~(g) Defense counsel shall be given adequate opportunity to~~
22 ~~confer with Defendant prior to any hearing in which conditions~~
23 ~~of release or the detention of the Defendant is to be~~
24 ~~considered, with a physical accommodation made to facilitate~~
25 ~~attorney/client consultation.~~

26 (Source: P.A. 99-78, eff. 7-20-15; 99-190, eff. 1-1-16; 100-1,

1 eff. 1-1-18; 101-652.)

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

3 Sec. 109-2. Person arrested in another county. (a) Any
4 person arrested in a county other than the one in which a
5 warrant for his arrest was issued shall be taken without
6 unnecessary delay before the nearest and most accessible judge
7 in the county where the arrest was made or, if no additional
8 delay is created, before the nearest and most accessible judge
9 in the county from which the warrant was issued. ~~Upon arrival~~
10 ~~in the county in which the warrant was issued, the status of~~
11 ~~the arrested person's release status shall be determined by~~
12 ~~the release revocation process described in Section 110-6. He~~
13 shall be admitted to bail in the amount specified in the
14 warrant or, for offenses other than felonies, in an amount as
15 set by the judge, and such bail shall be conditioned on his
16 appearing in the court issuing the warrant on a certain date.
17 The judge may hold a hearing to determine if the defendant is
18 the same person as named in the warrant.

19 (b) Notwithstanding the provisions of subsection (a), any
20 person arrested in a county other than the one in which a
21 warrant for his arrest was issued, may waive the right to be
22 taken before a judge in the county where the arrest was made.
23 If a person so arrested waives such right, the arresting
24 agency shall surrender such person to a law enforcement agency
25 of the county that issued the warrant without unnecessary

1 delay. The provisions of Section 109-1 shall then apply to the
2 person so arrested.

3 ~~(c) If a defendant is charged with a felony offense, but~~
4 ~~has a warrant in another county, the defendant shall be taken~~
5 ~~to the county that issued the warrant within 72 hours of the~~
6 ~~completion of condition or detention hearing, so that release~~
7 ~~or detention status can be resolved. This provision shall not~~
8 ~~apply to warrants issued outside of Illinois.~~

9 (Source: P.A. 86-298; 101-652.)

10 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

11 Sec. 109-3. Preliminary examination.)

12 (a) The judge shall hold the defendant to answer to the
13 court having jurisdiction of the offense if from the evidence
14 it appears there is probable cause to believe an offense has
15 been committed by the defendant, as provided in Section
16 109-3.1 of this Code, if the offense is a felony.

17 (b) If the defendant waives preliminary examination the
18 judge shall hold him to answer and may, or on the demand of the
19 prosecuting attorney shall, cause the witnesses for the State
20 to be examined. After hearing the testimony if it appears that
21 there is not probable cause to believe the defendant guilty of
22 any offense the judge shall discharge him.

23 (c) During the examination of any witness or when the
24 defendant is making a statement or testifying the judge may
25 and on the request of the defendant or State shall exclude all

1 other witnesses. He may also cause the witnesses to be kept
2 separate and to be prevented from communicating with each
3 other until all are examined.

4 (d) If the defendant is held to answer the judge may
5 require any material witness for the State or defendant to
6 enter into a written undertaking to appear at the trial, and
7 may provide for the forfeiture of a sum certain in the event
8 the witness does not appear at the trial. Any witness who
9 refuses to execute a recognizance may be committed by the
10 judge to the custody of the sheriff until trial or further
11 order of the court having jurisdiction of the cause. Any
12 witness who executes a recognizance and fails to comply with
13 its terms shall, in addition to any forfeiture provided in the
14 recognizance, be subject to the penalty provided in Section
15 32-10 of the Criminal Code of 2012 for violation of ~~the~~
16 ~~conditions of pretrial release~~ bail bond.

17 (e) During preliminary hearing or examination the
18 defendant may move for an order of suppression of evidence
19 pursuant to Section 114-11 or 114-12 of this Act or for other
20 reasons, and may move for dismissal of the charge pursuant to
21 Section 114-1 of this Act or for other reasons.

22 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

23 (725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

24 Sec. 109-3.1. Persons Charged with Felonies. (a) In any
25 case involving a person charged with a felony in this State,

1 alleged to have been committed on or after January 1, 1984, the
2 provisions of this Section shall apply.

3 (b) Every person in custody in this State for the alleged
4 commission of a felony shall receive either a preliminary
5 examination as provided in Section 109-3 or an indictment by
6 Grand Jury as provided in Section 111-2, within 30 days from
7 the date he or she was taken into custody. Every person on
8 ~~pretrial release~~ bail or recognizance for the alleged
9 commission of a felony shall receive either a preliminary
10 examination as provided in Section 109-3 or an indictment by
11 Grand Jury as provided in Section 111-2, within 60 days from
12 the date he or she was arrested.

13 The provisions of this paragraph shall not apply in the
14 following situations:

15 (1) when delay is occasioned by the defendant; or

16 (2) when the defendant has been indicted by the Grand Jury
17 on the felony offense for which he or she was initially taken
18 into custody or on an offense arising from the same
19 transaction or conduct of the defendant that was the basis for
20 the felony offense or offenses initially charged; or

21 (3) when a competency examination is ordered by the court;
22 or

23 (4) when a competency hearing is held; or

24 (5) when an adjudication of incompetency for trial has
25 been made; or

26 (6) when the case has been continued by the court under

1 Section 114-4 of this Code after a determination that the
2 defendant is physically incompetent to stand trial.

3 (c) Delay occasioned by the defendant shall temporarily
4 suspend, for the time of the delay, the period within which the
5 preliminary examination must be held. On the day of expiration
6 of the delay the period in question shall continue at the point
7 at which it was suspended.

8 (Source: P.A. 83-644; 101-652.)

9 (725 ILCS 5/Art. 110 heading)

10 ARTICLE 110. ~~PRETRIAL RELEASE~~ BAIL

11 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

12 Sec. 110-1. Definitions. (a) ~~(Blank)~~. "Security" is that
13 which is required to be pledged to insure the payment of bail.

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

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

1 (d) ~~(Blank.)~~ "Real and present threat to the physical
2 safety of any person or persons", as used in this Article,
3 includes a threat to the community, person, persons or class
4 of persons.

5 ~~(c) Willful flight means planning or attempting to~~
6 ~~intentionally evade prosecution by concealing oneself. Simple~~
7 ~~past non appearance in court alone is not evidence of future~~
8 ~~intent to evade prosecution.~~

9 (Source: P.A. 85-892; 101-652.)

10 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

11 Sec. 110-2. Release on own recognizance.

12 ~~(a) It is presumed that a defendant is entitled to release~~
13 ~~on personal recognizance on the condition that the defendant~~
14 ~~attend all required court proceedings and the defendant does~~
15 ~~not commit any criminal offense, and complies with all terms~~
16 ~~of pretrial release, including, but not limited to, orders of~~
17 ~~protection under both Section 112A 4 of this Code and Section~~
18 ~~214 of the Illinois Domestic Violence Act of 1986, all civil no~~
19 ~~contact orders, and all stalking no contact orders.~~

20 ~~(b) Additional conditions of release, including those~~
21 ~~highlighted above, shall be set only when it is determined~~
22 ~~that they are necessary to assure the defendant's appearance~~
23 ~~in court, assure the defendant does not commit any criminal~~
24 ~~offense, and complies with all conditions of pretrial release.~~

25 ~~(c) Detention only shall be imposed when it is determined~~

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

23 ~~(d) If, after the procedures set out in Section 110-6.1,~~
24 ~~the court decides to detain the defendant, the Court must make~~
25 ~~a written finding as to why less restrictive conditions would~~
26 ~~not assure safety to the community and assure the defendant's~~

1 ~~appearance in court. At each subsequent appearance of the~~
2 ~~defendant before the Court, the judge must find that continued~~
3 ~~detention or the current set of conditions imposed are~~
4 ~~necessary to avoid the specific, real and present threat to~~
5 ~~any person or of willful flight from prosecution to continue~~
6 ~~detention of the defendant. The court is not required to be~~
7 ~~presented with new information or a change in circumstance to~~
8 ~~consider reconsidering pretrial detention on current~~
9 ~~conditions.~~

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

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

24 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

25 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

1 Sec. 110-3. ~~Options for warrant alternatives~~ Issuance of
2 warrant.

3 ~~(a) Upon failure to comply with any condition of pretrial~~
4 ~~release~~ a bail bond or recognizance the court having
5 jurisdiction at the time of such failure may, ~~on its own motion~~
6 ~~or upon motion from the State, issue an order to show cause as~~
7 ~~to why he or she shall not be subject to revocation of pretrial~~
8 ~~release, or for sanctions, as provided in Section 110 6.~~
9 ~~Nothing in this Section prohibits the court from issuing a~~
10 ~~warrant under subsection (c) upon failure to comply with any~~
11 ~~condition of pretrial release or recognizance.~~

12 ~~(b) The order issued by the court shall state the facts~~
13 ~~alleged to constitute the hearing to show cause or otherwise~~
14 ~~why the person is subject to revocation of pretrial release. A~~
15 ~~certified copy of the order shall be served upon the person at~~
16 ~~least 48 hours in advance of the scheduled hearing.~~

17 ~~(c) If the person does not appear at the hearing to show~~
18 ~~cause or absconds, the court may,~~ in addition to any other
19 action provided by law, issue a warrant for the arrest of the
20 person at liberty on ~~pretrial release~~ bail or his own
21 recognizance. The contents of such a warrant shall be the same
22 as required for an arrest warrant issued upon complaint ~~and~~
23 ~~may modify any previously imposed conditions placed upon the~~
24 ~~person, rather than revoking pretrial release or issuing a~~
25 ~~warrant for the person in accordance with the requirements in~~
26 ~~subsections (d) and (e) of Section 110 5.~~ When a defendant is

1 at liberty on ~~pretrial release~~ bail or his own recognizance on
2 a felony charge and fails to appear in court as directed, the
3 court ~~may~~ shall issue a warrant for the arrest of such person
4 ~~after his or her failure to appear at the show for cause~~
5 ~~hearing as provided in this Section.~~ Such warrant shall be
6 noted with a directive to peace officers to arrest the person
7 and hold such person without ~~pretrial release~~ bail and to
8 deliver such person before the court for further proceedings.

9 ~~(d) If the order as described in Subsection B is issued, a~~
10 ~~failure to appear shall not be recorded until the Defendant~~
11 ~~fails to appear at the hearing to show cause. For the purpose~~
12 ~~of any risk assessment or future evaluation of risk of willful~~
13 ~~flight or risk of failure to appear, a non-appearance in court~~
14 ~~cured by an appearance at the hearing to show cause shall not~~
15 ~~be considered as evidence of future likelihood appearance in~~
16 ~~court.~~ A defendant who is arrested or surrenders within 30
17 days of the issuance of such warrant shall not be bailable in
18 the case in question unless he shows by the preponderance of
19 the evidence that his failure to appear was not intentional.

20 (Source: P.A. 86-298; 86-984; 86-1028; 101-652.)

21 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

22 Sec. 110-4. ~~Pretrial release~~ Bailable Offenses.

23 (a) ~~All persons charged with an offense shall be eligible~~
24 ~~for pretrial release before conviction. Pretrial release may~~
25 ~~only be denied when a person is charged with an offense listed~~

1 ~~in Section 110-6.1 or when the defendant has a high likelihood~~
2 ~~of willful flight, and after the court has held a hearing under~~
3 ~~Section 110-6.1.~~ All persons shall be bailable before
4 conviction, except the following offenses where the proof is
5 evident or the presumption great that the defendant is guilty
6 of the offense: capital offenses; offenses for which a
7 sentence of life imprisonment may be imposed as a consequence
8 of conviction; felony offenses for which a sentence of
9 imprisonment, without conditional and revocable release, shall
10 be imposed by law as a consequence of conviction, where the
11 court after a hearing, determines that the release of the
12 defendant would pose a real and present threat to the physical
13 safety of any person or persons; stalking or aggravated
14 stalking, where the court, after a hearing, determines that
15 the release of the defendant would pose a real and present
16 threat to the physical safety of the alleged victim of the
17 offense and denial of bail is necessary to prevent fulfillment
18 of the threat upon which the charge is based; or unlawful use
19 of weapons in violation of item (4) of subsection (a) of
20 Section 24-1 of the Criminal Code of 1961 or the Criminal Code
21 of 2012 when that offense occurred in a school or in any
22 conveyance owned, leased, or contracted by a school to
23 transport students to or from school or a school-related
24 activity, or on any public way within 1,000 feet of real
25 property comprising any school, where the court, after a
26 hearing, determines that the release of the defendant would

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

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

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

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

26 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

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

2 (Text of Section before amendment by P.A. 101-652)

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

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

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

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

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

1 that the evidence may be substantiated, the court shall
2 prohibit the defendant from associating with other members of
3 the organized gang as a condition of bail or release. For the
4 purposes of this Section, "organized gang" has the meaning
5 ascribed to it in Section 10 of the Illinois Streetgang
6 Terrorism Omnibus Prevention Act.

7 (a-5) There shall be a presumption that any conditions of
8 release imposed shall be non-monetary in nature and the court
9 shall impose the least restrictive conditions or combination
10 of conditions necessary to reasonably assure the appearance of
11 the defendant for further court proceedings and protect the
12 integrity of the judicial proceedings from a specific threat
13 to a witness or participant. Conditions of release may
14 include, but not be limited to, electronic home monitoring,
15 curfews, drug counseling, stay-away orders, and in-person
16 reporting. The court shall consider the defendant's
17 socio-economic circumstance when setting conditions of release
18 or imposing monetary bail.

19 (b) The amount of bail shall be:

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

1 of the court.

2 (2) Not oppressive.

3 (3) Considerate of the financial ability of the
4 accused.

5 (4) When a person is charged with a drug related
6 offense involving possession or delivery of cannabis or
7 possession or delivery of a controlled substance as
8 defined in the Cannabis Control Act, the Illinois
9 Controlled Substances Act, or the Methamphetamine Control
10 and Community Protection Act, the full street value of the
11 drugs seized shall be considered. "Street value" shall be
12 determined by the court on the basis of a proffer by the
13 State based upon reliable information of a law enforcement
14 official contained in a written report as to the amount
15 seized and such proffer may be used by the court as to the
16 current street value of the smallest unit of the drug
17 seized.

18 (b-5) Upon the filing of a written request demonstrating
19 reasonable cause, the State's Attorney may request a source of
20 bail hearing either before or after the posting of any funds.
21 If the hearing is granted, before the posting of any bail, the
22 accused must file a written notice requesting that the court
23 conduct a source of bail hearing. The notice must be
24 accompanied by justifying affidavits stating the legitimate
25 and lawful source of funds for bail. At the hearing, the court
26 shall inquire into any matters stated in any justifying

1 affidavits, and may also inquire into matters appropriate to
2 the determination which shall include, but are not limited to,
3 the following:

4 (1) the background, character, reputation, and
5 relationship to the accused of any surety; and

6 (2) the source of any money or property deposited by
7 any surety, and whether any such money or property
8 constitutes the fruits of criminal or unlawful conduct;
9 and

10 (3) the source of any money posted as cash bail, and
11 whether any such money constitutes the fruits of criminal
12 or unlawful conduct; and

13 (4) the background, character, reputation, and
14 relationship to the accused of the person posting cash
15 bail.

16 Upon setting the hearing, the court shall examine, under
17 oath, any persons who may possess material information.

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

1 ~~of~~ disapproving the bail.

2 (c) When a person is charged with an offense punishable by
3 fine only the amount of the bail shall not exceed double the
4 amount of the maximum penalty.

5 (d) When a person has been convicted of an offense and only
6 a fine has been imposed the amount of the bail shall not exceed
7 double the amount of the fine.

8 (e) The State may appeal any order granting bail or
9 setting a given amount for bail.

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

21 (1) whether the alleged incident involved harassment
22 or abuse, as defined in the Illinois Domestic Violence Act
23 of 1986;

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

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

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

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

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

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

10 (8) based on the severity of the alleged incident that
11 is the basis of the alleged offense, including, but not
12 limited to, the duration of the current incident, and
13 whether the alleged incident involved the use of a weapon,
14 physical injury, sexual assault, strangulation, abuse
15 during the alleged victim's pregnancy, abuse of pets, or
16 forcible entry to gain access to the alleged victim;

17 (9) whether a separation of the person from the
18 alleged victim or a termination of the relationship
19 between the person and the alleged victim has recently
20 occurred or is pending;

21 (10) whether the person has exhibited obsessive or
22 controlling behaviors toward the alleged victim,
23 including, but not limited to, stalking, surveillance, or
24 isolation of the alleged victim or victim's family member
25 or members;

26 (11) whether the person has expressed suicidal or

1 homicidal ideations;

2 (12) based on any information contained in the
3 complaint and any police reports, affidavits, or other
4 documents accompanying the complaint,

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

1 or dating relationship.

2 (Source: P.A. 99-143, eff. 7-27-15; 100-1, eff. 1-1-18;
3 revised 7-12-19.)

4 (Text of Section after amendment by P.A. 101-652)

5 Sec. 110-5. Determining the amount of bail and conditions
6 of release.

7 (a) In determining ~~which~~ the amount of monetary bail or
8 conditions of ~~pretrial~~ release, if any, which will reasonably
9 assure the appearance of a defendant as required or the safety
10 of any other person or the community and the likelihood of
11 compliance by the defendant with all the conditions of
12 ~~pretrial release~~ bail, the court shall, on the basis of
13 available information, take into account such matters as:

14 ~~(1) the nature and circumstances of the offense~~
15 ~~charged;~~

16 ~~(2) the weight of the evidence against the eligible~~
17 ~~defendant, except that the court may consider the~~
18 ~~admissibility of any evidence sought to be excluded;~~

19 ~~(3) the history and characteristics of the eligible~~
20 ~~defendant, including:~~

21 ~~(A) the eligible defendant's character, physical~~
22 ~~and mental condition, family ties, employment,~~
23 ~~financial resources, length of residence in the~~
24 ~~community, community ties, past relating to drug or~~
25 ~~alcohol abuse, conduct, history criminal history, and~~

1 ~~record concerning appearance at court proceedings; and~~

2 ~~(B) whether, at the time of the current offense or~~
3 ~~arrest, the eligible defendant was on probation,~~
4 ~~parole, or on other release pending trial, sentencing,~~
5 ~~appeal, or completion of sentence for an offense under~~
6 ~~federal law, or the law of this or any other state;~~

7 ~~(4) the nature and seriousness of the specific, real~~
8 ~~and present threat to any person that would be posed by the~~
9 ~~eligible defendant's release, if applicable; as required~~
10 ~~under paragraph (7.5) of Section 4 of the Rights of Crime~~
11 ~~Victims and Witnesses Act; and~~

12 ~~(5) the nature and seriousness of the risk of~~
13 ~~obstructing or attempting to obstruct the criminal justice~~
14 ~~process that would be posed by the eligible defendant's~~
15 ~~release, if applicable.~~

16 ~~(b) The court shall impose any conditions that are~~
17 ~~mandatory under Section 110 10. The court may impose any~~
18 ~~conditions that are permissible under Section 110 10., whether~~
19 ~~the evidence shows that as part of the offense there was a use~~
20 ~~of violence or threatened use of violence, whether the offense~~
21 ~~involved corruption of public officials or employees, whether~~
22 ~~there was physical harm or threats of physical harm to any~~
23 ~~public official, public employee, judge, prosecutor, juror or~~
24 ~~witness, senior citizen, child, or person with a disability,~~
25 ~~whether evidence shows that during the offense or during the~~
26 ~~arrest the defendant possessed or used a firearm, machine gun,~~

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

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

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

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

12 (a-5) There shall be a presumption that any conditions of
13 release imposed shall be non-monetary in nature and the court
14 shall impose the least restrictive conditions or combination
15 of conditions necessary to reasonably assure the appearance of
16 the defendant for further court proceedings and protect the
17 integrity of the judicial proceedings from a specific threat
18 to a witness or participant. Conditions of release may
19 include, but not be limited to, electronic home monitoring,
20 curfews, drug counseling, stay-away orders, and in-person
21 reporting. The court shall consider the defendant's
22 socio-economic circumstance when setting conditions of release
23 or imposing monetary bail.

24 (b) The amount of bail shall be:

25 (1) Sufficient to assure compliance with the
26 conditions set forth in the bail bond, which shall include

1 the defendant's current address with a written
2 admonishment to the defendant that he or she must comply
3 with the provisions of Section 110-12 regarding any change
4 in his or her address. The defendant's address shall at
5 all times remain a matter of public record with the clerk
6 of the court.

7 (2) Not oppressive.

8 (3) Considerate of the financial ability of the
9 accused.

10 (4) When a person is charged with a drug related
11 offense involving possession or delivery of cannabis or
12 possession or delivery of a controlled substance as
13 defined in the Cannabis Control Act, the Illinois
14 Controlled Substances Act, or the Methamphetamine Control
15 and Community Protection Act, the full street value of the
16 drugs seized shall be considered. "Street value" shall be
17 determined by the court on the basis of a proffer by the
18 State based upon reliable information of a law enforcement
19 official contained in a written report as to the amount
20 seized and such proffer may be used by the court as to the
21 current street value of the smallest unit of the drug
22 seized.

23 (b-5) Upon the filing of a written request demonstrating
24 reasonable cause, the State's Attorney may request a source of
25 bail hearing either before or after the posting of any funds.
26 If the hearing is granted, before the posting of any bail, the

1 accused must file a written notice requesting that the court
2 conduct a source of bail hearing. The notice must be
3 accompanied by justifying affidavits stating the legitimate
4 and lawful source of funds for bail. At the hearing, the court
5 shall inquire into any matters stated in any justifying
6 affidavits, and may also inquire into matters appropriate to
7 the determination which shall include, but are not limited to,
8 the following:

9 (1) the background, character, reputation, and
10 relationship to the accused of any surety; and

11 (2) the source of any money or property deposited by
12 any surety, and whether any such money or property
13 constitutes the fruits of criminal or unlawful conduct;
14 and

15 (3) the source of any money posted as cash bail, and
16 whether any such money constitutes the fruits of criminal
17 or unlawful conduct; and

18 (4) the background, character, reputation, and
19 relationship to the accused of the person posting cash
20 bail.

21 Upon setting the hearing, the court shall examine, under
22 oath, any persons who may possess material information.

23 The State's Attorney has a right to attend the hearing, to
24 call witnesses and to examine any witness in the proceeding.
25 The court shall, upon request of the State's Attorney,
26 continue the proceedings for a reasonable period to allow the

1 State's Attorney to investigate the matter raised in any
2 testimony or affidavit. If the hearing is granted after the
3 accused has posted bail, the court shall conduct a hearing
4 consistent with this subsection (b-5). At the conclusion of
5 the hearing, the court must issue an order either approving of
6 disapproving the bail.

7 (c) When a person is charged with an offense punishable by
8 fine only the amount of the bail shall not exceed double the
9 amount of the maximum penalty.

10 (d) When a person has been convicted of an offense and only
11 a fine has been imposed the amount of the bail shall not exceed
12 double the amount of the fine.

13 (e) The State may appeal any order granting bail or
14 setting a given amount for bail.

15 (f) ~~(b)~~ When a person is charged with a violation of an
16 order of protection under Section 12-3.4 or 12-30 of the
17 Criminal Code of 1961 or the Criminal Code of 2012 or when a
18 person is charged with domestic battery, aggravated domestic
19 battery, kidnapping, aggravated kidnaping, unlawful restraint,
20 aggravated unlawful restraint, stalking, aggravated stalking,
21 cyberstalking, harassment by telephone, harassment through
22 electronic communications, or an attempt to commit first
23 degree murder committed against an intimate partner regardless
24 whether an order of protection has been issued against the
25 person,

26 (1) whether the alleged incident involved harassment

1 or abuse, as defined in the Illinois Domestic Violence Act
2 of 1986;

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

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

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

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

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

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

15 (8) based on the severity of the alleged incident that
16 is the basis of the alleged offense, including, but not
17 limited to, the duration of the current incident, and
18 whether the alleged incident involved the use of a weapon,
19 physical injury, sexual assault, strangulation, abuse
20 during the alleged victim's pregnancy, abuse of pets, or
21 forcible entry to gain access to the alleged victim;

22 (9) whether a separation of the person from the ~~victim~~
23 ~~of abuse~~ alleged victim or a termination of the
24 relationship between the person and the ~~victim of abuse~~
25 alleged victim has recently occurred or is pending;

26 (10) whether the person has exhibited obsessive or

1 controlling behaviors toward the ~~victim of abuse~~ alleged
2 victim, including, but not limited to, stalking,
3 surveillance, or isolation of the ~~victim of abuse~~ alleged
4 victim or victim's family member or members;

5 (11) whether the person has expressed suicidal or
6 homicidal ideations;

7 ~~(11.5) any other factors 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 that behavior~~

11 (12) based on any information contained in the
12 complaint and any police reports, affidavits, or other
13 documents accompanying the complaint,
14 the court may, in its discretion, order the respondent to
15 undergo a risk assessment evaluation using a recognized,
16 evidence-based instrument conducted by an Illinois Department
17 of Human Services approved partner abuse intervention program
18 provider, pretrial service, probation, or parole agency. These
19 agencies shall have access to summaries of the defendant's
20 criminal history, which shall not include victim interviews or
21 information, for the risk evaluation. Based on the information
22 collected from the 12 points to be considered at a bail hearing
23 under this subsection (f), the results of any risk evaluation
24 conducted and the other circumstances of the violation, the
25 court may order that the person, as a condition of bail, be
26 placed under electronic surveillance as provided in Section

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

11 ~~(e) In cases of stalking or aggravated stalking under~~
12 ~~Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the~~
13 ~~court may consider the following additional factors:~~

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

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

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

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

1 ~~defendant, together with the circumstances surrounding~~
2 ~~them;~~

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

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

7 ~~(7) Any other factors 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 that behavior.~~

11 ~~(d) The Court may use a regularly validated risk~~
12 ~~assessment tool to aid its determination of appropriate~~
13 ~~conditions of release as provided for in Section 110-6.4. Risk~~
14 ~~assessment tools may not be used as the sole basis to deny~~
15 ~~pretrial release. If a risk assessment tool is used, the~~
16 ~~defendant's counsel shall be provided with the information and~~
17 ~~scoring system of the risk assessment tool used to arrive at~~
18 ~~the determination. The defendant retains the right to~~
19 ~~challenge the validity of a risk assessment tool used by the~~
20 ~~court and to present evidence relevant to the defendant's~~
21 ~~challenge.~~

22 ~~(e) If a person remains in pretrial detention after his or~~
23 ~~her pretrial conditions hearing after having been ordered~~
24 ~~released with pretrial conditions, the court shall hold a~~
25 ~~hearing to determine the reason for continued detention. If~~
26 ~~the reason for continued detention is due to the~~

1 ~~unavailability or the defendant's ineligibility for one or~~
2 ~~more pretrial conditions previously ordered by the court or~~
3 ~~directed by a pretrial services agency, the court shall reopen~~
4 ~~the conditions of release hearing to determine what available~~
5 ~~pretrial conditions exist that will reasonably assure the~~
6 ~~appearance of a defendant as required or the safety of any~~
7 ~~other person and the likelihood of compliance by the defendant~~
8 ~~with all the conditions of pretrial release. The inability of~~
9 ~~Defendant to pay for a condition of release or any other~~
10 ~~ineligibility for a condition of pretrial release shall not be~~
11 ~~used as a justification for the pretrial detention of that~~
12 ~~Defendant.~~

13 ~~(f) Prior to the defendant's first appearance, the Court~~
14 ~~shall appoint the public defender or a licensed attorney at~~
15 ~~law of this State to represent the Defendant for purposes of~~
16 ~~that hearing, unless the defendant has obtained licensed~~
17 ~~counsel for themselves.~~

18 ~~(g) Electronic monitoring, GPS monitoring, or home~~
19 ~~confinement can only be imposed condition of pretrial release~~
20 ~~if a no less restrictive condition of release or combination~~
21 ~~of less restrictive condition of release would reasonably~~
22 ~~ensure the appearance of the defendant for later hearings or~~
23 ~~protect an identifiable person or persons from imminent threat~~
24 ~~of serious physical harm.~~

25 ~~(h) If the court imposes electronic monitoring, GPS~~
26 ~~monitoring, or home confinement the court shall set forth in~~

1 ~~the record the basis for its finding. A defendant shall be~~
2 ~~given custodial credit for each day he or she was subjected to~~
3 ~~that program, at the same rate described in subsection (b) of~~
4 ~~Section 5-4.5-100 of the unified code of correction.~~

5 ~~(i) If electronic monitoring, GPS monitoring, or home~~
6 ~~confinement is imposed, the court shall determine every 60~~
7 ~~days if no less restrictive condition of release or~~
8 ~~combination of less restrictive conditions of release would~~
9 ~~reasonably ensure the appearance, or continued appearance, of~~
10 ~~the defendant for later hearings or protect an identifiable~~
11 ~~person or persons from imminent threat of serious physical~~
12 ~~harm. If the court finds that there are less restrictive~~
13 ~~conditions of release, the court shall order that the~~
14 ~~condition be removed.~~

15 ~~(j) Crime Victims shall be given notice by the State's~~
16 ~~Attorney's office of this hearing as required in paragraph (1)~~
17 ~~of subsection (b) of Section 4.5 of the Rights of Crime Victims~~
18 ~~and Witnesses Act and shall be informed of their opportunity~~
19 ~~at this hearing to obtain an order of protection under Article~~
20 ~~112A of this Code.~~

21 (Source: P.A. 100-1, eff. 1-1-18; 101-652, eff. 1-1-23.)

22 (725 ILCS 5/110-5.2)

23 Sec. 110-5.2. ~~Pretrial release~~ Bail; pregnant pre-trial
24 detainee.

25 (a) It is the policy of this State that a pre-trial

1 detainee shall not be required to deliver a child while in
2 custody absent a finding by the court that continued pre-trial
3 custody is necessary to protect the public or the victim of the
4 offense on which the charge is based.

5 (b) If the court reasonably believes that a pre-trial
6 detainee will give birth while in custody, the court shall
7 order an alternative to custody unless, after a hearing, the
8 court determines:

9 (1) that the release of the pregnant pre-trial
10 detainee would pose a real and present threat to the
11 physical safety of the alleged victim of the offense and
12 continuing custody is necessary to prevent the fulfillment
13 of the threat upon which the charge is based; or

14 (2) that the release of the pregnant pre-trial
15 detainee would pose a real and present threat to the
16 physical safety of any person or persons or the general
17 public.

18 (c) The court may order a pregnant or post-partum detainee
19 to be subject to electronic monitoring as a condition of
20 pre-trial release or order other condition or combination of
21 conditions the court reasonably determines are in the best
22 interest of the detainee and the public.

23 (d) This Section shall be applicable to a pregnant
24 pre-trial detainee in custody on or after the effective date
25 of this amendatory Act of the 100th General Assembly.

26 (Source: P.A. 100-630, eff. 1-1-19; 101-652.)

1 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

2 Sec. 110-6. ~~Revocation of pretrial release, modification~~
3 ~~of conditions of pretrial release, and sanctions for~~
4 ~~violations of conditions of pretrial release~~ Modification of
5 bail or conditions.

6 (a) ~~When a defendant is granted pretrial release under~~
7 ~~this section, that pretrial release may be revoked only under~~
8 ~~the following conditions:~~

9 ~~(1) if the defendant is charged with a detainable~~
10 ~~felony as defined in 110-6.1, a defendant may be detained~~
11 ~~after the State files a verified petition for such a~~
12 ~~hearing, and gives the defendant notice as prescribed in~~
13 ~~110-6.1; or~~

14 ~~(2) in accordance with subsection (b) of this section.~~

15 ~~(b) Revocation due to a new criminal charge: If an~~
16 ~~individual, while on pretrial release for a Felony or Class A~~
17 ~~misdemeanor under this Section, is charged with a new felony~~
18 ~~or Class A misdemeanor under the Criminal Code of 2012, the~~
19 ~~court may, on its own motion or motion of the state, begin~~
20 ~~proceedings to revoke the individual's' pretrial release.~~

21 ~~(1) When the defendant is charged with a felony or~~
22 ~~class A misdemeanor offense and while free on pretrial~~
23 ~~release bail is charged with a subsequent felony or class~~
24 ~~A misdemeanor offense that is alleged to have occurred~~
25 ~~during the defendant's pretrial release, the state may~~

1 ~~file a verified petition for revocation of pretrial~~
2 ~~release.~~

3 ~~(2) When a defendant on pretrial release is charged~~
4 ~~with a violation of an order of protection issued under~~
5 ~~Section 112A 14 of this Code, or Section 214 of the~~
6 ~~Illinois Domestic Violence Act of 1986 or previously was~~
7 ~~convicted of a violation of an order of protection under~~
8 ~~Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the~~
9 ~~Criminal Code of 2012, and the subject of the order of~~
10 ~~protection is the same person as the victim in the~~
11 ~~underlying matter, the state shall file a verified~~
12 ~~petition for revocation of pretrial release.~~

13 ~~(3) Upon the filing of this petition, the court shall~~
14 ~~order the transfer of the defendant and the application to~~
15 ~~the court before which the previous felony matter is~~
16 ~~pending. The defendant shall be held without bond pending~~
17 ~~transfer to and a hearing before such court. The defendant~~
18 ~~shall be transferred to the court before which the~~
19 ~~previous matter is pending without unnecessary delay. In~~
20 ~~no event shall the time between the filing of the state's~~
21 ~~petition for revocation and the defendant's appearance~~
22 ~~before the court before which the previous matter is~~
23 ~~pending exceed 72 hours.~~

24 ~~(4) The court before which the previous felony matter~~
25 ~~is pending may revoke the defendant's pretrial release~~
26 ~~only if it finds, after considering all relevant~~

1 ~~circumstances including, but not limited to, the nature~~
2 ~~and seriousness of the violation or criminal act alleged,~~
3 ~~by the court finds clear and convincing evidence that no~~
4 ~~condition or combination of conditions of release would~~
5 ~~reasonably assure the appearance of the defendant for~~
6 ~~later hearings or prevent the defendant from being charged~~
7 ~~with a subsequent felony or class A misdemeanor.~~

8 ~~(5) In lieu of revocation, the court may release the~~
9 ~~defendant pre-trial, with or without modification of~~
10 ~~conditions of pretrial release.~~

11 ~~(6) If the case that caused the revocation is~~
12 ~~dismissed, the defendant is found not guilty in the case~~
13 ~~causing the revocation, or the defendant completes a~~
14 ~~lawfully imposed sentence on the case causing the~~
15 ~~revocation, the court shall, without unnecessary delay,~~
16 ~~hold a hearing on conditions of release pursuant to~~
17 ~~section 110-5 and release the defendant with or without~~
18 ~~modification of conditions of pretrial release.~~

19 ~~(7) Both the state and the defense may appeal an order~~
20 ~~revoking pretrial release or denying a petition for~~
21 ~~revocation of release.~~

22 ~~(e) Violations other than re-arrest for a felony or class~~
23 ~~A misdemeanor. If a defendant:~~

24 ~~(1) fails to appear in court as required by their~~
25 ~~conditions of release;~~

26 ~~(2) is charged with a class B or C misdemeanor, petty~~

1 ~~offense, traffic offense, or ordinance violation that is~~
2 ~~alleged to have occurred during the defendant's pretrial~~
3 ~~release; or~~

4 ~~(3) violates any other condition of release set by the~~
5 ~~court,~~

6 ~~the court shall follow the procedures set forth in Section~~
7 ~~110 3 to ensure the defendant's appearance in court to address~~
8 ~~the violation.~~

9 ~~(d) When a defendant appears in court for a notice to show~~
10 ~~cause hearing, or after being arrested on a warrant issued~~
11 ~~because of a failure to appear at a notice to show cause~~
12 ~~hearing, or after being arrested for an offense other than a~~
13 ~~felony or class A misdemeanor, the state may file a verified~~
14 ~~petition requesting a hearing for sanctions.~~

15 ~~(e) During the hearing for sanctions, the defendant shall~~
16 ~~be represented by counsel and have an opportunity to be heard~~
17 ~~regarding the violation and evidence in mitigation. The court~~
18 ~~shall only impose sanctions if it finds by clear and~~
19 ~~convincing evidence that:~~

20 ~~1. The defendant committed an act that violated a term~~
21 ~~of their pretrial release;~~

22 ~~2. The defendant had actual knowledge that their~~
23 ~~action would violate a court order;~~

24 ~~3. The violation of the court order was willful; and~~

25 ~~4. The violation was not caused by a lack of access to~~
26 ~~financial monetary resources.~~

1 ~~(f) Sanctions: sanctions for violations of pretrial~~
2 ~~release may include:~~

- 3 ~~1. A verbal or written admonishment from the court;~~
4 ~~2. Imprisonment in the county jail for a period not~~
5 ~~exceeding 30 days;~~
6 ~~3. A fine of not more than \$200; or~~
7 ~~4. A modification of the defendant's pretrial~~
8 ~~conditions.~~

9 ~~(g) Modification of Pretrial Conditions~~

10 ~~(a) The court may, at any time, after motion by either~~
11 ~~party or on its own motion, remove previously set~~
12 ~~conditions of pretrial release, subject to the provisions~~
13 ~~in section (c). The court may only add or increase~~
14 ~~conditions of pretrial release at a hearing under this~~
15 ~~Section, in a warrant issued under Section 110-3, or upon~~
16 ~~motion from the state.~~

17 ~~(b) Modification of conditions of release regarding~~
18 ~~contact with victims or witnesses. The court shall not~~
19 ~~remove a previously set condition of bond regulating~~
20 ~~contact with a victim or witness in the case, unless the~~
21 ~~subject of the condition has been given notice of the~~
22 ~~hearing as required in paragraph (1) of subsection (b) of~~
23 ~~Section 4.5 of the Rights of Crime Victims and Witnesses~~
24 ~~Act. If the subject of the condition of release is not~~
25 ~~present, the court shall follow the procedures of~~
26 ~~paragraph (10) of subsection (c 1) of the Rights of Crime~~

1 ~~Victims and Witnesses Act.~~

2 ~~(h) Notice to Victims: Crime Victims shall be given notice~~
3 ~~by the State's Attorney's office of all hearings in this~~
4 ~~section as required in paragraph (1) of subsection (b) of~~
5 ~~Section 4.5 of the Rights of Crime Victims and Witnesses Act~~
6 ~~and shall be informed of their opportunity at these hearing to~~
7 ~~obtain an order of protection under Article 112A of this Code.~~
8 Upon verified application by the State or the defendant or on
9 its own motion the court before which the proceeding is
10 pending may increase or reduce the amount of bail or may alter
11 the conditions of the bail bond or grant bail where it has been
12 previously revoked or denied. If bail has been previously
13 revoked pursuant to subsection (f) of this Section or if bail
14 has been denied to the defendant pursuant to subsection (e) of
15 Section 110-6.1 or subsection (e) of Section 110-6.3, the
16 defendant shall be required to present a verified application
17 setting forth in detail any new facts not known or obtainable
18 at the time of the previous revocation or denial of bail
19 proceedings. If the court grants bail where it has been
20 previously revoked or denied, the court shall state on the
21 record of the proceedings the findings of facts and conclusion
22 of law upon which such order is based.

23 (a-5) In addition to any other available motion or
24 procedure under this Code, a person in custody solely for a
25 Category B offense due to an inability to post monetary bail
26 shall be brought before the court at the next available court

1 date or 7 calendar days from the date bail was set, whichever
2 is earlier, for a rehearing on the amount or conditions of bail
3 or release pending further court proceedings. The court may
4 reconsider conditions of release for any other person whose
5 inability to post monetary bail is the sole reason for
6 continued incarceration, including a person in custody for a
7 Category A offense or a Category A offense and a Category B
8 offense. The court may deny the rehearing permitted under this
9 subsection (a-5) if the person has failed to appear as
10 required before the court and is incarcerated based on a
11 warrant for failure to appear on the same original criminal
12 offense.

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

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

25 (d) Reasonable notice of such application by the State
26 shall be given to the defendant, except as provided in

1 subsection (e).

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

1 appropriate.

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

21 (1) The court shall hold the defendant without bail
22 pending the hearing on the alleged breach; however, if the
23 defendant is not admitted to bail the hearing shall be
24 commenced within 10 days from the date the defendant is
25 taken into custody or the defendant may not be held any
26 longer without bail, unless delay is occasioned by the

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

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

1 A motion by the defendant to suppress evidence or to
2 suppress a confession shall not be entertained at such a
3 hearing. Evidence that proof may have been obtained as a
4 result of an unlawful search and seizure or through
5 improper interrogation is not relevant to this hearing.

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

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

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

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

1 bail set on a warrant unless the interests of justice and
2 public safety are served by such action.

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

7 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19;
8 101-652.)

9 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

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

12 (a) Upon verified petition by the State, the court shall
13 hold a hearing ~~and may deny~~ to determine whether bail should be
14 denied to a defendant ~~pretrial release only if:~~

15 ~~(1) the defendant~~ who is charged with a ~~forcible~~
16 felony offense for which a sentence of imprisonment,
17 without probation, periodic imprisonment or conditional
18 discharge, is required by law upon conviction, ~~and~~ when it
19 is alleged that the defendant's ~~pretrial release poses a~~
20 ~~specific, real and present threat to any person or the~~
21 ~~community.~~ admission to bail poses a real and present
22 threat to the physical safety of any person or persons.

23 ~~(2) the defendant is charged with stalking or~~
24 ~~aggravated stalking and it is alleged that the defendant's~~
25 ~~pre trial release poses a real and present threat to the~~

1 ~~physical safety of a victim of the alleged offense, and~~
2 ~~denial of release is necessary to prevent fulfillment of~~
3 ~~the threat upon which the charge is based;~~

4 ~~(3) the victim of abuse was a family or household~~
5 ~~member as defined by paragraph (6) of Section 103 of the~~
6 ~~Illinois Domestic Violence Act of 1986, and the person~~
7 ~~charged, at the time of the alleged offense, was subject~~
8 ~~to the terms of an order of protection issued under~~
9 ~~Section 112A-14 of this Code, or Section 214 of the~~
10 ~~Illinois Domestic Violence Act of 1986 or previously was~~
11 ~~convicted of a violation of an order of protection under~~
12 ~~Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the~~
13 ~~Criminal Code of 2012 or a violent crime if the victim was~~
14 ~~a family or household member as defined by paragraph (6)~~
15 ~~of the Illinois Domestic Violence Act of 1986 at the time~~
16 ~~of the offense or a violation of a substantially similar~~
17 ~~municipal ordinance or law of this or any other state or~~
18 ~~the United States if the victim was a family or household~~
19 ~~member as defined by paragraph (6) of Section 103 of the~~
20 ~~Illinois Domestic Violence Act of 1986 at the time of the~~
21 ~~offense, and it is alleged that the defendant's pre-trial~~
22 ~~release poses a real and present threat to the physical~~
23 ~~safety of any person or persons;~~

24 ~~(4) the defendant is charged with domestic battery or~~
25 ~~aggravated domestic battery under Section 12-3.2 or 12-3.3~~
26 ~~of the Criminal Code of 2012 and it is alleged that the~~

1 ~~defendant's pretrial release poses a real and present~~
2 ~~threat to the physical safety of any person or persons;~~

3 ~~(5) the defendant is charged with any offense under~~
4 ~~Article 11 of the Criminal Code of 2012, except for~~
5 ~~Sections 11 30, 11 35, 11 40, and 11 45 of the Criminal~~
6 ~~Code of 2012, or similar provisions of the Criminal Code~~
7 ~~of 1961 and it is alleged that the defendant's pretrial~~
8 ~~release poses a real and present threat to the physical~~
9 ~~safety of any person or persons;~~

10 ~~(6) 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 releases poses a~~
13 ~~real 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 2.5 (aggravated discharge of a~~
18 ~~machine gun or a firearm equipped with a device~~
19 ~~designed or use 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 2 (manufacture, sale or~~
25 ~~transfer of bullets or shells represented to be armor~~
26 ~~piercing bullets, dragon's breath shotgun shells, bolo~~

1 ~~shells 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 24-34 (unlawful sale of firearms by~~
7 ~~liquor license);~~

8 ~~(I) Section 24-3.5 (unlawful purchase of a~~
9 ~~firearm);~~

10 ~~(J) Section 24-3A (gunrunning); or~~

11 ~~(K) Section on 24-3B (firearms trafficking);~~

12 ~~(L) Section 10-9 (b) (involuntary servitude);~~

13 ~~(M) Section 10-9 (c) (involuntary sexual servitude~~
14 ~~of a minor);~~

15 ~~(N) Section 10-9(d) (trafficking in persons);~~

16 ~~(O) Non probationable violations: (i) (unlawful~~
17 ~~use or possession of weapons by felons or persons in~~
18 ~~the Custody of the Department of Corrections~~
19 ~~facilities (Section 24-1.1), (ii) aggravated unlawful~~
20 ~~use of a weapon (Section 24-1.6, or (iii) aggravated~~
21 ~~possession of a stolen firearm (Section 24-3.9);~~

22 ~~(7) the person has a high likelihood of willful flight~~
23 ~~to avoid prosecution and is charged with:~~

24 ~~(A) Any felony described in Sections (a) (1)~~
25 ~~through (a) (5) of this Section; or~~

26 ~~(B) A felony offense other than a Class 4 offense.~~

1 ~~(b) If the charged offense is a felony, the Court shall~~
2 ~~hold a hearing pursuant to 109-3 of this Code to~~
3 ~~determine whether there is probable cause the~~
4 ~~defendant has committed an offense, unless a grand~~
5 ~~jury has returned a true bill of indictment against~~
6 ~~the defendant. If there is a finding of no probable~~
7 ~~cause, the defendant shall be released. No such~~
8 ~~finding is necessary if the defendant is charged with~~
9 ~~a misdemeanor.~~

10 ~~(c) Timing of petition.~~

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

18 (2) ~~(2) Upon filing, the court shall immediately hold~~
19 ~~a hearing on the petition unless a continuance is~~
20 ~~requested. If a continuance is requested, the hearing~~
21 ~~shall be held within 48 hours of the defendant's first~~
22 ~~appearance if the defendant is charged with a Class X,~~
23 ~~Class 1, Class 2, or Class 3 felony, and within 24 hours if~~
24 ~~the defendant is charged with a Class 4 or misdemeanor~~
25 ~~offense. The Court may deny and or grant the request for~~
26 ~~continuance. If the court decides to grant the~~

1 ~~continuance, the Court retains the discretion to detain or~~
2 ~~release the defendant in the time between the filing of~~
3 ~~the petition and the hearing.~~

4 ~~(d) Contents of petition.~~

5 ~~(1) The petition shall be verified by the State and~~
6 ~~shall state the grounds upon which it contends the~~
7 ~~defendant should be denied pretrial release, including the~~
8 ~~identity of the specific person or persons the State~~
9 ~~believes the defendant poses a danger to.~~

10 ~~(2) Only one petition may be filed under this Section.~~

11 ~~(e) Eligibility: All defendants shall be presumed eligible~~
12 ~~for pretrial release, and the State shall bear the burden of~~
13 ~~proving by clear and convincing evidence that: The hearing~~
14 ~~shall be held immediately upon the defendant's appearance~~
15 ~~before the court, unless for good cause shown the defendant or~~
16 ~~the State seeks a continuance. A continuance on motion of the~~
17 ~~defendant may not exceed 5 calendar days, and a continuance on~~
18 ~~the motion of the State may not exceed 3 calendar days. The~~
19 ~~defendant may be held in custody during such continuance.~~

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

22 (1) the proof is evident or the presumption great that
23 the defendant has committed an offense ~~listed in~~
24 ~~paragraphs (1) through (6) of subsection (a) for which a~~
25 ~~sentence of imprisonment, without probation, periodic~~
26 ~~imprisonment or conditional discharge, must be imposed by~~

1 law as a consequence of conviction, and

2 (2) the defendant poses a real and present threat to
3 the physical safety of ~~a specific, identifiable~~ any person
4 or persons, by conduct which may include, but is not
5 limited to, a forcible felony, the obstruction of justice,
6 intimidation, injury, ~~or abuse as defined by paragraph (1)~~
7 ~~of Section 103 of the Illinois Domestic Violence Act of~~
8 ~~1986~~ physical harm, an offense under the Illinois
9 Controlled Substances Act which is a Class X felony, or an
10 offense under the Methamphetamine Control and Community
11 Protection Act which is a Class X felony, and

12 (3) the court finds that no condition or combination
13 of conditions set forth in subsection (b) of Section
14 110-10 of this Article ~~can mitigate the real and present~~
15 ~~threat to the safety of any~~ , can reasonably assure the
16 physical safety of any other person or persons ~~or the~~
17 ~~defendant's willful flight.~~

18 ~~(f)~~ (c) Conduct of the hearings.

19 (1) ~~Prior to the hearing the State shall tender to the~~
20 ~~defendant copies of defendant's criminal history~~
21 ~~available, any written or recorded statements, and the~~
22 ~~substance of any oral statements made by any person, if~~
23 ~~relied upon by the State in its petition, and any police~~
24 ~~reports in the State's Attorney's possession at the time~~
25 ~~of the hearing that are required to be disclosed to the~~
26 ~~defense under Illinois Supreme Court rules.~~ The hearing on

1 the defendant's culpability and dangerousness shall be
2 conducted in accordance with the following provisions:

3 ~~(2) The State or defendant may present evidence at the~~
4 ~~hearing~~ (A) Information used by the court in its findings
5 or stated in or offered at such hearing may be by way of
6 proffer based upon reliable information offered by the
7 State or by defendant.

8 ~~(3) The defendant~~ Defendant has the right to be
9 represented by counsel, and if he ~~or she~~ is indigent, to
10 have counsel appointed for him ~~or her~~. ~~The defendant.~~
11 Defendant shall have the opportunity to testify, to
12 present witnesses ~~on~~ in his ~~or her~~ own behalf, and to
13 cross-examine ~~any~~ witnesses ~~that~~ if any are called by the
14 State.

15 ~~(4) If the defense seeks to call the complaining~~
16 ~~witness as a witness in its favor, it shall petition the~~
17 ~~court for permission.~~ The defendant has the right to
18 present witnesses in his favor. When the ends of justice
19 so require, the court may ~~exercise~~ exercises its
20 discretion and compel the appearance of a complaining
21 witness. The court shall state on the record reasons for
22 granting a defense request to compel the presence of a
23 complaining witness. ~~In making a determination under this~~
24 ~~section, the court shall state on the record the reason~~
25 ~~for granting a defense request to compel the presence of a~~
26 ~~complaining witness, and only grant the request if the~~

1 ~~court finds by clear and convincing evidence that the~~
2 ~~defendant will be materially prejudiced if the complaining~~
3 ~~witness does not appear.~~ Cross-examination of a
4 complaining witness at the pretrial detention hearing for
5 the purpose of impeaching the witness' credibility is
6 insufficient reason to compel the presence of the witness.
7 In deciding whether to compel the appearance of a
8 complaining witness, the court shall be considerate of the
9 emotional and physical well-being of the witness. The
10 pre-trial detention hearing is not to be used for purposes
11 of discovery, and the post arraignment rules of discovery
12 do not apply. The State shall tender to the defendant,
13 prior to the hearing, copies of defendant's criminal
14 history, if any, if available, and any written or recorded
15 statements and the substance of any oral statements made
16 by any person, if relied upon by the State in its petition.

17 ~~(5)~~ The rules concerning the admissibility of evidence
18 in criminal trials do not apply to the presentation and
19 consideration of information at the hearing. At the trial
20 concerning the offense for which the hearing was conducted
21 neither the finding of the court nor any transcript or
22 other record of the hearing shall be admissible in the
23 State's case in chief, but shall be admissible for
24 impeachment, or as provided in Section 115-10.1 of this
25 Code, or in a perjury proceeding.

26 ~~(6)~~ The (B) A motion by the defendant ~~may not move~~ to

1 suppress evidence or to suppress a confession, ~~however,~~
2 ~~evidence shall not be entertained.~~ Evidence that proof ~~of~~
3 ~~the charged crime~~ may have been obtained as the result of
4 an unlawful search ~~or~~ and seizure, ~~or both,~~ or through
5 improper interrogation, is not relevant ~~in assessing the~~
6 ~~weight of the evidence against the defendant~~ to this state
7 of the prosecution.

8 ~~(7) Decisions regarding release, conditions of release~~
9 ~~and detention prior trial should be individualized, and no~~
10 ~~single factor or standard should be used exclusively to~~
11 ~~make a condition or detention decision.~~

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

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

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

26 (2) The history and characteristics of the defendant

1 including:

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

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

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

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

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

20 ~~(6) The age and physical condition of any victim or~~
21 ~~complaining witness;~~

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

24 ~~(8)~~ (7) Whether, at the time of the current offense or
25 any other offense or arrest, the defendant was on
26 probation, parole, aftercare release, mandatory supervised

1 release or other release from custody pending trial,
2 sentencing, appeal or completion of sentence for an
3 offense under federal or state law;

4 ~~(9)~~ (8) Any other factors, including those listed in
5 Section 110-5 of this Article deemed by the court to have a
6 reasonable bearing upon the defendant's propensity or
7 reputation for violent, abusive or assaultive behavior, or
8 lack of such behavior.

9 ~~(h)~~ (e) Detention order. The court shall, in any order for
10 detention:

11 (1) briefly summarize the evidence of the defendant's
12 ~~guilt or innocence,~~ culpability and ~~the court's~~ its
13 reasons for concluding that the defendant should be ~~denied~~
14 pretrial release held without bail;

15 (2) direct that the defendant be committed to the
16 custody of the sheriff for confinement in the county jail
17 pending trial;

18 (3) direct that the defendant be given a reasonable
19 opportunity for private consultation with counsel, and for
20 communication with others of his ~~or her~~ choice by
21 visitation, mail and telephone; and

22 (4) direct that the sheriff deliver the defendant as
23 required for appearances in connection with court
24 proceedings.

25 ~~(i) Detention.~~ (f) If the court enters an order for the
26 detention of the defendant pursuant to subsection (e) of this

1 Section, the defendant shall be brought to trial on the
2 offense for which he is detained within 90 days after the date
3 on which the order for detention was entered. If the defendant
4 is not brought to trial within the 90 day period required by
5 the preceding sentence, he shall not be ~~denied pretrial~~
6 ~~release~~ held longer without bail. In computing the 90 day
7 period, the court shall omit any period of delay resulting
8 from a continuance granted at the request of the defendant.

9 ~~(j)~~ (g) Rights of the defendant. Any person shall be
10 entitled to appeal any order entered under this Section
11 denying ~~pretrial release~~ bail to the defendant.

12 ~~(k) Appeal.~~ (h) The State may appeal any order entered
13 under this Section denying any motion for denial of ~~pretrial~~
14 ~~release~~ bail.

15 ~~(l) Presumption of innocence.~~ (i) Nothing in this Section
16 shall be construed as modifying or limiting in any way the
17 defendant's presumption of innocence in further criminal
18 proceedings.

19 ~~(m) Victim notice.~~

20 ~~(1) Crime Victims shall be given notice by the State's~~
21 ~~Attorney's office of this hearing as required in paragraph~~
22 ~~(1) of subsection (b) of Section 4.5 of the Rights of Crime~~
23 ~~Victims and Witnesses Act and shall be informed of their~~
24 ~~opportunity at this hearing to obtain an order of~~
25 ~~protection under Article 112A of this Code.~~

26 (Source: P.A. 98-558, eff. 1-1-14; 101-652.)

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

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

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

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

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

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

20 (Source: P.A. 96-1200, eff. 7-22-10; 101-652.)

21 (725 ILCS 5/110-6.4)

22 Sec. 110-6.4. Statewide risk-assessment tool. The Supreme
23 Court may establish a statewide risk-assessment tool to be
24 used in proceedings to assist the court in establishing

1 ~~conditions of pretrial release~~ bail for a defendant by
2 assessing the defendant's likelihood of appearing at future
3 court proceedings or determining if the defendant poses a real
4 and present threat to the physical safety of any person or
5 persons. The Supreme Court shall consider establishing a
6 risk-assessment tool that does not discriminate on the basis
7 of race, gender, educational level, socio-economic status, or
8 neighborhood. If a risk-assessment tool is utilized within a
9 circuit that does not require a personal interview to be
10 completed, the Chief Judge of the circuit or the director of
11 the pretrial services agency may exempt the requirement under
12 Section 9 and subsection (a) of Section 7 of the Pretrial
13 Services Act.

14 For the purpose of this Section, "risk-assessment tool"
15 means an empirically validated, evidence-based screening
16 instrument that demonstrates reduced instances of a
17 defendant's failure to appear for further court proceedings or
18 prevents future criminal activity.

19 (Source: P.A. 100-1, eff. 1-1-18; 100-863, eff. 8-14-18;
20 101-652.)

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

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

23 (a) If a person is released prior to conviction, either
24 upon payment of bail security or on his or her own
25 recognizance, the conditions of ~~pretrial release~~ the bail bond

1 shall be that he or she will:

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

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

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

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

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

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

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

17 Psychological evaluations ordered pursuant to this Section
18 shall be completed promptly and made available to the State,
19 the defendant, and the court. As a further condition of
20 ~~pretrial release~~ bail under these circumstances, the court
21 shall order the defendant to refrain from entering upon the
22 property of the school, including any conveyance owned,
23 leased, or contracted by a school to transport students to or
24 from school or a school-related activity, or on any public way
25 within 1,000 feet of real property comprising any school. Upon
26 receipt of the psychological evaluation, either the State or

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

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

18 ~~(0.05) Not depart this State without leave of the~~
19 ~~court;~~

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

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

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

26 (4) Refrain from going to certain described

1 geographical areas or premises;

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

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

6 (7) Undergo medical or psychiatric treatment;

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

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

11 (10) Support his or her dependents;

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

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

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

24 (14) Be placed under direct supervision of the
25 Pretrial Services Agency, Probation Department or Court
26 Services Department in a pretrial bond home supervision

1 capacity with or without the use of an approved electronic
2 monitoring device subject to Article 8A of Chapter V of
3 the Unified Code of Corrections;

4 (14.1) The court ~~may~~ shall impose upon a defendant who
5 is charged with any alcohol, cannabis, methamphetamine, or
6 controlled substance violation and is placed under direct
7 supervision of the Pretrial Services Agency, Probation
8 Department or Court Services Department in a pretrial bond
9 home supervision capacity with the use of an approved
10 monitoring device, as a condition of such ~~pretrial~~
11 ~~monitoring~~ bail bond, a fee that represents costs
12 incidental to the electronic monitoring for each day of
13 such ~~pretrial~~ bail supervision ordered by the court,
14 unless after determining the inability of the defendant to
15 pay the fee, the court assesses a lesser fee or no fee as
16 the case may be. The fee shall be collected by the clerk of
17 the circuit court, except as provided in an administrative
18 order of the Chief Judge of the circuit court. The clerk of
19 the circuit court shall pay all monies collected from this
20 fee to the county treasurer for deposit in the substance
21 abuse services fund under Section 5-1086.1 of the Counties
22 Code, except as provided in an administrative order of the
23 Chief Judge of the circuit court.

24 The Chief Judge of the circuit court of the county may
25 by administrative order establish a program for electronic
26 monitoring of offenders with regard to drug-related and

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

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

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

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

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

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

20 (14.3) The Chief Judge of the Judicial Circuit may
21 establish reasonable fees to be paid by a person receiving
22 pretrial services while under supervision of a pretrial
23 services agency, probation department, or court services
24 department. Reasonable fees may be charged for pretrial
25 services including, but not limited to, pretrial
26 supervision, diversion programs, electronic monitoring,

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

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

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

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

26 (17) Such other reasonable conditions as the court may

1 impose.

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

12 1. Vacate the household.

13 2. Make payment of temporary support to his
14 dependents.

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

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

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

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

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

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

16 (1) Duly prosecute his appeal;

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

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

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

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

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

1 designated by the court, any and all firearms in his or her
2 possession and his or her Firearm Owner's Identification Card
3 as a condition of ~~being released~~ remaining on bond pending
4 sentencing.

5 (h) In the event the defendant is ~~denied pretrial release~~
6 unable to post bond, the court may impose a no contact
7 provision with the victim or other interested party that shall
8 be enforced while the defendant remains in custody.

9 (Source: P.A. 101-138, eff. 1-1-20; 101-652.)

10 (725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

11 Sec. 110-11. ~~Pretrial release~~ Bail on a new trial. If the
12 judgment of conviction is reversed and the cause remanded for
13 a new trial the trial court may order that the ~~conditions of~~
14 ~~pretrial release~~ bail stand pending such trial, or ~~modify the~~
15 ~~conditions of pretrial release~~ reduce or increase bail.

16 (Source: Laws 1963, p. 2836; P.A. 101-652.)

17 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

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

19 A defendant who has been admitted to ~~pretrial release~~ bail
20 shall file a written notice with the clerk of the court before
21 which the proceeding is pending of any change in his or her
22 address within 24 hours after such change, except that a
23 defendant who has been admitted to ~~pretrial release~~ bail for a
24 forcible felony as defined in Section 2-8 of the Criminal Code

1 of 2012 shall file a written notice with the clerk of the court
2 before which the proceeding is pending and the clerk shall
3 immediately deliver a time stamped copy of the written notice
4 to the State's Attorney charged with the prosecution within 24
5 hours prior to such change. The address of a defendant who has
6 been admitted to ~~pretrial release~~ bail shall at all times
7 remain a matter of public record with the clerk of the court.

8 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

9 (725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

10 Sec. 111-2. Commencement of prosecutions.

11 (a) All prosecutions of felonies shall be by information
12 or by indictment. No prosecution may be pursued by information
13 unless a preliminary hearing has been held or waived in
14 accordance with Section 109-3 and at that hearing probable
15 cause to believe the defendant committed an offense was found,
16 and the provisions of Section 109-3.1 of this Code have been
17 complied with.

18 (b) All other prosecutions may be by indictment,
19 information or complaint.

20 (c) Upon the filing of an information or indictment in
21 open court charging the defendant with the commission of a sex
22 offense defined in any Section of Article 11 of the Criminal
23 Code of 1961 or the Criminal Code of 2012, and a minor as
24 defined in Section 1-3 of the Juvenile Court Act of 1987 is
25 alleged to be the victim of the commission of the acts of the

1 defendant in the commission of such offense, the court may
2 appoint a guardian ad litem for the minor as provided in
3 Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile Court Act of
4 1987.

5 (d) Upon the filing of an information or indictment in
6 open court, the court shall immediately issue a warrant for
7 the arrest of each person charged with an offense directed to a
8 peace officer or some other person specifically named
9 commanding him to arrest such person.

10 (e) When the offense is ~~eligible for pretrial release~~
11 bailable, the judge shall endorse on the warrant the
12 ~~conditions of pretrial release~~ amount of bail required by the
13 order of the court, and if the court orders the process
14 returnable forthwith, the warrant shall require that the
15 accused be arrested and brought immediately into court.

16 (f) Where the prosecution of a felony is by information or
17 complaint after preliminary hearing, or after a waiver of
18 preliminary hearing in accordance with paragraph (a) of this
19 Section, such prosecution may be for all offenses, arising
20 from the same transaction or conduct of a defendant even
21 though the complaint or complaints filed at the preliminary
22 hearing charged only one or some of the offenses arising from
23 that transaction or conduct.

24 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

1 (Text of Section before amendment by P.A. 101-652)

2 Sec. 112A-23. Enforcement of protective orders.

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

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

10 (i) remedies described in paragraph ~~paragraphs~~
11 (1), (2), (3), (14), or (14.5) of subsection (b) of
12 Section 112A-14 of this Code,

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

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

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

1 domestic violence order of protection; or

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

6 (i) remedies described in paragraph ~~paragraphs~~
7 (5), (6), or (8) of subsection (b) of Section 112A-14
8 of this Code, or

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

16 (3) The respondent commits the crime of violation of a
17 civil no contact order when the respondent violates
18 Section 12-3.8 of the Criminal Code of 2012. Prosecution
19 for a violation of a civil no contact order shall not bar
20 concurrent prosecution for any other crime, including any
21 crime that may have been committed at the time of the
22 violation of the civil no contact order.

23 (4) The respondent commits the crime of violation of a
24 stalking no contact order when the respondent violates
25 Section 12-3.9 of the Criminal Code of 2012. Prosecution
26 for a violation of a stalking no contact order shall not

1 bar concurrent prosecution for any other crime, including
2 any crime that may have been committed at the time of the
3 violation of the stalking no contact order.

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

17 (1) In a contempt proceeding where the petition for a
18 rule to show cause sets forth facts evidencing an
19 immediate danger that the respondent will flee the
20 jurisdiction, conceal a child, or inflict physical abuse
21 on the petitioner or minor children or on dependent adults
22 in petitioner's care, the court may order the attachment
23 of the respondent without prior service of the rule to
24 show cause or the petition for a rule to show cause. Bond
25 shall be set unless specifically denied in writing.

26 (2) A petition for a rule to show cause for violation

1 of a protective order shall be treated as an expedited
2 proceeding.

3 (c) Violation of custody, allocation of parental
4 responsibility, or support orders. A violation of remedies
5 described in ~~paragraph~~ ~~paragraphs~~ (5), (6), (8), or (9) of
6 subsection (b) of Section 112A-14 of this Code may be enforced
7 by any remedy provided by Section 607.5 of the Illinois
8 Marriage and Dissolution of Marriage Act. The court may
9 enforce any order for support issued under paragraph (12) of
10 subsection (b) of Section 112A-14 of this Code in the manner
11 provided for under Parts V and VII of the Illinois Marriage and
12 Dissolution of Marriage Act.

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

17 (1) (Blank).

18 (2) (Blank).

19 (3) By service of a protective order under subsection
20 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

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

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

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

1 entered under Section 112A-15 of this Code.

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

4 (e-5) If a civil no contact order entered under subsection
5 (6) of Section 112A-20 of the Code of Criminal Procedure of
6 1963 conflicts with an order issued pursuant to the Juvenile
7 Court Act of 1987 or the Illinois Marriage and Dissolution of
8 Marriage Act, the conflicting order issued under subsection
9 (6) of Section 112A-20 of the Code of Criminal Procedure of
10 1963 shall be void.

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

15 (g) Penalties.

16 (1) Except as provided in paragraph (3) of this
17 subsection (g), where the court finds the commission of a
18 crime or contempt of court under subsection ~~subsections~~

19 (a) or (b) of this Section, the penalty shall be the
20 penalty that generally applies in such criminal or
21 contempt proceedings, and may include one or more of the
22 following: incarceration, payment of restitution, a fine,
23 payment of attorneys' fees and costs, or community
24 service.

25 (2) The court shall hear and take into account
26 evidence of any factors in aggravation or mitigation

1 before deciding an appropriate penalty under paragraph (1)
2 of this subsection (g).

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

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

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

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

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

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

22 (i) to increase, revoke, or modify the bail bond
23 on an underlying criminal charge pursuant to Section
24 110-6 of this Code;

25 (ii) to revoke or modify an order of probation,
26 conditional discharge, or supervision, pursuant to

1 Section 5-6-4 of the Unified Code of Corrections;

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

5 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21.)

6 (Text of Section after amendment by P.A. 101-652)

7 Sec. 112A-23. Enforcement of protective orders.

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

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

15 (i) remedies described in paragraph ~~paragraphs~~
16 (1), (2), (3), (14), or (14.5) of subsection (b) of
17 Section 112A-14 of this Code,

18 (ii) a remedy, which is substantially similar to
19 the remedies authorized under paragraph ~~paragraphs~~
20 (1), (2), (3), (14), or (14.5) of subsection (b) of
21 Section 214 of the Illinois Domestic Violence Act of
22 1986, in a valid order of protection, which is
23 authorized under the laws of another state, tribe, or
24 United States territory, ~~or~~

25 (iii) or any other remedy when the act constitutes

1 a crime against the protected parties as defined by
2 the Criminal Code of 1961 or the Criminal Code of 2012.
3 Prosecution for a violation of a domestic violence
4 order of protection shall not bar concurrent prosecution
5 for any other crime, including any crime that may have
6 been committed at the time of the violation of the
7 domestic violence order of protection; or

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

12 (i) remedies described in paragraph ~~paragraphs~~
13 (5), (6), or (8) of subsection (b) of Section 112A-14
14 of this Code, or

15 (ii) a remedy, which is substantially similar to
16 the remedies authorized under paragraph ~~paragraphs~~
17 (1), (5), (6), or (8) of subsection (b) of Section 214
18 of the Illinois Domestic Violence Act of 1986, in a
19 valid 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
24 Section 12-3.8 of the Criminal Code of 2012. Prosecution
25 for a 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
11 any valid protective order, whether issued in a civil or
12 criminal proceeding, may be enforced through civil or criminal
13 contempt procedures, as appropriate, by any court with
14 jurisdiction, regardless where the act or acts which violated
15 the protective order were committed, to the extent consistent
16 with the venue provisions of this Article. Nothing in this
17 Article shall preclude any Illinois court from enforcing any
18 valid protective order issued in another state. Illinois
19 courts may enforce protective orders through both criminal
20 prosecution and contempt proceedings, unless the action which
21 is second in time is barred by collateral estoppel or the
22 constitutional 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
25 immediate danger that the respondent will flee the
26 jurisdiction, conceal a child, or inflict physical abuse

1 on the petitioner or minor children or on dependent adults
2 in petitioner's care, the court may order the attachment
3 of the respondent without prior service of the rule to
4 show cause or the petition for a rule to show cause. Bond
5 shall 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 paragraph ~~paragraphs~~ (5), (6), (8), or (9) of
12 subsection (b) of Section 112A-14 of this Code may be enforced
13 by any remedy provided by Section 607.5 of the Illinois
14 Marriage and Dissolution of Marriage Act. The court may
15 enforce any order for support issued under paragraph (12) of
16 subsection (b) of Section 112A-14 of this Code in the manner
17 provided for under Parts V and VII of the Illinois Marriage and
18 Dissolution of 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 the respondent has actual knowledge of its contents as
22 shown 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 (e-5) If a civil no contact order entered under subsection
11 (6) of Section 112A-20 of the Code of Criminal Procedure of
12 1963 conflicts with an order issued pursuant to the Juvenile
13 Court Act of 1987 or the Illinois Marriage and Dissolution of
14 Marriage Act, the conflicting order issued under subsection
15 (6) of Section 112A-20 of the Code of Criminal Procedure of
16 1963 shall be void.

17 (f) Circumstances. The court, when determining whether or
18 not a violation of a protective order has occurred, shall not
19 require physical manifestations of abuse on the person of the
20 victim.

21 (g) Penalties.

22 (1) Except as provided in paragraph (3) of this
23 subsection (g), where the court finds the commission of a
24 crime or contempt of court under subsection ~~subsections~~
25 (a) or (b) of this Section, the penalty shall be the
26 penalty that generally applies in such criminal or

1 contempt proceedings, and may include one or more of the
2 following: incarceration, payment of restitution, a fine,
3 payment of attorneys' fees and costs, or community
4 service.

5 (2) The court shall hear and take into account
6 evidence of any factors in aggravation or mitigation
7 before deciding an appropriate penalty under paragraph (1)
8 of this subsection (g).

9 (3) To the extent permitted by law, the court is
10 encouraged to:

11 (i) increase the penalty for the knowing violation
12 of any protective order over any penalty previously
13 imposed by any court for respondent's violation of any
14 protective order or penal statute involving petitioner
15 as victim and respondent as defendant;

16 (ii) impose a minimum penalty of 24 hours
17 imprisonment for respondent's first violation of any
18 protective order; and

19 (iii) impose a minimum penalty of 48 hours
20 imprisonment for respondent's second or subsequent
21 violation of a protective order

22 unless the court explicitly finds that an increased
23 penalty or that period of imprisonment would be manifestly
24 unjust.

25 (4) In addition to any other penalties imposed for a
26 violation of a protective order, a criminal court may

1 consider evidence of any violations of a protective order:

2 (i) to increase, revoke, or modify the conditions
3 ~~of pretrial release~~ bail bond on an underlying
4 criminal charge pursuant to Section 110-6 of this
5 Code;

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

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

12 (Source: P.A. 101-652, eff. 1-1-23; 102-184, eff. 1-1-22;
13 102-558, eff. 8-20-21; revised 10-12-21.)

14 (725 ILCS 5/114-1) (from Ch. 38, par. 114-1)

15 Sec. 114-1. Motion to dismiss charge.

16 (a) Upon the written motion of the defendant made prior to
17 trial before or after a plea has been entered the court may
18 dismiss the indictment, information or complaint upon any of
19 the following grounds:

20 (1) The defendant has not been placed on trial in
21 compliance with Section 103-5 of this Code.

22 (2) The prosecution of the offense is barred by
23 Sections 3-3 through 3-8 of the Criminal Code of 2012.

24 (3) The defendant has received immunity from
25 prosecution for the offense charged.

1 (4) The indictment was returned by a Grand Jury which
2 was improperly selected and which results in substantial
3 injustice to the defendant.

4 (5) The indictment was returned by a Grand Jury which
5 acted contrary to Article 112 of this Code and which
6 results in substantial injustice to the defendant.

7 (6) The court in which the charge has been filed does
8 not have jurisdiction.

9 (7) The county is an improper place of trial.

10 (8) The charge does not state an offense.

11 (9) The indictment is based solely upon the testimony
12 of an incompetent witness.

13 (10) The defendant is misnamed in the charge and the
14 misnomer results in substantial injustice to the
15 defendant.

16 (11) The requirements of Section 109-3.1 have not been
17 complied with.

18 (b) The court shall require any motion to dismiss to be
19 filed within a reasonable time after the defendant has been
20 arraigned. Any motion not filed within such time or an
21 extension thereof shall not be considered by the court and the
22 grounds therefor, except as to subsections (a)(6) and (a)(8)
23 of this Section, are waived.

24 (c) If the motion presents only an issue of law the court
25 shall determine it without the necessity of further pleadings.
26 If the motion alleges facts not of record in the case the State

1 shall file an answer admitting or denying each of the factual
2 allegations of the motion.

3 (d) When an issue of fact is presented by a motion to
4 dismiss and the answer of the State the court shall conduct a
5 hearing and determine the issues.

6 (d-5) When a defendant seeks dismissal of the charge upon
7 the ground set forth in subsection (a)(7) of this Section, the
8 defendant shall make a prima facie showing that the county is
9 an improper place of trial. Upon such showing, the State shall
10 have the burden of proving, by a preponderance of the
11 evidence, that the county is the proper place of trial.

12 (d-6) When a defendant seeks dismissal of the charge upon
13 the grounds set forth in subsection (a)(2) of this Section,
14 the prosecution shall have the burden of proving, by a
15 preponderance of the evidence, that the prosecution of the
16 offense is not barred by Sections 3-3 through 3-8 of the
17 Criminal Code of 2012.

18 (e) Dismissal of the charge upon the grounds set forth in
19 subsections (a)(4) through (a)(11) of this Section shall not
20 prevent the return of a new indictment or the filing of a new
21 charge, and upon such dismissal the court may order that the
22 defendant be held in custody or, if the defendant had been
23 previously released on ~~pretrial release~~ bail, that the
24 ~~pretrial release~~ bail be continued for a specified time
25 pending the return of a new indictment or the filing of a new
26 charge.

1 (f) If the court determines that the motion to dismiss
2 based upon the grounds set forth in subsections (a)(6) and
3 (a)(7) is well founded it may, instead of dismissal, order the
4 cause transferred to a court of competent jurisdiction or to a
5 proper place of trial.

6 (Source: P.A. 100-434, eff. 1-1-18; 101-652.)

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

8 Sec. 115-4.1. Absence of defendant.

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

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

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

1 therefrom, or to a final disposition of the trial in favor of
2 the defendant.

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

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

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

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

1 State may offer evidence of the defendant's conduct during his
2 period of absence from the court. The court may impose any
3 sentence authorized by the Unified Code of Corrections and is
4 not in any way limited or restricted by any sentence
5 previously imposed.

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

11 (Source: P.A. 90-787, eff. 8-14-98; 101-652.)

12 (725 ILCS 5/122-6) (from Ch. 38, par. 122-6)

13 Sec. 122-6. Disposition in trial court.

14 The court may receive proof by affidavits, depositions,
15 oral testimony, or other evidence. In its discretion the court
16 may order the petitioner brought before the court for the
17 hearing. If the court finds in favor of the petitioner, it
18 shall enter an appropriate order with respect to the judgment
19 or sentence in the former proceedings and such supplementary
20 orders as to rearraignment, retrial, custody, ~~conditions of~~
21 ~~pretrial release~~ bail or discharge as may be necessary and
22 proper.

23 (Source: Laws 1963, p. 2836; P.A. 101-652.)

24 (725 ILCS 5/110-1.5 rep.)

1 Section 225. The Code of Criminal Procedure of 1963 is
2 amended by repealing Section 110-1.5.

3 Section 230. The Code of Criminal Procedure of 1963 is
4 amended by changing the heading of Article 110 by changing
5 Sections 103-2, 103-3, and 108-8 as follows:

6 (725 ILCS 5/103-2) (from Ch. 38, par. 103-2)

7 Sec. 103-2. Treatment while in custody.

8 (a) On being taken into custody every person shall have
9 the right to remain silent.

10 (b) No unlawful means of any kind shall be used to obtain a
11 statement, admission or confession from any person in custody.

12 (c) Persons in custody shall be treated humanely and
13 provided with proper food, shelter and, if required, medical
14 treatment ~~without unreasonable delay if the need for the~~
15 ~~treatment is apparent.~~

16 (Source: Laws 1963, p. 2836; P.A. 101-652.)

17 (725 ILCS 5/103-3) (from Ch. 38, par. 103-3)

18 Sec. 103-3. Right to communicate with attorney and family;
19 transfers.

20 (a) ~~(Blank)~~. Persons who are arrested shall have the right
21 to communicate with an attorney of their choice and a member of
22 their family by making a reasonable number of telephone calls
23 or in any other reasonable manner. Such communication shall be

1 permitted within a reasonable time after arrival at the first
2 place of custody.

3 ~~(a 5) Persons who are in police custody have the right to~~
4 ~~communicate free of charge with an attorney of their choice~~
5 ~~and members of their family as soon as possible upon being~~
6 ~~taken into police custody, but no later than three hours after~~
7 ~~arrival at the first place of custody. Persons in police~~
8 ~~custody must be given:~~

9 ~~(1) access to use a telephone via a land line or~~
10 ~~cellular phone to make three phone calls; and~~

11 ~~(2) the ability to retrieve phone numbers contained in~~
12 ~~his or her contact list on his or her cellular phone prior~~
13 ~~to the phone being placed into inventory.~~

14 ~~(a 10) In accordance with Section 103 7, at every facility~~
15 ~~where a person is in police custody a sign containing, at~~
16 ~~minimum, the following information in bold block type must be~~
17 ~~posted in a conspicuous place:~~

18 ~~(1) a short statement notifying persons who are in~~
19 ~~police custody of their right to have access to a phone~~
20 ~~within three hours after being taken into police custody;~~
21 ~~and~~

22 ~~(2) persons who are in police custody have the right~~
23 ~~to make three phone calls within three hours after being~~
24 ~~taken into custody, at no charge.~~

25 ~~(a 15) In addition to the information listed in subsection~~
26 ~~(a 10), if the place of custody is located in a jurisdiction~~

1 ~~where the court has appointed the public defender or other~~
2 ~~attorney to represent persons who are in police custody, the~~
3 ~~telephone number to the public defender or appointed~~
4 ~~attorney's office must also be displayed. The telephone call~~
5 ~~to the public defender or other attorney must not be~~
6 ~~monitored, eavesdropped upon, or recorded.~~

7 (b) ~~(Blank)~~. In the event the accused is transferred to a
8 new place of custody his right to communicate with an attorney
9 and a member of his family is renewed.

10 ~~(c) In the event a person who is in police custody is~~
11 ~~transferred to a new place of custody, his or her right to make~~
12 ~~telephone calls under this Section within three hours after~~
13 ~~arrival is renewed.~~

14 ~~(d) In this Section "custody" means the restriction of a~~
15 ~~person's freedom of movement by a law enforcement officer's~~
16 ~~exercise of his or her lawful authority.~~

17 ~~(e) The three hours requirement shall not apply while the~~
18 ~~person in police custody is asleep, unconscious, or otherwise~~
19 ~~incapacitated.~~

20 ~~(f) Nothing in this Section shall interfere with a~~
21 ~~person's rights or override procedures required in the Bill of~~
22 ~~Rights of the Illinois and US Constitutions, including but not~~
23 ~~limited to Fourth Amendment search and seizure rights, Fifth~~
24 ~~Amendment due process rights and rights to be free from~~
25 ~~self incrimination and Sixth Amendment right to counsel.~~

26 (Source: P.A. 101-652, eff. 7-1-21.)

1 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

2 Sec. 108-8. Use of force in execution of search warrant.

3 (a) All necessary and reasonable force may be used to
4 effect an entry into any building or property or part thereof
5 to execute a search warrant.

6 (b) The court issuing a warrant may authorize the officer
7 executing the warrant to make entry without first knocking and
8 announcing his or her office if it finds, based upon a showing
9 of specific facts, the existence of the following exigent
10 circumstances:

11 (1) That the officer reasonably believes that if
12 notice were given a weapon would be used:

13 (i) against the officer executing the search
14 warrant; or

15 (ii) against another person.

16 (2) That if notice were given there is an imminent
17 "danger" that evidence will be destroyed.

18 ~~(c) Prior to the issuing of a warrant under subsection~~
19 ~~(b), the officer must attest that:~~

20 ~~(1) prior to entering the location described in the~~
21 ~~search warrant, a supervising officer will ensure that~~
22 ~~each participating member is assigned a body worn camera~~
23 ~~and is following policies and procedures in accordance~~
24 ~~with Section 10-20 of the Law Enforcement Officer Worn~~
25 ~~Body Camera Act; provided that the law enforcement agency~~

1 ~~has implemented body worn camera in accordance with~~
2 ~~Section 10-15 of the Law Enforcement Officer Worn Body~~
3 ~~Camera Act. If a law enforcement agency has not~~
4 ~~implemented a body camera in accordance with Section 10-15~~
5 ~~of the Law Enforcement Officer Worn Body Camera Act, the~~
6 ~~officer must attest that the interaction authorized by the~~
7 ~~warrant is otherwise recorded;~~

8 ~~(2) steps were taken in planning the search to ensure~~
9 ~~accuracy and plan for children or other vulnerable people~~
10 ~~on-site; and~~

11 ~~(3) if an officer becomes aware the search warrant was~~
12 ~~executed at an address, unit, or apartment different from~~
13 ~~the location listed on the search warrant, that member~~
14 ~~will immediately notify a supervisor who will ensure an~~
15 ~~internal investigation ensues.~~

16 (Source: P.A. 101-652, eff. 7-1-21.)

17 Section 235. The Code of Criminal Procedure of 1963 is
18 amended by reenacting Sections 110-6.3, 110-6.5, 110-7, 110-8,
19 110-9, 110-13, 110-14, 110-15, 110-16, 110-17, and 110-18 as
20 follows:

21 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

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

24 (a) Upon verified petition by the State, the court shall

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

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

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

1 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-2,
2 12-3.05, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-7.3, 12-7.4,
3 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code
4 of 1961 or the Criminal Code of 2012, against the same
5 person as the alleged victim of the stalking or aggravated
6 stalking offense.

7 (b) The court may deny bail to the defendant when, after
8 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 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
19 of conditions set forth in subsection (b) of Section
20 110-10 of this Code, including mental health treatment at
21 a community mental health center, hospital, or facility of
22 the Department of Human Services, can reasonably assure
23 the 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
9 own 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
19 of 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 release on bail or personal
26 recognizance is necessary to prevent fulfillment of

1 the threat upon which the charge is based;
2 shall be supported by clear and convincing evidence
3 presented by the State.

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

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

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

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

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

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

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

1 defendant, together with the circumstances surrounding
2 them;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 98-558, eff. 1-1-14; 101-652, eff. 7-1-21.)

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
14 or her own recognizance, unless the defendant consents to
15 periodic drug testing during the period of release on his
16 or her own recognizance, in accordance with this Section;

17 (2) consider the consent of the defendant to periodic
18 drug testing during the period of release on bail in
19 accordance with this Section as a favorable factor for the
20 defendant in determining the amount of bail, the
21 conditions of release or in considering the defendant's
22 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 bail hearing. This agreement
9 shall be made a specific condition of bail.

10 (d) The drug testing program shall be conducted as
11 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
7 reasonably preclude the probability of sample
8 contamination or 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
13 of 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 release on bail. Thereafter, the defendant shall
17 report to the pretrial services agency or probation department
18 as required by the agency or department. The pretrial services
19 agency or probation department shall immediately notify the
20 court of any defendant who fails to report for testing.

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

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

1 and shall warn the defendant of the consequences of
2 continued drug use.

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

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

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

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

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

22 (3) revoke the defendant's bail; or

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

25 (h) The results of any drug testing conducted under this
26 Section shall not be admissible on the issue of the

1 defendant's guilt in connection with any criminal charge.

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

4 (Source: P.A. 88-677, eff. 12-15-94; 101-652, eff. 7-1-21.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (i) When a court appearance is required for an alleged
2 violation of the Criminal Code of 1961, the Criminal Code of
3 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish
4 and Aquatic Life Code, the Child Passenger Protection Act, or
5 a comparable offense of a unit of local government as
6 specified in Supreme Court Rule 551, and if the accused does
7 not appear in court on the date set for appearance or any date
8 to which the case may be continued and the court issues an
9 arrest warrant for the accused, based upon his or her failure
10 to appear when having so previously been ordered to appear by
11 the court, the accused upon his or her admission to bail shall
12 be assessed by the court a fee of \$75. Payment of the fee shall
13 be a condition of release unless otherwise ordered by the
14 court. The fee shall be in addition to any bail that the
15 accused is required to deposit for the offense for which the
16 accused has been charged and may not be used for the payment of
17 court costs or fines assessed for the offense. The clerk of the
18 court shall remit \$70 of the fee assessed to the arresting
19 agency who brings the offender in on the arrest warrant. If the
20 Department of State Police is the arresting agency, \$70 of the
21 fee assessed shall be remitted by the clerk of the court to the
22 State Treasurer within one month after receipt for deposit
23 into the State Police Operations Assistance Fund. The clerk of
24 the court shall remit \$5 of the fee assessed to the Circuit
25 Court Clerk Operation and Administrative Fund as provided in
26 Section 27.3d of the Clerks of Courts Act.

1 (Source: P.A. 99-412, eff. 1-1-16; 101-652, eff. 7-1-21.)

2 (725 ILCS 5/110-8) (from Ch. 38, par. 110-8)

3 Sec. 110-8. Cash, stocks, bonds and real estate as
4 security for bail.

5 (a) In lieu of the bail deposit provided for in Section
6 110-7 of this Code any person for whom bail has been set may
7 execute the bail bond with or without sureties which bond may
8 be secured:

9 (1) By a deposit, with the clerk of the court, of an amount
10 equal to the required bail, of cash, or stocks and bonds in
11 which trustees are authorized to invest trust funds under the
12 laws of this State; or

13 (2) By real estate situated in this State with
14 unencumbered equity not exempt owned by the accused or
15 sureties worth double the amount of bail set in the bond.

16 (b) If the bail bond is secured by stocks and bonds the
17 accused or sureties shall file with the bond a sworn schedule
18 which shall be approved by the court and shall contain:

19 (1) A list of the stocks and bonds deposited
20 describing each in sufficient detail that it may be
21 identified;

22 (2) The market value of each stock and bond;

23 (3) The total market value of the stocks and bonds
24 listed;

25 (4) A statement that the affiant is the sole owner of

1 the stocks and bonds listed and they are not exempt from
2 the enforcement of a judgment thereon;

3 (5) A statement that such stocks and bonds have not
4 previously been used or accepted as bail in this State
5 during the 12 months preceding the date of the bail bond;
6 and

7 (6) A statement that such stocks and bonds are
8 security for the appearance of the accused in accordance
9 with the conditions of the bail bond.

10 (c) If the bail bond is secured by real estate the accused
11 or sureties shall file with the bond a sworn schedule which
12 shall contain:

13 (1) A legal description of the real estate;

14 (2) A description of any and all encumbrances on the
15 real estate including the amount of each and the holder
16 thereof;

17 (3) The market value of the unencumbered equity owned
18 by the affiant;

19 (4) A statement that the affiant is the sole owner of
20 such unencumbered equity and that it is not exempt from
21 the enforcement of a judgment thereon;

22 (5) A statement that the real estate has not
23 previously been used or accepted as bail in this State
24 during the 12 months preceding the date of the bail bond;
25 and

26 (6) A statement that the real estate is security for

1 the appearance of the accused in accordance with the
2 conditions of the bail bond.

3 (d) The sworn schedule shall constitute a material part of
4 the bail bond. The affiant commits perjury if in the sworn
5 schedule he makes a false statement which he does not believe
6 to be true. He shall be prosecuted and punished accordingly,
7 or, he may be punished for contempt.

8 (e) A certified copy of the bail bond and schedule of real
9 estate shall be filed immediately in the office of the
10 registrar of titles or recorder of the county in which the real
11 estate is situated and the State shall have a lien on such real
12 estate from the time such copies are filed in the office of the
13 registrar of titles or recorder. The registrar of titles or
14 recorder shall enter, index and record (or register as the
15 case may be) such bail bonds and schedules without requiring
16 any advance fee, which fee shall be taxed as costs in the
17 proceeding and paid out of such costs when collected.

18 (f) When the conditions of the bail bond have been
19 performed and the accused has been discharged from his
20 obligations in the cause, the clerk of the court shall return
21 to him or his sureties the deposit of any cash, stocks or
22 bonds. If the bail bond has been secured by real estate the
23 clerk of the court shall forthwith notify in writing the
24 registrar of titles or recorder and the lien of the bail bond
25 on the real estate shall be discharged.

26 (g) If the accused does not comply with the conditions of

1 the bail bond the court having jurisdiction shall enter an
2 order declaring the bail to be forfeited. Notice of such order
3 of forfeiture shall be mailed forthwith by the clerk of the
4 court to the accused and his sureties at their last known
5 address. If the accused does not appear and surrender to the
6 court having jurisdiction within 30 days from the date of the
7 forfeiture or within such period satisfy the court that
8 appearance and surrender by the accused is impossible and
9 without his fault the court shall enter judgment for the State
10 against the accused and his sureties for the amount of the bail
11 and costs of the proceedings; however, in counties with a
12 population of less than 3,000,000, if the defendant has posted
13 a cash bond, instead of the court entering a judgment for the
14 full amount of the bond the court may, in its discretion, enter
15 judgment for the cash deposit on the bond, less costs, retain
16 the deposit for further disposition or, if a cash bond was
17 posted for failure to appear in a matter involving enforcement
18 of child support or maintenance, the amount of the cash
19 deposit on the bond, less outstanding costs, may be awarded to
20 the person or entity to whom the child support or maintenance
21 is due.

22 (h) When judgment is entered in favor of the State on any
23 bail bond given for a felony or misdemeanor, or judgement for a
24 political subdivision of the state on any bail bond given for a
25 quasi-criminal or traffic offense, the State's Attorney or
26 political subdivision's attorney shall forthwith obtain a

1 certified copy of the judgment and deliver same to the sheriff
2 to be enforced by levy on the stocks or bonds deposited with
3 the clerk of the court and the real estate described in the
4 bail bond schedule. Any cash forfeited under subsection (g) of
5 this Section shall be used to satisfy the judgment and costs
6 and, without necessity of levy, ordered paid into the treasury
7 of the municipal corporation wherein the bail bond was taken
8 if the offense was a violation of any penal ordinance of a
9 political subdivision of this State, or into the treasury of
10 the county wherein the bail bond was taken if the offense was a
11 violation of any penal statute of this State, or to the person
12 or entity to whom child support or maintenance is owed if the
13 bond was taken for failure to appear in a matter involving
14 child support or maintenance. The stocks, bonds and real
15 estate shall be sold in the same manner as in sales for the
16 enforcement of a judgment in civil actions and the proceeds of
17 such sale shall be used to satisfy all court costs, prior
18 encumbrances, if any, and from the balance a sufficient amount
19 to satisfy the judgment shall be paid into the treasury of the
20 municipal corporation wherein the bail bond was taken if the
21 offense was a violation of any penal ordinance of a political
22 subdivision of this State, or into the treasury of the county
23 wherein the bail bond was taken if the offense was a violation
24 of any penal statute of this State. The balance shall be
25 returned to the owner. The real estate so sold may be redeemed
26 in the same manner as real estate may be redeemed after

1 judicial sales or sales for the enforcement of judgments in
2 civil actions.

3 (i) No stocks, bonds or real estate may be used or accepted
4 as bail bond security in this State more than once in any 12
5 month period.

6 (Source: P.A. 89-469, eff. 1-1-97; 101-652, eff. 7-1-21.)

7 (725 ILCS 5/110-9) (from Ch. 38, par. 110-9)

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

24 (Source: P.A. 99-618, eff. 1-1-17; 101-652, eff. 7-1-21.)

1 (725 ILCS 5/110-13) (from Ch. 38, par. 110-13)

2 Sec. 110-13. Persons prohibited from furnishing bail
3 security. No attorney at law practicing in this State and no
4 official authorized to admit another to bail or to accept bail
5 shall furnish any part of any security for bail in any criminal
6 action or any proceeding nor shall any such person act as
7 surety for any accused admitted to bail.

8 (Source: Laws 1963, p. 2836; 101-652, eff. 7-1-21.)

9 (725 ILCS 5/110-14) (from Ch. 38, par. 110-14)

10 Sec. 110-14. Credit for incarceration on bailable offense;
11 credit against monetary bail for certain offenses.

12 (a) Any person incarcerated on a bailable offense who does
13 not supply bail and against whom a fine is levied on conviction
14 of the offense shall be allowed a credit of \$30 for each day so
15 incarcerated upon application of the defendant. However, in no
16 case shall the amount so allowed or credited exceed the amount
17 of the fine.

18 (b) Subsection (a) does not apply to a person incarcerated
19 for sexual assault as defined in paragraph (1) of subsection
20 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

21 (c) A person subject to bail on a Category B offense shall
22 have \$30 deducted from his or her 10% cash bond amount every
23 day the person is incarcerated. The sheriff shall calculate
24 and apply this \$30 per day reduction and send notice to the
25 circuit clerk if a defendant's 10% cash bond amount is reduced

1 to \$0, at which point the defendant shall be released upon his
2 or her own recognizance.

3 (d) The court may deny the incarceration credit in
4 subsection (c) of this Section if the person has failed to
5 appear as required before the court and is incarcerated based
6 on a warrant for failure to appear on the same original
7 criminal offense.

8 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19;
9 101-408, eff. 1-1-20; 101-652, eff. 7-1-21.)

10 (725 ILCS 5/110-15) (from Ch. 38, par. 110-15)

11 Sec. 110-15. Applicability of provisions for giving and
12 taking bail. The provisions of Sections 110-7 and 110-8 of
13 this Code are exclusive of other provisions of law for the
14 giving, taking, or enforcement of bail. In all cases where a
15 person is admitted to bail the provisions of Sections 110-7
16 and 110-8 of this Code shall be applicable.

17 However, the Supreme Court may, by rule or order,
18 prescribe a uniform schedule of amounts of bail in all but
19 felony offenses. The uniform schedule shall not require a
20 person cited for violating the Illinois Vehicle Code or a
21 similar provision of a local ordinance for which a violation
22 is a petty offense as defined by Section 5-1-17 of the Unified
23 Code of Corrections, excluding business offenses as defined by
24 Section 5-1-2 of the Unified Code of Corrections or a
25 violation of Section 15-111 or subsection (d) of Section 3-401

1 of the Illinois Vehicle Code, to post bond to secure bail for
2 his or her release. Such uniform schedule may provide that the
3 cash deposit provisions of Section 110-7 shall not apply to
4 bail amounts established for alleged violations punishable by
5 fine alone, and the schedule may further provide that in
6 specified traffic cases a valid Illinois chauffeur's or
7 operator's license must be deposited, in addition to 10% of
8 the amount of the bail specified in the schedule.

9 (Source: P.A. 98-870, eff. 1-1-15; 98-1134, eff. 1-1-15;
10 101-652, eff. 7-1-21.)

11 (725 ILCS 5/110-16) (from Ch. 38, par. 110-16)

12 Sec. 110-16. Bail bond-forfeiture in same case or absents
13 self during trial-not bailable. If a person admitted to bail
14 on a felony charge forfeits his bond and fails to appear in
15 court during the 30 days immediately after such forfeiture, on
16 being taken into custody thereafter he shall not be bailable
17 in the case in question, unless the court finds that his
18 absence was not for the purpose of obstructing justice or
19 avoiding prosecution.

20 (Source: P.A. 77-1447; 101-652, eff. 7-1-21.)

21 (725 ILCS 5/110-17) (from Ch. 38, par. 110-17)

22 Sec. 110-17. Unclaimed bail deposits. Any sum of money
23 deposited by any person to secure his or her release from
24 custody which remains unclaimed by the person entitled to its

1 return for 3 years after the conditions of the bail bond have
2 been performed and the accused has been discharged from all
3 obligations in the cause shall be presumed to be abandoned and
4 subject to disposition under the Revised Uniform Unclaimed
5 Property Act.

6 (Source: P.A. 100-22, eff. 1-1-18; 100-929, eff. 1-1-19;
7 101-81, eff. 7-12-19; 101-652, eff. 7-1-21.)

8 (725 ILCS 5/110-18) (from Ch. 38, par. 110-18)

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

24 (Source: P.A. 85-892; 101-652, eff. 7-1-21.)

1 Section 240. The Rights of Crime Victims and Witnesses Act
2 is amended by changing Sections 4 and 4.5 as follows:

3 (725 ILCS 120/4) (from Ch. 38, par. 1404)

4 Sec. 4. Rights of crime victims.

5 (a) Crime victims shall have the following rights:

6 (1) The right to be treated with fairness and respect
7 for their dignity and privacy and to be free from
8 harassment, intimidation, and abuse throughout the
9 criminal justice process.

10 (1.5) The right to notice and to a hearing before a
11 court ruling on a request for access to any of the victim's
12 records, information, or communications which are
13 privileged or confidential by law.

14 (2) The right to timely notification of all court
15 proceedings.

16 (3) The right to communicate with the prosecution.

17 (4) The right to be heard at any post-arraignment
18 court proceeding in which a right of the victim is at issue
19 and any court proceeding involving a post-arraignment
20 release decision, plea, or sentencing.

21 (5) The right to be notified of the conviction, the
22 sentence, the imprisonment and the release of the accused.

23 (6) The right to the timely disposition of the case
24 following the arrest of the accused.

25 (7) The right to be reasonably protected from the

1 accused through the criminal justice process.

2 (7.5) The right to have the safety of the victim and
3 the victim's family considered in denying or fixing the
4 amount of bail, determining whether to release the
5 defendant, and setting conditions of release after arrest
6 and conviction.

7 (8) The right to be present at the trial and all other
8 court proceedings on the same basis as the accused, unless
9 the victim is to testify and the court determines that the
10 victim's testimony would be materially affected if the
11 victim hears other testimony at the trial.

12 (9) The right to have present at all court
13 proceedings, including proceedings under the Juvenile
14 Court Act of 1987, subject to the rules of evidence, an
15 advocate and other support person of the victim's choice.

16 (10) The right to restitution.

17 (b) Any law enforcement agency that investigates an
18 offense committed in this State shall provide a crime victim
19 with a written statement and explanation of the rights of
20 crime victims under this amendatory Act of the 99th General
21 Assembly within 48 hours of law enforcement's initial contact
22 with a victim. The statement shall include information about
23 crime victim compensation, including how to contact the Office
24 of the Illinois Attorney General to file a claim, and
25 appropriate referrals to local and State programs that provide
26 victim services. The content of the statement shall be

1 provided to law enforcement by the Attorney General. Law
2 enforcement shall also provide a crime victim with a sign-off
3 sheet that the victim shall sign and date as an
4 acknowledgement that he or she has been furnished with
5 information and an explanation of the rights of crime victims
6 and compensation set forth in this Act.

7 (b-5) Upon the request of the victim, the law enforcement
8 agency having jurisdiction shall provide a free copy of the
9 police report concerning the victim's incident, as soon as
10 practicable, but in no event later than 5 business days from
11 the request.

12 (c) The Clerk of the Circuit Court shall post the rights of
13 crime victims set forth in Article I, Section 8.1(a) of the
14 Illinois Constitution and subsection (a) of this Section
15 within 3 feet of the door to any courtroom where criminal
16 proceedings are conducted. The clerk may also post the rights
17 in other locations in the courthouse.

18 (d) At any point, the victim has the right to retain a
19 victim's attorney who may be present during all stages of any
20 interview, investigation, or other interaction with
21 representatives of the criminal justice system. Treatment of
22 the victim should not be affected or altered in any way as a
23 result of the victim's decision to exercise this right.

24 (Source: P.A. 99-413, eff. 8-20-15; 100-1087, eff. 1-1-19;
25 101-652.)

1 (725 ILCS 120/4.5)

2 (Text of Section before amendment by P.A. 101-652)

3 Sec. 4.5. Procedures to implement the rights of crime
4 victims. To afford crime victims their rights, law
5 enforcement, prosecutors, judges, and corrections will provide
6 information, as appropriate, of the following procedures:

7 (a) At the request of the crime victim, law enforcement
8 authorities investigating the case shall provide notice of the
9 status of the investigation, except where the State's Attorney
10 determines that disclosure of such information would
11 unreasonably interfere with the investigation, until such time
12 as the alleged assailant is apprehended or the investigation
13 is closed.

14 (a-5) When law enforcement authorities reopen a closed
15 case to resume investigating, they shall provide notice of the
16 reopening of the case, except where the State's Attorney
17 determines that disclosure of such information would
18 unreasonably interfere with the investigation.

19 (b) The office of the State's Attorney:

20 (1) shall provide notice of the filing of an
21 information, the return of an indictment, or the filing of
22 a petition to adjudicate a minor as a delinquent for a
23 violent crime;

24 (2) shall provide timely notice of the date, time, and
25 place of court proceedings; of any change in the date,
26 time, and place of court proceedings; and of any

1 cancellation of court proceedings. Notice shall be
2 provided in sufficient time, wherever possible, for the
3 victim to make arrangements to attend or to prevent an
4 unnecessary appearance at court proceedings;

5 (3) or victim advocate personnel shall provide
6 information of social services and financial assistance
7 available for victims of crime, including information of
8 how to apply for these services and assistance;

9 (3.5) or victim advocate personnel shall provide
10 information about available victim services, including
11 referrals to programs, counselors, and agencies that
12 assist a victim to deal with trauma, loss, and grief;

13 (4) shall assist in having any stolen or other
14 personal property held by law enforcement authorities for
15 evidentiary or other purposes returned as expeditiously as
16 possible, pursuant to the procedures set out in Section
17 115-9 of the Code of Criminal Procedure of 1963;

18 (5) or victim advocate personnel shall provide
19 appropriate employer intercession services to ensure that
20 employers of victims will cooperate with the criminal
21 justice system in order to minimize an employee's loss of
22 pay and other benefits resulting from court appearances;

23 (6) shall provide, whenever possible, a secure waiting
24 area during court proceedings that does not require
25 victims to be in close proximity to defendants or
26 juveniles accused of a violent crime, and their families

1 and friends;

2 (7) shall provide notice to the crime victim of the
3 right to have a translator present at all court
4 proceedings and, in compliance with the federal Americans
5 with Disabilities Act of 1990, the right to communications
6 access through a sign language interpreter or by other
7 means;

8 (8) (blank);

9 (8.5) shall inform the victim of the right to be
10 present at all court proceedings, unless the victim is to
11 testify and the court determines that the victim's
12 testimony would be materially affected if the victim hears
13 other testimony at trial;

14 (9) shall inform the victim of the right to have
15 present at all court proceedings, subject to the rules of
16 evidence and confidentiality, an advocate and other
17 support person of the victim's choice;

18 (9.3) shall inform the victim of the right to retain
19 an attorney, at the victim's own expense, who, upon
20 written notice filed with the clerk of the court and
21 State's Attorney, is to receive copies of all notices,
22 motions, and court orders filed thereafter in the case, in
23 the same manner as if the victim were a named party in the
24 case;

25 (9.5) shall inform the victim of (A) the victim's
26 right under Section 6 of this Act to make a statement at

1 the sentencing hearing; (B) the right of the victim's
2 spouse, guardian, parent, grandparent, and other immediate
3 family and household members under Section 6 of this Act
4 to present a statement at sentencing; and (C) if a
5 presentence report is to be prepared, the right of the
6 victim's spouse, guardian, parent, grandparent, and other
7 immediate family and household members to submit
8 information to the preparer of the presentence report
9 about the effect the offense has had on the victim and the
10 person;

11 (10) at the sentencing shall make a good faith attempt
12 to explain the minimum amount of time during which the
13 defendant may actually be physically imprisoned. The
14 Office of the State's Attorney shall further notify the
15 crime victim of the right to request from the Prisoner
16 Review Board or Department of Juvenile Justice information
17 concerning the release of the defendant;

18 (11) shall request restitution at sentencing and as
19 part of a plea agreement if the victim requests
20 restitution;

21 (12) shall, upon the court entering a verdict of not
22 guilty by reason of insanity, inform the victim of the
23 notification services available from the Department of
24 Human Services, including the statewide telephone number,
25 under subparagraph (d) (2) of this Section;

26 (13) shall provide notice within a reasonable time

1 after receipt of notice from the custodian, of the release
2 of the defendant on bail or personal recognizance or the
3 release from detention of a minor who has been detained;

4 (14) shall explain in nontechnical language the
5 details of any plea or verdict of a defendant, or any
6 adjudication of a juvenile as a delinquent;

7 (15) shall make all reasonable efforts to consult with
8 the crime victim before the Office of the State's Attorney
9 makes an offer of a plea bargain to the defendant or enters
10 into negotiations with the defendant concerning a possible
11 plea agreement, and shall consider the written statement,
12 if prepared prior to entering into a plea agreement. The
13 right to consult with the prosecutor does not include the
14 right to veto a plea agreement or to insist the case go to
15 trial. If the State's Attorney has not consulted with the
16 victim prior to making an offer or entering into plea
17 negotiations with the defendant, the Office of the State's
18 Attorney shall notify the victim of the offer or the
19 negotiations within 2 business days and confer with the
20 victim;

21 (16) shall provide notice of the ultimate disposition
22 of the cases arising from an indictment or an information,
23 or a petition to have a juvenile adjudicated as a
24 delinquent for a violent crime;

25 (17) shall provide notice of any appeal taken by the
26 defendant and information on how to contact the

1 appropriate agency handling the appeal, and how to request
2 notice of any hearing, oral argument, or decision of an
3 appellate court;

4 (18) shall provide timely notice of any request for
5 post-conviction review filed by the defendant under
6 Article 122 of the Code of Criminal Procedure of 1963, and
7 of the date, time and place of any hearing concerning the
8 petition. Whenever possible, notice of the hearing shall
9 be given within 48 hours of the court's scheduling of the
10 hearing; and

11 (19) shall forward a copy of any statement presented
12 under Section 6 to the Prisoner Review Board or Department
13 of Juvenile Justice to be considered in making a
14 determination under Section 3-2.5-85 or subsection (b) of
15 Section 3-3-8 of the Unified Code of Corrections.

16 (c) The court shall ensure that the rights of the victim
17 are afforded.

18 (c-5) The following procedures shall be followed to afford
19 victims the rights guaranteed by Article I, Section 8.1 of the
20 Illinois Constitution:

21 (1) Written notice. A victim may complete a written
22 notice of intent to assert rights on a form prepared by the
23 Office of the Attorney General and provided to the victim
24 by the State's Attorney. The victim may at any time
25 provide a revised written notice to the State's Attorney.
26 The State's Attorney shall file the written notice with

1 the court. At the beginning of any court proceeding in
2 which the right of a victim may be at issue, the court and
3 prosecutor shall review the written notice to determine
4 whether the victim has asserted the right that may be at
5 issue.

6 (2) Victim's retained attorney. A victim's attorney
7 shall file an entry of appearance limited to assertion of
8 the victim's rights. Upon the filing of the entry of
9 appearance and service on the State's Attorney and the
10 defendant, the attorney is to receive copies of all
11 notices, motions and court orders filed thereafter in the
12 case.

13 (3) Standing. The victim has standing to assert the
14 rights enumerated in subsection (a) of Article I, Section
15 8.1 of the Illinois Constitution and the statutory rights
16 under Section 4 of this Act in any court exercising
17 jurisdiction over the criminal case. The prosecuting
18 attorney, a victim, or the victim's retained attorney may
19 assert the victim's rights. The defendant in the criminal
20 case has no standing to assert a right of the victim in any
21 court proceeding, including on appeal.

22 (4) Assertion of and enforcement of rights.

23 (A) The prosecuting attorney shall assert a
24 victim's right or request enforcement of a right by
25 filing a motion or by orally asserting the right or
26 requesting enforcement in open court in the criminal

1 case outside the presence of the jury. The prosecuting
2 attorney shall consult with the victim and the
3 victim's attorney regarding the assertion or
4 enforcement of a right. If the prosecuting attorney
5 decides not to assert or enforce a victim's right, the
6 prosecuting attorney shall notify the victim or the
7 victim's attorney in sufficient time to allow the
8 victim or the victim's attorney to assert the right or
9 to seek enforcement of a right.

10 (B) If the prosecuting attorney elects not to
11 assert a victim's right or to seek enforcement of a
12 right, the victim or the victim's attorney may assert
13 the victim's right or request enforcement of a right
14 by filing a motion or by orally asserting the right or
15 requesting enforcement in open court in the criminal
16 case outside the presence of the jury.

17 (C) If the prosecuting attorney asserts a victim's
18 right or seeks enforcement of a right, and the court
19 denies the assertion of the right or denies the
20 request for enforcement of a right, the victim or
21 victim's attorney may file a motion to assert the
22 victim's right or to request enforcement of the right
23 within 10 days of the court's ruling. The motion need
24 not demonstrate the grounds for a motion for
25 reconsideration. The court shall rule on the merits of
26 the motion.

1 (D) The court shall take up and decide any motion
2 or request asserting or seeking enforcement of a
3 victim's right without delay, unless a specific time
4 period is specified by law or court rule. The reasons
5 for any decision denying the motion or request shall
6 be clearly stated on the record.

7 (5) Violation of rights and remedies.

8 (A) If the court determines that a victim's right
9 has been violated, the court shall determine the
10 appropriate remedy for the violation of the victim's
11 right by hearing from the victim and the parties,
12 considering all factors relevant to the issue, and
13 then awarding appropriate relief to the victim.

14 (A-5) Consideration of an issue of a substantive
15 nature or an issue that implicates the constitutional
16 or statutory right of a victim at a court proceeding
17 labeled as a status hearing shall constitute a per se
18 violation of a victim's right.

19 (B) The appropriate remedy shall include only
20 actions necessary to provide the victim the right to
21 which the victim was entitled and may include
22 reopening previously held proceedings; however, in no
23 event shall the court vacate a conviction. Any remedy
24 shall be tailored to provide the victim an appropriate
25 remedy without violating any constitutional right of
26 the defendant. In no event shall the appropriate

1 remedy be a new trial, damages, or costs.

2 (6) Right to be heard. Whenever a victim has the right
3 to be heard, the court shall allow the victim to exercise
4 the right in any reasonable manner the victim chooses.

5 (7) Right to attend trial. A party must file a written
6 motion to exclude a victim from trial at least 60 days
7 prior to the date set for trial. The motion must state with
8 specificity the reason exclusion is necessary to protect a
9 constitutional right of the party, and must contain an
10 offer of proof. The court shall rule on the motion within
11 30 days. If the motion is granted, the court shall set
12 forth on the record the facts that support its finding
13 that the victim's testimony will be materially affected if
14 the victim hears other testimony at trial.

15 (8) Right to have advocate and support person present
16 at court proceedings.

17 (A) A party who intends to call an advocate as a
18 witness at trial must seek permission of the court
19 before the subpoena is issued. The party must file a
20 written motion at least 90 days before trial that sets
21 forth specifically the issues on which the advocate's
22 testimony is sought and an offer of proof regarding
23 (i) the content of the anticipated testimony of the
24 advocate; and (ii) the relevance, admissibility, and
25 materiality of the anticipated testimony. The court
26 shall consider the motion and make findings within 30

1 days of the filing of the motion. If the court finds by
2 a preponderance of the evidence that: (i) the
3 anticipated testimony is not protected by an absolute
4 privilege; and (ii) the anticipated testimony contains
5 relevant, admissible, and material evidence that is
6 not available through other witnesses or evidence, the
7 court shall issue a subpoena requiring the advocate to
8 appear to testify at an in camera hearing. The
9 prosecuting attorney and the victim shall have 15 days
10 to seek appellate review before the advocate is
11 required to testify at an ex parte in camera
12 proceeding.

13 The prosecuting attorney, the victim, and the
14 advocate's attorney shall be allowed to be present at
15 the ex parte in camera proceeding. If, after
16 conducting the ex parte in camera hearing, the court
17 determines that due process requires any testimony
18 regarding confidential or privileged information or
19 communications, the court shall provide to the
20 prosecuting attorney, the victim, and the advocate's
21 attorney a written memorandum on the substance of the
22 advocate's testimony. The prosecuting attorney, the
23 victim, and the advocate's attorney shall have 15 days
24 to seek appellate review before a subpoena may be
25 issued for the advocate to testify at trial. The
26 presence of the prosecuting attorney at the ex parte

1 in camera proceeding does not make the substance of
2 the advocate's testimony that the court has ruled
3 inadmissible subject to discovery.

4 (B) If a victim has asserted the right to have a
5 support person present at the court proceedings, the
6 victim shall provide the name of the person the victim
7 has chosen to be the victim's support person to the
8 prosecuting attorney, within 60 days of trial. The
9 prosecuting attorney shall provide the name to the
10 defendant. If the defendant intends to call the
11 support person as a witness at trial, the defendant
12 must seek permission of the court before a subpoena is
13 issued. The defendant must file a written motion at
14 least 45 days prior to trial that sets forth
15 specifically the issues on which the support person
16 will testify and an offer of proof regarding: (i) the
17 content of the anticipated testimony of the support
18 person; and (ii) the relevance, admissibility, and
19 materiality of the anticipated testimony.

20 If the prosecuting attorney intends to call the
21 support person as a witness during the State's
22 case-in-chief, the prosecuting attorney shall inform
23 the court of this intent in the response to the
24 defendant's written motion. The victim may choose a
25 different person to be the victim's support person.
26 The court may allow the defendant to inquire about

1 matters outside the scope of the direct examination
2 during cross-examination. If the court allows the
3 defendant to do so, the support person shall be
4 allowed to remain in the courtroom after the support
5 person has testified. A defendant who fails to
6 question the support person about matters outside the
7 scope of direct examination during the State's
8 case-in-chief waives the right to challenge the
9 presence of the support person on appeal. The court
10 shall allow the support person to testify if called as
11 a witness in the defendant's case-in-chief or the
12 State's rebuttal.

13 If the court does not allow the defendant to
14 inquire about matters outside the scope of the direct
15 examination, the support person shall be allowed to
16 remain in the courtroom after the support person has
17 been called by the defendant or the defendant has
18 rested. The court shall allow the support person to
19 testify in the State's rebuttal.

20 If the prosecuting attorney does not intend to
21 call the support person in the State's case-in-chief,
22 the court shall verify with the support person whether
23 the support person, if called as a witness, would
24 testify as set forth in the offer of proof. If the
25 court finds that the support person would testify as
26 set forth in the offer of proof, the court shall rule

1 on the relevance, materiality, and admissibility of
2 the anticipated testimony. If the court rules the
3 anticipated testimony is admissible, the court shall
4 issue the subpoena. The support person may remain in
5 the courtroom after the support person testifies and
6 shall be allowed to testify in rebuttal.

7 If the court excludes the victim's support person
8 during the State's case-in-chief, the victim shall be
9 allowed to choose another support person to be present
10 in court.

11 If the victim fails to designate a support person
12 within 60 days of trial and the defendant has
13 subpoenaed the support person to testify at trial, the
14 court may exclude the support person from the trial
15 until the support person testifies. If the court
16 excludes the support person the victim may choose
17 another person as a support person.

18 (9) Right to notice and hearing before disclosure of
19 confidential or privileged information or records. A
20 defendant who seeks to subpoena records of or concerning
21 the victim that are confidential or privileged by law must
22 seek permission of the court before the subpoena is
23 issued. The defendant must file a written motion and an
24 offer of proof regarding the relevance, admissibility and
25 materiality of the records. If the court finds by a
26 preponderance of the evidence that: (A) the records are

1 not protected by an absolute privilege and (B) the records
2 contain relevant, admissible, and material evidence that
3 is not available through other witnesses or evidence, the
4 court shall issue a subpoena requiring a sealed copy of
5 the records be delivered to the court to be reviewed in
6 camera. If, after conducting an in camera review of the
7 records, the court determines that due process requires
8 disclosure of any portion of the records, the court shall
9 provide copies of what it intends to disclose to the
10 prosecuting attorney and the victim. The prosecuting
11 attorney and the victim shall have 30 days to seek
12 appellate review before the records are disclosed to the
13 defendant. The disclosure of copies of any portion of the
14 records to the prosecuting attorney does not make the
15 records subject to discovery.

16 (10) Right to notice of court proceedings. If the
17 victim is not present at a court proceeding in which a
18 right of the victim is at issue, the court shall ask the
19 prosecuting attorney whether the victim was notified of
20 the time, place, and purpose of the court proceeding and
21 that the victim had a right to be heard at the court
22 proceeding. If the court determines that timely notice was
23 not given or that the victim was not adequately informed
24 of the nature of the court proceeding, the court shall not
25 rule on any substantive issues, accept a plea, or impose a
26 sentence and shall continue the hearing for the time

1 necessary to notify the victim of the time, place and
2 nature of the court proceeding. The time between court
3 proceedings shall not be attributable to the State under
4 Section 103-5 of the Code of Criminal Procedure of 1963.

5 (11) Right to timely disposition of the case. A victim
6 has the right to timely disposition of the case so as to
7 minimize the stress, cost, and inconvenience resulting
8 from the victim's involvement in the case. Before ruling
9 on a motion to continue trial or other court proceeding,
10 the court shall inquire into the circumstances for the
11 request for the delay and, if the victim has provided
12 written notice of the assertion of the right to a timely
13 disposition, and whether the victim objects to the delay.
14 If the victim objects, the prosecutor shall inform the
15 court of the victim's objections. If the prosecutor has
16 not conferred with the victim about the continuance, the
17 prosecutor shall inform the court of the attempts to
18 confer. If the court finds the attempts of the prosecutor
19 to confer with the victim were inadequate to protect the
20 victim's right to be heard, the court shall give the
21 prosecutor at least 3 but not more than 5 business days to
22 confer with the victim. In ruling on a motion to continue,
23 the court shall consider the reasons for the requested
24 continuance, the number and length of continuances that
25 have been granted, the victim's objections and procedures
26 to avoid further delays. If a continuance is granted over

1 the victim's objection, the court shall specify on the
2 record the reasons for the continuance and the procedures
3 that have been or will be taken to avoid further delays.

4 (12) Right to Restitution.

5 (A) If the victim has asserted the right to
6 restitution and the amount of restitution is known at
7 the time of sentencing, the court shall enter the
8 judgment of restitution at the time of sentencing.

9 (B) If the victim has asserted the right to
10 restitution and the amount of restitution is not known
11 at the time of sentencing, the prosecutor shall,
12 within 5 days after sentencing, notify the victim what
13 information and documentation related to restitution
14 is needed and that the information and documentation
15 must be provided to the prosecutor within 45 days
16 after sentencing. Failure to timely provide
17 information and documentation related to restitution
18 shall be deemed a waiver of the right to restitution.
19 The prosecutor shall file and serve within 60 days
20 after sentencing a proposed judgment for restitution
21 and a notice that includes information concerning the
22 identity of any victims or other persons seeking
23 restitution, whether any victim or other person
24 expressly declines restitution, the nature and amount
25 of any damages together with any supporting
26 documentation, a restitution amount recommendation,

1 and the names of any co-defendants and their case
2 numbers. Within 30 days after receipt of the proposed
3 judgment for restitution, the defendant shall file any
4 objection to the proposed judgment, a statement of
5 grounds for the objection, and a financial statement.
6 If the defendant does not file an objection, the court
7 may enter the judgment for restitution without further
8 proceedings. If the defendant files an objection and
9 either party requests a hearing, the court shall
10 schedule a hearing.

11 (13) Access to presentence reports.

12 (A) The victim may request a copy of the
13 presentence report prepared under the Unified Code of
14 Corrections from the State's Attorney. The State's
15 Attorney shall redact the following information before
16 providing a copy of the report:

17 (i) the defendant's mental history and
18 condition;

19 (ii) any evaluation prepared under subsection
20 (b) or (b-5) of Section 5-3-2; and

21 (iii) the name, address, phone number, and
22 other personal information about any other victim.

23 (B) The State's Attorney or the defendant may
24 request the court redact other information in the
25 report that may endanger the safety of any person.

26 (C) The State's Attorney may orally disclose to

1 the victim any of the information that has been
2 redacted if there is a reasonable likelihood that the
3 information will be stated in court at the sentencing.

4 (D) The State's Attorney must advise the victim
5 that the victim must maintain the confidentiality of
6 the report and other information. Any dissemination of
7 the report or information that was not stated at a
8 court proceeding constitutes indirect criminal
9 contempt of court.

10 (14) Appellate relief. If the trial court denies the
11 relief requested, the victim, the victim's attorney, or
12 the prosecuting attorney may file an appeal within 30 days
13 of the trial court's ruling. The trial or appellate court
14 may stay the court proceedings if the court finds that a
15 stay would not violate a constitutional right of the
16 defendant. If the appellate court denies the relief
17 sought, the reasons for the denial shall be clearly stated
18 in a written opinion. In any appeal in a criminal case, the
19 State may assert as error the court's denial of any crime
20 victim's right in the proceeding to which the appeal
21 relates.

22 (15) Limitation on appellate relief. In no case shall
23 an appellate court provide a new trial to remedy the
24 violation of a victim's right.

25 (16) The right to be reasonably protected from the
26 accused throughout the criminal justice process and the

1 right to have the safety of the victim and the victim's
2 family considered in denying or fixing the amount of bail,
3 determining whether to release the defendant, and setting
4 conditions of release after arrest and conviction. A
5 victim of domestic violence, a sexual offense, or stalking
6 may request the entry of a protective order under Article
7 112A of the Code of Criminal Procedure of 1963.

8 (d) Procedures after the imposition of sentence.

9 (1) The Prisoner Review Board shall inform a victim or
10 any other concerned citizen, upon written request, of the
11 prisoner's release on parole, mandatory supervised
12 release, electronic detention, work release, international
13 transfer or exchange, or by the custodian, other than the
14 Department of Juvenile Justice, of the discharge of any
15 individual who was adjudicated a delinquent for a crime
16 from State custody and by the sheriff of the appropriate
17 county of any such person's final discharge from county
18 custody. The Prisoner Review Board, upon written request,
19 shall provide to a victim or any other concerned citizen a
20 recent photograph of any person convicted of a felony,
21 upon his or her release from custody. The Prisoner Review
22 Board, upon written request, shall inform a victim or any
23 other concerned citizen when feasible at least 7 days
24 prior to the prisoner's release on furlough of the times
25 and dates of such furlough. Upon written request by the
26 victim or any other concerned citizen, the State's

1 Attorney shall notify the person once of the times and
2 dates of release of a prisoner sentenced to periodic
3 imprisonment. Notification shall be based on the most
4 recent information as to victim's or other concerned
5 citizen's residence or other location available to the
6 notifying authority.

7 (2) When the defendant has been committed to the
8 Department of Human Services pursuant to Section 5-2-4 or
9 any other provision of the Unified Code of Corrections,
10 the victim may request to be notified by the releasing
11 authority of the approval by the court of an on-grounds
12 pass, a supervised off-grounds pass, an unsupervised
13 off-grounds pass, or conditional release; the release on
14 an off-grounds pass; the return from an off-grounds pass;
15 transfer to another facility; conditional release; escape;
16 death; or final discharge from State custody. The
17 Department of Human Services shall establish and maintain
18 a statewide telephone number to be used by victims to make
19 notification requests under these provisions and shall
20 publicize this telephone number on its website and to the
21 State's Attorney of each county.

22 (3) In the event of an escape from State custody, the
23 Department of Corrections or the Department of Juvenile
24 Justice immediately shall notify the Prisoner Review Board
25 of the escape and the Prisoner Review Board shall notify
26 the victim. The notification shall be based upon the most

1 recent information as to the victim's residence or other
2 location available to the Board. When no such information
3 is available, the Board shall make all reasonable efforts
4 to obtain the information and make the notification. When
5 the escapee is apprehended, the Department of Corrections
6 or the Department of Juvenile Justice immediately shall
7 notify the Prisoner Review Board and the Board shall
8 notify the victim.

9 (4) The victim of the crime for which the prisoner has
10 been sentenced has the right to register with the Prisoner
11 Review Board's victim registry. Victims registered with
12 the Board shall receive reasonable written notice not less
13 than 30 days prior to the parole hearing or target
14 aftercare release date. The victim has the right to submit
15 a victim statement for consideration by the Prisoner
16 Review Board or the Department of Juvenile Justice in
17 writing, on film, videotape, or other electronic means, or
18 in the form of a recording prior to the parole hearing or
19 target aftercare release date, or in person at the parole
20 hearing or aftercare release protest hearing, or by
21 calling the toll-free number established in subsection (f)
22 of this Section. The victim shall be notified within 7
23 days after the prisoner has been granted parole or
24 aftercare release and shall be informed of the right to
25 inspect the registry of parole decisions, established
26 under subsection (g) of Section 3-3-5 of the Unified Code

1 of Corrections. The provisions of this paragraph (4) are
2 subject to the Open Parole Hearings Act. Victim statements
3 provided to the Board shall be confidential and
4 privileged, including any statements received prior to
5 January 1, 2020 (the effective date of Public Act
6 101-288), except if the statement was an oral statement
7 made by the victim at a hearing open to the public.

8 (4-1) The crime victim has the right to submit a
9 victim statement for consideration by the Prisoner Review
10 Board or the Department of Juvenile Justice prior to or at
11 a hearing to determine the conditions of mandatory
12 supervised release of a person sentenced to a determinate
13 sentence or at a hearing on revocation of mandatory
14 supervised release of a person sentenced to a determinate
15 sentence. A victim statement may be submitted in writing,
16 on film, videotape, or other electronic means, or in the
17 form of a recording, or orally at a hearing, or by calling
18 the toll-free number established in subsection (f) of this
19 Section. Victim statements provided to the Board shall be
20 confidential and privileged, including any statements
21 received prior to January 1, 2020 (the effective date of
22 Public Act 101-288), except if the statement was an oral
23 statement made by the victim at a hearing open to the
24 public.

25 (4-2) The crime victim has the right to submit a
26 victim statement to the Prisoner Review Board for

1 consideration at an executive clemency hearing as provided
2 in Section 3-3-13 of the Unified Code of Corrections. A
3 victim statement may be submitted in writing, on film,
4 videotape, or other electronic means, or in the form of a
5 recording prior to a hearing, or orally at a hearing, or by
6 calling the toll-free number established in subsection (f)
7 of this Section. Victim statements provided to the Board
8 shall be confidential and privileged, including any
9 statements received prior to January 1, 2020 (the
10 effective date of Public Act 101-288), except if the
11 statement was an oral statement made by the victim at a
12 hearing open to the public.

13 (5) If a statement is presented under Section 6, the
14 Prisoner Review Board or Department of Juvenile Justice
15 shall inform the victim of any order of discharge pursuant
16 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
17 Corrections.

18 (6) At the written or oral request of the victim of the
19 crime for which the prisoner was sentenced or the State's
20 Attorney of the county where the person seeking parole or
21 aftercare release was prosecuted, the Prisoner Review
22 Board or Department of Juvenile Justice shall notify the
23 victim and the State's Attorney of the county where the
24 person seeking parole or aftercare release was prosecuted
25 of the death of the prisoner if the prisoner died while on
26 parole or aftercare release or mandatory supervised

1 release.

2 (7) When a defendant who has been committed to the
3 Department of Corrections, the Department of Juvenile
4 Justice, or the Department of Human Services is released
5 or discharged and subsequently committed to the Department
6 of Human Services as a sexually violent person and the
7 victim had requested to be notified by the releasing
8 authority of the defendant's discharge, conditional
9 release, death, or escape from State custody, the
10 releasing authority shall provide to the Department of
11 Human Services such information that would allow the
12 Department of Human Services to contact the victim.

13 (8) When a defendant has been convicted of a sex
14 offense as defined in Section 2 of the Sex Offender
15 Registration Act and has been sentenced to the Department
16 of Corrections or the Department of Juvenile Justice, the
17 Prisoner Review Board or the Department of Juvenile
18 Justice shall notify the victim of the sex offense of the
19 prisoner's eligibility for release on parole, aftercare
20 release, mandatory supervised release, electronic
21 detention, work release, international transfer or
22 exchange, or by the custodian of the discharge of any
23 individual who was adjudicated a delinquent for a sex
24 offense from State custody and by the sheriff of the
25 appropriate county of any such person's final discharge
26 from county custody. The notification shall be made to the

1 victim at least 30 days, whenever possible, before release
2 of the sex offender.

3 (e) The officials named in this Section may satisfy some
4 or all of their obligations to provide notices and other
5 information through participation in a statewide victim and
6 witness notification system established by the Attorney
7 General under Section 8.5 of this Act.

8 (f) The Prisoner Review Board shall establish a toll-free
9 number that may be accessed by the crime victim to present a
10 victim statement to the Board in accordance with paragraphs
11 (4), (4-1), and (4-2) of subsection (d).

12 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;
13 102-22, eff. 6-25-21; 102-558, eff. 8-20-21.)

14 (Text of Section after amendment by P.A. 101-652)

15 Sec. 4.5. Procedures to implement the rights of crime
16 victims. To afford crime victims their rights, law
17 enforcement, prosecutors, judges, and corrections will provide
18 information, as appropriate, of the following procedures:

19 (a) At the request of the crime victim, law enforcement
20 authorities investigating the case shall provide notice of the
21 status of the investigation, except where the State's Attorney
22 determines that disclosure of such information would
23 unreasonably interfere with the investigation, until such time
24 as the alleged assailant is apprehended or the investigation
25 is closed.

1 (a-5) When law enforcement authorities reopen a closed
2 case to resume investigating, they shall provide notice of the
3 reopening of the case, except where the State's Attorney
4 determines that disclosure of such information would
5 unreasonably interfere with the investigation.

6 (b) The office of the State's Attorney:

7 (1) shall provide notice of the filing of an
8 information, the return of an indictment, or the filing of
9 a petition to adjudicate a minor as a delinquent for a
10 violent crime;

11 (2) shall provide timely notice of the date, time, and
12 place of court proceedings; of any change in the date,
13 time, and place of court proceedings; and of any
14 cancellation of court proceedings. Notice shall be
15 provided in sufficient time, wherever possible, for the
16 victim to make arrangements to attend or to prevent an
17 unnecessary appearance at court proceedings;

18 (3) or victim advocate personnel shall provide
19 information of social services and financial assistance
20 available for victims of crime, including information of
21 how to apply for these services and assistance;

22 (3.5) or victim advocate personnel shall provide
23 information about available victim services, including
24 referrals to programs, counselors, and agencies that
25 assist a victim to deal with trauma, loss, and grief;

26 (4) shall assist in having any stolen or other

1 personal property held by law enforcement authorities for
2 evidentiary or other purposes returned as expeditiously as
3 possible, pursuant to the procedures set out in Section
4 115-9 of the Code of Criminal Procedure of 1963;

5 (5) or victim advocate personnel shall provide
6 appropriate employer intercession services to ensure that
7 employers of victims will cooperate with the criminal
8 justice system in order to minimize an employee's loss of
9 pay and other benefits resulting from court appearances;

10 (6) shall provide, whenever possible, a secure waiting
11 area during court proceedings that does not require
12 victims to be in close proximity to defendants or
13 juveniles accused of a violent crime, and their families
14 and friends;

15 (7) shall provide notice to the crime victim of the
16 right to have a translator present at all court
17 proceedings and, in compliance with the federal Americans
18 with Disabilities Act of 1990, the right to communications
19 access through a sign language interpreter or by other
20 means;

21 (8) (blank);

22 (8.5) shall inform the victim of the right to be
23 present at all court proceedings, unless the victim is to
24 testify and the court determines that the victim's
25 testimony would be materially affected if the victim hears
26 other testimony at trial;

1 (9) shall inform the victim of the right to have
2 present at all court proceedings, subject to the rules of
3 evidence and confidentiality, an advocate and other
4 support person of the victim's choice;

5 (9.3) shall inform the victim of the right to retain
6 an attorney, at the victim's own expense, who, upon
7 written notice filed with the clerk of the court and
8 State's Attorney, is to receive copies of all notices,
9 motions, and court orders filed thereafter in the case, in
10 the same manner as if the victim were a named party in the
11 case;

12 (9.5) shall inform the victim of (A) the victim's
13 right under Section 6 of this Act to make a statement at
14 the sentencing hearing; (B) the right of the victim's
15 spouse, guardian, parent, grandparent, and other immediate
16 family and household members under Section 6 of this Act
17 to present a statement at sentencing; and (C) if a
18 presentence report is to be prepared, the right of the
19 victim's spouse, guardian, parent, grandparent, and other
20 immediate family and household members to submit
21 information to the preparer of the presentence report
22 about the effect the offense has had on the victim and the
23 person;

24 (10) at the sentencing shall make a good faith attempt
25 to explain the minimum amount of time during which the
26 defendant may actually be physically imprisoned. The

1 Office of the State's Attorney shall further notify the
2 crime victim of the right to request from the Prisoner
3 Review Board or Department of Juvenile Justice information
4 concerning the release of the defendant;

5 (11) shall request restitution at sentencing and as
6 part of a plea agreement if the victim requests
7 restitution;

8 (12) shall, upon the court entering a verdict of not
9 guilty by reason of insanity, inform the victim of the
10 notification services available from the Department of
11 Human Services, including the statewide telephone number,
12 under subparagraph (d) (2) of this Section;

13 (13) shall provide notice within a reasonable time
14 after receipt of notice from the custodian, of the release
15 of the defendant on ~~pretrial release~~ bail or personal
16 recognizance or the release from detention of a minor who
17 has been detained;

18 (14) shall explain in nontechnical language the
19 details of any plea or verdict of a defendant, or any
20 adjudication of a juvenile as a delinquent;

21 (15) shall make all reasonable efforts to consult with
22 the crime victim before the Office of the State's Attorney
23 makes an offer of a plea bargain to the defendant or enters
24 into negotiations with the defendant concerning a possible
25 plea agreement, and shall consider the written statement,
26 if prepared prior to entering into a plea agreement. The

1 right to consult with the prosecutor does not include the
2 right to veto a plea agreement or to insist the case go to
3 trial. If the State's Attorney has not consulted with the
4 victim prior to making an offer or entering into plea
5 negotiations with the defendant, the Office of the State's
6 Attorney shall notify the victim of the offer or the
7 negotiations within 2 business days and confer with the
8 victim;

9 (16) shall provide notice of the ultimate disposition
10 of the cases arising from an indictment or an information,
11 or a petition to have a juvenile adjudicated as a
12 delinquent for a violent crime;

13 (17) shall provide notice of any appeal taken by the
14 defendant and information on how to contact the
15 appropriate agency handling the appeal, and how to request
16 notice of any hearing, oral argument, or decision of an
17 appellate court;

18 (18) shall provide timely notice of any request for
19 post-conviction review filed by the defendant under
20 Article 122 of the Code of Criminal Procedure of 1963, and
21 of the date, time and place of any hearing concerning the
22 petition. Whenever possible, notice of the hearing shall
23 be given within 48 hours of the court's scheduling of the
24 hearing;

25 (19) shall forward a copy of any statement presented
26 under Section 6 to the Prisoner Review Board or Department

1 of Juvenile Justice to be considered in making a
2 determination under Section 3-2.5-85 or subsection (b) of
3 Section 3-3-8 of the Unified Code of Corrections;

4 (20) shall, within a reasonable time, offer to meet
5 with the crime victim regarding the decision of the
6 State's Attorney not to charge an offense, and shall meet
7 with the victim, if the victim agrees. The victim has a
8 right to have an attorney, advocate, and other support
9 person of the victim's choice attend this meeting with the
10 victim; and

11 (21) shall give the crime victim timely notice of any
12 decision not to pursue charges and consider the safety of
13 the victim when deciding how to give such notice.

14 (c) The court shall ensure that the rights of the victim
15 are afforded.

16 (c-5) The following procedures shall be followed to afford
17 victims the rights guaranteed by Article I, Section 8.1 of the
18 Illinois Constitution:

19 (1) Written notice. A victim may complete a written
20 notice of intent to assert rights on a form prepared by the
21 Office of the Attorney General and provided to the victim
22 by the State's Attorney. The victim may at any time
23 provide a revised written notice to the State's Attorney.
24 The State's Attorney shall file the written notice with
25 the court. At the beginning of any court proceeding in
26 which the right of a victim may be at issue, the court and

1 prosecutor shall review the written notice to determine
2 whether the victim has asserted the right that may be at
3 issue.

4 (2) Victim's retained attorney. A victim's attorney
5 shall file an entry of appearance limited to assertion of
6 the victim's rights. Upon the filing of the entry of
7 appearance and service on the State's Attorney and the
8 defendant, the attorney is to receive copies of all
9 notices, motions and court orders filed thereafter in the
10 case.

11 (3) Standing. The victim has standing to assert the
12 rights enumerated in subsection (a) of Article I, Section
13 8.1 of the Illinois Constitution and the statutory rights
14 under Section 4 of this Act in any court exercising
15 jurisdiction over the criminal case. The prosecuting
16 attorney, a victim, or the victim's retained attorney may
17 assert the victim's rights. The defendant in the criminal
18 case has no standing to assert a right of the victim in any
19 court proceeding, including on appeal.

20 (4) Assertion of and enforcement of rights.

21 (A) The prosecuting attorney shall assert a
22 victim's right or request enforcement of a right by
23 filing a motion or by orally asserting the right or
24 requesting enforcement in open court in the criminal
25 case outside the presence of the jury. The prosecuting
26 attorney shall consult with the victim and the

1 victim's attorney regarding the assertion or
2 enforcement of a right. If the prosecuting attorney
3 decides not to assert or enforce a victim's right, the
4 prosecuting attorney shall notify the victim or the
5 victim's attorney in sufficient time to allow the
6 victim or the victim's attorney to assert the right or
7 to seek enforcement of a right.

8 (B) If the prosecuting attorney elects not to
9 assert a victim's right or to seek enforcement of a
10 right, the victim or the victim's attorney may assert
11 the victim's right or request enforcement of a right
12 by filing a motion or by orally asserting the right or
13 requesting enforcement in open court in the criminal
14 case outside the presence of the jury.

15 (C) If the prosecuting attorney asserts a victim's
16 right or seeks enforcement of a right, unless the
17 prosecuting attorney objects or the trial court does
18 not allow it, the victim or the victim's attorney may
19 be heard regarding the prosecuting attorney's motion
20 or may file a simultaneous motion to assert or request
21 enforcement of the victim's right. If the victim or
22 the victim's attorney was not allowed to be heard at
23 the hearing regarding the prosecuting attorney's
24 motion, and the court denies the prosecuting
25 attorney's assertion of the right or denies the
26 request for enforcement of a right, the victim or

1 victim's attorney may file a motion to assert the
2 victim's right or to request enforcement of the right
3 within 10 days of the court's ruling. The motion need
4 not demonstrate the grounds for a motion for
5 reconsideration. The court shall rule on the merits of
6 the motion.

7 (D) The court shall take up and decide any motion
8 or request asserting or seeking enforcement of a
9 victim's right without delay, unless a specific time
10 period is specified by law or court rule. The reasons
11 for any decision denying the motion or request shall
12 be clearly stated on the record.

13 (E) No later than January 1, 2023, the Office of
14 the Attorney General shall:

15 (i) designate an administrative authority
16 within the Office of the Attorney General to
17 receive and investigate complaints relating to the
18 provision or violation of the rights of a crime
19 victim as described in Article I, Section 8.1 of
20 the Illinois Constitution and in this Act;

21 (ii) create and administer a course of
22 training for employees and offices of the State of
23 Illinois that fail to comply with provisions of
24 Illinois law pertaining to the treatment of crime
25 victims as described in Article I, Section 8.1 of
26 the Illinois Constitution and in this Act as

1 required by the court under Section 5 of this Act;
2 and

3 (iii) have the authority to make
4 recommendations to employees and offices of the
5 State of Illinois to respond more effectively to
6 the needs of crime victims, including regarding
7 the violation of the rights of a crime victim.

8 (F) Crime victims' rights may also be asserted by
9 filing a complaint for mandamus, injunctive, or
10 declaratory relief in the jurisdiction in which the
11 victim's right is being violated or where the crime is
12 being prosecuted. For complaints or motions filed by
13 or on behalf of the victim, the clerk of court shall
14 waive filing fees that would otherwise be owed by the
15 victim for any court filing with the purpose of
16 enforcing crime victims' rights. If the court denies
17 the relief sought by the victim, the reasons for the
18 denial shall be clearly stated on the record in the
19 transcript of the proceedings, in a written opinion,
20 or in the docket entry, and the victim may appeal the
21 circuit court's decision to the appellate court. The
22 court shall issue prompt rulings regarding victims'
23 rights. Proceedings seeking to enforce victims' rights
24 shall not be stayed or subject to unreasonable delay
25 via continuances.

26 (5) Violation of rights and remedies.

1 (A) If the court determines that a victim's right
2 has been violated, the court shall determine the
3 appropriate remedy for the violation of the victim's
4 right by hearing from the victim and the parties,
5 considering all factors relevant to the issue, and
6 then awarding appropriate relief to the victim.

7 (A-5) Consideration of an issue of a substantive
8 nature or an issue that implicates the constitutional
9 or statutory right of a victim at a court proceeding
10 labeled as a status hearing shall constitute a per se
11 violation of a victim's right.

12 (B) The appropriate remedy shall include only
13 actions necessary to provide the victim the right to
14 which the victim was entitled. Remedies may include,
15 but are not limited to: injunctive relief requiring
16 the victim's right to be afforded; declaratory
17 judgment recognizing or clarifying the victim's
18 rights; a writ of mandamus; and may include reopening
19 previously held proceedings; however, in no event
20 shall the court vacate a conviction. Any remedy shall
21 be tailored to provide the victim an appropriate
22 remedy without violating any constitutional right of
23 the defendant. In no event shall the appropriate
24 remedy to the victim be a new trial or damages.

25 The court shall impose a mandatory training course
26 provided by the Attorney General for the employee under

1 item (ii) of subparagraph (E) of paragraph (4), which must
2 be successfully completed within 6 months of the entry of
3 the court order.

4 This paragraph (5) takes effect January 2, 2023.

5 (6) Right to be heard. Whenever a victim has the right
6 to be heard, the court shall allow the victim to exercise
7 the right in any reasonable manner the victim chooses.

8 (7) Right to attend trial. A party must file a written
9 motion to exclude a victim from trial at least 60 days
10 prior to the date set for trial. The motion must state with
11 specificity the reason exclusion is necessary to protect a
12 constitutional right of the party, and must contain an
13 offer of proof. The court shall rule on the motion within
14 30 days. If the motion is granted, the court shall set
15 forth on the record the facts that support its finding
16 that the victim's testimony will be materially affected if
17 the victim hears other testimony at trial.

18 (8) Right to have advocate and support person present
19 at court proceedings.

20 (A) A party who intends to call an advocate as a
21 witness at trial must seek permission of the court
22 before the subpoena is issued. The party must file a
23 written motion at least 90 days before trial that sets
24 forth specifically the issues on which the advocate's
25 testimony is sought and an offer of proof regarding
26 (i) the content of the anticipated testimony of the

1 advocate; and (ii) the relevance, admissibility, and
2 materiality of the anticipated testimony. The court
3 shall consider the motion and make findings within 30
4 days of the filing of the motion. If the court finds by
5 a preponderance of the evidence that: (i) the
6 anticipated testimony is not protected by an absolute
7 privilege; and (ii) the anticipated testimony contains
8 relevant, admissible, and material evidence that is
9 not available through other witnesses or evidence, the
10 court shall issue a subpoena requiring the advocate to
11 appear to testify at an in camera hearing. The
12 prosecuting attorney and the victim shall have 15 days
13 to seek appellate review before the advocate is
14 required to testify at an ex parte in camera
15 proceeding.

16 The prosecuting attorney, the victim, and the
17 advocate's attorney shall be allowed to be present at
18 the ex parte in camera proceeding. If, after
19 conducting the ex parte in camera hearing, the court
20 determines that due process requires any testimony
21 regarding confidential or privileged information or
22 communications, the court shall provide to the
23 prosecuting attorney, the victim, and the advocate's
24 attorney a written memorandum on the substance of the
25 advocate's testimony. The prosecuting attorney, the
26 victim, and the advocate's attorney shall have 15 days

1 to seek appellate review before a subpoena may be
2 issued for the advocate to testify at trial. The
3 presence of the prosecuting attorney at the ex parte
4 in camera proceeding does not make the substance of
5 the advocate's testimony that the court has ruled
6 inadmissible subject to discovery.

7 (B) If a victim has asserted the right to have a
8 support person present at the court proceedings, the
9 victim shall provide the name of the person the victim
10 has chosen to be the victim's support person to the
11 prosecuting attorney, within 60 days of trial. The
12 prosecuting attorney shall provide the name to the
13 defendant. If the defendant intends to call the
14 support person as a witness at trial, the defendant
15 must seek permission of the court before a subpoena is
16 issued. The defendant must file a written motion at
17 least 45 days prior to trial that sets forth
18 specifically the issues on which the support person
19 will testify and an offer of proof regarding: (i) the
20 content of the anticipated testimony of the support
21 person; and (ii) the relevance, admissibility, and
22 materiality of the anticipated testimony.

23 If the prosecuting attorney intends to call the
24 support person as a witness during the State's
25 case-in-chief, the prosecuting attorney shall inform
26 the court of this intent in the response to the

1 defendant's written motion. The victim may choose a
2 different person to be the victim's support person.
3 The court may allow the defendant to inquire about
4 matters outside the scope of the direct examination
5 during cross-examination. If the court allows the
6 defendant to do so, the support person shall be
7 allowed to remain in the courtroom after the support
8 person has testified. A defendant who fails to
9 question the support person about matters outside the
10 scope of direct examination during the State's
11 case-in-chief waives the right to challenge the
12 presence of the support person on appeal. The court
13 shall allow the support person to testify if called as
14 a witness in the defendant's case-in-chief or the
15 State's rebuttal.

16 If the court does not allow the defendant to
17 inquire about matters outside the scope of the direct
18 examination, the support person shall be allowed to
19 remain in the courtroom after the support person has
20 been called by the defendant or the defendant has
21 rested. The court shall allow the support person to
22 testify in the State's rebuttal.

23 If the prosecuting attorney does not intend to
24 call the support person in the State's case-in-chief,
25 the court shall verify with the support person whether
26 the support person, if called as a witness, would

1 testify as set forth in the offer of proof. If the
2 court finds that the support person would testify as
3 set forth in the offer of proof, the court shall rule
4 on the relevance, materiality, and admissibility of
5 the anticipated testimony. If the court rules the
6 anticipated testimony is admissible, the court shall
7 issue the subpoena. The support person may remain in
8 the courtroom after the support person testifies and
9 shall be allowed to testify in rebuttal.

10 If the court excludes the victim's support person
11 during the State's case-in-chief, the victim shall be
12 allowed to choose another support person to be present
13 in court.

14 If the victim fails to designate a support person
15 within 60 days of trial and the defendant has
16 subpoenaed the support person to testify at trial, the
17 court may exclude the support person from the trial
18 until the support person testifies. If the court
19 excludes the support person the victim may choose
20 another person as a support person.

21 (9) Right to notice and hearing before disclosure of
22 confidential or privileged information or records.

23 (A) A defendant who seeks to subpoena testimony or
24 records of or concerning the victim that are
25 confidential or privileged by law must seek permission
26 of the court before the subpoena is issued. The

1 defendant must file a written motion and an offer of
2 proof regarding the relevance, admissibility and
3 materiality of the testimony or records. If the court
4 finds by a preponderance of the evidence that:

5 (i) the testimony or records are not protected
6 by an absolute privilege and

7 (ii) the testimony or records contain
8 relevant, admissible, and material evidence that
9 is not available through other witnesses or
10 evidence, the court shall issue a subpoena
11 requiring the witness to appear in camera or a
12 sealed copy of the records be delivered to the
13 court to be reviewed in camera. If, after
14 conducting an in camera review of the witness
15 statement or records, the court determines that
16 due process requires disclosure of any potential
17 testimony or any portion of the records, the court
18 shall provide copies of the records that it
19 intends to disclose to the prosecuting attorney
20 and the victim. The prosecuting attorney and the
21 victim shall have 30 days to seek appellate review
22 before the records are disclosed to the defendant,
23 used in any court proceeding, or disclosed to
24 anyone or in any way that would subject the
25 testimony or records to public review. The
26 disclosure of copies of any portion of the

1 testimony or records to the prosecuting attorney
2 under this Section does not make the records
3 subject to discovery or required to be provided to
4 the defendant.

5 (B) A prosecuting attorney who seeks to subpoena
6 information or records concerning the victim that are
7 confidential or privileged by law must first request
8 the written consent of the crime victim. If the victim
9 does not provide such written consent, including where
10 necessary the appropriate signed document required for
11 waiving privilege, the prosecuting attorney must serve
12 the subpoena at least 21 days prior to the date a
13 response or appearance is required to allow the
14 subject of the subpoena time to file a motion to quash
15 or request a hearing. The prosecuting attorney must
16 also send a written notice to the victim at least 21
17 days prior to the response date to allow the victim to
18 file a motion or request a hearing. The notice to the
19 victim shall inform the victim (i) that a subpoena has
20 been issued for confidential information or records
21 concerning the victim, (ii) that the victim has the
22 right to request a hearing prior to the response date
23 of the subpoena, and (iii) how to request the hearing.
24 The notice to the victim shall also include a copy of
25 the subpoena. If requested, a hearing regarding the
26 subpoena shall occur before information or records are

1 provided to the prosecuting attorney.

2 (10) Right to notice of court proceedings. If the
3 victim is not present at a court proceeding in which a
4 right of the victim is at issue, the court shall ask the
5 prosecuting attorney whether the victim was notified of
6 the time, place, and purpose of the court proceeding and
7 that the victim had a right to be heard at the court
8 proceeding. If the court determines that timely notice was
9 not given or that the victim was not adequately informed
10 of the nature of the court proceeding, the court shall not
11 rule on any substantive issues, accept a plea, or impose a
12 sentence and shall continue the hearing for the time
13 necessary to notify the victim of the time, place and
14 nature of the court proceeding. The time between court
15 proceedings shall not be attributable to the State under
16 Section 103-5 of the Code of Criminal Procedure of 1963.

17 (11) Right to timely disposition of the case. A victim
18 has the right to timely disposition of the case so as to
19 minimize the stress, cost, and inconvenience resulting
20 from the victim's involvement in the case. Before ruling
21 on a motion to continue trial or other court proceeding,
22 the court shall inquire into the circumstances for the
23 request for the delay and, if the victim has provided
24 written notice of the assertion of the right to a timely
25 disposition, and whether the victim objects to the delay.
26 If the victim objects, the prosecutor shall inform the

1 court of the victim's objections. If the prosecutor has
2 not conferred with the victim about the continuance, the
3 prosecutor shall inform the court of the attempts to
4 confer. If the court finds the attempts of the prosecutor
5 to confer with the victim were inadequate to protect the
6 victim's right to be heard, the court shall give the
7 prosecutor at least 3 but not more than 5 business days to
8 confer with the victim. In ruling on a motion to continue,
9 the court shall consider the reasons for the requested
10 continuance, the number and length of continuances that
11 have been granted, the victim's objections and procedures
12 to avoid further delays. If a continuance is granted over
13 the victim's objection, the court shall specify on the
14 record the reasons for the continuance and the procedures
15 that have been or will be taken to avoid further delays.

16 (12) Right to Restitution.

17 (A) If the victim has asserted the right to
18 restitution and the amount of restitution is known at
19 the time of sentencing, the court shall enter the
20 judgment of restitution at the time of sentencing.

21 (B) If the victim has asserted the right to
22 restitution and the amount of restitution is not known
23 at the time of sentencing, the prosecutor shall,
24 within 5 days after sentencing, notify the victim what
25 information and documentation related to restitution
26 is needed and that the information and documentation

1 must be provided to the prosecutor within 45 days
2 after sentencing. Failure to timely provide
3 information and documentation related to restitution
4 shall be deemed a waiver of the right to restitution.
5 The prosecutor shall file and serve within 60 days
6 after sentencing a proposed judgment for restitution
7 and a notice that includes information concerning the
8 identity of any victims or other persons seeking
9 restitution, whether any victim or other person
10 expressly declines restitution, the nature and amount
11 of any damages together with any supporting
12 documentation, a restitution amount recommendation,
13 and the names of any co-defendants and their case
14 numbers. Within 30 days after receipt of the proposed
15 judgment for restitution, the defendant shall file any
16 objection to the proposed judgment, a statement of
17 grounds for the objection, and a financial statement.
18 If the defendant does not file an objection, the court
19 may enter the judgment for restitution without further
20 proceedings. If the defendant files an objection and
21 either party requests a hearing, the court shall
22 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
13 the victim any of the information that has been
14 redacted if there is a reasonable likelihood that the
15 information 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
24 the prosecuting attorney may file an appeal within 30 days
25 of the trial court's ruling. The trial or appellate court
26 may stay the court proceedings if the court finds that a

1 stay would not violate a constitutional right of the
2 defendant. If the appellate court denies the relief
3 sought, the reasons for the denial shall be clearly stated
4 in a written opinion. In any appeal in a criminal case, the
5 State may assert as error the court's denial of any crime
6 victim's right in the proceeding to which the appeal
7 relates.

8 (15) Limitation on appellate relief. In no case shall
9 an appellate court provide a new trial to remedy the
10 violation of a victim's right.

11 (16) The right to be reasonably protected from the
12 accused throughout the criminal justice process and the
13 right to have the safety of the victim and the victim's
14 family considered in denying or fixing the amount of bail,
15 determining whether to release the defendant, and setting
16 conditions of release after arrest and conviction. A
17 victim of domestic violence, a sexual offense, or stalking
18 may request the entry of a protective order under Article
19 112A of the Code of Criminal Procedure of 1963.

20 (d) Procedures after the imposition of sentence.

21 (1) The Prisoner Review Board shall inform a victim or
22 any other concerned citizen, upon written request, of the
23 prisoner's release on parole, mandatory supervised
24 release, electronic detention, work release, international
25 transfer or exchange, or by the custodian, other than the
26 Department of Juvenile Justice, of the discharge of any

1 individual who was adjudicated a delinquent for a crime
2 from State custody and by the sheriff of the appropriate
3 county of any such person's final discharge from county
4 custody. The Prisoner Review Board, upon written request,
5 shall provide to a victim or any other concerned citizen a
6 recent photograph of any person convicted of a felony,
7 upon his or her release from custody. The Prisoner Review
8 Board, upon written request, shall inform a victim or any
9 other concerned citizen when feasible at least 7 days
10 prior to the prisoner's release on furlough of the times
11 and dates of such furlough. Upon written request by the
12 victim or any other concerned citizen, the State's
13 Attorney shall notify the person once of the times and
14 dates of release of a prisoner sentenced to periodic
15 imprisonment. Notification shall be based on the most
16 recent information as to victim's or other concerned
17 citizen's residence or other location available to the
18 notifying authority.

19 (2) When the defendant has been committed to the
20 Department of Human Services pursuant to Section 5-2-4 or
21 any other provision of the Unified Code of Corrections,
22 the victim may request to be notified by the releasing
23 authority of the approval by the court of an on-grounds
24 pass, a supervised off-grounds pass, an unsupervised
25 off-grounds pass, or conditional release; the release on
26 an off-grounds pass; the return from an off-grounds pass;

1 transfer to another facility; conditional release; escape;
2 death; or final discharge from State custody. The
3 Department of Human Services shall establish and maintain
4 a statewide telephone number to be used by victims to make
5 notification requests under these provisions and shall
6 publicize this telephone number on its website and to the
7 State's Attorney of each county.

8 (3) In the event of an escape from State custody, the
9 Department of Corrections or the Department of Juvenile
10 Justice immediately shall notify the Prisoner Review Board
11 of the escape and the Prisoner Review Board shall notify
12 the victim. The notification shall be based upon the most
13 recent information as to the victim's residence or other
14 location available to the Board. When no such information
15 is available, the Board shall make all reasonable efforts
16 to obtain the information and make the notification. When
17 the escapee is apprehended, the Department of Corrections
18 or the Department of Juvenile Justice immediately shall
19 notify the Prisoner Review Board and the Board shall
20 notify the victim.

21 (4) The victim of the crime for which the prisoner has
22 been sentenced has the right to register with the Prisoner
23 Review Board's victim registry. Victims registered with
24 the Board shall receive reasonable written notice not less
25 than 30 days prior to the parole hearing or target
26 aftercare release date. The victim has the right to submit

1 a victim statement for consideration by the Prisoner
2 Review Board or the Department of Juvenile Justice in
3 writing, on film, videotape, or other electronic means, or
4 in the form of a recording prior to the parole hearing or
5 target aftercare release date, or in person at the parole
6 hearing or aftercare release protest hearing, or by
7 calling the toll-free number established in subsection (f)
8 of this Section. The victim shall be notified within 7
9 days after the prisoner has been granted parole or
10 aftercare release and shall be informed of the right to
11 inspect the registry of parole decisions, established
12 under subsection (g) of Section 3-3-5 of the Unified Code
13 of Corrections. The provisions of this paragraph (4) are
14 subject to the Open Parole Hearings Act. Victim statements
15 provided to the Board shall be confidential and
16 privileged, including any statements received prior to
17 ~~January 1, 2020 (the effective date of Public Act 101-288)~~
18 this amendatory Act of the 101st General Assembly, except
19 if the statement was an oral statement made by the victim
20 at a hearing open to the public.

21 (4-1) The crime victim has the right to submit a
22 victim statement for consideration by the Prisoner Review
23 Board or the Department of Juvenile Justice prior to or at
24 a hearing to determine the conditions of mandatory
25 supervised release of a person sentenced to a determinate
26 sentence or at a hearing on revocation of mandatory

1 supervised release of a person sentenced to a determinate
2 sentence. A victim statement may be submitted in writing,
3 on film, videotape, or other electronic means, or in the
4 form of a recording, or orally at a hearing, or by calling
5 the toll-free number established in subsection (f) of this
6 Section. Victim statements provided to the Board shall be
7 confidential and privileged, including any statements
8 received prior to ~~January 1, 2020~~ (the effective date of
9 ~~Public Act 101-288~~) this amendatory Act of the 101st
10 General Assembly, except if the statement was an oral
11 statement made by the victim at a hearing open to the
12 public.

13 (4-2) The crime victim has the right to submit a
14 victim statement to the Prisoner Review Board for
15 consideration at an executive clemency hearing as provided
16 in Section 3-3-13 of the Unified Code of Corrections. A
17 victim statement may be submitted in writing, on film,
18 videotape, or other electronic means, or in the form of a
19 recording prior to a hearing, or orally at a hearing, or by
20 calling the toll-free number established in subsection (f)
21 of this Section. Victim statements provided to the Board
22 shall be confidential and privileged, including any
23 statements received prior to ~~January 1, 2020~~ (the
24 effective date of ~~Public Act 101-288~~) this amendatory Act
25 of the 101st General Assembly, except if the statement was
26 an oral statement made by the victim at a hearing open to

1 the public.

2 (5) If a statement is presented under Section 6, the
3 Prisoner Review Board or Department of Juvenile Justice
4 shall inform the victim of any order of discharge pursuant
5 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
6 Corrections.

7 (6) At the written or oral request of the victim of the
8 crime for which the prisoner was sentenced or the State's
9 Attorney of the county where the person seeking parole or
10 aftercare release was prosecuted, the Prisoner Review
11 Board or Department of Juvenile Justice shall notify the
12 victim and the State's Attorney of the county where the
13 person seeking parole or aftercare release was prosecuted
14 of the death of the prisoner if the prisoner died while on
15 parole or aftercare release or mandatory supervised
16 release.

17 (7) When a defendant who has been committed to the
18 Department of Corrections, the Department of Juvenile
19 Justice, or the Department of Human Services is released
20 or discharged and subsequently committed to the Department
21 of Human Services as a sexually violent person and the
22 victim had requested to be notified by the releasing
23 authority of the defendant's discharge, conditional
24 release, death, or escape from State custody, the
25 releasing authority shall provide to the Department of
26 Human Services such information that would allow the

1 Department of Human Services to contact the victim.

2 (8) When a defendant has been convicted of a sex
3 offense as defined in Section 2 of the Sex Offender
4 Registration Act and has been sentenced to the Department
5 of Corrections or the Department of Juvenile Justice, the
6 Prisoner Review Board or the Department of Juvenile
7 Justice shall notify the victim of the sex offense of the
8 prisoner's eligibility for release on parole, aftercare
9 release, mandatory supervised release, electronic
10 detention, work release, international transfer or
11 exchange, or by the custodian of the discharge of any
12 individual who was adjudicated a delinquent for a sex
13 offense from State custody and by the sheriff of the
14 appropriate county of any such person's final discharge
15 from county custody. The notification shall be made to the
16 victim at least 30 days, whenever possible, before release
17 of the sex offender.

18 (e) The officials named in this Section may satisfy some
19 or all of their obligations to provide notices and other
20 information through participation in a statewide victim and
21 witness notification system established by the Attorney
22 General under Section 8.5 of this Act.

23 (f) The Prisoner Review Board shall establish a toll-free
24 number that may be accessed by the crime victim to present a
25 victim statement to the Board in accordance with paragraphs
26 (4), (4-1), and (4-2) of subsection (d).

1 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;
2 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.
3 8-20-21.)

4 Section 245. The Pretrial Services Act is amended by
5 changing Sections 11, 20, 22, and 34 as follows:

6 (725 ILCS 185/11) (from Ch. 38, par. 311)

7 Sec. 11. No person shall be interviewed by a pretrial
8 services agency unless he or she has first been apprised of the
9 identity and purpose of the interviewer, the scope of the
10 interview, the right to secure legal advice, and the right to
11 refuse cooperation. Inquiry of the defendant shall carefully
12 exclude questions concerning the details of the current
13 charge. Statements made by the defendant during the interview,
14 or evidence derived therefrom, are admissible in evidence only
15 when the court is considering the imposition of pretrial or
16 posttrial conditions to bail or recognizance, or when
17 considering the modification of a prior release order.

18 (Source: P.A. 84-1449; 101-652.)

19 (725 ILCS 185/20) (from Ch. 38, par. 320)

20 Sec. 20. In preparing and presenting its written reports
21 under Sections 17 and 19, pretrial services agencies shall in
22 appropriate cases include specific recommendations for the
23 setting ~~the conditions~~ , increase, or decrease of ~~pretrial~~

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

12 (Source: P.A. 91-357, eff. 7-29-99; 101-652.)

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

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

24 (Source: P.A. 84-1449; 101-652.)

1 (725 ILCS 185/34)

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

9 (Source: P.A. 96-341, eff. 8-11-09; 101-652.)

10 Section 250. The Quasi-criminal and Misdemeanor Bail Act
11 is amended by changing the title of the Act and Sections 0.01,
12 1, 2, 3, and 5 as follows:

13 (725 ILCS 195/Act title)

14 An Act to authorize designated officers to let persons
15 charged with quasi-criminal offenses and misdemeanors to
16 ~~pretrial release~~ bail and to accept and receipt for fines on
17 pleas of guilty in minor offenses, in accordance with
18 schedules established by rule of court.

19 (725 ILCS 195/0.01) (from Ch. 16, par. 80)

20 Sec. 0.01. Short title. This Act may be cited as the
21 Quasi-criminal and Misdemeanor ~~Pretrial Release~~ Bail Act.

22 (Source: P.A. 86-1324; 101-652.)

1 (725 ILCS 195/1) (from Ch. 16, par. 81)

2 Sec. 1. Whenever in any circuit there shall be in force a
3 rule or order of the Supreme Court establishing a uniform ~~form~~
4 schedule prescribing the ~~conditions of pretrial release~~
5 amounts of bail for specified conservation cases, traffic
6 cases, quasi-criminal offenses and misdemeanors, any general
7 superintendent, chief, captain, lieutenant, or sergeant of
8 police, or other police officer, the sheriff, the circuit
9 clerk, and any deputy sheriff or deputy circuit clerk
10 designated by the Circuit Court for the purpose, are
11 authorized to let to ~~pretrial release~~ bail any person charged
12 with a quasi-criminal offense or misdemeanor and to accept and
13 receipt for bonds or cash bail in accordance with regulations
14 established by rule or order of the Supreme Court. Unless
15 otherwise provided by Supreme Court Rule, no such bail may be
16 posted or accepted in any place other than a police station,
17 sheriff's office or jail, or other county, municipal or other
18 building housing governmental units, or a division
19 headquarters building of the Illinois State Police. Bonds and
20 cash so received shall be delivered to the office of the
21 circuit clerk or that of his designated deputy as provided by
22 regulation. Such cash and securities so received shall be
23 delivered to the office of such clerk or deputy clerk within at
24 least 48 hours of receipt or within the time set for the
25 accused's appearance in court whichever is earliest.

26 In all cases where a person is admitted to bail under a

1 uniform schedule prescribing the amount of bail for specified
2 conservation cases, traffic cases, quasi-criminal offenses and
3 misdemeanors the provisions of Section 110-15 of the "Code of
4 Criminal Procedure of 1963", approved August 14, 1963, as
5 amended by the 75th General Assembly shall be applicable.

6 (Source: P.A. 80-897; 101-652.)

7 (725 ILCS 195/2) (from Ch. 16, par. 82)

8 Sec. 2. The conditions of the ~~pretrial release~~ bail bond
9 or deposit of cash bail shall be that the accused will appear
10 to answer the charge in court at a time and place specified in
11 the ~~pretrial release form~~ bond and thereafter as ordered by
12 the court until discharged on final order of the court and to
13 submit himself to the orders and process of the court. The
14 accused shall be furnished with an official receipt on a form
15 prescribed by rule of court for any cash or other security
16 deposited, and shall receive a copy of the ~~pretrial release~~
17 ~~form~~ bond specifying the time and place of his court
18 appearance.

19 Upon performance of the conditions of the ~~pretrial release~~
20 bond, the ~~pretrial release form~~ bond shall be null and void and
21 ~~the accused shall be released from the conditions of pretrial~~
22 ~~release~~ any cash bail or other security shall be returned to
23 the accused.

24 (Source: Laws 1963, p. 2652; P.A. 101-652.)

1 (725 ILCS 195/3) (from Ch. 16, par. 83)

2 Sec. 3. In lieu of ~~complying with the conditions of~~
3 ~~pretrial release~~ making bond or depositing cash bail as
4 provided in this Act or the deposit of other security
5 authorized by law, any accused person has the right to be
6 brought without unnecessary delay before the nearest or most
7 accessible judge of the circuit to be dealt with according to
8 law.

9 (Source: P.A. 77-1248; 101-652.)

10 (725 ILCS 195/5) (from Ch. 16, par. 85)

11 Sec. 5. Any person authorized to accept ~~pretrial release~~
12 bail or pleas of guilty by this Act who violates any provision
13 of this Act is guilty of a Class B misdemeanor.

14 (Source: P.A. 77-2319; 101-652.)

15 Section 255. The Unified Code of Corrections is amended by
16 changing Sections 5-3-2, 5-5-3.2, 5-6-4, 5-6-4.1, 5-8A-7, and
17 8-2-1 as follows:

18 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

19 (Text of Section before amendment by P.A. 101-652)

20 Sec. 5-3-2. Presentence report.

21 (a) In felony cases, the presentence report shall set
22 forth:

23 (1) the defendant's history of delinquency or

1 criminality, physical and mental history and condition,
2 family situation and background, economic status,
3 education, occupation and personal habits;

4 (2) information about special resources within the
5 community which might be available to assist the
6 defendant's rehabilitation, including treatment centers,
7 residential facilities, vocational training services,
8 correctional manpower programs, employment opportunities,
9 special educational programs, alcohol and drug abuse
10 programming, psychiatric and marriage counseling, and
11 other programs and facilities which could aid the
12 defendant's successful reintegration into society;

13 (3) the effect the offense committed has had upon the
14 victim or victims thereof, and any compensatory benefit
15 that various sentencing alternatives would confer on such
16 victim or victims;

17 (3.5) information provided by the victim's spouse,
18 guardian, parent, grandparent, and other immediate family
19 and household members about the effect the offense
20 committed has had on the victim and on the person
21 providing the information; if the victim's spouse,
22 guardian, parent, grandparent, or other immediate family
23 or household member has provided a written statement, the
24 statement shall be attached to the report;

25 (4) information concerning the defendant's status
26 since arrest, including his record if released on his own

1 recognizance, or the defendant's achievement record if
2 released on a conditional pre-trial supervision program;

3 (5) when appropriate, a plan, based upon the personal,
4 economic and social adjustment needs of the defendant,
5 utilizing public and private community resources as an
6 alternative to institutional sentencing;

7 (6) any other matters that the investigatory officer
8 deems relevant or the court directs to be included;

9 (7) information concerning the defendant's eligibility
10 for a sentence to a county impact incarceration program
11 under Section 5-8-1.2 of this Code; and

12 (8) information concerning the defendant's eligibility
13 for a sentence to an impact incarceration program
14 administered by the Department under Section 5-8-1.1.

15 (b) The investigation shall include a physical and mental
16 examination of the defendant when so ordered by the court. If
17 the court determines that such an examination should be made,
18 it shall issue an order that the defendant submit to
19 examination at such time and place as designated by the court
20 and that such examination be conducted by a physician,
21 psychologist or psychiatrist designated by the court. Such an
22 examination may be conducted in a court clinic if so ordered by
23 the court. The cost of such examination shall be paid by the
24 county in which the trial is held.

25 (b-5) In cases involving felony sex offenses in which the
26 offender is being considered for probation only or any felony

1 offense that is sexually motivated as defined in the Sex
2 Offender Management Board Act in which the offender is being
3 considered for probation only, the investigation shall include
4 a sex offender evaluation by an evaluator approved by the
5 Board and conducted in conformance with the standards
6 developed under the Sex Offender Management Board Act. In
7 cases in which the offender is being considered for any
8 mandatory prison sentence, the investigation shall not include
9 a sex offender evaluation.

10 (c) In misdemeanor, business offense or petty offense
11 cases, except as specified in subsection (d) of this Section,
12 when a presentence report has been ordered by the court, such
13 presentence report shall contain information on the
14 defendant's history of delinquency or criminality and shall
15 further contain only those matters listed in any of paragraphs
16 (1) through (6) of subsection (a) or in subsection (b) of this
17 Section as are specified by the court in its order for the
18 report.

19 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or
20 12-30 of the Criminal Code of 1961 or the Criminal Code of
21 2012, the presentence report shall set forth information about
22 alcohol, drug abuse, psychiatric, and marriage counseling or
23 other treatment programs and facilities, information on the
24 defendant's history of delinquency or criminality, and shall
25 contain those additional matters listed in any of paragraphs
26 (1) through (6) of subsection (a) or in subsection (b) of this

1 Section as are specified by the court.

2 (e) Nothing in this Section shall cause the defendant to
3 be held without bail or to have his bail revoked for the
4 purpose of preparing the presentence report or making an
5 examination.

6 (Source: P.A. 101-105, eff. 1-1-20; 102-558, eff. 8-20-21.)

7 (Text of Section after amendment by P.A. 101-652)

8 Sec. 5-3-2. Presentence report.

9 (a) In felony cases, the presentence report shall set
10 forth:

11 (1) the defendant's history of delinquency or
12 criminality, physical and mental history and condition,
13 family situation and background, economic status,
14 education, occupation and personal habits;

15 (2) information about special resources within the
16 community which might be available to assist the
17 defendant's rehabilitation, including treatment centers,
18 residential facilities, vocational training services,
19 correctional manpower programs, employment opportunities,
20 special educational programs, alcohol and drug abuse
21 programming, psychiatric and marriage counseling, and
22 other programs and facilities which could aid the
23 defendant's successful reintegration into society;

24 (3) the effect the offense committed has had upon the
25 victim or victims thereof, and any compensatory benefit

1 that various sentencing alternatives would confer on such
2 victim or victims;

3 (3.5) information provided by the victim's spouse,
4 guardian, parent, grandparent, and other immediate family
5 and household members about the effect the offense
6 committed has had on the victim and on the person
7 providing the information; if the victim's spouse,
8 guardian, parent, grandparent, or other immediate family
9 or household member has provided a written statement, the
10 statement shall be attached to the report;

11 (4) information concerning the defendant's status
12 since arrest, including his record if released on his own
13 recognizance, or the defendant's achievement record if
14 released on a conditional pre-trial supervision program;

15 (5) when appropriate, a plan, based upon the personal,
16 economic and social adjustment needs of the defendant,
17 utilizing public and private community resources as an
18 alternative to institutional sentencing;

19 (6) any other matters that the investigatory officer
20 deems relevant or the court directs to be included;

21 (7) information concerning the defendant's eligibility
22 for a sentence to a county impact incarceration program
23 under Section 5-8-1.2 of this Code; and

24 (8) information concerning the defendant's eligibility
25 for a sentence to an impact incarceration program
26 administered by the Department under Section 5-8-1.1.

1 (b) The investigation shall include a physical and mental
2 examination of the defendant when so ordered by the court. If
3 the court determines that such an examination should be made,
4 it shall issue an order that the defendant submit to
5 examination at such time and place as designated by the court
6 and that such examination be conducted by a physician,
7 psychologist or psychiatrist designated by the court. Such an
8 examination may be conducted in a court clinic if so ordered by
9 the court. The cost of such examination shall be paid by the
10 county in which the trial is held.

11 (b-5) In cases involving felony sex offenses in which the
12 offender is being considered for probation only or any felony
13 offense that is sexually motivated as defined in the Sex
14 Offender Management Board Act in which the offender is being
15 considered for probation only, the investigation shall include
16 a sex offender evaluation by an evaluator approved by the
17 Board and conducted in conformance with the standards
18 developed under the Sex Offender Management Board Act. In
19 cases in which the offender is being considered for any
20 mandatory prison sentence, the investigation shall not include
21 a sex offender evaluation.

22 (c) In misdemeanor, business offense or petty offense
23 cases, except as specified in subsection (d) of this Section,
24 when a presentence report has been ordered by the court, such
25 presentence report shall contain information on the
26 defendant's history of delinquency or criminality and shall

1 further contain only those matters listed in any of paragraphs
2 (1) through (6) of subsection (a) or in subsection (b) of this
3 Section as are specified by the court in its order for the
4 report.

5 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or
6 12-30 of the Criminal Code of 1961 or the Criminal Code of
7 2012, the presentence report shall set forth information about
8 alcohol, drug abuse, psychiatric, and marriage counseling or
9 other treatment programs and facilities, information on the
10 defendant's history of delinquency or criminality, and shall
11 contain those additional matters listed in any of paragraphs
12 (1) through (6) of subsection (a) or in subsection (b) of this
13 Section as are specified by the court.

14 (e) Nothing in this Section shall cause the defendant to
15 be held without ~~pretrial release~~ bail or to have his ~~pretrial~~
16 ~~release~~ bail revoked for the purpose of preparing the
17 presentence report or making an examination.

18 (Source: P.A. 101-105, eff. 1-1-20; 101-652, eff. 1-1-23;
19 102-558, eff. 8-20-21.)

20 (730 ILCS 5/5-5-3.2)

21 (Text of Section before amendment by P.A. 101-652)

22 Sec. 5-5-3.2. Factors in aggravation and extended-term
23 sentencing.

24 (a) The following factors shall be accorded weight in
25 favor of imposing a term of imprisonment or may be considered

1 by the court as reasons to impose a more severe sentence under
2 Section 5-8-1 or Article 4.5 of Chapter V:

3 (1) the defendant's conduct caused or threatened
4 serious harm;

5 (2) the defendant received compensation for committing
6 the offense;

7 (3) the defendant has a history of prior delinquency
8 or criminal activity;

9 (4) the defendant, by the duties of his office or by
10 his position, was obliged to prevent the particular
11 offense committed or to bring the offenders committing it
12 to justice;

13 (5) the defendant held public office at the time of
14 the offense, and the offense related to the conduct of
15 that office;

16 (6) the defendant utilized his professional reputation
17 or position in the community to commit the offense, or to
18 afford him an easier means of committing it;

19 (7) the sentence is necessary to deter others from
20 committing the same crime;

21 (8) the defendant committed the offense against a
22 person 60 years of age or older or such person's property;

23 (9) the defendant committed the offense against a
24 person who has a physical disability or such person's
25 property;

26 (10) by reason of another individual's actual or

1 perceived race, color, creed, religion, ancestry, gender,
2 sexual orientation, physical or mental disability, or
3 national origin, the defendant committed the offense
4 against (i) the person or property of that individual;
5 (ii) the person or property of a person who has an
6 association with, is married to, or has a friendship with
7 the other individual; or (iii) the person or property of a
8 relative (by blood or marriage) of a person described in
9 clause (i) or (ii). For the purposes of this Section,
10 "sexual orientation" has the meaning ascribed to it in
11 paragraph (O-1) of Section 1-103 of the Illinois Human
12 Rights Act;

13 (11) the offense took place in a place of worship or on
14 the grounds of a place of worship, immediately prior to,
15 during or immediately following worship services. For
16 purposes of this subparagraph, "place of worship" shall
17 mean any church, synagogue or other building, structure or
18 place used primarily for religious worship;

19 (12) the defendant was convicted of a felony committed
20 while he was released on bail or his own recognizance
21 pending trial for a prior felony and was convicted of such
22 prior felony, or the defendant was convicted of a felony
23 committed while he was serving a period of probation,
24 conditional discharge, or mandatory supervised release
25 under subsection (d) of Section 5-8-1 for a prior felony;

26 (13) the defendant committed or attempted to commit a

1 felony while he was wearing a bulletproof vest. For the
2 purposes of this paragraph (13), a bulletproof vest is any
3 device which is designed for the purpose of protecting the
4 wearer from bullets, shot or other lethal projectiles;

5 (14) the defendant held a position of trust or
6 supervision such as, but not limited to, family member as
7 defined in Section 11-0.1 of the Criminal Code of 2012,
8 teacher, scout leader, baby sitter, or day care worker, in
9 relation to a victim under 18 years of age, and the
10 defendant committed an offense in violation of Section
11 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
12 11-14.4 except for an offense that involves keeping a
13 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
14 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
15 or 12-16 of the Criminal Code of 1961 or the Criminal Code
16 of 2012 against that victim;

17 (15) the defendant committed an offense related to the
18 activities of an organized gang. For the purposes of this
19 factor, "organized gang" has the meaning ascribed to it in
20 Section 10 of the Streetgang Terrorism Omnibus Prevention
21 Act;

22 (16) the defendant committed an offense in violation
23 of one of the following Sections while in a school,
24 regardless of the time of day or time of year; on any
25 conveyance owned, leased, or contracted by a school to
26 transport students to or from school or a school related

1 activity; on the real property of a school; or on a public
2 way within 1,000 feet of the real property comprising any
3 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
4 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
5 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
6 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
7 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
8 for subdivision (a)(4) or (g)(1), of the Criminal Code of
9 1961 or the Criminal Code of 2012;

10 (16.5) the defendant committed an offense in violation
11 of one of the following Sections while in a day care
12 center, regardless of the time of day or time of year; on
13 the real property of a day care center, regardless of the
14 time of day or time of year; or on a public way within
15 1,000 feet of the real property comprising any day care
16 center, regardless of the time of day or time of year:
17 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
18 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
19 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
20 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
21 18-2, or 33A-2, or Section 12-3.05 except for subdivision
22 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
23 Criminal Code of 2012;

24 (17) the defendant committed the offense by reason of
25 any person's activity as a community policing volunteer or
26 to prevent any person from engaging in activity as a

1 community policing volunteer. For the purpose of this
2 Section, "community policing volunteer" has the meaning
3 ascribed to it in Section 2-3.5 of the Criminal Code of
4 2012;

5 (18) the defendant committed the offense in a nursing
6 home or on the real property comprising a nursing home.
7 For the purposes of this paragraph (18), "nursing home"
8 means a skilled nursing or intermediate long term care
9 facility that is subject to license by the Illinois
10 Department of Public Health under the Nursing Home Care
11 Act, the Specialized Mental Health Rehabilitation Act of
12 2013, the ID/DD Community Care Act, or the MC/DD Act;

13 (19) the defendant was a federally licensed firearm
14 dealer and was previously convicted of a violation of
15 subsection (a) of Section 3 of the Firearm Owners
16 Identification Card Act and has now committed either a
17 felony violation of the Firearm Owners Identification Card
18 Act or an act of armed violence while armed with a firearm;

19 (20) the defendant (i) committed the offense of
20 reckless homicide under Section 9-3 of the Criminal Code
21 of 1961 or the Criminal Code of 2012 or the offense of
22 driving under the influence of alcohol, other drug or
23 drugs, intoxicating compound or compounds or any
24 combination thereof under Section 11-501 of the Illinois
25 Vehicle Code or a similar provision of a local ordinance
26 and (ii) was operating a motor vehicle in excess of 20

1 miles per hour over the posted speed limit as provided in
2 Article VI of Chapter 11 of the Illinois Vehicle Code;

3 (21) the defendant (i) committed the offense of
4 reckless driving or aggravated reckless driving under
5 Section 11-503 of the Illinois Vehicle Code and (ii) was
6 operating a motor vehicle in excess of 20 miles per hour
7 over the posted speed limit as provided in Article VI of
8 Chapter 11 of the Illinois Vehicle Code;

9 (22) the defendant committed the offense against a
10 person that the defendant knew, or reasonably should have
11 known, was a member of the Armed Forces of the United
12 States serving on active duty. For purposes of this clause
13 (22), the term "Armed Forces" means any of the Armed
14 Forces of the United States, including a member of any
15 reserve component thereof or National Guard unit called to
16 active duty;

17 (23) the defendant committed the offense against a
18 person who was elderly or infirm or who was a person with a
19 disability by taking advantage of a family or fiduciary
20 relationship with the elderly or infirm person or person
21 with a disability;

22 (24) the defendant committed any offense under Section
23 11-20.1 of the Criminal Code of 1961 or the Criminal Code
24 of 2012 and possessed 100 or more images;

25 (25) the defendant committed the offense while the
26 defendant or the victim was in a train, bus, or other

1 vehicle used for public transportation;

2 (26) the defendant committed the offense of child
3 pornography or aggravated child pornography, specifically
4 including paragraph (1), (2), (3), (4), (5), or (7) of
5 subsection (a) of Section 11-20.1 of the Criminal Code of
6 1961 or the Criminal Code of 2012 where a child engaged in,
7 solicited for, depicted in, or posed in any act of sexual
8 penetration or bound, fettered, or subject to sadistic,
9 masochistic, or sadomasochistic abuse in a sexual context
10 and specifically including paragraph (1), (2), (3), (4),
11 (5), or (7) of subsection (a) of Section 11-20.1B or
12 Section 11-20.3 of the Criminal Code of 1961 where a child
13 engaged in, solicited for, depicted in, or posed in any
14 act of sexual penetration or bound, fettered, or subject
15 to sadistic, masochistic, or sadomasochistic abuse in a
16 sexual context;

17 (27) the defendant committed the offense of first
18 degree murder, assault, aggravated assault, battery,
19 aggravated battery, robbery, armed robbery, or aggravated
20 robbery against a person who was a veteran and the
21 defendant knew, or reasonably should have known, that the
22 person was a veteran performing duties as a representative
23 of a veterans' organization. For the purposes of this
24 paragraph (27), "veteran" means an Illinois resident who
25 has served as a member of the United States Armed Forces, a
26 member of the Illinois National Guard, or a member of the

1 United States Reserve Forces; and "veterans' organization"
2 means an organization comprised of members of which
3 substantially all are individuals who are veterans or
4 spouses, widows, or widowers of veterans, the primary
5 purpose of which is to promote the welfare of its members
6 and to provide assistance to the general public in such a
7 way as to confer a public benefit;

8 (28) the defendant committed the offense of assault,
9 aggravated assault, battery, aggravated battery, robbery,
10 armed robbery, or aggravated robbery against a person that
11 the defendant knew or reasonably should have known was a
12 letter carrier or postal worker while that person was
13 performing his or her duties delivering mail for the
14 United States Postal Service;

15 (29) the defendant committed the offense of criminal
16 sexual assault, aggravated criminal sexual assault,
17 criminal sexual abuse, or aggravated criminal sexual abuse
18 against a victim with an intellectual disability, and the
19 defendant holds a position of trust, authority, or
20 supervision in relation to the victim;

21 (30) the defendant committed the offense of promoting
22 juvenile prostitution, patronizing a prostitute, or
23 patronizing a minor engaged in prostitution and at the
24 time of the commission of the offense knew that the
25 prostitute or minor engaged in prostitution was in the
26 custody or guardianship of the Department of Children and

1 Family Services;

2 (31) the defendant (i) committed the offense of
3 driving while under the influence of alcohol, other drug
4 or drugs, intoxicating compound or compounds or any
5 combination thereof in violation of Section 11-501 of the
6 Illinois Vehicle Code or a similar provision of a local
7 ordinance and (ii) the defendant during the commission of
8 the offense was driving his or her vehicle upon a roadway
9 designated for one-way traffic in the opposite direction
10 of the direction indicated by official traffic control
11 devices;

12 (32) the defendant committed the offense of reckless
13 homicide while committing a violation of Section 11-907 of
14 the Illinois Vehicle Code;

15 (33) the defendant was found guilty of an
16 administrative infraction related to an act or acts of
17 public indecency or sexual misconduct in the penal
18 institution. In this paragraph (33), "penal institution"
19 has the same meaning as in Section 2-14 of the Criminal
20 Code of 2012; or

21 (34) the defendant committed the offense of leaving
22 the scene of an accident in violation of subsection (b) of
23 Section 11-401 of the Illinois Vehicle Code and the
24 accident resulted in the death of a person and at the time
25 of the offense, the defendant was: (i) driving under the
26 influence of alcohol, other drug or drugs, intoxicating

1 compound or compounds or any combination thereof as
2 defined by Section 11-501 of the Illinois Vehicle Code; or
3 (ii) operating the motor vehicle while using an electronic
4 communication device as defined in Section 12-610.2 of the
5 Illinois Vehicle Code.

6 For the purposes of this Section:

7 "School" is defined as a public or private elementary or
8 secondary school, community college, college, or university.

9 "Day care center" means a public or private State
10 certified and licensed day care center as defined in Section
11 2.09 of the Child Care Act of 1969 that displays a sign in
12 plain view stating that the property is a day care center.

13 "Intellectual disability" means significantly subaverage
14 intellectual functioning which exists concurrently with
15 impairment in adaptive behavior.

16 "Public transportation" means the transportation or
17 conveyance of persons by means available to the general
18 public, and includes paratransit services.

19 "Traffic control devices" means all signs, signals,
20 markings, and devices that conform to the Illinois Manual on
21 Uniform Traffic Control Devices, placed or erected by
22 authority of a public body or official having jurisdiction,
23 for the purpose of regulating, warning, or guiding traffic.

24 (b) The following factors, related to all felonies, may be
25 considered by the court as reasons to impose an extended term
26 sentence under Section 5-8-2 upon any offender:

1 (1) When a defendant is convicted of any felony, after
2 having been previously convicted in Illinois or any other
3 jurisdiction of the same or similar class felony or
4 greater class felony, when such conviction has occurred
5 within 10 years after the previous conviction, excluding
6 time spent in custody, and such charges are separately
7 brought and tried and arise out of different series of
8 acts; or

9 (2) When a defendant is convicted of any felony and
10 the court finds that the offense was accompanied by
11 exceptionally brutal or heinous behavior indicative of
12 wanton cruelty; or

13 (3) When a defendant is convicted of any felony
14 committed against:

15 (i) a person under 12 years of age at the time of
16 the offense or such person's property;

17 (ii) a person 60 years of age or older at the time
18 of the offense or such person's property; or

19 (iii) a person who had a physical disability at
20 the time of the offense or such person's property; or

21 (4) When a defendant is convicted of any felony and
22 the offense involved any of the following types of
23 specific misconduct committed as part of a ceremony, rite,
24 initiation, observance, performance, practice or activity
25 of any actual or ostensible religious, fraternal, or
26 social group:

1 (i) the brutalizing or torturing of humans or
2 animals;

3 (ii) the theft of human corpses;

4 (iii) the kidnapping of humans;

5 (iv) the desecration of any cemetery, religious,
6 fraternal, business, governmental, educational, or
7 other building or property; or

8 (v) ritualized abuse of a child; or

9 (5) When a defendant is convicted of a felony other
10 than conspiracy and the court finds that the felony was
11 committed under an agreement with 2 or more other persons
12 to commit that offense and the defendant, with respect to
13 the other individuals, occupied a position of organizer,
14 supervisor, financier, or any other position of management
15 or leadership, and the court further finds that the felony
16 committed was related to or in furtherance of the criminal
17 activities of an organized gang or was motivated by the
18 defendant's leadership in an organized gang; or

19 (6) When a defendant is convicted of an offense
20 committed while using a firearm with a laser sight
21 attached to it. For purposes of this paragraph, "laser
22 sight" has the meaning ascribed to it in Section 26-7 of
23 the Criminal Code of 2012; or

24 (7) When a defendant who was at least 17 years of age
25 at the time of the commission of the offense is convicted
26 of a felony and has been previously adjudicated a

1 delinquent minor under the Juvenile Court Act of 1987 for
2 an act that if committed by an adult would be a Class X or
3 Class 1 felony when the conviction has occurred within 10
4 years after the previous adjudication, excluding time
5 spent in custody; or

6 (8) When a defendant commits any felony and the
7 defendant used, possessed, exercised control over, or
8 otherwise directed an animal to assault a law enforcement
9 officer engaged in the execution of his or her official
10 duties or in furtherance of the criminal activities of an
11 organized gang in which the defendant is engaged; or

12 (9) When a defendant commits any felony and the
13 defendant knowingly video or audio records the offense
14 with the intent to disseminate the recording.

15 (c) The following factors may be considered by the court
16 as reasons to impose an extended term sentence under Section
17 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
18 offenses:

19 (1) When a defendant is convicted of first degree
20 murder, after having been previously convicted in Illinois
21 of any offense listed under paragraph (c)(2) of Section
22 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
23 occurred within 10 years after the previous conviction,
24 excluding time spent in custody, and the charges are
25 separately brought and tried and arise out of different
26 series of acts.

1 (1.5) When a defendant is convicted of first degree
2 murder, after having been previously convicted of domestic
3 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
4 (720 ILCS 5/12-3.3) committed on the same victim or after
5 having been previously convicted of violation of an order
6 of protection (720 ILCS 5/12-30) in which the same victim
7 was the protected person.

8 (2) When a defendant is convicted of voluntary
9 manslaughter, second degree murder, involuntary
10 manslaughter, or reckless homicide in which the defendant
11 has been convicted of causing the death of more than one
12 individual.

13 (3) When a defendant is convicted of aggravated
14 criminal sexual assault or criminal sexual assault, when
15 there is a finding that aggravated criminal sexual assault
16 or criminal sexual assault was also committed on the same
17 victim by one or more other individuals, and the defendant
18 voluntarily participated in the crime with the knowledge
19 of the participation of the others in the crime, and the
20 commission of the crime was part of a single course of
21 conduct during which there was no substantial change in
22 the nature of the criminal objective.

23 (4) If the victim was under 18 years of age at the time
24 of the commission of the offense, when a defendant is
25 convicted of aggravated criminal sexual assault or
26 predatory criminal sexual assault of a child under

1 subsection (a) (1) of Section 11-1.40 or subsection (a) (1)
2 of Section 12-14.1 of the Criminal Code of 1961 or the
3 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

4 (5) When a defendant is convicted of a felony
5 violation of Section 24-1 of the Criminal Code of 1961 or
6 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
7 finding that the defendant is a member of an organized
8 gang.

9 (6) When a defendant was convicted of unlawful use of
10 weapons under Section 24-1 of the Criminal Code of 1961 or
11 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
12 a weapon that is not readily distinguishable as one of the
13 weapons enumerated in Section 24-1 of the Criminal Code of
14 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

15 (7) When a defendant is convicted of an offense
16 involving the illegal manufacture of a controlled
17 substance under Section 401 of the Illinois Controlled
18 Substances Act (720 ILCS 570/401), the illegal manufacture
19 of methamphetamine under Section 25 of the Methamphetamine
20 Control and Community Protection Act (720 ILCS 646/25), or
21 the illegal possession of explosives and an emergency
22 response officer in the performance of his or her duties
23 is killed or injured at the scene of the offense while
24 responding to the emergency caused by the commission of
25 the offense. In this paragraph, "emergency" means a
26 situation in which a person's life, health, or safety is

1 in jeopardy; and "emergency response officer" means a
2 peace officer, community policing volunteer, fireman,
3 emergency medical technician-ambulance, emergency medical
4 technician-intermediate, emergency medical
5 technician-paramedic, ambulance driver, other medical
6 assistance or first aid personnel, or hospital emergency
7 room personnel.

8 (8) When the defendant is convicted of attempted mob
9 action, solicitation to commit mob action, or conspiracy
10 to commit mob action under Section 8-1, 8-2, or 8-4 of the
11 Criminal Code of 2012, where the criminal object is a
12 violation of Section 25-1 of the Criminal Code of 2012,
13 and an electronic communication is used in the commission
14 of the offense. For the purposes of this paragraph (8),
15 "electronic communication" shall have the meaning provided
16 in Section 26.5-0.1 of the Criminal Code of 2012.

17 (d) For the purposes of this Section, "organized gang" has
18 the meaning ascribed to it in Section 10 of the Illinois
19 Streetgang Terrorism Omnibus Prevention Act.

20 (e) The court may impose an extended term sentence under
21 Article 4.5 of Chapter V upon an offender who has been
22 convicted of a felony violation of Section 11-1.20, 11-1.30,
23 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
24 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
25 when the victim of the offense is under 18 years of age at the
26 time of the commission of the offense and, during the

1 commission of the offense, the victim was under the influence
2 of alcohol, regardless of whether or not the alcohol was
3 supplied by the offender; and the offender, at the time of the
4 commission of the offense, knew or should have known that the
5 victim had consumed alcohol.

6 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
7 101-417, eff. 1-1-20; 102-558, eff. 8-20-21.)

8 (Text of Section after amendment by P.A. 101-652)

9 Sec. 5-5-3.2. Factors in aggravation and extended-term
10 sentencing.

11 (a) The following factors shall be accorded weight in
12 favor of imposing a term of imprisonment or may be considered
13 by the court as reasons to impose a more severe sentence under
14 Section 5-8-1 or Article 4.5 of Chapter V:

15 (1) the defendant's conduct caused or threatened
16 serious harm;

17 (2) the defendant received compensation for committing
18 the offense;

19 (3) the defendant has a history of prior delinquency
20 or criminal activity;

21 (4) the defendant, by the duties of his office or by
22 his position, was obliged to prevent the particular
23 offense committed or to bring the offenders committing it
24 to justice;

25 (5) the defendant held public office at the time of

1 the offense, and the offense related to the conduct of
2 that office;

3 (6) the defendant utilized his professional reputation
4 or position in the community to commit the offense, or to
5 afford him an easier means of committing it;

6 (7) the sentence is necessary to deter others from
7 committing the same crime;

8 (8) the defendant committed the offense against a
9 person 60 years of age or older or such person's property;

10 (9) the defendant committed the offense against a
11 person who has a physical disability or such person's
12 property;

13 (10) by reason of another individual's actual or
14 perceived race, color, creed, religion, ancestry, gender,
15 sexual orientation, physical or mental disability, or
16 national origin, the defendant committed the offense
17 against (i) the person or property of that individual;
18 (ii) the person or property of a person who has an
19 association with, is married to, or has a friendship with
20 the other individual; or (iii) the person or property of a
21 relative (by blood or marriage) of a person described in
22 clause (i) or (ii). For the purposes of this Section,
23 "sexual orientation" has the meaning ascribed to it in
24 paragraph (0-1) of Section 1-103 of the Illinois Human
25 Rights Act;

26 (11) the offense took place in a place of worship or on

1 the grounds of a place of worship, immediately prior to,
2 during or immediately following worship services. For
3 purposes of this subparagraph, "place of worship" shall
4 mean any church, synagogue or other building, structure or
5 place used primarily for religious worship;

6 (12) the defendant was convicted of a felony committed
7 while he was ~~on pretrial release~~ released on bail or his
8 own recognizance pending trial for a prior felony and was
9 convicted of such prior felony, or the defendant was
10 convicted of a felony committed while he was serving a
11 period of probation, conditional discharge, or mandatory
12 supervised release under subsection (d) of Section 5-8-1
13 for a prior felony;

14 (13) the defendant committed or attempted to commit a
15 felony while he was wearing a bulletproof vest. For the
16 purposes of this paragraph (13), a bulletproof vest is any
17 device which is designed for the purpose of protecting the
18 wearer from bullets, shot or other lethal projectiles;

19 (14) the defendant held a position of trust or
20 supervision such as, but not limited to, family member as
21 defined in Section 11-0.1 of the Criminal Code of 2012,
22 teacher, scout leader, baby sitter, or day care worker, in
23 relation to a victim under 18 years of age, and the
24 defendant committed an offense in violation of Section
25 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
26 11-14.4 except for an offense that involves keeping a

1 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
2 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
3 or 12-16 of the Criminal Code of 1961 or the Criminal Code
4 of 2012 against that victim;

5 (15) the defendant committed an offense related to the
6 activities of an organized gang. For the purposes of this
7 factor, "organized gang" has the meaning ascribed to it in
8 Section 10 of the Streetgang Terrorism Omnibus Prevention
9 Act;

10 (16) the defendant committed an offense in violation
11 of one of the following Sections while in a school,
12 regardless of the time of day or time of year; on any
13 conveyance owned, leased, or contracted by a school to
14 transport students to or from school or a school related
15 activity; on the real property of a school; or on a public
16 way within 1,000 feet of the real property comprising any
17 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
18 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
19 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
20 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
21 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
22 for subdivision (a)(4) or (g)(1), of the Criminal Code of
23 1961 or the Criminal Code of 2012;

24 (16.5) the defendant committed an offense in violation
25 of one of the following Sections while in a day care
26 center, regardless of the time of day or time of year; on

1 the real property of a day care center, regardless of the
2 time of day or time of year; or on a public way within
3 1,000 feet of the real property comprising any day care
4 center, regardless of the time of day or time of year:
5 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
6 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
7 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
8 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
9 18-2, or 33A-2, or Section 12-3.05 except for subdivision
10 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
11 Criminal Code of 2012;

12 (17) the defendant committed the offense by reason of
13 any person's activity as a community policing volunteer or
14 to prevent any person from engaging in activity as a
15 community policing volunteer. For the purpose of this
16 Section, "community policing volunteer" has the meaning
17 ascribed to it in Section 2-3.5 of the Criminal Code of
18 2012;

19 (18) the defendant committed the offense in a nursing
20 home or on the real property comprising a nursing home.
21 For the purposes of this paragraph (18), "nursing home"
22 means a skilled nursing or intermediate long term care
23 facility that is subject to license by the Illinois
24 Department of Public Health under the Nursing Home Care
25 Act, the Specialized Mental Health Rehabilitation Act of
26 2013, the ID/DD Community Care Act, or the MC/DD Act;

1 (19) the defendant was a federally licensed firearm
2 dealer and was previously convicted of a violation of
3 subsection (a) of Section 3 of the Firearm Owners
4 Identification Card Act and has now committed either a
5 felony violation of the Firearm Owners Identification Card
6 Act or an act of armed violence while armed with a firearm;

7 (20) the defendant (i) committed the offense of
8 reckless homicide under Section 9-3 of the Criminal Code
9 of 1961 or the Criminal Code of 2012 or the offense of
10 driving under the influence of alcohol, other drug or
11 drugs, intoxicating compound or compounds or any
12 combination thereof under Section 11-501 of the Illinois
13 Vehicle Code or a similar provision of a local ordinance
14 and (ii) was operating a motor vehicle in excess of 20
15 miles per hour over the posted speed limit as provided in
16 Article VI of Chapter 11 of the Illinois Vehicle Code;

17 (21) the defendant (i) committed the offense of
18 reckless driving or aggravated reckless driving under
19 Section 11-503 of the Illinois Vehicle Code and (ii) was
20 operating a motor vehicle in excess of 20 miles per hour
21 over the posted speed limit as provided in Article VI of
22 Chapter 11 of the Illinois Vehicle Code;

23 (22) the defendant committed the offense against a
24 person that the defendant knew, or reasonably should have
25 known, was a member of the Armed Forces of the United
26 States serving on active duty. For purposes of this clause

1 (22), the term "Armed Forces" means any of the Armed
2 Forces of the United States, including a member of any
3 reserve component thereof or National Guard unit called to
4 active duty;

5 (23) the defendant committed the offense against a
6 person who was elderly or infirm or who was a person with a
7 disability by taking advantage of a family or fiduciary
8 relationship with the elderly or infirm person or person
9 with a disability;

10 (24) the defendant committed any offense under Section
11 11-20.1 of the Criminal Code of 1961 or the Criminal Code
12 of 2012 and possessed 100 or more images;

13 (25) the defendant committed the offense while the
14 defendant or the victim was in a train, bus, or other
15 vehicle used for public transportation;

16 (26) the defendant committed the offense of child
17 pornography or aggravated child pornography, specifically
18 including paragraph (1), (2), (3), (4), (5), or (7) of
19 subsection (a) of Section 11-20.1 of the Criminal Code of
20 1961 or the Criminal Code of 2012 where a child engaged in,
21 solicited for, depicted in, or posed in any act of sexual
22 penetration or bound, fettered, or subject to sadistic,
23 masochistic, or sadomasochistic abuse in a sexual context
24 and specifically including paragraph (1), (2), (3), (4),
25 (5), or (7) of subsection (a) of Section 11-20.1B or
26 Section 11-20.3 of the Criminal Code of 1961 where a child

1 engaged in, solicited for, depicted in, or posed in any
2 act of sexual penetration or bound, fettered, or subject
3 to sadistic, masochistic, or sadomasochistic abuse in a
4 sexual context;

5 (27) the defendant committed the offense of first
6 degree murder, assault, aggravated assault, battery,
7 aggravated battery, robbery, armed robbery, or aggravated
8 robbery against a person who was a veteran and the
9 defendant knew, or reasonably should have known, that the
10 person was a veteran performing duties as a representative
11 of a veterans' organization. For the purposes of this
12 paragraph (27), "veteran" means an Illinois resident who
13 has served as a member of the United States Armed Forces, a
14 member of the Illinois National Guard, or a member of the
15 United States Reserve Forces; and "veterans' organization"
16 means an organization comprised of members of which
17 substantially all are individuals who are veterans or
18 spouses, widows, or widowers of veterans, the primary
19 purpose of which is to promote the welfare of its members
20 and to provide assistance to the general public in such a
21 way as to confer a public benefit;

22 (28) the defendant committed the offense of assault,
23 aggravated assault, battery, aggravated battery, robbery,
24 armed robbery, or aggravated robbery against a person that
25 the defendant knew or reasonably should have known was a
26 letter carrier or postal worker while that person was

1 performing his or her duties delivering mail for the
2 United States Postal Service;

3 (29) the defendant committed the offense of criminal
4 sexual assault, aggravated criminal sexual assault,
5 criminal sexual abuse, or aggravated criminal sexual abuse
6 against a victim with an intellectual disability, and the
7 defendant holds a position of trust, authority, or
8 supervision in relation to the victim;

9 (30) the defendant committed the offense of promoting
10 juvenile prostitution, patronizing a prostitute, or
11 patronizing a minor engaged in prostitution and at the
12 time of the commission of the offense knew that the
13 prostitute or minor engaged in prostitution was in the
14 custody or guardianship of the Department of Children and
15 Family Services;

16 (31) the defendant (i) committed the offense of
17 driving while under the influence of alcohol, other drug
18 or drugs, intoxicating compound or compounds or any
19 combination thereof in violation of Section 11-501 of the
20 Illinois Vehicle Code or a similar provision of a local
21 ordinance and (ii) the defendant during the commission of
22 the offense was driving his or her vehicle upon a roadway
23 designated for one-way traffic in the opposite direction
24 of the direction indicated by official traffic control
25 devices;

26 (32) the defendant committed the offense of reckless

1 homicide while committing a violation of Section 11-907 of
2 the Illinois Vehicle Code;

3 (33) the defendant was found guilty of an
4 administrative infraction related to an act or acts of
5 public indecency or sexual misconduct in the penal
6 institution. In this paragraph (33), "penal institution"
7 has the same meaning as in Section 2-14 of the Criminal
8 Code of 2012; or

9 (34) the defendant committed the offense of leaving
10 the scene of an accident in violation of subsection (b) of
11 Section 11-401 of the Illinois Vehicle Code and the
12 accident resulted in the death of a person and at the time
13 of the offense, the defendant was: (i) driving under the
14 influence of alcohol, other drug or drugs, intoxicating
15 compound or compounds or any combination thereof as
16 defined by Section 11-501 of the Illinois Vehicle Code; or
17 (ii) operating the motor vehicle while using an electronic
18 communication device as defined in Section 12-610.2 of the
19 Illinois Vehicle Code.

20 For the purposes of this Section:

21 "School" is defined as a public or private elementary or
22 secondary school, community college, college, or university.

23 "Day care center" means a public or private State
24 certified and licensed day care center as defined in Section
25 2.09 of the Child Care Act of 1969 that displays a sign in
26 plain view stating that the property is a day care center.

1 "Intellectual disability" means significantly subaverage
2 intellectual functioning which exists concurrently with
3 impairment in adaptive behavior.

4 "Public transportation" means the transportation or
5 conveyance of persons by means available to the general
6 public, and includes paratransit services.

7 "Traffic control devices" means all signs, signals,
8 markings, and devices that conform to the Illinois Manual on
9 Uniform Traffic Control Devices, placed or erected by
10 authority of a public body or official having jurisdiction,
11 for the purpose of regulating, warning, or guiding traffic.

12 (b) The following factors, related to all felonies, may be
13 considered by the court as reasons to impose an extended term
14 sentence under Section 5-8-2 upon any offender:

15 (1) When a defendant is convicted of any felony, after
16 having been previously convicted in Illinois or any other
17 jurisdiction of the same or similar class felony or
18 greater class felony, when such conviction has occurred
19 within 10 years after the previous conviction, excluding
20 time spent in custody, and such charges are separately
21 brought and tried and arise out of different series of
22 acts; or

23 (2) When a defendant is convicted of any felony and
24 the court finds that the offense was accompanied by
25 exceptionally brutal or heinous behavior indicative of
26 wanton cruelty; or

1 (3) When a defendant is convicted of any felony
2 committed against:

3 (i) a person under 12 years of age at the time of
4 the offense or such person's property;

5 (ii) a person 60 years of age or older at the time
6 of the offense or such person's property; or

7 (iii) a person who had a physical disability at
8 the time of the offense or such person's property; or

9 (4) When a defendant is convicted of any felony and
10 the offense involved any of the following types of
11 specific misconduct committed as part of a ceremony, rite,
12 initiation, observance, performance, practice or activity
13 of any actual or ostensible religious, fraternal, or
14 social group:

15 (i) the brutalizing or torturing of humans or
16 animals;

17 (ii) the theft of human corpses;

18 (iii) the kidnapping of humans;

19 (iv) the desecration of any cemetery, religious,
20 fraternal, business, governmental, educational, or
21 other building or property; or

22 (v) ritualized abuse of a child; or

23 (5) When a defendant is convicted of a felony other
24 than conspiracy and the court finds that the felony was
25 committed under an agreement with 2 or more other persons
26 to commit that offense and the defendant, with respect to

1 the other individuals, occupied a position of organizer,
2 supervisor, financier, or any other position of management
3 or leadership, and the court further finds that the felony
4 committed was related to or in furtherance of the criminal
5 activities of an organized gang or was motivated by the
6 defendant's leadership in an organized gang; or

7 (6) When a defendant is convicted of an offense
8 committed while using a firearm with a laser sight
9 attached to it. For purposes of this paragraph, "laser
10 sight" has the meaning ascribed to it in Section 26-7 of
11 the Criminal Code of 2012; or

12 (7) When a defendant who was at least 17 years of age
13 at the time of the commission of the offense is convicted
14 of a felony and has been previously adjudicated a
15 delinquent minor under the Juvenile Court Act of 1987 for
16 an act that if committed by an adult would be a Class X or
17 Class 1 felony when the conviction has occurred within 10
18 years after the previous adjudication, excluding time
19 spent in custody; or

20 (8) When a defendant commits any felony and the
21 defendant used, possessed, exercised control over, or
22 otherwise directed an animal to assault a law enforcement
23 officer engaged in the execution of his or her official
24 duties or in furtherance of the criminal activities of an
25 organized gang in which the defendant is engaged; or

26 (9) When a defendant commits any felony and the

1 defendant knowingly video or audio records the offense
2 with the intent to disseminate the recording.

3 (c) The following factors may be considered by the court
4 as reasons to impose an extended term sentence under Section
5 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
6 offenses:

7 (1) When a defendant is convicted of first degree
8 murder, after having been previously convicted in Illinois
9 of any offense listed under paragraph (c)(2) of Section
10 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
11 occurred within 10 years after the previous conviction,
12 excluding time spent in custody, and the charges are
13 separately brought and tried and arise out of different
14 series of acts.

15 (1.5) When a defendant is convicted of first degree
16 murder, after having been previously convicted of domestic
17 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
18 (720 ILCS 5/12-3.3) committed on the same victim or after
19 having been previously convicted of violation of an order
20 of protection (720 ILCS 5/12-30) in which the same victim
21 was the protected person.

22 (2) When a defendant is convicted of voluntary
23 manslaughter, second degree murder, involuntary
24 manslaughter, or reckless homicide in which the defendant
25 has been convicted of causing the death of more than one
26 individual.

1 (3) When a defendant is convicted of aggravated
2 criminal sexual assault or criminal sexual assault, when
3 there is a finding that aggravated criminal sexual assault
4 or criminal sexual assault was also committed on the same
5 victim by one or more other individuals, and the defendant
6 voluntarily participated in the crime with the knowledge
7 of the participation of the others in the crime, and the
8 commission of the crime was part of a single course of
9 conduct during which there was no substantial change in
10 the nature of the criminal objective.

11 (4) If the victim was under 18 years of age at the time
12 of the commission of the offense, when a defendant is
13 convicted of aggravated criminal sexual assault or
14 predatory criminal sexual assault of a child under
15 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
16 of Section 12-14.1 of the Criminal Code of 1961 or the
17 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

18 (5) When a defendant is convicted of a felony
19 violation of Section 24-1 of the Criminal Code of 1961 or
20 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
21 finding that the defendant is a member of an organized
22 gang.

23 (6) When a defendant was convicted of unlawful use of
24 weapons under Section 24-1 of the Criminal Code of 1961 or
25 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
26 a weapon that is not readily distinguishable as one of the

1 weapons enumerated in Section 24-1 of the Criminal Code of
2 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

3 (7) When a defendant is convicted of an offense
4 involving the illegal manufacture of a controlled
5 substance under Section 401 of the Illinois Controlled
6 Substances Act (720 ILCS 570/401), the illegal manufacture
7 of methamphetamine under Section 25 of the Methamphetamine
8 Control and Community Protection Act (720 ILCS 646/25), or
9 the illegal possession of explosives and an emergency
10 response officer in the performance of his or her duties
11 is killed or injured at the scene of the offense while
12 responding to the emergency caused by the commission of
13 the offense. In this paragraph, "emergency" means a
14 situation in which a person's life, health, or safety is
15 in jeopardy; and "emergency response officer" means a
16 peace officer, community policing volunteer, fireman,
17 emergency medical technician-ambulance, emergency medical
18 technician-intermediate, emergency medical
19 technician-paramedic, ambulance driver, other medical
20 assistance or first aid personnel, or hospital emergency
21 room personnel.

22 (8) When the defendant is convicted of attempted mob
23 action, solicitation to commit mob action, or conspiracy
24 to commit mob action under Section 8-1, 8-2, or 8-4 of the
25 Criminal Code of 2012, where the criminal object is a
26 violation of Section 25-1 of the Criminal Code of 2012,

1 and an electronic communication is used in the commission
2 of the offense. For the purposes of this paragraph (8),
3 "electronic communication" shall have the meaning provided
4 in Section 26.5-0.1 of the Criminal Code of 2012.

5 (d) For the purposes of this Section, "organized gang" has
6 the meaning ascribed to it in Section 10 of the Illinois
7 Streetgang Terrorism Omnibus Prevention Act.

8 (e) The court may impose an extended term sentence under
9 Article 4.5 of Chapter V upon an offender who has been
10 convicted of a felony violation of Section 11-1.20, 11-1.30,
11 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
12 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
13 when the victim of the offense is under 18 years of age at the
14 time of the commission of the offense and, during the
15 commission of the offense, the victim was under the influence
16 of alcohol, regardless of whether or not the alcohol was
17 supplied by the offender; and the offender, at the time of the
18 commission of the offense, knew or should have known that the
19 victim had consumed alcohol.

20 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;
21 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; 101-652, eff.
22 1-1-23; 102-558, eff. 8-20-21.)

23 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

24 Sec. 5-6-4. Violation, Modification or Revocation of
25 Probation, of Conditional Discharge or Supervision or of a

1 sentence of county impact incarceration - Hearing.

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

6 (1) in the case of probation violations, order the
7 issuance of a notice to the offender to be present by the
8 County Probation Department or such other agency
9 designated by the court to handle probation matters; and
10 in the case of conditional discharge or supervision
11 violations, such notice to the offender shall be issued by
12 the Circuit Court Clerk; and in the case of a violation of
13 a sentence of county impact incarceration, such notice
14 shall be issued by the Sheriff;

15 (2) order a summons to the offender to be present for
16 hearing; or

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

22 Personal service of the petition for violation of
23 probation or the issuance of such warrant, summons or notice
24 shall toll the period of probation, conditional discharge,
25 supervision, or sentence of county impact incarceration until
26 the final determination of the charge, and the term of

1 probation, conditional discharge, supervision, or sentence of
2 county impact incarceration shall not run until the hearing
3 and disposition of the petition for violation.

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

21 (c) The State has the burden of going forward with the
22 evidence and proving the violation by the preponderance of the
23 evidence. The evidence shall be presented in open court with
24 the right of confrontation, cross-examination, and
25 representation by counsel.

26 (d) Probation, conditional discharge, periodic

1 imprisonment and supervision shall not be revoked for failure
2 to comply with conditions of a sentence or supervision, which
3 imposes financial obligations upon the offender unless such
4 failure is due to his willful refusal to pay.

5 (e) If the court finds that the offender has violated a
6 condition at any time prior to the expiration or termination
7 of the period, it may continue him on the existing sentence,
8 with or without modifying or enlarging the conditions, or may
9 impose any other sentence that was available under Article 4.5
10 of Chapter V of this Code or Section 11-501 of the Illinois
11 Vehicle Code at the time of initial sentencing. If the court
12 finds that the person has failed to successfully complete his
13 or her sentence to a county impact incarceration program, the
14 court may impose any other sentence that was available under
15 Article 4.5 of Chapter V of this Code or Section 11-501 of the
16 Illinois Vehicle Code at the time of initial sentencing,
17 except for a sentence of probation or conditional discharge.
18 If the court finds that the offender has violated paragraph
19 (8.6) of subsection (a) of Section 5-6-3, the court shall
20 revoke the probation of the offender. If the court finds that
21 the offender has violated subsection (o) of Section 5-6-3.1,
22 the court shall revoke the supervision of the offender.

23 (f) The conditions of probation, of conditional discharge,
24 of supervision, or of a sentence of county impact
25 incarceration may be modified by the court on motion of the
26 supervising agency or on its own motion or at the request of

1 the offender after notice and a hearing.

2 (g) A judgment revoking supervision, probation,
3 conditional discharge, or a sentence of county impact
4 incarceration is a final appealable order.

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

16 (i) Instead of filing a violation of probation,
17 conditional discharge, supervision, or a sentence of county
18 impact incarceration, an agent or employee of the supervising
19 agency with the concurrence of his or her supervisor may serve
20 on the defendant a Notice of Intermediate Sanctions. The
21 Notice shall contain the technical violation or violations
22 involved, the date or dates of the violation or violations,
23 and the intermediate sanctions to be imposed. Upon receipt of
24 the Notice, the defendant shall immediately accept or reject
25 the intermediate sanctions. If the sanctions are accepted,
26 they shall be imposed immediately. If the intermediate

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

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

23 (k) (1) On and after the effective date of this amendatory
24 Act of the 101st General Assembly, this subsection (k) shall
25 apply to arrest warrants in Cook County only. An arrest
26 warrant issued under paragraph (3) of subsection (a) when the

1 underlying conviction is for the offense of theft, retail
2 theft, or possession of a controlled substance shall remain
3 active for a period not to exceed 10 years from the date the
4 warrant was issued unless a motion to extend the warrant is
5 filed by the office of the State's Attorney or by, or on behalf
6 of, the agency supervising the wanted person. A motion to
7 extend the warrant shall be filed within one year before the
8 warrant expiration date and notice shall be provided to the
9 office of the sheriff.

10 (2) If a motion to extend a warrant issued under paragraph
11 (3) of subsection (a) is not filed, the warrant shall be
12 quashed and recalled as a matter of law under paragraph (1) of
13 this subsection (k) and the wanted person's period of
14 probation, conditional discharge, or supervision shall
15 terminate unsatisfactorily as a matter of law.

16 (Source: P.A. 101-406, eff. 1-1-20; 101-652.)

17 (730 ILCS 5/5-6-4.1) (from Ch. 38, par. 1005-6-4.1)

18 Sec. 5-6-4.1. Violation, Modification or Revocation of
19 Conditional Discharge or Supervision - Hearing.)

20 (a) In cases where a defendant was placed upon supervision
21 or conditional discharge for the commission of a petty
22 offense, upon the oral or written motion of the State, or on
23 the court's own motion, which charges that a violation of a
24 condition of that conditional discharge or supervision has
25 occurred, the court may:

1 (1) Conduct a hearing instanter if the offender is
2 present in court;

3 (2) Order the issuance by the court clerk of a notice
4 to the offender to be present for a hearing for violation;

5 (3) Order summons to the offender to be present; or

6 (4) Order a warrant for the offender's arrest.

7 The oral motion, if the defendant is present, or the
8 issuance of such warrant, summons or notice shall toll the
9 period of conditional discharge or supervision until the final
10 determination of the charge, and the term of conditional
11 discharge or supervision shall not run until the hearing and
12 disposition of the petition for violation.

13 (b) The Court shall admit the offender to ~~pretrial release~~
14 bail pending the hearing.

15 (c) The State has the burden of going forward with the
16 evidence and proving the violation by the preponderance of the
17 evidence. The evidence shall be presented in open court with
18 the right of confrontation, cross-examination, and
19 representation by counsel.

20 (d) Conditional discharge or supervision shall not be
21 revoked for failure to comply with the conditions of the
22 discharge or supervision which imposed financial obligations
23 upon the offender unless such failure is due to his wilful
24 refusal to pay.

25 (e) If the court finds that the offender has violated a
26 condition at any time prior to the expiration or termination

1 of the period, it may continue him on the existing sentence or
2 supervision with or without modifying or enlarging the
3 conditions, or may impose any other sentence that was
4 available under Article 4.5 of Chapter V of this Code or
5 Section 11-501 of the Illinois Vehicle Code at the time of
6 initial sentencing.

7 (f) The conditions of conditional discharge and of
8 supervision may be modified by the court on motion of the
9 probation officer or on its own motion or at the request of the
10 offender after notice to the defendant and a hearing.

11 (g) A judgment revoking supervision is a final appealable
12 order.

13 (h) Resentencing after revocation of conditional discharge
14 or of supervision shall be under Article 4. Time served on
15 conditional discharge or supervision shall be credited by the
16 court against a sentence of imprisonment or periodic
17 imprisonment unless the court orders otherwise.

18 (Source: P.A. 95-1052, eff. 7-1-09; 101-652.)

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

1 of 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; 101-652.)

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
24 Code; (2) impair, avoid, or affect any grant or conveyance
25 made or right acquired or cause of action then existing under

1 any such repealed Act or amendment thereto; (3) affect or
2 impair the validity of any ~~pretrial-release~~ bail or other bond
3 or other obligation issued or sold and constituting a valid
4 obligation of the issuing authority immediately prior to the
5 effective date of this Code; (4) the validity of any contract;
6 or (5) the validity of any tax levied under any law in effect
7 prior to the effective date of this Code. The repeal of any
8 validating Act or part thereof shall not avoid the effect of
9 the validation. No Act repealed by Section 8-5-1 shall repeal
10 any Act or part thereof which embraces the same or a similar
11 subject matter as the Act repealed.

12 (Source: P.A. 78-255; 101-652.)

13 Section 260. The Unified Code of Corrections is amended by
14 changing Sections 3-6-3, 5-4-1, 5-4.5-95, 5-4.5-100, 5-8-1,
15 5-8-6, 5-8A-2, 5-8A-4, and 5-8A-4.1 as follows:

16 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

17 Sec. 3-6-3. Rules and regulations for sentence credit.

18 (a) (1) The Department of Corrections shall prescribe rules
19 and regulations for awarding and revoking sentence credit for
20 persons committed to the Department which shall be subject to
21 review by the Prisoner Review Board.

22 (1.5) As otherwise provided by law, sentence credit may be
23 awarded for the following:

24 (A) successful completion of programming while in

1 custody of the Department or while in custody prior to
2 sentencing;

3 (B) compliance with the rules and regulations of the
4 Department; or

5 (C) service to the institution, service to a
6 community, or service to the State.

7 (2) Except as provided in paragraph (4.7) of this
8 subsection (a), the rules and regulations on sentence credit
9 shall provide, with respect to offenses listed in clause (i),
10 (ii), or (iii) of this paragraph (2) committed on or after June
11 19, 1998 or with respect to the offense listed in clause (iv)
12 of this paragraph (2) committed on or after June 23, 2005 (the
13 effective date of Public Act 94-71) or with respect to offense
14 listed in clause (vi) committed on or after June 1, 2008 (the
15 effective date of Public Act 95-625) or with respect to the
16 offense of being an armed habitual criminal committed on or
17 after August 2, 2005 (the effective date of Public Act 94-398)
18 or with respect to the offenses listed in clause (v) of this
19 paragraph (2) committed on or after August 13, 2007 (the
20 effective date of Public Act 95-134) or with respect to the
21 offense of aggravated domestic battery committed on or after
22 July 23, 2010 (the effective date of Public Act 96-1224) or
23 with respect to the offense of attempt to commit terrorism
24 committed on or after January 1, 2013 (the effective date of
25 Public Act 97-990), the following:

26 (i) that a prisoner who is serving a term of

1 imprisonment for first degree murder or for the offense of
2 terrorism shall receive no sentence credit and shall serve
3 the entire sentence imposed by the court;

4 (ii) that a prisoner serving a sentence for attempt to
5 commit terrorism, attempt to commit first degree murder,
6 solicitation of murder, solicitation of murder for hire,
7 intentional homicide of an unborn child, predatory
8 criminal sexual assault of a child, aggravated criminal
9 sexual assault, criminal sexual assault, aggravated
10 kidnapping, aggravated battery with a firearm as described
11 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),
12 or (e) (4) of Section 12-3.05, heinous battery as described
13 in Section 12-4.1 or subdivision (a) (2) of Section
14 12-3.05, being an armed habitual criminal, aggravated
15 battery of a senior citizen as described in Section 12-4.6
16 or subdivision (a) (4) of Section 12-3.05, or aggravated
17 battery of a child as described in Section 12-4.3 or
18 subdivision (b) (1) of Section 12-3.05 shall receive no
19 more than 4.5 days of sentence credit for each month of his
20 or her sentence of imprisonment;

21 (iii) that a prisoner serving a sentence for home
22 invasion, armed robbery, aggravated vehicular hijacking,
23 aggravated discharge of a firearm, or armed violence with
24 a category I weapon or category II weapon, when the court
25 has made and entered a finding, pursuant to subsection
26 (c-1) of Section 5-4-1 of this Code, that the conduct

1 leading to conviction for the enumerated offense resulted
2 in great bodily harm to a victim, shall receive no more
3 than 4.5 days of sentence credit for each month of his or
4 her sentence of imprisonment;

5 (iv) that a prisoner serving a sentence for aggravated
6 discharge of a firearm, whether or not the conduct leading
7 to conviction for the offense resulted in great bodily
8 harm to the victim, shall receive no more than 4.5 days of
9 sentence credit for each month of his or her sentence of
10 imprisonment;

11 (v) that a person serving a sentence for gunrunning,
12 narcotics racketeering, controlled substance trafficking,
13 methamphetamine trafficking, drug-induced homicide,
14 aggravated methamphetamine-related child endangerment,
15 money laundering pursuant to clause (c) (4) or (5) of
16 Section 29B-1 of the Criminal Code of 1961 or the Criminal
17 Code of 2012, or a Class X felony conviction for delivery
18 of a controlled substance, possession of a controlled
19 substance with intent to manufacture or deliver,
20 calculated criminal drug conspiracy, criminal drug
21 conspiracy, street gang criminal drug conspiracy,
22 participation in methamphetamine manufacturing,
23 aggravated participation in methamphetamine
24 manufacturing, delivery of methamphetamine, possession
25 with intent to deliver methamphetamine, aggravated
26 delivery of methamphetamine, aggravated possession with

1 intent to deliver methamphetamine, methamphetamine
2 conspiracy when the substance containing the controlled
3 substance or methamphetamine is 100 grams or more shall
4 receive no more than 7.5 days sentence credit for each
5 month of his or her sentence of imprisonment;

6 (vi) that a prisoner serving a sentence for a second
7 or subsequent offense of luring a minor shall receive no
8 more than 4.5 days of sentence credit for each month of his
9 or her sentence of imprisonment; and

10 (vii) that a prisoner serving a sentence for
11 aggravated domestic battery shall receive no more than 4.5
12 days of sentence credit for each month of his or her
13 sentence of imprisonment.

14 (2.1) For all offenses, other than those enumerated in
15 subdivision (a)(2)(i), (ii), or (iii) committed on or after
16 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
17 June 23, 2005 (the effective date of Public Act 94-71) or
18 subdivision (a)(2)(v) committed on or after August 13, 2007
19 (the effective date of Public Act 95-134) or subdivision
20 (a)(2)(vi) committed on or after June 1, 2008 (the effective
21 date of Public Act 95-625) or subdivision (a)(2)(vii)
22 committed on or after July 23, 2010 (the effective date of
23 Public Act 96-1224), and other than the offense of aggravated
24 driving under the influence of alcohol, other drug or drugs,
25 or intoxicating compound or compounds, or any combination
26 thereof as defined in subparagraph (F) of paragraph (1) of

1 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
2 and other than the offense of aggravated driving under the
3 influence of alcohol, other drug or drugs, or intoxicating
4 compound or compounds, or any combination thereof as defined
5 in subparagraph (C) of paragraph (1) of subsection (d) of
6 Section 11-501 of the Illinois Vehicle Code committed on or
7 after January 1, 2011 (the effective date of Public Act
8 96-1230), the rules and regulations shall provide that a
9 prisoner who is serving a term of imprisonment shall receive
10 one day of sentence credit for each day of his or her sentence
11 of imprisonment or recommitment under Section 3-3-9. Each day
12 of sentence credit shall reduce by one day the prisoner's
13 period of imprisonment or recommitment under Section 3-3-9.

14 (2.2) A prisoner serving a term of natural life
15 imprisonment or a prisoner who has been sentenced to death
16 shall receive no sentence credit.

17 (2.3) Except as provided in paragraph (4.7) of this
18 subsection (a), the rules and regulations on sentence credit
19 shall provide that a prisoner who is serving a sentence for
20 aggravated driving under the influence of alcohol, other drug
21 or drugs, or intoxicating compound or compounds, or any
22 combination thereof as defined in subparagraph (F) of
23 paragraph (1) of subsection (d) of Section 11-501 of the
24 Illinois Vehicle Code, shall receive no more than 4.5 days of
25 sentence credit for each month of his or her sentence of
26 imprisonment.

1 (2.4) Except as provided in paragraph (4.7) of this
2 subsection (a), the rules and regulations on sentence credit
3 shall provide with respect to the offenses of aggravated
4 battery with a machine gun or a firearm equipped with any
5 device or attachment designed or used for silencing the report
6 of a firearm or aggravated discharge of a machine gun or a
7 firearm equipped with any device or attachment designed or
8 used for silencing the report of a firearm, committed on or
9 after July 15, 1999 (the effective date of Public Act 91-121),
10 that a prisoner serving a sentence for any of these offenses
11 shall receive no more than 4.5 days of sentence credit for each
12 month of his or her sentence of imprisonment.

13 (2.5) Except as provided in paragraph (4.7) of this
14 subsection (a), the rules and regulations on sentence credit
15 shall provide that a prisoner who is serving a sentence for
16 aggravated arson committed on or after July 27, 2001 (the
17 effective date of Public Act 92-176) shall receive no more
18 than 4.5 days of sentence credit for each month of his or her
19 sentence of imprisonment.

20 (2.6) Except as provided in paragraph (4.7) of this
21 subsection (a), the rules and regulations on sentence credit
22 shall provide that a prisoner who is serving a sentence for
23 aggravated driving under the influence of alcohol, other drug
24 or drugs, or intoxicating compound or compounds or any
25 combination thereof as defined in subparagraph (C) of
26 paragraph (1) of subsection (d) of Section 11-501 of the

1 Illinois Vehicle Code committed on or after January 1, 2011
2 (the effective date of Public Act 96-1230) shall receive no
3 more than 4.5 days of sentence credit for each month of his or
4 her sentence of imprisonment.

5 (3) In addition to the sentence credits earned under
6 paragraphs (2.1), (4), (4.1), ~~(4.2)~~, and (4.7) of this
7 subsection (a), the rules and regulations shall also provide
8 that the Director may award up to 180 days of earned sentence
9 credit ~~for prisoners serving a sentence of incarceration of~~
10 ~~less than 5 years, and up to 365 days of earned sentence credit~~
11 ~~for prisoners serving a sentence of 5 years or longer. The~~
12 ~~Director may grant this credit~~ for good conduct in specific
13 instances as the Director deems proper. The good conduct may
14 include, but is not limited to, compliance with the rules and
15 regulations of the Department, service to the Department,
16 service to a community, or service to the State.

17 Eligible inmates for an award of earned sentence credit
18 under this paragraph (3) may be selected to receive the credit
19 at the Director's or his or her designee's sole discretion.
20 Eligibility for the additional earned sentence credit under
21 this paragraph (3) ~~may~~ shall be based on, but is not limited
22 to, ~~participation in programming offered by the Department as~~
23 ~~appropriate for the prisoner based on~~ the results of any
24 available risk/needs assessment or other relevant assessments
25 or evaluations administered by the Department using a
26 validated instrument, the circumstances of the crime,

1 ~~demonstrated commitment to rehabilitation by a~~ any prisoner
2 with a history of conviction for a forcible felony enumerated
3 in Section 2-8 of the Criminal Code of 2012, the inmate's
4 behavior and ~~improvements in~~ disciplinary history while
5 incarcerated, and the inmate's commitment to rehabilitation,
6 including participation in programming offered by the
7 Department.

8 The Director shall not award sentence credit under this
9 paragraph (3) to an inmate unless the inmate has served a
10 minimum of 60 days of the sentence; except nothing in this
11 paragraph shall be construed to permit the Director to extend
12 an inmate's sentence beyond that which was imposed by the
13 court. Prior to awarding credit under this paragraph (3), the
14 Director shall make a written determination that the inmate:

15 (A) is eligible for the earned sentence credit;

16 (B) has served a minimum of 60 days, or as close to 60
17 days as the sentence will allow;

18 (B-1) has received a risk/needs assessment or other
19 relevant evaluation or assessment administered by the
20 Department using a validated instrument; and

21 (C) has met the eligibility criteria established by
22 rule for earned sentence credit.

23 The Director shall determine the form and content of the
24 written determination required in this subsection.

25 (3.5) The Department shall provide annual written reports
26 to the Governor and the General Assembly on the award of earned

1 sentence credit no later than February 1 of each year. The
2 Department must publish both reports on its website within 48
3 hours of transmitting the reports to the Governor and the
4 General Assembly. The reports must include:

5 (A) the number of inmates awarded earned sentence
6 credit;

7 (B) the average amount of earned sentence credit
8 awarded;

9 (C) the holding offenses of inmates awarded earned
10 sentence credit; and

11 (D) the number of earned sentence credit revocations.

12 (4) (A) Except as provided in paragraph (4.7) of this
13 subsection (a), the rules and regulations shall also provide
14 that ~~any prisoner who~~ the sentence credit accumulated and
15 retained under paragraph (2.1) of subsection (a) of this
16 Section by any inmate during specific periods of time in which
17 such inmate is engaged full-time in substance abuse programs,
18 correctional industry assignments, educational programs,
19 ~~work release programs or activities in accordance with Article~~
20 ~~13 of Chapter III of this Code,~~ behavior modification
21 programs, life skills courses, or re-entry planning provided
22 by the Department under this paragraph (4) and satisfactorily
23 completes the assigned program as determined by the standards
24 of the Department, shall receive ~~one day of sentence credit~~
25 ~~for each day in which that prisoner is engaged in the~~
26 ~~activities described in this paragraph~~ be multiplied by a

1 factor of 1.25 for program participation before August 11,
2 1993 and 1.50 for program participation on or after that date.

3 The rules and regulations shall also provide that sentence
4 credit, subject to the same offense limits and multiplier

5 provided in this paragraph, may be provided to an inmate who
6 was held in pre-trial detention prior to his or her current

7 commitment to the Department of Corrections and successfully
8 completed a full-time, 60-day or longer substance abuse

9 program, educational program, behavior modification program,
10 life skills course, or re-entry planning provided by the

11 county department of corrections or county jail. Calculation
12 of this county program credit shall be done at sentencing as

13 provided in Section 5-4.5-100 of this Code and shall be
14 included in the sentencing order. ~~The rules and regulations~~

15 ~~shall also provide that sentence credit may be provided to an~~
16 ~~inmate who is in compliance with programming requirements in~~

17 ~~an adult transition center.~~ However, no inmate shall be
18 eligible for the additional sentence credit under this

19 paragraph (4) or (4.1) of this subsection (a) while assigned
20 to a boot camp or electronic detention.

21 (B) The Department shall award sentence credit under this
22 paragraph (4) accumulated prior to ~~January 1, 2020~~ (the

23 effective date of ~~Public Act 101-440~~) this amendatory Act of
24 the 101st General Assembly in an amount specified in

25 subparagraph (C) of this paragraph (4) to an inmate serving a
26 sentence for an offense committed prior to June 19, 1998, if

1 the Department determines that the inmate is entitled to this
2 sentence credit, based upon:

3 (i) documentation provided by the Department that the
4 inmate engaged in any full-time substance abuse programs,
5 correctional industry assignments, educational programs,
6 behavior modification programs, life skills courses, or
7 re-entry planning provided by the Department under this
8 paragraph (4) and satisfactorily completed the assigned
9 program as determined by the standards of the Department
10 during the inmate's current term of incarceration; or

11 (ii) the inmate's own testimony in the form of an
12 affidavit or documentation, or a third party's
13 documentation or testimony in the form of an affidavit
14 that the inmate likely engaged in any full-time substance
15 abuse programs, correctional industry assignments,
16 educational programs, behavior modification programs, life
17 skills courses, or re-entry planning provided by the
18 Department under paragraph (4) and satisfactorily
19 completed the assigned program as determined by the
20 standards of the Department during the inmate's current
21 term of incarceration.

22 (C) If the inmate can provide documentation that he or she
23 is entitled to sentence credit under subparagraph (B) in
24 excess of 45 days of participation in those programs, the
25 inmate shall receive 90 days of sentence credit. If the inmate
26 cannot provide documentation of more than 45 days of

1 participation in those programs, the inmate shall receive 45
2 days of sentence credit. In the event of a disagreement
3 between the Department and the inmate as to the amount of
4 credit accumulated under subparagraph (B), if the Department
5 provides documented proof of a lesser amount of days of
6 participation in those programs, that proof shall control. If
7 the Department provides no documentary proof, the inmate's
8 proof as set forth in clause (ii) of subparagraph (B) shall
9 control as to the amount of sentence credit provided.

10 (D) If the inmate has been convicted of a sex offense as
11 defined in Section 2 of the Sex Offender Registration Act,
12 sentencing credits under subparagraph (B) of this paragraph
13 (4) shall be awarded by the Department only if the conditions
14 set forth in paragraph (4.6) of subsection (a) are satisfied.
15 No inmate serving a term of natural life imprisonment shall
16 receive sentence credit under subparagraph (B) of this
17 paragraph (4).

18 Educational, vocational, substance abuse, behavior
19 modification programs, life skills courses, re-entry planning,
20 and correctional industry programs under which sentence credit
21 may be earned under this paragraph (4) and paragraph (4.1) of
22 this subsection (a) shall be evaluated by the Department on
23 the basis of documented standards. The Department shall report
24 the results of these evaluations to the Governor and the
25 General Assembly by September 30th of each year. The reports
26 shall include data relating to the recidivism rate among

1 program participants.

2 Availability of these programs shall be subject to the
3 limits of fiscal resources appropriated by the General
4 Assembly for these purposes. Eligible inmates who are denied
5 immediate admission shall be placed on a waiting list under
6 criteria established by the Department. ~~The rules and
7 regulations shall provide that a prisoner who has been placed
8 on a waiting list but is transferred for non disciplinary
9 reasons before beginning a program shall receive priority
10 placement on the waitlist for appropriate programs at the new
11 facility.~~ The inability of any inmate to become engaged in any
12 such programs by reason of insufficient program resources or
13 for any other reason established under the rules and
14 regulations of the Department shall not be deemed a cause of
15 action under which the Department or any employee or agent of
16 the Department shall be liable for damages to the inmate. ~~The
17 rules and regulations shall provide that a prisoner who begins
18 an educational, vocational, substance abuse, work release
19 programs or activities in accordance with Article 13 of
20 Chapter III of this Code, behavior modification program, life
21 skills course, re-entry planning, or correctional industry
22 programs but is unable to complete the program due to illness,
23 disability, transfer, lockdown, or another reason outside of
24 the prisoner's control shall receive prorated sentence credits
25 for the days in which the prisoner did participate.~~

26 (4.1) Except as provided in paragraph (4.7) of this

1 subsection (a), the rules and regulations shall also provide
2 that an additional 90 days of sentence credit shall be awarded
3 to any prisoner who passes high school equivalency testing
4 while the prisoner is committed to the Department of
5 Corrections. The sentence credit awarded under this paragraph
6 (4.1) shall be in addition to, and shall not affect, the award
7 of sentence credit under any other paragraph of this Section,
8 but shall also be pursuant to the guidelines and restrictions
9 set forth in paragraph (4) of subsection (a) of this Section.
10 The sentence credit provided for in this paragraph shall be
11 available only to those prisoners who have not previously
12 earned a high school diploma or a high school equivalency
13 certificate. If, after an award of the high school equivalency
14 testing sentence credit has been made, the Department
15 determines that the prisoner was not eligible, then the award
16 shall be revoked. The Department may also award 90 days of
17 sentence credit to any committed person who passed high school
18 equivalency testing while he or she was held in pre-trial
19 detention prior to the current commitment to the Department of
20 Corrections. ~~Except as provided in paragraph (4.7) of this~~
21 ~~subsection (a), the rules and regulations shall provide that~~
22 ~~an additional 120 days of sentence credit shall be awarded to~~
23 ~~any prisoner who obtains an associate degree while the~~
24 ~~prisoner is committed to the Department of Corrections,~~
25 ~~regardless of the date that the associate degree was obtained,~~
26 ~~including if prior to July 1, 2021 (the effective date of~~

1 ~~Public Act 101-652). The sentence credit awarded under this~~
2 ~~paragraph (4.1) shall be in addition to, and shall not affect,~~
3 ~~the award of sentence credit under any other paragraph of this~~
4 ~~Section, but shall also be under the guidelines and~~
5 ~~restrictions set forth in paragraph (4) of subsection (a) of~~
6 ~~this Section. The sentence credit provided for in this~~
7 ~~paragraph (4.1) shall be available only to those prisoners who~~
8 ~~have not previously earned an associate degree prior to the~~
9 ~~current commitment to the Department of Corrections. If, after~~
10 ~~an award of the associate degree sentence credit has been made~~
11 ~~and the Department determines that the prisoner was not~~
12 ~~eligible, then the award shall be revoked. The Department may~~
13 ~~also award 120 days of sentence credit to any committed person~~
14 ~~who earned an associate degree while he or she was held in~~
15 ~~pre trial detention prior to the current commitment to the~~
16 ~~Department of Corrections.~~

17 Except as provided in paragraph (4.7) of this subsection
18 (a), the rules and regulations shall provide that an
19 additional 180 days of sentence credit shall be awarded to any
20 prisoner who obtains a bachelor's degree while the prisoner is
21 committed to the Department of Corrections. The sentence
22 credit awarded under this paragraph (4.1) shall be in addition
23 to, and shall not affect, the award of sentence credit under
24 any other paragraph of this Section, but shall also be under
25 the guidelines and restrictions set forth in paragraph (4) of
26 this subsection (a). The sentence credit provided for in this

1 paragraph shall be available only to those prisoners who have
2 not earned a bachelor's degree prior to the current commitment
3 to the Department of Corrections. If, after an award of the
4 bachelor's degree sentence credit has been made, the
5 Department determines that the prisoner was not eligible, then
6 the award shall be revoked. The Department may also award 180
7 days of sentence credit to any committed person who earned a
8 bachelor's degree while he or she was held in pre-trial
9 detention prior to the current commitment to the Department of
10 Corrections.

11 Except as provided in paragraph (4.7) of this subsection
12 (a), the rules and regulations shall provide that an
13 additional 180 days of sentence credit shall be awarded to any
14 prisoner who obtains a master's or professional degree while
15 the prisoner is committed to the Department of Corrections.
16 The sentence credit awarded under this paragraph (4.1) shall
17 be in addition to, and shall not affect, the award of sentence
18 credit under any other paragraph of this Section, but shall
19 also be under the guidelines and restrictions set forth in
20 paragraph (4) of this subsection (a). The sentence credit
21 provided for in this paragraph shall be available only to
22 those prisoners who have not previously earned a master's or
23 professional degree prior to the current commitment to the
24 Department of Corrections. If, after an award of the master's
25 or professional degree sentence credit has been made, the
26 Department determines that the prisoner was not eligible, then

1 the award shall be revoked. The Department may also award 180
2 days of sentence credit to any committed person who earned a
3 master's or professional degree while he or she was held in
4 pre-trial detention prior to the current commitment to the
5 Department of Corrections.

6 ~~(4.2) The rules and regulations shall also provide that~~
7 ~~any prisoner engaged in self improvement programs, volunteer~~
8 ~~work, or work assignments that are not otherwise eligible~~
9 ~~activities under paragraph (4), shall receive up to 0.5 days~~
10 ~~of sentence credit for each day in which the prisoner is~~
11 ~~engaged in activities described in this paragraph.~~

12 (4.5) The rules and regulations on sentence credit shall
13 also provide that when the court's sentencing order recommends
14 a prisoner for substance abuse treatment and the crime was
15 committed on or after September 1, 2003 (the effective date of
16 Public Act 93-354), the prisoner shall receive no sentence
17 credit awarded under clause (3) of this subsection (a) unless
18 he or she participates in and completes a substance abuse
19 treatment program. The Director may waive the requirement to
20 participate in or complete a substance abuse treatment program
21 in specific instances if the prisoner is not a good candidate
22 for a substance abuse treatment program for medical,
23 programming, or operational reasons. Availability of substance
24 abuse treatment shall be subject to the limits of fiscal
25 resources appropriated by the General Assembly for these
26 purposes. If treatment is not available and the requirement to

1 participate and complete the treatment has not been waived by
2 the Director, the prisoner shall be placed on a waiting list
3 under criteria established by the Department. The Director may
4 allow a prisoner placed on a waiting list to participate in and
5 complete a substance abuse education class or attend substance
6 abuse self-help meetings in lieu of a substance abuse
7 treatment program. A prisoner on a waiting list who is not
8 placed in a substance abuse program prior to release may be
9 eligible for a waiver and receive sentence credit under clause
10 (3) of this subsection (a) at the discretion of the Director.

11 (4.6) The rules and regulations on sentence credit shall
12 also provide that a prisoner who has been convicted of a sex
13 offense as defined in Section 2 of the Sex Offender
14 Registration Act shall receive no sentence credit unless he or
15 she either has successfully completed or is participating in
16 sex offender treatment as defined by the Sex Offender
17 Management Board. However, prisoners who are waiting to
18 receive treatment, but who are unable to do so due solely to
19 the lack of resources on the part of the Department, may, at
20 the Director's sole discretion, be awarded sentence credit at
21 a rate as the Director shall determine.

22 (4.7) On or after ~~January 1, 2018~~ (the effective date of
23 ~~Public Act 100-3~~) this amendatory Act of the 100th General
24 Assembly, sentence credit under paragraph (3), (4), or (4.1)
25 of this subsection (a) may be awarded to a prisoner who is
26 serving a sentence for an offense described in paragraph (2),

1 (2.3), (2.4), (2.5), or (2.6) for credit earned on or after
2 ~~January 1, 2018~~ (the effective date of ~~Public Act 100-3~~) this
3 amendatory Act of the 100th General Assembly; provided, the
4 award of the credits under this paragraph (4.7) shall not
5 reduce the sentence of the prisoner to less than the following
6 amounts:

7 (i) 85% of his or her sentence if the prisoner is
8 required to serve 85% of his or her sentence; or

9 (ii) 60% of his or her sentence if the prisoner is
10 required to serve 75% of his or her sentence, except if the
11 prisoner is serving a sentence for gunrunning his or her
12 sentence shall not be reduced to less than 75%.

13 (iii) 100% of his or her sentence if the prisoner is
14 required to serve 100% of his or her sentence.

15 (5) Whenever the Department is to release any inmate
16 earlier than it otherwise would because of a grant of earned
17 sentence credit under paragraph (3) of subsection (a) of this
18 Section given at any time during the term, the Department
19 shall give reasonable notice of the impending release not less
20 than 14 days prior to the date of the release to the State's
21 Attorney of the county where the prosecution of the inmate
22 took place, and if applicable, the State's Attorney of the
23 county into which the inmate will be released. The Department
24 must also make identification information and a recent photo
25 of the inmate being released accessible on the Internet by
26 means of a hyperlink labeled "Community Notification of Inmate

1 Early Release" on the Department's World Wide Web homepage.
2 The identification information shall include the inmate's:
3 name, any known alias, date of birth, physical
4 characteristics, commitment offense, and county where
5 conviction was imposed. The identification information shall
6 be placed on the website within 3 days of the inmate's release
7 and the information may not be removed until either:
8 completion of the first year of mandatory supervised release
9 or return of the inmate to custody of the Department.

10 (b) Whenever a person is or has been committed under
11 several convictions, with separate sentences, the sentences
12 shall be construed under Section 5-8-4 in granting and
13 forfeiting of sentence credit.

14 (c) ~~(1)~~ The Department shall prescribe rules and
15 regulations for revoking sentence credit, including revoking
16 sentence credit awarded under paragraph (3) of subsection (a)
17 of this Section. ~~The Department shall prescribe rules and~~
18 ~~regulations establishing and requiring the use of a sanctions~~
19 ~~matrix for revoking sentence credit.~~ The Department shall
20 prescribe rules and regulations for suspending or reducing the
21 rate of accumulation of sentence credit for specific rule
22 violations, during imprisonment. These rules and regulations
23 shall provide that no inmate may be penalized more than one
24 year of sentence credit for any one infraction.

25 ~~(2)~~ When the Department seeks to revoke, suspend, or
26 reduce the rate of accumulation of any sentence credits for an

1 alleged infraction of its rules, it shall bring charges
2 therefor against the prisoner sought to be so deprived of
3 sentence credits before the Prisoner Review Board as provided
4 in subparagraph (a)(4) of Section 3-3-2 of this Code, if the
5 amount of credit at issue exceeds 30 days, ~~whether from one~~
6 ~~infraction or cumulatively from multiple infractions arising~~
7 ~~out of a single event,~~ or when, during any 12 month ~~12 month~~
8 period, the cumulative amount of credit revoked exceeds 30
9 days except where the infraction is committed or discovered
10 within 60 days of scheduled release. In those cases, the
11 Department of Corrections may revoke up to 30 days of sentence
12 credit. The Board may subsequently approve the revocation of
13 additional sentence credit, if the Department seeks to revoke
14 sentence credit in excess of 30 days. However, the Board shall
15 not be empowered to review the Department's decision with
16 respect to the loss of 30 days of sentence credit within any
17 calendar year for any prisoner or to increase any penalty
18 beyond the length requested by the Department.

19 ~~(3)~~ The Director of the Department of Corrections, in
20 appropriate cases, may restore up to 30 days of sentence
21 credits which have been revoked, suspended, or reduced. ~~The~~
22 ~~Department shall prescribe rules and regulations governing the~~
23 ~~restoration of sentence credits. These rules and regulations~~
24 ~~shall provide for the automatic restoration of sentence~~
25 ~~credits following a period in which the prisoner maintains a~~
26 ~~record without a disciplinary violation. Any restoration of~~

1 sentence credits in excess of 30 days shall be subject to
2 review by the Prisoner Review Board. However, the Board may
3 not restore sentence credit in excess of the amount requested
4 by the Director.

5 Nothing contained in this Section shall prohibit the
6 Prisoner Review Board from ordering, pursuant to Section
7 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
8 sentence imposed by the court that was not served due to the
9 accumulation of sentence credit.

10 (d) If a lawsuit is filed by a prisoner in an Illinois or
11 federal court against the State, the Department of
12 Corrections, or the Prisoner Review Board, or against any of
13 their officers or employees, and the court makes a specific
14 finding that a pleading, motion, or other paper filed by the
15 prisoner is frivolous, the Department of Corrections shall
16 conduct a hearing to revoke up to 180 days of sentence credit
17 by bringing charges against the prisoner sought to be deprived
18 of the sentence credits before the Prisoner Review Board as
19 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.
20 If the prisoner has not accumulated 180 days of sentence
21 credit at the time of the finding, then the Prisoner Review
22 Board may revoke all sentence credit accumulated by the
23 prisoner.

24 For purposes of this subsection (d):

25 (1) "Frivolous" means that a pleading, motion, or
26 other filing which purports to be a legal document filed

1 by a prisoner in his or her lawsuit meets any or all of the
2 following criteria:

3 (A) it lacks an arguable basis either in law or in
4 fact;

5 (B) it is being presented for any improper
6 purpose, such as to harass or to cause unnecessary
7 delay or needless increase in the cost of litigation;

8 (C) the claims, defenses, and other legal
9 contentions therein are not warranted by existing law
10 or by a nonfrivolous argument for the extension,
11 modification, or reversal of existing law or the
12 establishment of new law;

13 (D) the allegations and other factual contentions
14 do not have evidentiary support or, if specifically so
15 identified, are not likely to have evidentiary support
16 after a reasonable opportunity for further
17 investigation or discovery; or

18 (E) the denials of factual contentions are not
19 warranted on the evidence, or if specifically so
20 identified, are not reasonably based on a lack of
21 information or belief.

22 (2) "Lawsuit" means a motion pursuant to Section 116-3
23 of the Code of Criminal Procedure of 1963, a habeas corpus
24 action under Article X of the Code of Civil Procedure or
25 under federal law (28 U.S.C. 2254), a petition for claim
26 under the Court of Claims Act, an action under the federal

1 Civil Rights Act (42 U.S.C. 1983), or a second or
2 subsequent petition for post-conviction relief under
3 Article 122 of the Code of Criminal Procedure of 1963
4 whether filed with or without leave of court or a second or
5 subsequent petition for relief from judgment under Section
6 2-1401 of the Code of Civil Procedure.

7 (e) Nothing in Public Act 90-592 or 90-593 affects the
8 validity of Public Act 89-404.

9 (f) Whenever the Department is to release any inmate who
10 has been convicted of a violation of an order of protection
11 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
12 the Criminal Code of 2012, earlier than it otherwise would
13 because of a grant of sentence credit, the Department, as a
14 condition of release, shall require that the person, upon
15 release, be placed under electronic surveillance as provided
16 in Section 5-8A-7 of this Code.

17 (Source: P.A. 101-440, eff. 1-1-20; 101-652, eff. 7-1-21;
18 102-28, eff. 6-25-21; 102-558, eff. 8-20-21.)

19 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

20 Sec. 5-4-1. Sentencing hearing.

21 (a) Except when the death penalty is sought under hearing
22 procedures otherwise specified, after a determination of
23 guilt, a hearing shall be held to impose the sentence.
24 However, prior to the imposition of sentence on an individual
25 being sentenced for an offense based upon a charge for a

1 violation of Section 11-501 of the Illinois Vehicle Code or a
2 similar provision of a local ordinance, the individual must
3 undergo a professional evaluation to determine if an alcohol
4 or other drug abuse problem exists and the extent of such a
5 problem. Programs conducting these evaluations shall be
6 licensed by the Department of Human Services. However, if the
7 individual is not a resident of Illinois, the court may, in its
8 discretion, accept an evaluation from a program in the state
9 of such individual's residence. The court shall make a
10 specific finding about whether the defendant is eligible for
11 participation in a Department impact incarceration program as
12 provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an
13 explanation as to why a sentence to impact incarceration is
14 not an appropriate sentence. The court may in its sentencing
15 order recommend a defendant for placement in a Department of
16 Corrections substance abuse treatment program as provided in
17 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
18 upon the defendant being accepted in a program by the
19 Department of Corrections. At the hearing the court shall:

20 (1) consider the evidence, if any, received upon the
21 trial;

22 (2) consider any presentence reports;

23 (3) consider the financial impact of incarceration
24 based on the financial impact statement filed with the
25 clerk of the court by the Department of Corrections;

26 (4) consider evidence and information offered by the

1 parties in aggravation and mitigation;

2 (4.5) consider substance abuse treatment, eligibility
3 screening, and an assessment, if any, of the defendant by
4 an agent designated by the State of Illinois to provide
5 assessment services for the Illinois courts;

6 (5) hear arguments as to sentencing alternatives;

7 (6) afford the defendant the opportunity to make a
8 statement in his own behalf;

9 (7) afford the victim of a violent crime or a
10 violation of Section 11-501 of the Illinois Vehicle Code,
11 or a similar provision of a local ordinance, the
12 opportunity to present an oral or written statement, as
13 guaranteed by Article I, Section 8.1 of the Illinois
14 Constitution and provided in Section 6 of the Rights of
15 Crime Victims and Witnesses Act. The court shall allow a
16 victim to make an oral statement if the victim is present
17 in the courtroom and requests to make an oral or written
18 statement. An oral or written statement includes the
19 victim or a representative of the victim reading the
20 written statement. The court may allow persons impacted by
21 the crime who are not victims under subsection (a) of
22 Section 3 of the Rights of Crime Victims and Witnesses Act
23 to present an oral or written statement. A victim and any
24 person making an oral statement shall not be put under
25 oath or subject to cross-examination. All statements
26 offered under this paragraph (7) shall become part of the

1 record of the court. In this paragraph (7), "victim of a
2 violent crime" means a person who is a victim of a violent
3 crime for which the defendant has been convicted after a
4 bench or jury trial or a person who is the victim of a
5 violent crime with which the defendant was charged and the
6 defendant has been convicted under a plea agreement of a
7 crime that is not a violent crime as defined in subsection
8 (c) of 3 of the Rights of Crime Victims and Witnesses Act;

9 (7.5) afford a qualified person affected by: (i) a
10 violation of Section 405, 405.1, 405.2, or 407 of the
11 Illinois Controlled Substances Act or a violation of
12 Section 55 or Section 65 of the Methamphetamine Control
13 and Community Protection Act; or (ii) a Class 4 felony
14 violation of Section 11-14, 11-14.3 except as described in
15 subdivisions (a)(2)(A) and (a)(2)(B), 11-15, 11-17, 11-18,
16 11-18.1, or 11-19 of the Criminal Code of 1961 or the
17 Criminal Code of 2012, committed by the defendant the
18 opportunity to make a statement concerning the impact on
19 the qualified person and to offer evidence in aggravation
20 or mitigation; provided that the statement and evidence
21 offered in aggravation or mitigation shall first be
22 prepared in writing in conjunction with the State's
23 Attorney before it may be presented orally at the hearing.
24 Sworn testimony offered by the qualified person is subject
25 to the defendant's right to cross-examine. All statements
26 and evidence offered under this paragraph (7.5) shall

1 become part of the record of the court. In this paragraph
2 (7.5), "qualified person" means any person who: (i) lived
3 or worked within the territorial jurisdiction where the
4 offense took place when the offense took place; or (ii) is
5 familiar with various public places within the territorial
6 jurisdiction where the offense took place when the offense
7 took place. "Qualified person" includes any peace officer
8 or any member of any duly organized State, county, or
9 municipal peace officer unit assigned to the territorial
10 jurisdiction where the offense took place when the offense
11 took place;

12 (8) in cases of reckless homicide afford the victim's
13 spouse, guardians, parents or other immediate family
14 members an opportunity to make oral statements;

15 (9) in cases involving a felony sex offense as defined
16 under the Sex Offender Management Board Act, consider the
17 results of the sex offender evaluation conducted pursuant
18 to Section 5-3-2 of this Act; and

19 (10) make a finding of whether a motor vehicle was
20 used in the commission of the offense for which the
21 defendant is being sentenced.

22 (b) All sentences shall be imposed by the judge based upon
23 his independent assessment of the elements specified above and
24 any agreement as to sentence reached by the parties. The judge
25 who presided at the trial or the judge who accepted the plea of
26 guilty shall impose the sentence unless he is no longer

1 sitting as a judge in that court. Where the judge does not
2 impose sentence at the same time on all defendants who are
3 convicted as a result of being involved in the same offense,
4 the defendant or the State's Attorney may advise the
5 sentencing court of the disposition of any other defendants
6 who have been sentenced.

7 (b-1) In imposing a sentence of imprisonment or periodic
8 imprisonment for a Class 3 or Class 4 felony for which a
9 sentence of probation or conditional discharge is an available
10 sentence, if the defendant has no prior sentence of probation
11 or conditional discharge and no prior conviction for a violent
12 crime, the defendant shall not be sentenced to imprisonment
13 before review and consideration of a presentence report and
14 determination and explanation of why the particular evidence,
15 information, factor in aggravation, factual finding, or other
16 reasons support a sentencing determination that one or more of
17 the factors under subsection (a) of Section 5-6-1 of this Code
18 apply and that probation or conditional discharge is not an
19 appropriate sentence.

20 (c) In imposing a sentence for a violent crime or for an
21 offense of operating or being in physical control of a vehicle
22 while under the influence of alcohol, any other drug or any
23 combination thereof, or a similar provision of a local
24 ordinance, when such offense resulted in the personal injury
25 to someone other than the defendant, the trial judge shall
26 specify on the record the particular evidence, information,

1 factors in mitigation and aggravation or other reasons that
2 led to his sentencing determination. The full verbatim record
3 of the sentencing hearing shall be filed with the clerk of the
4 court and shall be a public record.

5 (c-1) In imposing a sentence for the offense of aggravated
6 kidnapping for ransom, home invasion, armed robbery,
7 aggravated vehicular hijacking, aggravated discharge of a
8 firearm, or armed violence with a category I weapon or
9 category II weapon, the trial judge shall make a finding as to
10 whether the conduct leading to conviction for the offense
11 resulted in great bodily harm to a victim, and shall enter that
12 finding and the basis for that finding in the record.

13 (c-2) If the defendant is sentenced to prison, other than
14 when a sentence of natural life imprisonment or a sentence of
15 death is imposed, at the time the sentence is imposed the judge
16 shall state on the record in open court the approximate period
17 of time the defendant will serve in custody according to the
18 then current statutory rules and regulations for sentence
19 credit found in Section 3-6-3 and other related provisions of
20 this Code. This statement is intended solely to inform the
21 public, has no legal effect on the defendant's actual release,
22 and may not be relied on by the defendant on appeal.

23 The judge's statement, to be given after pronouncing the
24 sentence, other than when the sentence is imposed for one of
25 the offenses enumerated in paragraph (a)(4) of Section 3-6-3,
26 shall include the following:

1 "The purpose of this statement is to inform the public of
2 the actual period of time this defendant is likely to spend in
3 prison as a result of this sentence. The actual period of
4 prison time served is determined by the statutes of Illinois
5 as applied to this sentence by the Illinois Department of
6 Corrections and the Illinois Prisoner Review Board. In this
7 case, assuming the defendant receives all of his or her
8 sentence credit, the period of estimated actual custody is ...
9 years and ... months, less up to 180 days additional earned
10 sentence credit. If the defendant, because of his or her own
11 misconduct or failure to comply with the institutional
12 regulations, does not receive those credits, the actual time
13 served in prison will be longer. The defendant may also
14 receive an additional one-half day sentence credit for each
15 day of participation in vocational, industry, substance abuse,
16 and educational programs as provided for by Illinois statute."

17 When the sentence is imposed for one of the offenses
18 enumerated in paragraph (a)(2) of Section 3-6-3, other than
19 first degree murder, and the offense was committed on or after
20 June 19, 1998, and when the sentence is imposed for reckless
21 homicide as defined in subsection (e) of Section 9-3 of the
22 Criminal Code of 1961 or the Criminal Code of 2012 if the
23 offense was committed on or after January 1, 1999, and when the
24 sentence is imposed for aggravated driving under the influence
25 of alcohol, other drug or drugs, or intoxicating compound or
26 compounds, or any combination thereof as defined in

1 subparagraph (F) of paragraph (1) of subsection (d) of Section
2 11-501 of the Illinois Vehicle Code, and when the sentence is
3 imposed for aggravated arson if the offense was committed on
4 or after July 27, 2001 (the effective date of Public Act
5 92-176), and when the sentence is imposed for aggravated
6 driving under the influence of alcohol, other drug or drugs,
7 or intoxicating compound or compounds, or any combination
8 thereof as defined in subparagraph (C) of paragraph (1) of
9 subsection (d) of Section 11-501 of the Illinois Vehicle Code
10 committed on or after January 1, 2011 (the effective date of
11 Public Act 96-1230), the judge's statement, to be given after
12 pronouncing the sentence, shall include the following:

13 "The purpose of this statement is to inform the public of
14 the actual period of time this defendant is likely to spend in
15 prison as a result of this sentence. The actual period of
16 prison time served is determined by the statutes of Illinois
17 as applied to this sentence by the Illinois Department of
18 Corrections and the Illinois Prisoner Review Board. In this
19 case, the defendant is entitled to no more than 4 1/2 days of
20 sentence credit for each month of his or her sentence of
21 imprisonment. Therefore, this defendant will serve at least
22 85% of his or her sentence. Assuming the defendant receives 4
23 1/2 days credit for each month of his or her sentence, the
24 period of estimated actual custody is ... years and ...
25 months. If the defendant, because of his or her own misconduct
26 or failure to comply with the institutional regulations

1 receives lesser credit, the actual time served in prison will
2 be longer."

3 When a sentence of imprisonment is imposed for first
4 degree murder and the offense was committed on or after June
5 19, 1998, the judge's statement, to be given after pronouncing
6 the sentence, shall include the following:

7 "The purpose of this statement is to inform the public of
8 the actual period of time this defendant is likely to spend in
9 prison as a result of this sentence. The actual period of
10 prison time served is determined by the statutes of Illinois
11 as applied to this sentence by the Illinois Department of
12 Corrections and the Illinois Prisoner Review Board. In this
13 case, the defendant is not entitled to sentence credit.
14 Therefore, this defendant will serve 100% of his or her
15 sentence."

16 When the sentencing order recommends placement in a
17 substance abuse program for any offense that results in
18 incarceration in a Department of Corrections facility and the
19 crime was committed on or after September 1, 2003 (the
20 effective date of Public Act 93-354), the judge's statement,
21 in addition to any other judge's statement required under this
22 Section, to be given after pronouncing the sentence, shall
23 include the following:

24 "The purpose of this statement is to inform the public of
25 the actual period of time this defendant is likely to spend in
26 prison as a result of this sentence. The actual period of

1 prison time served is determined by the statutes of Illinois
2 as applied to this sentence by the Illinois Department of
3 Corrections and the Illinois Prisoner Review Board. In this
4 case, the defendant shall receive no earned sentence credit
5 under clause (3) of subsection (a) of Section 3-6-3 until he or
6 she participates in and completes a substance abuse treatment
7 program or receives a waiver from the Director of Corrections
8 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

9 (c-4) Before the sentencing hearing and as part of the
10 presentence investigation under Section 5-3-1, the court shall
11 inquire of the defendant whether the defendant is currently
12 serving in or is a veteran of the Armed Forces of the United
13 States. If the defendant is currently serving in the Armed
14 Forces of the United States or is a veteran of the Armed Forces
15 of the United States and has been diagnosed as having a mental
16 illness by a qualified psychiatrist or clinical psychologist
17 or physician, the court may:

18 (1) order that the officer preparing the presentence
19 report consult with the United States Department of
20 Veterans Affairs, Illinois Department of Veterans'
21 Affairs, or another agency or person with suitable
22 knowledge or experience for the purpose of providing the
23 court with information regarding treatment options
24 available to the defendant, including federal, State, and
25 local programming; and

26 (2) consider the treatment recommendations of any

1 diagnosing or treating mental health professionals
2 together with the treatment options available to the
3 defendant in imposing sentence.

4 For the purposes of this subsection (c-4), "qualified
5 psychiatrist" means a reputable physician licensed in Illinois
6 to practice medicine in all its branches, who has specialized
7 in the diagnosis and treatment of mental and nervous disorders
8 for a period of not less than 5 years.

9 (c-6) In imposing a sentence, the trial judge shall
10 specify, on the record, the particular evidence and other
11 reasons which led to his or her determination that a motor
12 vehicle was used in the commission of the offense.

13 ~~(c-7) In imposing a sentence for a Class 3 or 4 felony,~~
14 ~~other than a violent crime as defined in Section 3 of the~~
15 ~~Rights of Crime Victims and Witnesses Act, the court shall~~
16 ~~determine and indicate in the sentencing order whether the~~
17 ~~defendant has 4 or more or fewer than 4 months remaining on his~~
18 ~~or her sentence accounting for time served.~~

19 (d) When the defendant is committed to the Department of
20 Corrections, the State's Attorney shall and counsel for the
21 defendant may file a statement with the clerk of the court to
22 be transmitted to the department, agency or institution to
23 which the defendant is committed to furnish such department,
24 agency or institution with the facts and circumstances of the
25 offense for which the person was committed together with all
26 other factual information accessible to them in regard to the

1 person prior to his commitment relative to his habits,
2 associates, disposition and reputation and any other facts and
3 circumstances which may aid such department, agency or
4 institution during its custody of such person. The clerk shall
5 within 10 days after receiving any such statements transmit a
6 copy to such department, agency or institution and a copy to
7 the other party, provided, however, that this shall not be
8 cause for delay in conveying the person to the department,
9 agency or institution to which he has been committed.

10 (e) The clerk of the court shall transmit to the
11 department, agency or institution, if any, to which the
12 defendant is committed, the following:

13 (1) the sentence imposed;

14 (2) any statement by the court of the basis for
15 imposing the sentence;

16 (3) any presentence reports;

17 (3.5) any sex offender evaluations;

18 (3.6) any substance abuse treatment eligibility
19 screening and assessment of the defendant by an agent
20 designated by the State of Illinois to provide assessment
21 services for the Illinois courts;

22 (4) the number of days, if any, which the defendant
23 has been in custody and for which he is entitled to credit
24 against the sentence, which information shall be provided
25 to the clerk by the sheriff;

26 (4.1) any finding of great bodily harm made by the

1 court with respect to an offense enumerated in subsection
2 (c-1);

3 (5) all statements filed under subsection (d) of this
4 Section;

5 (6) any medical or mental health records or summaries
6 of the defendant;

7 (7) the municipality where the arrest of the offender
8 or the commission of the offense has occurred, where such
9 municipality has a population of more than 25,000 persons;

10 (8) all statements made and evidence offered under
11 paragraph (7) of subsection (a) of this Section; and

12 (9) all additional matters which the court directs the
13 clerk to transmit.

14 (f) In cases in which the court finds that a motor vehicle
15 was used in the commission of the offense for which the
16 defendant is being sentenced, the clerk of the court shall,
17 within 5 days thereafter, forward a report of such conviction
18 to the Secretary of State.

19 (Source: P.A. 100-961, eff. 1-1-19; 101-81, eff. 7-12-19;
20 101-105, eff. 1-1-20; 101-652.)

21 (730 ILCS 5/5-4.5-95)

22 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

23 (a) HABITUAL CRIMINALS.

24 (1) Every person who has been twice convicted in any
25 state or federal court of an offense that contains the

1 same elements as an offense now (the date of the offense
2 committed after the 2 prior convictions) classified in
3 Illinois as a Class X felony, criminal sexual assault,
4 aggravated kidnapping, or first degree murder, and who is
5 thereafter convicted of a Class X felony, criminal sexual
6 assault, or first degree murder, committed after the 2
7 prior convictions, shall be adjudged an habitual criminal.

8 (2) The 2 prior convictions need not have been for the
9 same offense.

10 (3) Any convictions that result from or are connected
11 with the same transaction, or result from offenses
12 committed at the same time, shall be counted for the
13 purposes of this Section as one conviction.

14 (4) This Section does not apply unless each of the
15 following requirements are satisfied:

16 (A) The third offense was committed after July 3,
17 1980.

18 (B) The third offense was committed within 20
19 years of the date that judgment was entered on the
20 first conviction; provided, however, that time spent
21 in custody shall not be counted.

22 (C) The third offense was committed after
23 conviction on the second offense.

24 (D) The second offense was committed after
25 conviction on the first offense.

26 ~~(E) The first offense was committed when the~~

1 ~~person was 21 years of age or older.~~

2 (5) Anyone who, having attained the age of 18 at the
3 time of the third offense, is adjudged an habitual
4 criminal shall be sentenced to a term of natural life
5 imprisonment.

6 (6) A prior conviction shall not be alleged in the
7 indictment, and no evidence or other disclosure of that
8 conviction shall be presented to the court or the jury
9 during the trial of an offense set forth in this Section
10 unless otherwise permitted by the issues properly raised
11 in that trial. After a plea or verdict or finding of guilty
12 and before sentence is imposed, the prosecutor may file
13 with the court a verified written statement signed by the
14 State's Attorney concerning any former conviction of an
15 offense set forth in this Section rendered against the
16 defendant. The court shall then cause the defendant to be
17 brought before it; shall inform the defendant of the
18 allegations of the statement so filed, and of his or her
19 right to a hearing before the court on the issue of that
20 former conviction and of his or her right to counsel at
21 that hearing; and unless the defendant admits such
22 conviction, shall hear and determine the issue, and shall
23 make a written finding thereon. If a sentence has
24 previously been imposed, the court may vacate that
25 sentence and impose a new sentence in accordance with this
26 Section.

1 (7) A duly authenticated copy of the record of any
2 alleged former conviction of an offense set forth in this
3 Section shall be prima facie evidence of that former
4 conviction; and a duly authenticated copy of the record of
5 the defendant's final release or discharge from probation
6 granted, or from sentence and parole supervision (if any)
7 imposed pursuant to that former conviction, shall be prima
8 facie evidence of that release or discharge.

9 (8) Any claim that a previous conviction offered by
10 the prosecution is not a former conviction of an offense
11 set forth in this Section because of the existence of any
12 exceptions described in this Section, is waived unless
13 duly raised at the hearing on that conviction, or unless
14 the prosecution's proof shows the existence of the
15 exceptions described in this Section.

16 (9) If the person so convicted shows to the
17 satisfaction of the court before whom that conviction was
18 had that he or she was released from imprisonment, upon
19 either of the sentences upon a pardon granted for the
20 reason that he or she was innocent, that conviction and
21 sentence shall not be considered under this Section.

22 (b) When a defendant, over the age of 21 years, is
23 convicted of a Class 1 or Class 2 ~~forcible~~ felony, except for
24 an offense listed in subsection (c) of this Section, after
25 having twice been convicted in any state or federal court of an
26 offense that contains the same elements as an offense now (the

1 date the Class 1 or Class 2 ~~forcible~~ felony was committed)
2 classified in Illinois as a Class 2 or greater Class ~~forcible~~
3 felony, except for an offense listed in subsection (c) of this
4 Section, and those charges are separately brought and tried
5 and arise out of different series of acts, that defendant
6 shall be sentenced as a Class X offender. This subsection does
7 not apply unless:

8 (1) the first ~~forcible~~ felony was committed after
9 February 1, 1978 (the effective date of Public Act
10 80-1099);

11 (2) the second ~~forcible~~ felony was committed after
12 conviction on the first; and

13 (3) the third ~~forcible~~ felony was committed after
14 conviction on the second; ~~and~~

15 ~~(4) the first offense was committed when the person~~
16 ~~was 21 years of age or older.~~

17 (c) ~~(Blank)~~. Subsection (b) of this Section does not apply
18 to Class 1 or Class 2 felony convictions for a violation of
19 Section 16-1 of the Criminal Code of 2012.

20 A person sentenced as a Class X offender under this
21 subsection (b) is not eligible to apply for treatment as a
22 condition of probation as provided by Section 40-10 of the
23 Substance Use Disorder Act (20 ILCS 301/40-10).

24 (Source: P.A. 99-69, eff. 1-1-16; 100-3, eff. 1-1-18; 100-759,
25 eff. 1-1-19; 101-652.)

1 (730 ILCS 5/5-4.5-100)

2 Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

3 (a) COMMENCEMENT. A sentence of imprisonment shall
4 commence on the date on which the offender is received by the
5 Department or the institution at which the sentence is to be
6 served.

7 (b) CREDIT; TIME IN CUSTODY; SAME CHARGE. Except as set
8 forth in subsection (e), the offender shall be given credit on
9 the determinate sentence or maximum term and the minimum
10 period of imprisonment for the number of days spent in custody
11 as a result of the offense for which the sentence was imposed.
12 The Department shall calculate the credit at the rate
13 specified in Section 3-6-3 (730 ILCS 5/3-6-3). ~~The~~ Except when
14 prohibited by subsection (d), the trial court shall give
15 credit to the defendant for time spent in home detention on the
16 same sentencing terms as incarceration as provided in Section
17 5-8A-3 (730 ILCS 5/5-8A-3). ~~Home detention for purposes of~~
18 ~~credit includes restrictions on liberty such as curfews~~
19 ~~restricting movement for 12 hours or more per day and~~
20 ~~electronic monitoring that restricts travel or movement.~~
21 ~~Electronic monitoring is not required for home detention to be~~
22 ~~considered custodial for purposes of sentencing credit.~~ The
23 trial court may give credit to the defendant for the number of
24 days spent confined for psychiatric or substance abuse
25 treatment prior to judgment, if the court finds that the
26 detention or confinement was custodial.

1 (c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender
2 arrested on one charge and prosecuted on another charge for
3 conduct that occurred prior to his or her arrest shall be given
4 credit on the determinate sentence or maximum term and the
5 minimum term of imprisonment for time spent in custody under
6 the former charge not credited against another sentence.

7 (c-5) CREDIT; PROGRAMMING. The trial court shall give the
8 defendant credit for successfully completing county
9 programming while in custody prior to imposition of sentence
10 at the rate specified in Section 3-6-3 (730 ILCS 5/3-6-3). For
11 the purposes of this subsection, "custody" includes time spent
12 in home detention.

13 (d) ~~(Blank)~~. NO CREDIT; SOME HOME DETENTION. An offender
14 sentenced to a term of imprisonment for an offense listed in
15 paragraph (2) of subsection (c) of Section 5-5-3 (730 ILCS
16 5/5-5-3) or in paragraph (3) of subsection (c-1) of Section
17 11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501) shall
18 not receive credit for time spent in home detention prior to
19 judgment.

20 (e) NO CREDIT; REVOCATION OF PAROLE, MANDATORY SUPERVISED
21 RELEASE, OR PROBATION. An offender charged with the commission
22 of an offense committed while on parole, mandatory supervised
23 release, or probation shall not be given credit for time spent
24 in custody under subsection (b) for that offense for any time
25 spent in custody as a result of a revocation of parole,
26 mandatory supervised release, or probation where such

1 revocation is based on a sentence imposed for a previous
2 conviction, regardless of the facts upon which the revocation
3 of parole, mandatory supervised release, or probation is
4 based, unless both the State and the defendant agree that the
5 time served for a violation of mandatory supervised release,
6 parole, or probation shall be credited towards the sentence
7 for the current offense.

8 (Source: P.A. 96-1000, eff. 7-2-10; 97-697, eff. 6-22-12;
9 101-652.)

10 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

11 Sec. 5-8-1. Natural life imprisonment; enhancements for
12 use of a firearm; mandatory supervised release terms.

13 (a) Except as otherwise provided in the statute defining
14 the offense or in Article 4.5 of Chapter V, a sentence of
15 imprisonment for a felony shall be a determinate sentence set
16 by the court under this Section, subject to Section 5-4.5-115
17 of this Code, according to the following limitations:

18 (1) for first degree murder,

19 (a) (blank),

20 (b) if a trier of fact finds beyond a reasonable
21 doubt that the murder was accompanied by exceptionally
22 brutal or heinous behavior indicative of wanton
23 cruelty or, except as set forth in subsection
24 (a) (1) (c) of this Section, that any of the aggravating
25 factors listed in subsection (b) or (b-5) of Section

1 9-1 of the Criminal Code of 1961 or the Criminal Code
2 of 2012 are present, the court may sentence the
3 defendant, subject to Section 5-4.5-105, to a term of
4 natural life imprisonment, or

5 (c) the court shall sentence the defendant to a
6 term of natural life imprisonment if the defendant, at
7 the time of the commission of the murder, had attained
8 the age of 18, and:

9 (i) has previously been convicted of first
10 degree murder under any state or federal law, or

11 (ii) is found guilty of murdering more than
12 one victim, or

13 (iii) is found guilty of murdering a peace
14 officer, fireman, or emergency management worker
15 when the peace officer, fireman, or emergency
16 management worker was killed in the course of
17 performing his official duties, or to prevent the
18 peace officer or fireman from performing his
19 official duties, or in retaliation for the peace
20 officer, fireman, or emergency management worker
21 from performing his official duties, and the
22 defendant knew or should have known that the
23 murdered individual was a peace officer, fireman,
24 or emergency management worker, or

25 (iv) is found guilty of murdering an employee
26 of an institution or facility of the Department of

1 Corrections, or any similar local correctional
2 agency, when the employee was killed in the course
3 of performing his official duties, or to prevent
4 the employee from performing his official duties,
5 or in retaliation for the employee performing his
6 official duties, or

7 (v) is found guilty of murdering an emergency
8 medical technician - ambulance, emergency medical
9 technician - intermediate, emergency medical
10 technician - paramedic, ambulance driver or other
11 medical assistance or first aid person while
12 employed by a municipality or other governmental
13 unit when the person was killed in the course of
14 performing official duties or to prevent the
15 person from performing official duties or in
16 retaliation for performing official duties and the
17 defendant knew or should have known that the
18 murdered individual was an emergency medical
19 technician - ambulance, emergency medical
20 technician - intermediate, emergency medical
21 technician - paramedic, ambulance driver, or other
22 medical assistant or first aid personnel, or

23 (vi) (blank), or

24 (vii) is found guilty of first degree murder
25 and the murder was committed by reason of any
26 person's activity as a community policing

1 volunteer or to prevent any person from engaging
2 in activity as a community policing volunteer. For
3 the purpose of this Section, "community policing
4 volunteer" has the meaning ascribed to it in
5 Section 2-3.5 of the Criminal Code of 2012.

6 For purposes of clause (v), "emergency medical
7 technician - ambulance", "emergency medical technician
8 - intermediate", "emergency medical technician -
9 paramedic", have the meanings ascribed to them in the
10 Emergency Medical Services (EMS) Systems Act.

11 (d) (i) if the person committed the offense while
12 armed with a firearm, 15 years shall be added to
13 the term of imprisonment imposed by the court;

14 (ii) if, during the commission of the offense, the
15 person personally discharged a firearm, 20 years shall
16 be added to the term of imprisonment imposed by the
17 court;

18 (iii) if, during the commission of the offense,
19 the person personally discharged a firearm that
20 proximately caused great bodily harm, permanent
21 disability, permanent disfigurement, or death to
22 another person, 25 years or up to a term of natural
23 life shall be added to the term of imprisonment
24 imposed by the court.

25 (2) (blank);

26 (2.5) for a person who has attained the age of 18 years

1 at the time of the commission of the offense and who is
2 convicted under the circumstances described in subdivision
3 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
4 subsection (b) of Section 12-13, subdivision (d)(2) of
5 Section 11-1.30 or paragraph (2) of subsection (d) of
6 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
7 paragraph (1.2) of subsection (b) of Section 12-14.1,
8 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
9 subsection (b) of Section 12-14.1 of the Criminal Code of
10 1961 or the Criminal Code of 2012, the sentence shall be a
11 term of natural life imprisonment.

12 (b) (Blank).

13 (c) (Blank).

14 (d) Subject to earlier termination under Section 3-3-8,
15 the parole or mandatory supervised release term shall be
16 written as part of the sentencing order and shall be as
17 follows:

18 (1) for first degree murder ~~or for the offenses of~~
19 ~~predatory criminal sexual assault of a child, aggravated~~
20 ~~criminal sexual assault, and criminal sexual assault if~~
21 ~~committed on or before December 12, 2005~~ or a Class X
22 felony except for the offenses of predatory criminal
23 sexual assault of a child, aggravated criminal sexual
24 assault, and criminal sexual assault if committed on or
25 after the effective date of this amendatory Act of the
26 94th General Assembly and except for the offense of

1 aggravated child pornography under Section 11-20.1B,
2 11-20.3, or 11-20.1 with sentencing under subsection (c-5)
3 of Section 11-20.1 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, if committed on or after January 1,
5 2009, 3 years;

6 ~~(1.5) except as provided in paragraph (7) of this~~
7 ~~subsection (d), for a Class X felony except for the~~
8 ~~offenses of predatory criminal sexual assault of a child,~~
9 ~~aggravated criminal sexual assault, and criminal sexual~~
10 ~~assault if committed on or after December 13, 2005 (the~~
11 ~~effective date of Public Act 94-715) and except for the~~
12 ~~offense of aggravated child pornography under Section~~
13 ~~11-20.1B., 11-20.3, or 11-20.1 with sentencing under~~
14 ~~subsection (c 5) of Section 11-20.1 of the Criminal Code~~
15 ~~of 1961 or the Criminal Code of 2012, if committed on or~~
16 ~~after January 1, 2009, 18 months;~~

17 (2) ~~except as provided in paragraph (7) of this~~
18 ~~subsection (d),~~ for a Class 1 felony or a Class 2 felony
19 except for the offense of criminal sexual assault if
20 committed on or after ~~December 13, 2005~~ (the effective
21 date of ~~Public Act 94-715~~) this amendatory Act of the 94th
22 General Assembly and except for the offenses of
23 manufacture and dissemination of child pornography under
24 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
25 Criminal Code of 1961 or the Criminal Code of 2012, if
26 committed on or after January 1, 2009, ~~12 months~~ 2 years;

1 (3) ~~except as provided in paragraph (4), (6), or (7)~~
2 ~~of this subsection (d), a mandatory supervised release~~
3 ~~term shall not be imposed for a Class 3 felony or a Class 4~~
4 ~~felony; unless:~~

5 ~~(A) the Prisoner Review Board, based on a~~
6 ~~validated risk and needs assessment, determines it is~~
7 ~~necessary for an offender to serve a mandatory~~
8 ~~supervised release term;~~

9 ~~(B) if the Prisoner Review Board determines a~~
10 ~~mandatory supervised release term is necessary~~
11 ~~pursuant to subparagraph (A) of this paragraph (3),~~
12 ~~the Prisoner Review Board shall specify the maximum~~
13 ~~number of months of mandatory supervised release the~~
14 ~~offender may serve, limited to a term of: (i) 12 months~~
15 ~~for a Class 3 felony; and (ii) 12 months for a Class 4~~
16 ~~felony for a Class 3 felony or a Class 4 felony, 1~~
17 ~~year;~~

18 (4) for defendants who commit the offense of predatory
19 criminal sexual assault of a child, aggravated criminal
20 sexual assault, or criminal sexual assault, on or after
21 December 13, 2005 (the effective date of Public Act
22 94-715) ~~this amendatory Act of the 94th General Assembly,~~
23 or who commit the offense of aggravated child pornography
24 under Section 11-20.1B, 11-20.3, or 11-20.1 with
25 sentencing under subsection (c-5) of Section 11-20.1 of
26 the Criminal Code of 1961 or the Criminal Code of 2012,

1 manufacture of child pornography, or dissemination of
2 child pornography after January 1, 2009, the term of
3 mandatory supervised release shall range from a minimum of
4 3 years to a maximum of the natural life of the defendant;

5 (5) if the victim is under 18 years of age, for a
6 second or subsequent offense of aggravated criminal sexual
7 abuse or felony criminal sexual abuse, 4 years, at least
8 the first 2 years of which the defendant shall serve in an
9 electronic monitoring or home detention program under
10 Article 8A of Chapter V of this Code;

11 (6) for a felony domestic battery, aggravated domestic
12 battery, stalking, aggravated stalking, and a felony
13 violation of an order of protection, 4 years~~+~~.

14 ~~(7) for any felony described in paragraph (a) (2) (ii),~~
15 ~~(a) (2) (iii), (a) (2) (iv), (a) (2) (vi), (a) (2.1), (a) (2.3),~~
16 ~~(a) (2.4), (a) (2.5), or (a) (2.6) of Article 5, Section~~
17 ~~3-6-3 of the Unified Code of Corrections requiring an~~
18 ~~inmate to serve a minimum of 85% of their court imposed~~
19 ~~sentence, except for the offenses of predatory criminal~~
20 ~~sexual assault of a child, aggravated criminal sexual~~
21 ~~assault, and criminal sexual assault if committed on or~~
22 ~~after December 13, 2005 (the effective date of Public Act~~
23 ~~94-715) and except for the offense of aggravated child~~
24 ~~pornography under Section 11-20.1B., 11-20.3, or 11-20.1~~
25 ~~with sentencing under subsection (c 5) of Section 11-20.1~~
26 ~~of the Criminal Code of 1961 or the Criminal Code of 2012,~~

1 ~~if committed on or after January 1, 2009 and except as~~
2 ~~provided in paragraph (4) or paragraph (6) of this~~
3 ~~subsection (d), the term of mandatory supervised release~~
4 ~~shall be as follows:~~

5 ~~(A) Class X felony, 3 years;~~

6 ~~(B) Class 1 or Class 2 felonies, 2 years;~~

7 ~~(C) Class 3 or Class 4 felonies, 1 year.~~

8 (e) (Blank).

9 (f) (Blank).

10 (g) Notwithstanding any other provisions of this Act and
11 of Public Act 101-652: (i) the provisions of paragraph (3) of
12 subsection (d) are effective on January 1, 2022 and shall
13 apply to all individuals convicted on or after the effective
14 date of paragraph (3) of subsection (d); and (ii) the
15 provisions of paragraphs (1.5) and (2) of subsection (d) are
16 effective on July 1, 2021 and shall apply to all individuals
17 convicted on or after the effective date of paragraphs (1.5)
18 and (2) of subsection (d).

19 (Source: P.A. 101-288, eff. 1-1-20; 101-652, eff. 7-1-21;
20 102-28, eff. 6-25-21; revised 8-2-21.)

21 (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

22 Sec. 5-8-6. Place of confinement.

23 (a) ~~Except as otherwise provided in this subsection (a),~~
24 ~~offenders~~ Offenders sentenced to a term of imprisonment for a
25 felony shall be committed to the penitentiary system of the

1 Department of Corrections. However, such sentence shall not
2 limit the powers of the Department of Children and Family
3 Services in relation to any child under the age of one year in
4 the sole custody of a person so sentenced, nor in relation to
5 any child delivered by a female so sentenced while she is so
6 confined as a consequence of such sentence. ~~Except as~~
7 ~~otherwise provided in this subsection (a), a~~ A person
8 sentenced for a felony may be assigned by the Department of
9 Corrections to any of its institutions, facilities or
10 programs. ~~An offender sentenced to a term of imprisonment for~~
11 ~~a Class 3 or 4 felony, other than a violent crime as defined in~~
12 ~~Section 3 of the Rights of Crime Victims and Witnesses Act, in~~
13 ~~which the sentencing order indicates that the offender has~~
14 ~~less than 4 months remaining on his or her sentence accounting~~
15 ~~for time served may not be confined in the penitentiary system~~
16 ~~of the Department of Corrections but may be assigned to~~
17 ~~electronic home detention under Article 8A of this Chapter V,~~
18 ~~an adult transition center, or another facility or program~~
19 ~~within the Department of Corrections.~~

20 (b) Offenders sentenced to a term of imprisonment for less
21 than one year shall be committed to the custody of the sheriff.
22 A person committed to the Department of Corrections, prior to
23 July 14, 1983, for less than one year may be assigned by the
24 Department to any of its institutions, facilities or programs.

25 (c) All offenders under 18 years of age when sentenced to
26 imprisonment shall be committed to the Department of Juvenile

1 Justice and the court in its order of commitment shall set a
2 definite term. The provisions of Section 3-3-3 shall be a part
3 of such commitment as fully as though written in the order of
4 commitment. The place of confinement for sentences imposed
5 before the effective date of this amendatory Act of the 99th
6 General Assembly are not affected or abated by this amendatory
7 Act of the 99th General Assembly.

8 (d) No defendant shall be committed to the Department of
9 Corrections for the recovery of a fine or costs.

10 (e) When a court sentences a defendant to a term of
11 imprisonment concurrent with a previous and unexpired sentence
12 of imprisonment imposed by any district court of the United
13 States, it may commit the offender to the custody of the
14 Attorney General of the United States. The Attorney General of
15 the United States, or the authorized representative of the
16 Attorney General of the United States, shall be furnished with
17 the warrant of commitment from the court imposing sentence,
18 which warrant of commitment shall provide that, when the
19 offender is released from federal confinement, whether by
20 parole or by termination of sentence, the offender shall be
21 transferred by the Sheriff of the committing county to the
22 Department of Corrections. The court shall cause the
23 Department to be notified of such sentence at the time of
24 commitment and to be provided with copies of all records
25 regarding the sentence.

26 (Source: P.A. 99-628, eff. 1-1-17; 101-652.)

1 (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

2 Sec. 5-8A-2. Definitions. As used in this Article:

3 (A) "Approved electronic monitoring device" means a device
4 approved by the supervising authority which is primarily
5 intended to record or transmit information as to the
6 defendant's presence or nonpresence in the home, consumption
7 of alcohol, consumption of drugs, location as determined
8 through GPS, cellular triangulation, Wi-Fi, or other
9 electronic means.

10 An approved electronic monitoring device may record or
11 transmit: oral or wire communications or an auditory sound;
12 visual images; or information regarding the offender's
13 activities while inside the offender's home. These devices are
14 subject to the required consent as set forth in Section 5-8A-5
15 of this Article.

16 An approved electronic monitoring device may be used to
17 record a conversation between the participant and the
18 monitoring device, or the participant and the person
19 supervising the participant solely for the purpose of
20 identification and not for the purpose of eavesdropping or
21 conducting any other illegally intrusive monitoring.

22 (A-10) "Department" means the Department of Corrections or
23 the Department of Juvenile Justice.

24 (A-20) "Electronic monitoring" means the monitoring of an
25 inmate, person, or offender with an electronic device both

1 within and outside of their home under the terms and
2 conditions established by the supervising authority.

3 (B) "Excluded offenses" means first degree murder, escape,
4 predatory criminal sexual assault of a child, aggravated
5 criminal sexual assault, criminal sexual assault, aggravated
6 battery with a firearm as described in Section 12-4.2 or
7 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of Section
8 12-3.05, bringing or possessing a firearm, ammunition or
9 explosive in a penal institution, any "Super-X" drug offense
10 or calculated criminal drug conspiracy or streetgang criminal
11 drug conspiracy, or any predecessor or successor offenses with
12 the same or substantially the same elements, or any inchoate
13 offenses relating to the foregoing offenses.

14 (B-10) "GPS" means a device or system which utilizes the
15 Global Positioning Satellite system for determining the
16 location of a person, inmate or offender.

17 (C) "Home detention" means the confinement of a person
18 convicted or charged with an offense to his or her place of
19 residence under the terms and conditions established by the
20 supervising authority. ~~Confinement need not be 24 hours per~~
21 ~~day to qualify as home detention, and significant restrictions~~
22 ~~on liberty such as 7pm to 7am curfews shall qualify. Home~~
23 ~~confinement may or may not be accompanied by electronic~~
24 ~~monitoring, and electronic monitoring is not required for~~
25 ~~purposes of sentencing credit.~~

26 (D) "Participant" means an inmate or offender placed into

1 an electronic monitoring program.

2 (E) "Supervising authority" means the Department of
3 Corrections, the Department of Juvenile Justice, probation
4 department, ~~a Chief Judge's office, pretrial services division~~
5 ~~or department~~, sheriff, superintendent of municipal house of
6 corrections or any other officer or agency charged with
7 authorizing and supervising electronic monitoring and home
8 detention.

9 (F) "Super-X drug offense" means a violation of Section
10 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D);
11 Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B),
12 (C), or (D) of the Illinois Controlled Substances Act.

13 (G) "Wi-Fi" or "WiFi" means a device or system which
14 utilizes a wireless local area network for determining the
15 location of a person, inmate or offender.

16 (Source: P.A. 99-797, eff. 8-12-16; 101-652.)

17 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

18 Sec. 5-8A-4. Program description. The supervising
19 authority may promulgate rules that prescribe reasonable
20 guidelines under which an electronic monitoring and home
21 detention program shall operate. When using electronic
22 monitoring for home detention these rules ~~may~~ shall include,
23 but not be limited to, the following:

24 (A) The participant ~~may be instructed to~~ shall remain
25 within the interior premises or within the property

1 boundaries of his or her residence at all times during the
2 hours designated by the supervising authority. Such
3 instances of approved absences from the home ~~shall~~ may
4 include, but are not limited to, the following:

5 (1) working or employment approved by the court or
6 traveling to or from approved employment;

7 (2) unemployed and seeking employment approved for
8 the participant by the court;

9 (3) undergoing medical, psychiatric, mental health
10 treatment, counseling, or other treatment programs
11 approved for the participant by the court;

12 (4) attending an educational institution or a
13 program approved for the participant by the court;

14 (5) attending a regularly scheduled religious
15 service at a place of worship;

16 (6) participating in community work release or
17 community service programs approved for the
18 participant by the supervising authority; ~~or~~

19 (7) for another compelling reason consistent with
20 the public interest, as approved by the supervising
21 authority; or

22 ~~(8) purchasing groceries, food, or other basic~~
23 ~~necessities.~~

24 ~~(A-1) At a minimum, any person ordered to pretrial~~
25 ~~home confinement with or without electronic monitoring~~
26 ~~must be provided with movement spread out over no fewer~~

1 ~~than two days per week, to participate in basic activities~~
2 ~~such as those listed in paragraph (A).~~

3 (B) The participant shall admit any person or agent
4 designated by the supervising authority into his or her
5 residence at any time for purposes of verifying the
6 participant's compliance with the conditions of his or her
7 detention.

8 (C) The participant shall make the necessary
9 arrangements to allow for any person or agent designated
10 by the supervising authority to visit the participant's
11 place of education or employment at any time, based upon
12 the approval of the educational institution employer or
13 both, for the purpose of verifying the participant's
14 compliance with the conditions of his or her detention.

15 (D) The participant shall acknowledge and participate
16 with the approved electronic monitoring device as
17 designated by the supervising authority at any time for
18 the purpose of verifying the participant's compliance with
19 the conditions of his or her detention.

20 (E) The participant shall maintain the following:

21 (1) ~~access to~~ a working telephone in the
22 participant's home;

23 (2) a monitoring device in the participant's home,
24 or on the participant's person, or both; and

25 (3) a monitoring device in the participant's home
26 and on the participant's person in the absence of a

1 telephone.

2 (F) The participant shall obtain approval from the
3 supervising authority before the participant changes
4 residence or the schedule described in subsection (A) of
5 this Section. ~~Such approval shall not be unreasonably~~
6 ~~withheld.~~

7 (G) The participant shall not commit another crime
8 during the period of home detention ordered by the Court.

9 (H) Notice to the participant that violation of the
10 order for home detention may subject the participant to
11 prosecution for the crime of escape as described in
12 Section 5-8A-4.1.

13 (I) The participant shall abide by other conditions as
14 set by the supervising authority.

15 (J) This Section takes effect January 1, 2022.

16 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
17 revised 8-3-21.)

18 (730 ILCS 5/5-8A-4.1)

19 Sec. 5-8A-4.1. Escape; failure to comply with a condition
20 of the electronic monitoring or home detention program.

21 (a) A person charged with or convicted of a felony, or
22 charged with or adjudicated delinquent for an act which, if
23 committed by an adult, would constitute a felony,
24 conditionally released from the supervising authority through
25 an electronic monitoring or home detention program, who

1 knowingly violates a condition of the electronic monitoring or
2 home detention program ~~and remains in violation for at least~~
3 ~~48 hours~~ is guilty of a Class 3 felony.

4 (b) A person charged with or convicted of a misdemeanor,
5 or charged with or adjudicated delinquent for an act which, if
6 committed by an adult, would constitute a misdemeanor,
7 conditionally released from the supervising authority through
8 an electronic monitoring or home detention program, who
9 knowingly violates a condition of the electronic monitoring or
10 home detention program ~~and remains in violation for at least~~
11 ~~48 hours~~ is guilty of a Class B misdemeanor.

12 (c) A person who violates this Section while armed with a
13 dangerous weapon is guilty of a Class 1 felony.

14 (Source: P.A. 99-797, eff. 8-12-16; 100-431, eff. 8-25-17;
15 101-652.)

16 (730 ILCS 5/5-6-3.8 rep.)

17 Section 265. The Unified Code of Corrections is amended by
18 repealing Section 5-6-3.8.

19 Section 270. The Probation and Probation Officers Act is
20 amended by changing Section 18 as follows:

21 (730 ILCS 110/18)

22 Sec. 18. Probation and court services departments
23 considered pretrial services agencies. For the purposes of

1 administering the provisions of Public Act 95-773, known as
2 the Cindy Bischof Law, all probation and court services
3 departments are to be considered pretrial services agencies
4 under the Pretrial Services Act and under the ~~pretrial release~~
5 bail bond provisions of the Code of Criminal Procedure of
6 1963.

7 (Source: P.A. 96-341, eff. 8-11-09; 101-652.)

8 Section 275. The County Jail Act is amended by changing
9 Section 5 as follows:

10 (730 ILCS 125/5) (from Ch. 75, par. 105)

11 Sec. 5. Costs of maintaining prisoners.

12 (a) Except as provided in subsections (b) and (c), all
13 costs of maintaining persons committed for violations of
14 Illinois law, shall be the responsibility of the county.
15 Except as provided in subsection (b), all costs of maintaining
16 persons committed under any ordinance or resolution of a unit
17 of local government, including medical costs, is the
18 responsibility of the unit of local government enacting the
19 ordinance or resolution, and arresting the person.

20 (b) If a person who is serving a term of mandatory
21 supervised release for a felony is incarcerated in a county
22 jail, the Illinois Department of Corrections shall pay the
23 county in which that jail is located one-half of the cost of
24 incarceration, as calculated by the Governor's Office of

1 Management and Budget and the county's chief financial
2 officer, for each day that the person remains in the county
3 jail after notice of the incarceration is given to the
4 Illinois Department of Corrections by the county, provided
5 that (i) the Illinois Department of Corrections has issued a
6 warrant for an alleged violation of mandatory supervised
7 release by the person; (ii) if the person is incarcerated on a
8 new charge, unrelated to the offense for which he or she is on
9 mandatory supervised release, there has been a court hearing
10 at which ~~the conditions of pretrial release have~~ bail has been
11 set on the new charge; (iii) the county has notified the
12 Illinois Department of Corrections that the person is
13 incarcerated in the county jail, which notice shall not be
14 given until the bail hearing has concluded, if the person is
15 incarcerated on a new charge; and (iv) the person remains
16 incarcerated in the county jail for more than 48 hours after
17 the notice has been given to the Department of Corrections by
18 the county. Calculation of the per diem cost shall be agreed
19 upon prior to the passage of the annual State budget.

20 (c) If a person who is serving a term of mandatory
21 supervised release is incarcerated in a county jail, following
22 an arrest on a warrant issued by the Illinois Department of
23 Corrections, solely for violation of a condition of mandatory
24 supervised release and not on any new charges for a new
25 offense, then the Illinois Department of Corrections shall pay
26 the medical costs incurred by the county in securing treatment

1 for that person, for any injury or condition other than one
2 arising out of or in conjunction with the arrest of the person
3 or resulting from the conduct of county personnel, while he or
4 she remains in the county jail on the warrant issued by the
5 Illinois Department of Corrections.

6 (Source: P.A. 94-678, eff. 1-1-06; 94-1094, eff. 1-26-07;
7 101-652.)

8 Section 280. The County Jail Good Behavior Allowance Act
9 is amended by changing Section 3 as follows:

10 (730 ILCS 130/3) (from Ch. 75, par. 32)

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

1 Criminal Code of 2012, criminal sexual abuse, or aggravated
2 criminal sexual abuse shall receive no good behavior
3 allowance. The good behavior allowance provided for in this
4 Section shall not apply to individuals sentenced for a felony
5 to probation or conditional discharge where a condition of
6 such probation or conditional discharge is that the individual
7 serve a sentence of periodic imprisonment or to individuals
8 sentenced under an order of court for civil contempt.

9 Such good behavior allowance shall be cumulative and
10 awarded as provided in this Section.

11 The good behavior allowance rate shall be cumulative and
12 awarded on the following basis:

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

1 service of sentence in the county jail unless the fractional
2 part of the day is over 12 hours in which case a whole day
3 shall be credited on the good behavior allowance.

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

9 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13;
10 101-652.)

11 Section 285. The Veterans and Servicemembers Court
12 Treatment Act is amended by changing Section 20 as follows:

13 (730 ILCS 167/20)

14 Sec. 20. Eligibility. Veterans and Servicemembers are
15 eligible for Veterans and Servicemembers Courts, provided the
16 following:

17 (a) A defendant, who is eligible for probation based on
18 the nature of the crime convicted of and in consideration of
19 his or her criminal background, if any, may be admitted into a
20 Veterans and Servicemembers Court program before adjudication
21 only upon the agreement of the defendant and with the approval
22 of the Court. A defendant may be admitted into a Veterans and
23 Servicemembers Court program post-adjudication only with the
24 approval of the court.

1 (b) A defendant shall be excluded from Veterans and
2 Servicemembers Court program if any of one of the following
3 applies:

4 (1) The crime is a crime of violence as set forth in
5 clause (3) of this subsection (b).

6 (2) The defendant does not demonstrate a willingness
7 to participate in a treatment program.

8 (3) The defendant has been convicted of a crime of
9 violence within the past 10 years excluding incarceration
10 time, including first degree murder, second degree murder,
11 predatory criminal sexual assault of a child, aggravated
12 criminal sexual assault, criminal sexual assault, armed
13 robbery, aggravated arson, arson, aggravated kidnapping
14 and kidnapping, aggravated battery resulting in great
15 bodily harm or permanent disability, stalking, aggravated
16 stalking, or any offense involving the discharge of a
17 firearm.

18 (4) (Blank).

19 (5) ~~(Blank)~~. The crime for which the defendant has
20 been convicted is non-probationable.

21 (6) The sentence imposed on the defendant, whether the
22 result of a plea or a finding of guilt, renders the
23 defendant ineligible for probation.

24 (Source: P.A. 99-480, eff. 9-9-15; 100-426, eff. 1-1-18;
25 101-652.)

1 Section 290. The Mental Health Court Treatment Act is
2 amended by changing Section 20 as follows:

3 (730 ILCS 168/20)

4 Sec. 20. Eligibility.

5 (a) A defendant, who is eligible for probation based on
6 the nature of the crime convicted of and in consideration of
7 his or her criminal background, if any, may be admitted into a
8 mental health court program only upon the agreement of the
9 defendant and with the approval of the court.

10 (b) A defendant shall be excluded from a mental health
11 court program if any one of the following applies:

12 (1) The crime is a crime of violence as set forth in
13 clause (3) of this subsection (b).

14 (2) The defendant does not demonstrate a willingness
15 to participate in a treatment program.

16 (3) The defendant has been convicted of a crime of
17 violence within the past 10 years excluding incarceration
18 time. As used in this paragraph (3), "crime of violence"
19 means: first degree murder, second degree murder,
20 predatory criminal sexual assault of a child, aggravated
21 criminal sexual assault, criminal sexual assault, armed
22 robbery, aggravated arson, arson, aggravated kidnapping,
23 kidnapping, aggravated battery resulting in great bodily
24 harm or permanent disability, stalking, aggravated
25 stalking, or any offense involving the discharge of a

1 firearm.

2 (4) (Blank).

3 (5) ~~(Blank)~~. The crime for which the defendant has
4 been convicted is non-probationable.

5 (6) The sentence imposed on the defendant, whether the
6 result of a plea or a finding of guilt, renders the
7 defendant ineligible for probation.

8 (c) A defendant charged with prostitution under Section
9 11-14 of the Criminal Code of 2012 may be admitted into a
10 mental health court program, if available in the jurisdiction
11 and provided that the requirements in subsections (a) and (b)
12 are satisfied. Mental health court programs may include
13 specialized service programs specifically designed to address
14 the trauma associated with prostitution and human trafficking,
15 and may offer those specialized services to defendants
16 admitted to the mental health court program. Judicial circuits
17 establishing these specialized programs shall partner with
18 prostitution and human trafficking advocates, survivors, and
19 service providers in the development of the programs.

20 (Source: P.A. 100-426, eff. 1-1-18; 101-652.)

21 Section 295. The Code of Civil Procedure is amended by
22 changing Sections 10-106, 10-125, 10-127, 10-135, 10-136, and
23 21-103 as follows:

24 (735 ILCS 5/10-106) (from Ch. 110, par. 10-106)

1 Sec. 10-106. Grant of relief - Penalty. Unless it shall
2 appear from the complaint itself, or from the documents
3 thereto annexed, that the party can neither be discharged,
4 admitted to ~~pretrial release~~ bail nor otherwise relieved, the
5 court shall forthwith award relief by habeas corpus. Any judge
6 empowered to grant relief by habeas corpus who shall corruptly
7 refuse to grant the relief when legally applied for in a case
8 where it may lawfully be granted, or who shall for the purpose
9 of oppression unreasonably delay the granting of such relief
10 shall, for every such offense, forfeit to the prisoner or
11 party affected a sum not exceeding \$1,000.

12 (Source: P.A. 83-707; 101-652.)

13 (735 ILCS 5/10-125) (from Ch. 110, par. 10-125)

14 Sec. 10-125. New commitment. In all cases where the
15 imprisonment is for a criminal, or supposed criminal matter,
16 if it appears to the court that there is sufficient legal cause
17 for the commitment of the prisoner, although such commitment
18 may have been informally made, or without due authority, or
19 the process may have been executed by a person not duly
20 authorized, the court shall make a new commitment in proper
21 form, and direct it to the proper officer, or admit the party
22 to ~~pretrial release~~ bail if the case is ~~eligible for pretrial~~
23 ~~release~~ bailable. The court shall also, when necessary, take
24 the recognizance of all material witnesses against the
25 prisoner, as in other cases. The recognizances shall be in the

1 form provided by law, and returned as other recognizances. If
2 any judge shall neglect or refuse to bind any such prisoner or
3 witness by recognizance, or to return a recognizance when
4 taken as hereinabove stated, he or she shall be guilty of a
5 Class A misdemeanor in office, and be proceeded against
6 accordingly.

7 (Source: P.A. 82-280; 101-652.)

8 (735 ILCS 5/10-127) (from Ch. 110, par. 10-127)

9 Sec. 10-127. Grant of habeas corpus. It is not lawful for
10 any court, on a second order of habeas corpus obtained by such
11 prisoner, to discharge the prisoner, if he or she is clearly
12 and specifically charged in the warrant of commitment with a
13 criminal offense; but the court shall, on the return of such
14 second order, have power only to admit such prisoner to
15 ~~pretrial release~~ bail where the offense is ~~eligible for~~
16 ~~pretrial release~~ bailable by law, or remand him or her to
17 prison where the offense is not ~~eligible for pretrial release~~
18 bailable, or being ~~eligible for pretrial release~~ bailable,
19 where such prisoner fails to ~~comply with the terms of pretrial~~
20 ~~release~~ give the bail required.

21 (Source: P.A. 82-280; 101-652.)

22 (735 ILCS 5/10-135) (from Ch. 110, par. 10-135)

23 Sec. 10-135. Habeas corpus to testify. The several courts
24 having authority to grant relief by habeas corpus, may enter

1 orders, when necessary, to bring before them any prisoner to
2 testify, or to be surrendered in discharge of ~~pretrial release~~
3 bail, or for trial upon any criminal charge lawfully pending
4 in the same court or to testify in a criminal proceeding in
5 another state as provided for by Section 2 of the "Uniform Act
6 to secure the attendance of witnesses from within or without a
7 state in criminal proceedings", approved July 23, 1959, as
8 heretofore or hereafter amended; and the order may be directed
9 to any county in the State, and there be served and returned by
10 any officer to whom it is directed.

11 (Source: P.A. 82-280; 101-652.)

12 (735 ILCS 5/10-136) (from Ch. 110, par. 10-136)

13 Sec. 10-136. Prisoner remanded or punished. After a
14 prisoner has given his or her testimony, or been surrendered,
15 or his or her ~~pretrial release~~ bail discharged, or he or she
16 has been tried for the crime with which he or she is charged,
17 he or she shall be returned to the jail or other place of
18 confinement from which he or she was taken for that purpose. If
19 such prisoner is convicted of a crime punishable with death or
20 imprisonment in the penitentiary, he or she may be punished
21 accordingly; but in any case where the prisoner has been taken
22 from the penitentiary, and his or her punishment is by
23 imprisonment, the time of such imprisonment shall not commence
24 to run until the expiration of the time of service under any
25 former sentence.

1 (Source: P.A. 82-280; 101-652.)

2 (735 ILCS 5/21-103)

3 (Text of Section before amendment by P.A. 101-652)

4 Sec. 21-103. Notice by publication.

5 (a) Previous notice shall be given of the intended
6 application by publishing a notice thereof in some newspaper
7 published in the municipality in which the person resides if
8 the municipality is in a county with a population under
9 2,000,000, or if the person does not reside in a municipality
10 in a county with a population under 2,000,000, or if no
11 newspaper is published in the municipality or if the person
12 resides in a county with a population of 2,000,000 or more,
13 then in some newspaper published in the county where the
14 person resides, or if no newspaper is published in that
15 county, then in some convenient newspaper published in this
16 State. The notice shall be inserted for 3 consecutive weeks
17 after filing, the first insertion to be at least 6 weeks before
18 the return day upon which the petition is to be heard, and
19 shall be signed by the petitioner or, in case of a minor, the
20 minor's parent or guardian, and shall set forth the return day
21 of court on which the petition is to be heard and the name
22 sought to be assumed.

23 (b) The publication requirement of subsection (a) shall
24 not be required in any application for a change of name
25 involving a minor if, before making judgment under this

1 Article, reasonable notice and opportunity to be heard is
2 given to any parent whose parental rights have not been
3 previously terminated and to any person who has physical
4 custody of the child. If any of these persons are outside this
5 State, notice and opportunity to be heard shall be given under
6 Section 21-104.

7 (b-3) The publication requirement of subsection (a) shall
8 not be required in any application for a change of name
9 involving a person who has received a judgment for dissolution
10 of marriage or declaration of invalidity of marriage and
11 wishes to change his or her name to resume the use of his or
12 her former or maiden name.

13 (b-5) Upon motion, the court may issue an order directing
14 that the notice and publication requirement be waived for a
15 change of name involving a person who files with the court a
16 written declaration that the person believes that publishing
17 notice of the name change would put the person at risk of
18 physical harm or discrimination. The person must provide
19 evidence to support the claim that publishing notice of the
20 name change would put the person at risk of physical harm or
21 discrimination.

22 (c) The Director of the Illinois State Police or his or her
23 designee may apply to the circuit court for an order directing
24 that the notice and publication requirements of this Section
25 be waived if the Director or his or her designee certifies that
26 the name change being sought is intended to protect a witness

1 during and following a criminal investigation or proceeding.

2 (c-1) The court may enter a written order waiving the
3 publication requirement of subsection (a) if:

4 (i) the petitioner is 18 years of age or older; and

5 (ii) concurrent with the petition, the petitioner
6 files with the court a statement, verified under oath as
7 provided under Section 1-109 of this Code, attesting that
8 the petitioner is or has been a person protected under the
9 Illinois Domestic Violence Act of 1986, the Stalking No
10 Contact Order Act, the Civil No Contact Order Act, Article
11 112A of the Code of Criminal Procedure of 1963, a
12 condition of bail under subsections (b) through (d) of
13 Section 110-10 of the Code of Criminal Procedure of 1963,
14 or a similar provision of a law in another state or
15 jurisdiction.

16 The petitioner may attach to the statement any supporting
17 documents, including relevant court orders.

18 (c-2) If the petitioner files a statement attesting that
19 disclosure of the petitioner's address would put the
20 petitioner or any member of the petitioner's family or
21 household at risk or reveal the confidential address of a
22 shelter for domestic violence victims, that address may be
23 omitted from all documents filed with the court, and the
24 petitioner may designate an alternative address for service.

25 (c-3) Court administrators may allow domestic abuse
26 advocates, rape crisis advocates, and victim advocates to

1 assist petitioners in the preparation of name changes under
2 subsection (c-1).

3 (c-4) If the publication requirements of subsection (a)
4 have been waived, the circuit court shall enter an order
5 impounding the case.

6 (d) The maximum rate charged for publication of a notice
7 under this Section may not exceed the lowest classified rate
8 paid by commercial users for comparable space in the newspaper
9 in which the notice appears and shall include all cash
10 discounts, multiple insertion discounts, and similar benefits
11 extended to the newspaper's regular customers.

12 (Source: P.A. 101-81, eff. 7-12-19; 101-203, eff. 1-1-20;
13 102-538, eff. 8-20-21.)

14 (Text of Section after amendment by P.A. 101-652)

15 Sec. 21-103. Notice by publication.

16 (a) Previous notice shall be given of the intended
17 application by publishing a notice thereof in some newspaper
18 published in the municipality in which the person resides if
19 the municipality is in a county with a population under
20 2,000,000, or if the person does not reside in a municipality
21 in a county with a population under 2,000,000, or if no
22 newspaper is published in the municipality or if the person
23 resides in a county with a population of 2,000,000 or more,
24 then in some newspaper published in the county where the
25 person resides, or if no newspaper is published in that

1 county, then in some convenient newspaper published in this
2 State. The notice shall be inserted for 3 consecutive weeks
3 after filing, the first insertion to be at least 6 weeks before
4 the return day upon which the petition is to be heard, and
5 shall be signed by the petitioner or, in case of a minor, the
6 minor's parent or guardian, and shall set forth the return day
7 of court on which the petition is to be heard and the name
8 sought to be assumed.

9 (b) The publication requirement of subsection (a) shall
10 not be required in any application for a change of name
11 involving a minor if, before making judgment under this
12 Article, reasonable notice and opportunity to be heard is
13 given to any parent whose parental rights have not been
14 previously terminated and to any person who has physical
15 custody of the child. If any of these persons are outside this
16 State, notice and opportunity to be heard shall be given under
17 Section 21-104.

18 (b-3) The publication requirement of subsection (a) shall
19 not be required in any application for a change of name
20 involving a person who has received a judgment for dissolution
21 of marriage or declaration of invalidity of marriage and
22 wishes to change his or her name to resume the use of his or
23 her former or maiden name.

24 (b-5) Upon motion, the court may issue an order directing
25 that the notice and publication requirement be waived for a
26 change of name involving a person who files with the court a

1 written declaration that the person believes that publishing
2 notice of the name change would put the person at risk of
3 physical harm or discrimination. The person must provide
4 evidence to support the claim that publishing notice of the
5 name change would put the person at risk of physical harm or
6 discrimination.

7 (c) The Director of the Illinois State Police or his or her
8 designee may apply to the circuit court for an order directing
9 that the notice and publication requirements of this Section
10 be waived if the Director or his or her designee certifies that
11 the name change being sought is intended to protect a witness
12 during and following a criminal investigation or proceeding.

13 (c-1) The court may enter a written order waiving the
14 publication requirement of subsection (a) if:

15 (i) the petitioner is 18 years of age or older; and

16 (ii) concurrent with the petition, the petitioner
17 files with the court a statement, verified under oath as
18 provided under Section 1-109 of this Code, attesting that
19 the petitioner is or has been a person protected under the
20 Illinois Domestic Violence Act of 1986, the Stalking No
21 Contact Order Act, the Civil No Contact Order Act, Article
22 112A of the Code of Criminal Procedure of 1963, a
23 condition of ~~pretrial release~~ bail under subsections (b)
24 through (d) of Section 110-10 of the Code of Criminal
25 Procedure of 1963, or a similar provision of a law in
26 another state or jurisdiction.

1 The petitioner may attach to the statement any supporting
2 documents, including relevant court orders.

3 (c-2) If the petitioner files a statement attesting that
4 disclosure of the petitioner's address would put the
5 petitioner or any member of the petitioner's family or
6 household at risk or reveal the confidential address of a
7 shelter for domestic violence victims, that address may be
8 omitted from all documents filed with the court, and the
9 petitioner may designate an alternative address for service.

10 (c-3) Court administrators may allow domestic abuse
11 advocates, rape crisis advocates, and victim advocates to
12 assist petitioners in the preparation of name changes under
13 subsection (c-1).

14 (c-4) If the publication requirements of subsection (a)
15 have been waived, the circuit court shall enter an order
16 impounding the case.

17 (d) The maximum rate charged for publication of a notice
18 under this Section may not exceed the lowest classified rate
19 paid by commercial users for comparable space in the newspaper
20 in which the notice appears and shall include all cash
21 discounts, multiple insertion discounts, and similar benefits
22 extended to the newspaper's regular customers.

23 (Source: P.A. 101-81, eff. 7-12-19; 101-203, eff. 1-1-20;
24 101-652, eff. 1-1-23; 102-538, eff. 8-20-21; revised
25 10-12-21.)

1 Section 300. The Civil No Contact Order Act is amended by
2 changing Section 220 as follows:

3 (740 ILCS 22/220)

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

5 (a) Nothing in this Act shall preclude any Illinois court
6 from enforcing a valid protective order issued in another
7 state.

8 (b) Illinois courts may enforce civil no contact orders
9 through both criminal proceedings and civil contempt
10 proceedings, unless the action which is second in time is
11 barred by collateral estoppel or the constitutional
12 prohibition against double jeopardy.

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

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

24 (c) Criminal prosecution. A violation of any civil no
25 contact order, whether issued in a civil or criminal

1 proceeding, shall be enforced by a criminal court when the
2 respondent commits the crime of violation of a civil no
3 contact order pursuant to Section 219 by having knowingly
4 violated:

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

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

11 Prosecution for a violation of a civil no contact order
12 shall not bar a concurrent prosecution for any other crime,
13 including any crime that may have been committed at the time of
14 the violation of the civil no contact order.

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

22 (1) In a contempt proceeding where the petition for a
23 rule to show cause or petition for adjudication of
24 criminal contempt sets forth facts evidencing an immediate
25 danger that the respondent will flee the jurisdiction or
26 inflict physical abuse on the petitioner or minor children

1 or on dependent adults in the petitioner's care, the court
2 may order the attachment of the respondent without prior
3 service of the petition for a rule to show cause, the rule
4 to show cause, the petition for adjudication of criminal
5 contempt or the adjudication of criminal contempt.
6 ~~Conditions of release~~ Bond shall be set unless
7 specifically denied in writing.

8 (2) A petition for a rule to show cause or a petition
9 for adjudication of criminal contempt for violation of a
10 civil no contact order shall be treated as an expedited
11 proceeding.

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

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

17 (2) by notice under Section 218;

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

20 (4) by other means demonstrating actual knowledge of
21 the contents of the order.

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

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

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

3 (g) Circumstances. The court, when determining whether or
4 not a violation of a civil no contact order has occurred, shall
5 not require physical manifestations of abuse on the person of
6 the victim.

7 (h) Penalties.

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

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

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

22 (i) increase the penalty for the knowing violation
23 of any civil no contact order over any penalty
24 previously imposed by any court for respondent's
25 violation of any civil no contact order or penal
26 statute involving petitioner as victim and respondent

1 as defendant;

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

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

10 (4) In addition to any other penalties imposed for a
11 violation of a civil no contact order, a criminal court
12 may consider evidence of any previous violations of a
13 civil no contact order:

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

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

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

24 (Source: P.A. 96-311, eff. 1-1-10; 97-294, eff. 1-1-12;
25 101-652.)

1 Section 305. The Illinois Domestic Violence Act of 1986 is
2 amended by changing Sections 223 and 301 as follows:

3 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

4 Sec. 223. Enforcement of orders of protection.

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

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

12 (i) remedies described in paragraphs (1), (2),
13 (3), (14), or (14.5) of subsection (b) of Section 214
14 of this Act; or

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

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

24 Prosecution for a violation of an order of protection
25 shall not bar concurrent prosecution for any other crime,

1 including any crime that may have been committed at the
2 time of the violation of the order of protection; or

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

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

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

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

1 constitutional prohibition against double jeopardy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (g) Penalties.

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

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

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

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

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

1 order of protection; and

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

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

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

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

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

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

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

1 shall be imposed for each violation of this Section.

2 (Source: P.A. 99-90, eff. 1-1-16; 101-652.)

3 (750 ILCS 60/301) (from Ch. 40, par. 2313-1)

4 (Text of Section before amendment by P.A. 101-652)

5 Sec. 301. Arrest without warrant.

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

13 (b) The law enforcement officer may verify the existence
14 of an order of protection by telephone or radio communication
15 with his or her law enforcement agency or by referring to the
16 copy of the order, or order of protection described on a Hope
17 Card under Section 219.5, provided by the petitioner or
18 respondent.

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

25 (Source: P.A. 102-481, eff. 1-1-22.)

1 (Text of Section after amendment by P.A. 101-652)

2 Sec. 301. Arrest without warrant.

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

10 (b) The law enforcement officer may verify the existence
11 of an order of protection by telephone or radio communication
12 with his or her law enforcement agency or by referring to the
13 copy of the order, or order of protection described on a Hope
14 Card under Section 219.5, provided by the petitioner or
15 respondent.

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

22 (Source: P.A. 101-652, eff. 1-1-23; 102-481, eff. 1-1-22;
23 revised 10-14-21.)

24 Section 310. The Industrial and Linen Supplies Marking Law

1 is amended by changing Section 11 as follows:

2 (765 ILCS 1045/11) (from Ch. 140, par. 111)

3 Sec. 11. Search warrant.

4 Whenever the registrant, or officer, or authorized agent
5 of any firm, partnership or corporation which is a registrant
6 under this Act, takes an oath before any circuit court, that he
7 has reason to believe that any supplies are being unlawfully
8 used, sold, or secreted in any place, the court shall issue a
9 search warrant to any police officer authorizing such officer
10 to search the premises wherein it is alleged such articles may
11 be found and take into custody any person in whose possession
12 the articles are found. Any person so seized shall be taken
13 without unnecessary delay before the court issuing the search
14 warrant. The court is empowered to impose ~~conditions of~~
15 ~~pretrial release~~ bail on any such person to compel his
16 attendance at any continued hearing.

17 (Source: P.A. 77-1273; 101-652.)

18 Section 315. The Illinois Torture Inquiry and Relief
19 Commission Act is amended by changing Section 50 as follows:

20 (775 ILCS 40/50)

21 Sec. 50. Post-commission judicial review.

22 (a) If the Commission concludes there is sufficient
23 evidence of torture to merit judicial review, the Chair of the

1 Commission shall request the Chief Judge of the Circuit Court
2 of Cook County for assignment to a trial judge for
3 consideration. The court may receive proof by affidavits,
4 depositions, oral testimony, or other evidence. In its
5 discretion the court may order the petitioner brought before
6 the court for the hearing. Notwithstanding the status of any
7 other postconviction proceedings relating to the petitioner,
8 if the court finds in favor of the petitioner, it shall enter
9 an appropriate order with respect to the judgment or sentence
10 in the former proceedings and such supplementary orders as to
11 rearraignment, retrial, custody, ~~pretrial-release~~ bail or
12 discharge, or for such relief as may be granted under a
13 petition for a certificate of innocence, as may be necessary
14 and proper.

15 (b) The State's Attorney, or the State's Attorney's
16 designee, shall represent the State at the hearing before the
17 assigned judge.

18 (Source: P.A. 96-223, eff. 8-10-09; 101-652.)

19 Section 320. The Unemployment Insurance Act is amended by
20 changing Section 602 as follows:

21 (820 ILCS 405/602) (from Ch. 48, par. 432)

22 Sec. 602. Discharge for misconduct - Felony.

23 A. An individual shall be ineligible for benefits for the
24 week in which he has been discharged for misconduct connected

1 with his work and, thereafter, until he has become reemployed
2 and has had earnings equal to or in excess of his current
3 weekly benefit amount in each of four calendar weeks which are
4 either for services in employment, or have been or will be
5 reported pursuant to the provisions of the Federal Insurance
6 Contributions Act by each employing unit for which such
7 services are performed and which submits a statement
8 certifying to that fact. The requalification requirements of
9 the preceding sentence shall be deemed to have been satisfied,
10 as of the date of reinstatement, if, subsequent to his
11 discharge by an employing unit for misconduct connected with
12 his work, such individual is reinstated by such employing
13 unit. For purposes of this subsection, the term "misconduct"
14 means the deliberate and willful violation of a reasonable
15 rule or policy of the employing unit, governing the
16 individual's behavior in performance of his work, provided
17 such violation has harmed the employing unit or other
18 employees or has been repeated by the individual despite a
19 warning or other explicit instruction from the employing unit.
20 The previous definition notwithstanding, "misconduct" shall
21 include any of the following work-related circumstances:

22 1. Falsification of an employment application, or any
23 other documentation provided to the employer, to obtain
24 employment through subterfuge.

25 2. Failure to maintain licenses, registrations, and
26 certifications reasonably required by the employer, or

1 those that the individual is required to possess by law,
2 to perform his or her regular job duties, unless the
3 failure is not within the control of the individual.

4 3. Knowing, repeated violation of the attendance
5 policies of the employer that are in compliance with State
6 and federal law following a written warning for an
7 attendance violation, unless the individual can
8 demonstrate that he or she has made a reasonable effort to
9 remedy the reason or reasons for the violations or that
10 the reason or reasons for the violations were out of the
11 individual's control. Attendance policies of the employer
12 shall be reasonable and provided to the individual in
13 writing, electronically, or via posting in the workplace.

14 4. Damaging the employer's property through conduct
15 that is grossly negligent.

16 5. Refusal to obey an employer's reasonable and lawful
17 instruction, unless the refusal is due to the lack of
18 ability, skills, or training for the individual required
19 to obey the instruction or the instruction would result in
20 an unsafe act.

21 6. Consuming alcohol or illegal or non-prescribed
22 prescription drugs, or using an impairing substance in an
23 off-label manner, on the employer's premises during
24 working hours in violation of the employer's policies.

25 7. Reporting to work under the influence of alcohol,
26 illegal or non-prescribed prescription drugs, or an

1 impairing substance used in an off-label manner in
2 violation of the employer's policies, unless the
3 individual is compelled to report to work by the employer
4 outside of scheduled and on-call working hours and informs
5 the employer that he or she is under the influence of
6 alcohol, illegal or non-prescribed prescription drugs, or
7 an impairing substance used in an off-label manner in
8 violation of the employer's policies.

9 8. Grossly negligent conduct endangering the safety of
10 the individual or co-workers.

11 For purposes of paragraphs 4 and 8, conduct is "grossly
12 negligent" when the individual is, or reasonably should be,
13 aware of a substantial risk that the conduct will result in the
14 harm sought to be prevented and the conduct constitutes a
15 substantial deviation from the standard of care a reasonable
16 person would exercise in the situation.

17 Nothing in paragraph 6 or 7 prohibits the lawful use of
18 over-the-counter drug products as defined in Section 206 of
19 the Illinois Controlled Substances Act, provided that the
20 medication does not affect the safe performance of the
21 employee's work duties.

22 B. Notwithstanding any other provision of this Act, no
23 benefit rights shall accrue to any individual based upon wages
24 from any employer for service rendered prior to the day upon
25 which such individual was discharged because of the commission
26 of a felony in connection with his work, or because of theft in

1 connection with his work, for which the employer was in no way
2 responsible; provided, that the employer notified the Director
3 of such possible ineligibility within the time limits
4 specified by regulations of the Director, and that the
5 individual has admitted his commission of the felony or theft
6 to a representative of the Director, or has signed a written
7 admission of such act and such written admission has been
8 presented to a representative of the Director, or such act has
9 resulted in a conviction or order of supervision by a court of
10 competent jurisdiction; and provided further, that if by
11 reason of such act, he is in legal custody, held on ~~pretrial~~
12 ~~release~~ bail or is a fugitive from justice, the determination
13 of his benefit rights shall be held in abeyance pending the
14 result of any legal proceedings arising therefrom.

15 (Source: P.A. 99-488, eff. 1-3-16; 101-652.)

16 (730 ILCS 5/3-6-7.1 rep.)

17 (730 ILCS 5/3-6-7.2 rep.)

18 (730 ILCS 5/3-6-7.3 rep.)

19 (730 ILCS 5/3-6-7.4 rep.)

20 Section 325. The Unified Code of Corrections is amended by
21 repealing Sections 3-6-7.1, 3-6-7.2, 3-6-7.3, and 3-6-7.4.

22 (730 ILCS 125/17.6 rep.)

23 (730 ILCS 125/17.7 rep.)

24 (730 ILCS 125/17.8 rep.)

1 (730 ILCS 125/17.9 rep.)

2 Section 330. The County Jail Act is amended by repealing
3 Sections 17.6, 17.7, 17.8, and 17.9.

4 Section 335. The Unified Code of Corrections is amended by
5 changing Section 5-4-1 as follows:

6 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

7 Sec. 5-4-1. Sentencing hearing.

8 (a) Except when the death penalty is sought under hearing
9 procedures otherwise specified, after a determination of
10 guilt, a hearing shall be held to impose the sentence.
11 However, prior to the imposition of sentence on an individual
12 being sentenced for an offense based upon a charge for a
13 violation of Section 11-501 of the Illinois Vehicle Code or a
14 similar provision of a local ordinance, the individual must
15 undergo a professional evaluation to determine if an alcohol
16 or other drug abuse problem exists and the extent of such a
17 problem. Programs conducting these evaluations shall be
18 licensed by the Department of Human Services. However, if the
19 individual is not a resident of Illinois, the court may, in its
20 discretion, accept an evaluation from a program in the state
21 of such individual's residence. The court may in its
22 sentencing order approve an eligible defendant for placement
23 in a Department of Corrections impact incarceration program as
24 provided in Section 5-8-1.1 or 5-8-1.3. The court may in its

1 sentencing order recommend a defendant for placement in a
2 Department of Corrections substance abuse treatment program as
3 provided in paragraph (a) of subsection (1) of Section 3-2-2
4 conditioned upon the defendant being accepted in a program by
5 the Department of Corrections. At the hearing the court shall:

6 (1) consider the evidence, if any, received upon the
7 trial;

8 (2) consider any presentence reports;

9 (3) consider the financial impact of incarceration
10 based on the financial impact statement filed with the
11 clerk of the court by the Department of Corrections;

12 (4) consider evidence and information offered by the
13 parties in aggravation and mitigation;

14 (4.5) consider substance abuse treatment, eligibility
15 screening, and an assessment, if any, of the defendant by
16 an agent designated by the State of Illinois to provide
17 assessment services for the Illinois courts;

18 (5) hear arguments as to sentencing alternatives;

19 (6) afford the defendant the opportunity to make a
20 statement in his own behalf;

21 (7) afford the victim of a violent crime or a
22 violation of Section 11-501 of the Illinois Vehicle Code,
23 or a similar provision of a local ordinance, the
24 opportunity to present an oral or written statement, as
25 guaranteed by Article I, Section 8.1 of the Illinois
26 Constitution and provided in Section 6 of the Rights of

1 Crime Victims and Witnesses Act. The court shall allow a
2 victim to make an oral statement if the victim is present
3 in the courtroom and requests to make an oral or written
4 statement. An oral or written statement includes the
5 victim or a representative of the victim reading the
6 written statement. The court may allow persons impacted by
7 the crime who are not victims under subsection (a) of
8 Section 3 of the Rights of Crime Victims and Witnesses Act
9 to present an oral or written statement. A victim and any
10 person making an oral statement shall not be put under
11 oath or subject to cross-examination. All statements
12 offered under this paragraph (7) shall become part of the
13 record of the court. In this paragraph (7), "victim of a
14 violent crime" means a person who is a victim of a violent
15 crime for which the defendant has been convicted after a
16 bench or jury trial or a person who is the victim of a
17 violent crime with which the defendant was charged and the
18 defendant has been convicted under a plea agreement of a
19 crime that is not a violent crime as defined in subsection
20 (c) of 3 of the Rights of Crime Victims and Witnesses Act;

21 (7.5) afford a qualified person affected by: (i) a
22 violation of Section 405, 405.1, 405.2, or 407 of the
23 Illinois Controlled Substances Act or a violation of
24 Section 55 or Section 65 of the Methamphetamine Control
25 and Community Protection Act; or (ii) a Class 4 felony
26 violation of Section 11-14, 11-14.3 except as described in

1 subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18,
2 11-18.1, or 11-19 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, committed by the defendant the
4 opportunity to make a statement concerning the impact on
5 the qualified person and to offer evidence in aggravation
6 or mitigation; provided that the statement and evidence
7 offered in aggravation or mitigation shall first be
8 prepared in writing in conjunction with the State's
9 Attorney before it may be presented orally at the hearing.
10 Sworn testimony offered by the qualified person is subject
11 to the defendant's right to cross-examine. All statements
12 and evidence offered under this paragraph (7.5) shall
13 become part of the record of the court. In this paragraph
14 (7.5), "qualified person" means any person who: (i) lived
15 or worked within the territorial jurisdiction where the
16 offense took place when the offense took place; or (ii) is
17 familiar with various public places within the territorial
18 jurisdiction where the offense took place when the offense
19 took place. "Qualified person" includes any peace officer
20 or any member of any duly organized State, county, or
21 municipal peace officer unit assigned to the territorial
22 jurisdiction where the offense took place when the offense
23 took place;

24 (8) in cases of reckless homicide afford the victim's
25 spouse, guardians, parents or other immediate family
26 members an opportunity to make oral statements;

1 (9) in cases involving a felony sex offense as defined
2 under the Sex Offender Management Board Act, consider the
3 results of the sex offender evaluation conducted pursuant
4 to Section 5-3-2 of this Act; and

5 (10) make a finding of whether a motor vehicle was
6 used in the commission of the offense for which the
7 defendant is being sentenced.

8 (b) All sentences shall be imposed by the judge based upon
9 his independent assessment of the elements specified above and
10 any agreement as to sentence reached by the parties. The judge
11 who presided at the trial or the judge who accepted the plea of
12 guilty shall impose the sentence unless he is no longer
13 sitting as a judge in that court. Where the judge does not
14 impose sentence at the same time on all defendants who are
15 convicted as a result of being involved in the same offense,
16 the defendant or the State's Attorney may advise the
17 sentencing court of the disposition of any other defendants
18 who have been sentenced.

19 (b-1) In imposing a sentence of imprisonment or periodic
20 imprisonment for a Class 3 or Class 4 felony for which a
21 sentence of probation or conditional discharge is an available
22 sentence, if the defendant has no prior sentence of probation
23 or conditional discharge and no prior conviction for a violent
24 crime, the defendant shall not be sentenced to imprisonment
25 before review and consideration of a presentence report and
26 determination and explanation of why the particular evidence,

1 information, factor in aggravation, factual finding, or other
2 reasons support a sentencing determination that one or more of
3 the factors under subsection (a) of Section 5-6-1 of this Code
4 apply and that probation or conditional discharge is not an
5 appropriate sentence.

6 (c) In imposing a sentence for a violent crime or for an
7 offense of operating or being in physical control of a vehicle
8 while under the influence of alcohol, any other drug or any
9 combination thereof, or a similar provision of a local
10 ordinance, when such offense resulted in the personal injury
11 to someone other than the defendant, the trial judge shall
12 specify on the record the particular evidence, information,
13 factors in mitigation and aggravation or other reasons that
14 led to his sentencing determination. The full verbatim record
15 of the sentencing hearing shall be filed with the clerk of the
16 court and shall be a public record.

17 (c-1) In imposing a sentence for the offense of aggravated
18 kidnapping for ransom, home invasion, armed robbery,
19 aggravated vehicular hijacking, aggravated discharge of a
20 firearm, or armed violence with a category I weapon or
21 category II weapon, the trial judge shall make a finding as to
22 whether the conduct leading to conviction for the offense
23 resulted in great bodily harm to a victim, and shall enter that
24 finding and the basis for that finding in the record.

25 ~~(c-1.5) Notwithstanding any other provision of law to the~~
26 ~~contrary, in imposing a sentence for an offense that requires~~

1 ~~a mandatory minimum sentence of imprisonment, the court may~~
2 ~~instead sentence the offender to probation, conditional~~
3 ~~discharge, or a lesser term of imprisonment it deems~~
4 ~~appropriate if: (1) the offense involves the use or possession~~
5 ~~of drugs, retail theft, or driving on a revoked license due to~~
6 ~~unpaid financial obligations; (2) the court finds that the~~
7 ~~defendant does not pose a risk to public safety; and (3) the~~
8 ~~interest of justice requires imposing a term of probation,~~
9 ~~conditional discharge, or a lesser term of imprisonment. The~~
10 ~~court must state on the record its reasons for imposing~~
11 ~~probation, conditional discharge, or a lesser term of~~
12 ~~imprisonment.~~

13 (c-2) If the defendant is sentenced to prison, other than
14 when a sentence of natural life imprisonment or a sentence of
15 death is imposed, at the time the sentence is imposed the judge
16 shall state on the record in open court the approximate period
17 of time the defendant will serve in custody according to the
18 then current statutory rules and regulations for sentence
19 credit found in Section 3-6-3 and other related provisions of
20 this Code. This statement is intended solely to inform the
21 public, has no legal effect on the defendant's actual release,
22 and may not be relied on by the defendant on appeal.

23 The judge's statement, to be given after pronouncing the
24 sentence, other than when the sentence is imposed for one of
25 the offenses enumerated in paragraph (a)(4) of Section 3-6-3,
26 shall include the following:

1 "The purpose of this statement is to inform the public of
2 the actual period of time this defendant is likely to spend in
3 prison as a result of this sentence. The actual period of
4 prison time served is determined by the statutes of Illinois
5 as applied to this sentence by the Illinois Department of
6 Corrections and the Illinois Prisoner Review Board. In this
7 case, assuming the defendant receives all of his or her
8 sentence credit, the period of estimated actual custody is ...
9 years and ... months, less up to 180 days additional earned
10 sentence credit. If the defendant, because of his or her own
11 misconduct or failure to comply with the institutional
12 regulations, does not receive those credits, the actual time
13 served in prison will be longer. The defendant may also
14 receive an additional one-half day sentence credit for each
15 day of participation in vocational, industry, substance abuse,
16 and educational programs as provided for by Illinois statute."

17 When the sentence is imposed for one of the offenses
18 enumerated in paragraph (a)(2) of Section 3-6-3, other than
19 first degree murder, and the offense was committed on or after
20 June 19, 1998, and when the sentence is imposed for reckless
21 homicide as defined in subsection (e) of Section 9-3 of the
22 Criminal Code of 1961 or the Criminal Code of 2012 if the
23 offense was committed on or after January 1, 1999, and when the
24 sentence is imposed for aggravated driving under the influence
25 of alcohol, other drug or drugs, or intoxicating compound or
26 compounds, or any combination thereof as defined in

1 subparagraph (F) of paragraph (1) of subsection (d) of Section
2 11-501 of the Illinois Vehicle Code, and when the sentence is
3 imposed for aggravated arson if the offense was committed on
4 or after July 27, 2001 (the effective date of Public Act
5 92-176), and when the sentence is imposed for aggravated
6 driving under the influence of alcohol, other drug or drugs,
7 or intoxicating compound or compounds, or any combination
8 thereof as defined in subparagraph (C) of paragraph (1) of
9 subsection (d) of Section 11-501 of the Illinois Vehicle Code
10 committed on or after January 1, 2011 (the effective date of
11 Public Act 96-1230), the judge's statement, to be given after
12 pronouncing the sentence, shall include the following:

13 "The purpose of this statement is to inform the public of
14 the actual period of time this defendant is likely to spend in
15 prison as a result of this sentence. The actual period of
16 prison time served is determined by the statutes of Illinois
17 as applied to this sentence by the Illinois Department of
18 Corrections and the Illinois Prisoner Review Board. In this
19 case, the defendant is entitled to no more than 4 1/2 days of
20 sentence credit for each month of his or her sentence of
21 imprisonment. Therefore, this defendant will serve at least
22 85% of his or her sentence. Assuming the defendant receives 4
23 1/2 days credit for each month of his or her sentence, the
24 period of estimated actual custody is ... years and ...
25 months. If the defendant, because of his or her own misconduct
26 or failure to comply with the institutional regulations

1 receives lesser credit, the actual time served in prison will
2 be longer."

3 When a sentence of imprisonment is imposed for first
4 degree murder and the offense was committed on or after June
5 19, 1998, the judge's statement, to be given after pronouncing
6 the sentence, shall include the following:

7 "The purpose of this statement is to inform the public of
8 the actual period of time this defendant is likely to spend in
9 prison as a result of this sentence. The actual period of
10 prison time served is determined by the statutes of Illinois
11 as applied to this sentence by the Illinois Department of
12 Corrections and the Illinois Prisoner Review Board. In this
13 case, the defendant is not entitled to sentence credit.
14 Therefore, this defendant will serve 100% of his or her
15 sentence."

16 When the sentencing order recommends placement in a
17 substance abuse program for any offense that results in
18 incarceration in a Department of Corrections facility and the
19 crime was committed on or after September 1, 2003 (the
20 effective date of Public Act 93-354), the judge's statement,
21 in addition to any other judge's statement required under this
22 Section, to be given after pronouncing the sentence, shall
23 include the following:

24 "The purpose of this statement is to inform the public of
25 the actual period of time this defendant is likely to spend in
26 prison as a result of this sentence. The actual period of

1 prison time served is determined by the statutes of Illinois
2 as applied to this sentence by the Illinois Department of
3 Corrections and the Illinois Prisoner Review Board. In this
4 case, the defendant shall receive no earned sentence credit
5 under clause (3) of subsection (a) of Section 3-6-3 until he or
6 she participates in and completes a substance abuse treatment
7 program or receives a waiver from the Director of Corrections
8 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

9 (c-4) Before the sentencing hearing and as part of the
10 presentence investigation under Section 5-3-1, the court shall
11 inquire of the defendant whether the defendant is currently
12 serving in or is a veteran of the Armed Forces of the United
13 States. If the defendant is currently serving in the Armed
14 Forces of the United States or is a veteran of the Armed Forces
15 of the United States and has been diagnosed as having a mental
16 illness by a qualified psychiatrist or clinical psychologist
17 or physician, the court may:

18 (1) order that the officer preparing the presentence
19 report consult with the United States Department of
20 Veterans Affairs, Illinois Department of Veterans'
21 Affairs, or another agency or person with suitable
22 knowledge or experience for the purpose of providing the
23 court with information regarding treatment options
24 available to the defendant, including federal, State, and
25 local programming; and

26 (2) consider the treatment recommendations of any

1 diagnosing or treating mental health professionals
2 together with the treatment options available to the
3 defendant in imposing sentence.

4 For the purposes of this subsection (c-4), "qualified
5 psychiatrist" means a reputable physician licensed in Illinois
6 to practice medicine in all its branches, who has specialized
7 in the diagnosis and treatment of mental and nervous disorders
8 for a period of not less than 5 years.

9 (c-6) In imposing a sentence, the trial judge shall
10 specify, on the record, the particular evidence and other
11 reasons which led to his or her determination that a motor
12 vehicle was used in the commission of the offense.

13 (d) When the defendant is committed to the Department of
14 Corrections, the State's Attorney shall and counsel for the
15 defendant may file a statement with the clerk of the court to
16 be transmitted to the department, agency or institution to
17 which the defendant is committed to furnish such department,
18 agency or institution with the facts and circumstances of the
19 offense for which the person was committed together with all
20 other factual information accessible to them in regard to the
21 person prior to his commitment relative to his habits,
22 associates, disposition and reputation and any other facts and
23 circumstances which may aid such department, agency or
24 institution during its custody of such person. The clerk shall
25 within 10 days after receiving any such statements transmit a
26 copy to such department, agency or institution and a copy to

1 the other party, provided, however, that this shall not be
2 cause for delay in conveying the person to the department,
3 agency or institution to which he has been committed.

4 (e) The clerk of the court shall transmit to the
5 department, agency or institution, if any, to which the
6 defendant is committed, the following:

7 (1) the sentence imposed;

8 (2) any statement by the court of the basis for
9 imposing the sentence;

10 (3) any presentence reports;

11 (3.5) any sex offender evaluations;

12 (3.6) any substance abuse treatment eligibility
13 screening and assessment of the defendant by an agent
14 designated by the State of Illinois to provide assessment
15 services for the Illinois courts;

16 (4) the number of days, if any, which the defendant
17 has been in custody and for which he is entitled to credit
18 against the sentence, which information shall be provided
19 to the clerk by the sheriff;

20 (4.1) any finding of great bodily harm made by the
21 court with respect to an offense enumerated in subsection
22 (c-1);

23 (5) all statements filed under subsection (d) of this
24 Section;

25 (6) any medical or mental health records or summaries
26 of the defendant;

1 (7) the municipality where the arrest of the offender
2 or the commission of the offense has occurred, where such
3 municipality has a population of more than 25,000 persons;

4 (8) all statements made and evidence offered under
5 paragraph (7) of subsection (a) of this Section; and

6 (9) all additional matters which the court directs the
7 clerk to transmit.

8 (f) In cases in which the court finds that a motor vehicle
9 was used in the commission of the offense for which the
10 defendant is being sentenced, the clerk of the court shall,
11 within 5 days thereafter, forward a report of such conviction
12 to the Secretary of State.

13 (Source: P.A. 99-861, eff. 1-1-17; 99-938, eff. 1-1-18;
14 100-961, eff. 1-1-19; revised 10-3-18; 101-652.)

15 Section 340. The Open Meetings Act is amended by changing
16 Section 2 as follows:

17 (5 ILCS 120/2) (from Ch. 102, par. 42)

18 Sec. 2. Open meetings.

19 (a) Openness required. All meetings of public bodies shall
20 be open to the public unless excepted in subsection (c) and
21 closed in accordance with Section 2a.

22 (b) Construction of exceptions. The exceptions contained
23 in subsection (c) are in derogation of the requirement that
24 public bodies meet in the open, and therefore, the exceptions

1 are to be strictly construed, extending only to subjects
2 clearly within their scope. The exceptions authorize but do
3 not require the holding of a closed meeting to discuss a
4 subject included within an enumerated exception.

5 (c) Exceptions. A public body may hold closed meetings to
6 consider the following subjects:

7 (1) The appointment, employment, compensation,
8 discipline, performance, or dismissal of specific
9 employees, specific individuals who serve as independent
10 contractors in a park, recreational, or educational
11 setting, or specific volunteers of the public body or
12 legal counsel for the public body, including hearing
13 testimony on a complaint lodged against an employee, a
14 specific individual who serves as an independent
15 contractor in a park, recreational, or educational
16 setting, or a volunteer of the public body or against
17 legal counsel for the public body to determine its
18 validity. However, a meeting to consider an increase in
19 compensation to a specific employee of a public body that
20 is subject to the Local Government Wage Increase
21 Transparency Act may not be closed and shall be open to the
22 public and posted and held in accordance with this Act.

23 (2) Collective negotiating matters between the public
24 body and its employees or their representatives, or
25 deliberations concerning salary schedules for one or more
26 classes of employees.

1 (3) The selection of a person to fill a public office,
2 as defined in this Act, including a vacancy in a public
3 office, when the public body is given power to appoint
4 under law or ordinance, or the discipline, performance or
5 removal of the occupant of a public office, when the
6 public body is given power to remove the occupant under
7 law or ordinance.

8 (4) Evidence or testimony presented in open hearing,
9 or in closed hearing where specifically authorized by law,
10 to a quasi-adjudicative body, as defined in this Act,
11 provided that the body prepares and makes available for
12 public inspection a written decision setting forth its
13 determinative reasoning.

14 (5) The purchase or lease of real property for the use
15 of the public body, including meetings held for the
16 purpose of discussing whether a particular parcel should
17 be acquired.

18 (6) The setting of a price for sale or lease of
19 property owned by the public body.

20 (7) The sale or purchase of securities, investments,
21 or investment contracts. This exception shall not apply to
22 the investment of assets or income of funds deposited into
23 the Illinois Prepaid Tuition Trust Fund.

24 (8) Security procedures, school building safety and
25 security, and the use of personnel and equipment to
26 respond to an actual, a threatened, or a reasonably

1 potential danger to the safety of employees, students,
2 staff, the public, or public property.

3 (9) Student disciplinary cases.

4 (10) The placement of individual students in special
5 education programs and other matters relating to
6 individual students.

7 (11) Litigation, when an action against, affecting or
8 on behalf of the particular public body has been filed and
9 is pending before a court or administrative tribunal, or
10 when the public body finds that an action is probable or
11 imminent, in which case the basis for the finding shall be
12 recorded and entered into the minutes of the closed
13 meeting.

14 (12) The establishment of reserves or settlement of
15 claims as provided in the Local Governmental and
16 Governmental Employees Tort Immunity Act, if otherwise the
17 disposition of a claim or potential claim might be
18 prejudiced, or the review or discussion of claims, loss or
19 risk management information, records, data, advice or
20 communications from or with respect to any insurer of the
21 public body or any intergovernmental risk management
22 association or self insurance pool of which the public
23 body is a member.

24 (13) Conciliation of complaints of discrimination in
25 the sale or rental of housing, when closed meetings are
26 authorized by the law or ordinance prescribing fair

1 housing practices and creating a commission or
2 administrative agency for their enforcement.

3 (14) Informant sources, the hiring or assignment of
4 undercover personnel or equipment, or ongoing, prior or
5 future criminal investigations, when discussed by a public
6 body with criminal investigatory responsibilities.

7 (15) Professional ethics or performance when
8 considered by an advisory body appointed to advise a
9 licensing or regulatory agency on matters germane to the
10 advisory body's field of competence.

11 (16) Self evaluation, practices and procedures or
12 professional ethics, when meeting with a representative of
13 a statewide association of which the public body is a
14 member.

15 (17) The recruitment, credentialing, discipline or
16 formal peer review of physicians or other health care
17 professionals, or for the discussion of matters protected
18 under the federal Patient Safety and Quality Improvement
19 Act of 2005, and the regulations promulgated thereunder,
20 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
21 Health Insurance Portability and Accountability Act of
22 1996, and the regulations promulgated thereunder,
23 including 45 C.F.R. Parts 160, 162, and 164, by a
24 hospital, or other institution providing medical care,
25 that is operated by the public body.

26 (18) Deliberations for decisions of the Prisoner

1 Review Board.

2 (19) Review or discussion of applications received
3 under the Experimental Organ Transplantation Procedures
4 Act.

5 (20) The classification and discussion of matters
6 classified as confidential or continued confidential by
7 the State Government Suggestion Award Board.

8 (21) Discussion of minutes of meetings lawfully closed
9 under this Act, whether for purposes of approval by the
10 body of the minutes or semi-annual review of the minutes
11 as mandated by Section 2.06.

12 (22) Deliberations for decisions of the State
13 Emergency Medical Services Disciplinary Review Board.

14 (23) The operation by a municipality of a municipal
15 utility or the operation of a municipal power agency or
16 municipal natural gas agency when the discussion involves
17 (i) contracts relating to the purchase, sale, or delivery
18 of electricity or natural gas or (ii) the results or
19 conclusions of load forecast studies.

20 (24) Meetings of a residential health care facility
21 resident sexual assault and death review team or the
22 Executive Council under the Abuse Prevention Review Team
23 Act.

24 (25) Meetings of an independent team of experts under
25 Brian's Law.

26 (26) Meetings of a mortality review team appointed

1 under the Department of Juvenile Justice Mortality Review
2 Team Act.

3 (27) (Blank).

4 (28) Correspondence and records (i) that may not be
5 disclosed under Section 11-9 of the Illinois Public Aid
6 Code or (ii) that pertain to appeals under Section 11-8 of
7 the Illinois Public Aid Code.

8 (29) Meetings between internal or external auditors
9 and governmental audit committees, finance committees, and
10 their equivalents, when the discussion involves internal
11 control weaknesses, identification of potential fraud risk
12 areas, known or suspected frauds, and fraud interviews
13 conducted in accordance with generally accepted auditing
14 standards of the United States of America.

15 (30) Those meetings or portions of meetings of a
16 fatality review team or the Illinois Fatality Review Team
17 Advisory Council during which a review of the death of an
18 eligible adult in which abuse or neglect is suspected,
19 alleged, or substantiated is conducted pursuant to Section
20 15 of the Adult Protective Services Act.

21 (31) Meetings and deliberations for decisions of the
22 Concealed Carry Licensing Review Board under the Firearm
23 Concealed Carry Act.

24 (32) Meetings between the Regional Transportation
25 Authority Board and its Service Boards when the discussion
26 involves review by the Regional Transportation Authority

1 Board of employment contracts under Section 28d of the
2 Metropolitan Transit Authority Act and Sections 3A.18 and
3 3B.26 of the Regional Transportation Authority Act.

4 (33) Those meetings or portions of meetings of the
5 advisory committee and peer review subcommittee created
6 under Section 320 of the Illinois Controlled Substances
7 Act during which specific controlled substance prescriber,
8 dispenser, or patient information is discussed.

9 (34) Meetings of the Tax Increment Financing Reform
10 Task Force under Section 2505-800 of the Department of
11 Revenue Law of the Civil Administrative Code of Illinois.

12 (35) Meetings of the group established to discuss
13 Medicaid capitation rates under Section 5-30.8 of the
14 Illinois Public Aid Code.

15 (36) Those deliberations or portions of deliberations
16 for decisions of the Illinois Gaming Board in which there
17 is discussed any of the following: (i) personal,
18 commercial, financial, or other information obtained from
19 any source that is privileged, proprietary, confidential,
20 or a trade secret; or (ii) information specifically
21 exempted from the disclosure by federal or State law.

22 ~~(37) Deliberations for decisions of the Illinois Law~~
23 ~~Enforcement Training Standards Board, the Certification~~
24 ~~Review Panel, and the Illinois State Police Merit Board~~
25 ~~regarding certification and decertification.~~

26 (38) Meetings of the Ad Hoc Statewide Domestic

1 Violence Fatality Review Committee of the Illinois
2 Criminal Justice Information Authority Board that occur in
3 closed executive session under subsection (d) of Section
4 35 of the Domestic Violence Fatality Review Act.

5 (39) Meetings of the regional review teams under
6 subsection (a) of Section 75 of the Domestic Violence
7 Fatality Review Act.

8 (40) ~~(38)~~ Meetings of the Firearm Owner's
9 Identification Card Review Board under Section 10 of the
10 Firearm Owners Identification Card Act.

11 (d) Definitions. For purposes of this Section:

12 "Employee" means a person employed by a public body whose
13 relationship with the public body constitutes an
14 employer-employee relationship under the usual common law
15 rules, and who is not an independent contractor.

16 "Public office" means a position created by or under the
17 Constitution or laws of this State, the occupant of which is
18 charged with the exercise of some portion of the sovereign
19 power of this State. The term "public office" shall include
20 members of the public body, but it shall not include
21 organizational positions filled by members thereof, whether
22 established by law or by a public body itself, that exist to
23 assist the body in the conduct of its business.

24 "Quasi-adjudicative body" means an administrative body
25 charged by law or ordinance with the responsibility to conduct
26 hearings, receive evidence or testimony and make

1 determinations based thereon, but does not include local
2 electoral boards when such bodies are considering petition
3 challenges.

4 (e) Final action. No final action may be taken at a closed
5 meeting. Final action shall be preceded by a public recital of
6 the nature of the matter being considered and other
7 information that will inform the public of the business being
8 conducted.

9 (Source: P.A. 101-31, eff. 6-28-19; 101-459, eff. 8-23-19;
10 101-652, eff. 1-1-22; 102-237, eff. 1-1-22; 102-520, eff.
11 8-20-21; 102-558, eff. 8-20-21; revised 10-6-21.)

12 Section 345. The Freedom of Information Act is amended by
13 changing Sections 7 and 7.5 as follows:

14 (5 ILCS 140/7) (from Ch. 116, par. 207)

15 Sec. 7. Exemptions.

16 (1) When a request is made to inspect or copy a public
17 record that contains information that is exempt from
18 disclosure under this Section, but also contains information
19 that is not exempt from disclosure, the public body may elect
20 to redact the information that is exempt. The public body
21 shall make the remaining information available for inspection
22 and copying. Subject to this requirement, the following shall
23 be exempt from inspection and copying:

24 (a) Information specifically prohibited from

1 disclosure by federal or State law or rules and
2 regulations implementing federal or State law.

3 (b) Private information, unless disclosure is required
4 by another provision of this Act, a State or federal law or
5 a court order.

6 (b-5) Files, documents, and other data or databases
7 maintained by one or more law enforcement agencies and
8 specifically designed to provide information to one or
9 more law enforcement agencies regarding the physical or
10 mental status of one or more individual subjects.

11 (c) Personal information contained within public
12 records, the disclosure of which would constitute a
13 clearly unwarranted invasion of personal privacy, unless
14 the disclosure is consented to in writing by the
15 individual subjects of the information. "Unwarranted
16 invasion of personal privacy" means the disclosure of
17 information that is highly personal or objectionable to a
18 reasonable person and in which the subject's right to
19 privacy outweighs any legitimate public interest in
20 obtaining the information. The disclosure of information
21 that bears on the public duties of public employees and
22 officials shall not be considered an invasion of personal
23 privacy.

24 (d) Records in the possession of any public body
25 created in the course of administrative enforcement
26 proceedings, and any law enforcement or correctional

1 agency for law enforcement purposes, but only to the
2 extent that disclosure would:

3 (i) interfere with pending or actually and
4 reasonably contemplated law enforcement proceedings
5 conducted by any law enforcement or correctional
6 agency that is the recipient of the request;

7 (ii) interfere with active administrative
8 enforcement proceedings conducted by the public body
9 that is the recipient of the request;

10 (iii) create a substantial likelihood that a
11 person will be deprived of a fair trial or an impartial
12 hearing;

13 (iv) unavoidably disclose the identity of a
14 confidential source, confidential information
15 furnished only by the confidential source, or persons
16 who file complaints with or provide information to
17 administrative, investigative, law enforcement, or
18 penal agencies; except that the identities of
19 witnesses to traffic accidents, traffic accident
20 reports, and rescue reports shall be provided by
21 agencies of local government, except when disclosure
22 would interfere with an active criminal investigation
23 conducted by the agency that is the recipient of the
24 request;

25 (v) disclose unique or specialized investigative
26 techniques other than those generally used and known

1 or disclose internal documents of correctional
2 agencies related to detection, observation or
3 investigation of incidents of crime or misconduct, and
4 disclosure would result in demonstrable harm to the
5 agency or public body that is the recipient of the
6 request;

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

9 (vii) obstruct an ongoing criminal investigation
10 by the agency that is the recipient of the request.

11 (d-5) A law enforcement record created for law
12 enforcement purposes and contained in a shared electronic
13 record management system if the law enforcement agency
14 that is the recipient of the request did not create the
15 record, did not participate in or have a role in any of the
16 events which are the subject of the record, and only has
17 access to the record through the shared electronic record
18 management system.

19 ~~(d-6) Records contained in the Officer Professional~~
20 ~~Conduct Database under Section 9.4 of the Illinois Police~~
21 ~~Training Act, except to the extent authorized under that~~
22 ~~Section. This includes the documents supplied to Illinois~~
23 ~~Law Enforcement Training Standards Board from the Illinois~~
24 ~~State Police and Illinois State Police Merit Board.~~

25 (e) Records that relate to or affect the security of
26 correctional institutions and detention facilities.

1 (e-5) Records requested by persons committed to the
2 Department of Corrections, Department of Human Services
3 Division of Mental Health, or a county jail if those
4 materials are available in the library of the correctional
5 institution or facility or jail where the inmate is
6 confined.

7 (e-6) Records requested by persons committed to the
8 Department of Corrections, Department of Human Services
9 Division of Mental Health, or a county jail if those
10 materials include records from staff members' personnel
11 files, staff rosters, or other staffing assignment
12 information.

13 (e-7) Records requested by persons committed to the
14 Department of Corrections or Department of Human Services
15 Division of Mental Health if those materials are available
16 through an administrative request to the Department of
17 Corrections or Department of Human Services Division of
18 Mental Health.

19 (e-8) Records requested by a person committed to the
20 Department of Corrections, Department of Human Services
21 Division of Mental Health, or a county jail, the
22 disclosure of which would result in the risk of harm to any
23 person or the risk of an escape from a jail or correctional
24 institution or facility.

25 (e-9) Records requested by a person in a county jail
26 or committed to the Department of Corrections or

1 Department of Human Services Division of Mental Health,
2 containing personal information pertaining to the person's
3 victim or the victim's family, including, but not limited
4 to, a victim's home address, home telephone number, work
5 or school address, work telephone number, social security
6 number, or any other identifying information, except as
7 may be relevant to a requester's current or potential case
8 or claim.

9 (e-10) Law enforcement records of other persons
10 requested by a person committed to the Department of
11 Corrections, Department of Human Services Division of
12 Mental Health, or a county jail, including, but not
13 limited to, arrest and booking records, mug shots, and
14 crime scene photographs, except as these records may be
15 relevant to the requester's current or potential case or
16 claim.

17 (f) Preliminary drafts, notes, recommendations,
18 memoranda and other records in which opinions are
19 expressed, or policies or actions are formulated, except
20 that a specific record or relevant portion of a record
21 shall not be exempt when the record is publicly cited and
22 identified by the head of the public body. The exemption
23 provided in this paragraph (f) extends to all those
24 records of officers and agencies of the General Assembly
25 that pertain to the preparation of legislative documents.

26 (g) Trade secrets and commercial or financial

1 information obtained from a person or business where the
2 trade secrets or commercial or financial information are
3 furnished under a claim that they are proprietary,
4 privileged, or confidential, and that disclosure of the
5 trade secrets or commercial or financial information would
6 cause competitive harm to the person or business, and only
7 insofar as the claim directly applies to the records
8 requested.

9 The information included under this exemption includes
10 all trade secrets and commercial or financial information
11 obtained by a public body, including a public pension
12 fund, from a private equity fund or a privately held
13 company within the investment portfolio of a private
14 equity fund as a result of either investing or evaluating
15 a potential investment of public funds in a private equity
16 fund. The exemption contained in this item does not apply
17 to the aggregate financial performance information of a
18 private equity fund, nor to the identity of the fund's
19 managers or general partners. The exemption contained in
20 this item does not apply to the identity of a privately
21 held company within the investment portfolio of a private
22 equity fund, unless the disclosure of the identity of a
23 privately held company may cause competitive harm.

24 Nothing contained in this paragraph (g) shall be
25 construed to prevent a person or business from consenting
26 to disclosure.

1 (h) Proposals and bids for any contract, grant, or
2 agreement, including information which if it were
3 disclosed would frustrate procurement or give an advantage
4 to any person proposing to enter into a contractor
5 agreement with the body, until an award or final selection
6 is made. Information prepared by or for the body in
7 preparation of a bid solicitation shall be exempt until an
8 award or final selection is made.

9 (i) Valuable formulae, computer geographic systems,
10 designs, drawings and research data obtained or produced
11 by any public body when disclosure could reasonably be
12 expected to produce private gain or public loss. The
13 exemption for "computer geographic systems" provided in
14 this paragraph (i) does not extend to requests made by
15 news media as defined in Section 2 of this Act when the
16 requested information is not otherwise exempt and the only
17 purpose of the request is to access and disseminate
18 information regarding the health, safety, welfare, or
19 legal rights of the general public.

20 (j) The following information pertaining to
21 educational matters:

22 (i) test questions, scoring keys and other
23 examination data used to administer an academic
24 examination;

25 (ii) information received by a primary or
26 secondary school, college, or university under its

1 procedures for the evaluation of faculty members by
2 their academic peers;

3 (iii) information concerning a school or
4 university's adjudication of student disciplinary
5 cases, but only to the extent that disclosure would
6 unavoidably reveal the identity of the student; and

7 (iv) course materials or research materials used
8 by faculty members.

9 (k) Architects' plans, engineers' technical
10 submissions, and other construction related technical
11 documents for projects not constructed or developed in
12 whole or in part with public funds and the same for
13 projects constructed or developed with public funds,
14 including, but not limited to, power generating and
15 distribution stations and other transmission and
16 distribution facilities, water treatment facilities,
17 airport facilities, sport stadiums, convention centers,
18 and all government owned, operated, or occupied buildings,
19 but only to the extent that disclosure would compromise
20 security.

21 (l) Minutes of meetings of public bodies closed to the
22 public as provided in the Open Meetings Act until the
23 public body makes the minutes available to the public
24 under Section 2.06 of the Open Meetings Act.

25 (m) Communications between a public body and an
26 attorney or auditor representing the public body that

1 would not be subject to discovery in litigation, and
2 materials prepared or compiled by or for a public body in
3 anticipation of a criminal, civil, or administrative
4 proceeding upon the request of an attorney advising the
5 public body, and materials prepared or compiled with
6 respect to internal audits of public bodies.

7 (n) Records relating to a public body's adjudication
8 of employee grievances or disciplinary cases; however,
9 this exemption shall not extend to the final outcome of
10 cases in which discipline is imposed.

11 (o) Administrative or technical information associated
12 with automated data processing operations, including but
13 not limited to software, operating protocols, computer
14 program abstracts, file layouts, source listings, object
15 modules, load modules, user guides, documentation
16 pertaining to all logical and physical design of
17 computerized systems, employee manuals, and any other
18 information that, if disclosed, would jeopardize the
19 security of the system or its data or the security of
20 materials exempt under this Section.

21 (p) Records relating to collective negotiating matters
22 between public bodies and their employees or
23 representatives, except that any final contract or
24 agreement shall be subject to inspection and copying.

25 (q) Test questions, scoring keys, and other
26 examination data used to determine the qualifications of

1 an applicant for a license or employment.

2 (r) The records, documents, and information relating
3 to real estate purchase negotiations until those
4 negotiations have been completed or otherwise terminated.
5 With regard to a parcel involved in a pending or actually
6 and reasonably contemplated eminent domain proceeding
7 under the Eminent Domain Act, records, documents, and
8 information relating to that parcel shall be exempt except
9 as may be allowed under discovery rules adopted by the
10 Illinois Supreme Court. The records, documents, and
11 information relating to a real estate sale shall be exempt
12 until a sale is consummated.

13 (s) Any and all proprietary information and records
14 related to the operation of an intergovernmental risk
15 management association or self-insurance pool or jointly
16 self-administered health and accident cooperative or pool.
17 Insurance or self insurance (including any
18 intergovernmental risk management association or self
19 insurance pool) claims, loss or risk management
20 information, records, data, advice or communications.

21 (t) Information contained in or related to
22 examination, operating, or condition reports prepared by,
23 on behalf of, or for the use of a public body responsible
24 for the regulation or supervision of financial
25 institutions, insurance companies, or pharmacy benefit
26 managers, unless disclosure is otherwise required by State

1 law.

2 (u) Information that would disclose or might lead to
3 the disclosure of secret or confidential information,
4 codes, algorithms, programs, or private keys intended to
5 be used to create electronic signatures under the Uniform
6 Electronic Transactions Act.

7 (v) Vulnerability assessments, security measures, and
8 response policies or plans that are designed to identify,
9 prevent, or respond to potential attacks upon a
10 community's population or systems, facilities, or
11 installations, the destruction or contamination of which
12 would constitute a clear and present danger to the health
13 or safety of the community, but only to the extent that
14 disclosure could reasonably be expected to jeopardize the
15 effectiveness of the measures or the safety of the
16 personnel who implement them or the public. Information
17 exempt under this item may include such things as details
18 pertaining to the mobilization or deployment of personnel
19 or equipment, to the operation of communication systems or
20 protocols, or to tactical operations.

21 (w) (Blank).

22 (x) Maps and other records regarding the location or
23 security of generation, transmission, distribution,
24 storage, gathering, treatment, or switching facilities
25 owned by a utility, by a power generator, or by the
26 Illinois Power Agency.

1 (y) Information contained in or related to proposals,
2 bids, or negotiations related to electric power
3 procurement under Section 1-75 of the Illinois Power
4 Agency Act and Section 16-111.5 of the Public Utilities
5 Act that is determined to be confidential and proprietary
6 by the Illinois Power Agency or by the Illinois Commerce
7 Commission.

8 (z) Information about students exempted from
9 disclosure under Sections 10-20.38 or 34-18.29 of the
10 School Code, and information about undergraduate students
11 enrolled at an institution of higher education exempted
12 from disclosure under Section 25 of the Illinois Credit
13 Card Marketing Act of 2009.

14 (aa) Information the disclosure of which is exempted
15 under the Viatical Settlements Act of 2009.

16 (bb) Records and information provided to a mortality
17 review team and records maintained by a mortality review
18 team appointed under the Department of Juvenile Justice
19 Mortality Review Team Act.

20 (cc) Information regarding interments, entombments, or
21 inurnments of human remains that are submitted to the
22 Cemetery Oversight Database under the Cemetery Care Act or
23 the Cemetery Oversight Act, whichever is applicable.

24 (dd) Correspondence and records (i) that may not be
25 disclosed under Section 11-9 of the Illinois Public Aid
26 Code or (ii) that pertain to appeals under Section 11-8 of

1 the Illinois Public Aid Code.

2 (ee) The names, addresses, or other personal
3 information of persons who are minors and are also
4 participants and registrants in programs of park
5 districts, forest preserve districts, conservation
6 districts, recreation agencies, and special recreation
7 associations.

8 (ff) The names, addresses, or other personal
9 information of participants and registrants in programs of
10 park districts, forest preserve districts, conservation
11 districts, recreation agencies, and special recreation
12 associations where such programs are targeted primarily to
13 minors.

14 (gg) Confidential information described in Section
15 1-100 of the Illinois Independent Tax Tribunal Act of
16 2012.

17 (hh) The report submitted to the State Board of
18 Education by the School Security and Standards Task Force
19 under item (8) of subsection (d) of Section 2-3.160 of the
20 School Code and any information contained in that report.

21 (ii) Records requested by persons committed to or
22 detained by the Department of Human Services under the
23 Sexually Violent Persons Commitment Act or committed to
24 the Department of Corrections under the Sexually Dangerous
25 Persons Act if those materials: (i) are available in the
26 library of the facility where the individual is confined;

1 (ii) include records from staff members' personnel files,
2 staff rosters, or other staffing assignment information;
3 or (iii) are available through an administrative request
4 to the Department of Human Services or the Department of
5 Corrections.

6 (jj) Confidential information described in Section
7 5-535 of the Civil Administrative Code of Illinois.

8 (kk) The public body's credit card numbers, debit card
9 numbers, bank account numbers, Federal Employer
10 Identification Number, security code numbers, passwords,
11 and similar account information, the disclosure of which
12 could result in identity theft or impression or defrauding
13 of a governmental entity or a person.

14 (ll) Records concerning the work of the threat
15 assessment team of a school district.

16 (1.5) Any information exempt from disclosure under the
17 Judicial Privacy Act shall be redacted from public records
18 prior to disclosure under this Act.

19 (2) A public record that is not in the possession of a
20 public body but is in the possession of a party with whom the
21 agency has contracted to perform a governmental function on
22 behalf of the public body, and that directly relates to the
23 governmental function and is not otherwise exempt under this
24 Act, shall be considered a public record of the public body,
25 for purposes of this Act.

26 (3) This Section does not authorize withholding of

1 information or limit the availability of records to the
2 public, except as stated in this Section or otherwise provided
3 in this Act.

4 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
5 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
6 6-25-21; 102-558, eff. 8-20-21; revised 10-4-21.)

7 (5 ILCS 140/7.5)

8 Sec. 7.5. Statutory exemptions. To the extent provided for
9 by the statutes referenced below, the following shall be
10 exempt from inspection and copying:

11 (a) All information determined to be confidential
12 under Section 4002 of the Technology Advancement and
13 Development Act.

14 (b) Library circulation and order records identifying
15 library users with specific materials under the Library
16 Records Confidentiality Act.

17 (c) Applications, related documents, and medical
18 records received by the Experimental Organ Transplantation
19 Procedures Board and any and all documents or other
20 records prepared by the Experimental Organ Transplantation
21 Procedures Board or its staff relating to applications it
22 has received.

23 (d) Information and records held by the Department of
24 Public Health and its authorized representatives relating
25 to known or suspected cases of sexually transmissible

1 disease or any information the disclosure of which is
2 restricted under the Illinois Sexually Transmissible
3 Disease Control Act.

4 (e) Information the disclosure of which is exempted
5 under Section 30 of the Radon Industry Licensing Act.

6 (f) Firm performance evaluations under Section 55 of
7 the Architectural, Engineering, and Land Surveying
8 Qualifications Based Selection Act.

9 (g) Information the disclosure of which is restricted
10 and exempted under Section 50 of the Illinois Prepaid
11 Tuition Act.

12 (h) Information the disclosure of which is exempted
13 under the State Officials and Employees Ethics Act, and
14 records of any lawfully created State or local inspector
15 general's office that would be exempt if created or
16 obtained by an Executive Inspector General's office under
17 that Act.

18 (i) Information contained in a local emergency energy
19 plan submitted to a municipality in accordance with a
20 local emergency energy plan ordinance that is adopted
21 under Section 11-21.5-5 of the Illinois Municipal Code.

22 (j) Information and data concerning the distribution
23 of surcharge moneys collected and remitted by carriers
24 under the Emergency Telephone System Act.

25 (k) Law enforcement officer identification information
26 or driver identification information compiled by a law

1 enforcement agency or the Department of Transportation
2 under Section 11-212 of the Illinois Vehicle Code.

3 (l) Records and information provided to a residential
4 health care facility resident sexual assault and death
5 review team or the Executive Council under the Abuse
6 Prevention Review Team Act.

7 (m) Information provided to the predatory lending
8 database created pursuant to Article 3 of the Residential
9 Real Property Disclosure Act, except to the extent
10 authorized under that Article.

11 (n) Defense budgets and petitions for certification of
12 compensation and expenses for court appointed trial
13 counsel as provided under Sections 10 and 15 of the
14 Capital Crimes Litigation Act. This subsection (n) shall
15 apply until the conclusion of the trial of the case, even
16 if the prosecution chooses not to pursue the death penalty
17 prior to trial or sentencing.

18 (o) Information that is prohibited from being
19 disclosed under Section 4 of the Illinois Health and
20 Hazardous Substances Registry Act.

21 (p) Security portions of system safety program plans,
22 investigation reports, surveys, schedules, lists, data, or
23 information compiled, collected, or prepared by or for the
24 Department of Transportation under Sections 2705-300 and
25 2705-616 of the Department of Transportation Law of the
26 Civil Administrative Code of Illinois, the Regional

1 Transportation Authority under Section 2.11 of the
2 Regional Transportation Authority Act, or the St. Clair
3 County Transit District under the Bi-State Transit Safety
4 Act.

5 (q) Information prohibited from being disclosed by the
6 Personnel Record Review Act.

7 (r) Information prohibited from being disclosed by the
8 Illinois School Student Records Act.

9 (s) Information the disclosure of which is restricted
10 under Section 5-108 of the Public Utilities Act.

11 (t) All identified or deidentified health information
12 in the form of health data or medical records contained
13 in, stored in, submitted to, transferred by, or released
14 from the Illinois Health Information Exchange, and
15 identified or deidentified health information in the form
16 of health data and medical records of the Illinois Health
17 Information Exchange in the possession of the Illinois
18 Health Information Exchange Office due to its
19 administration of the Illinois Health Information
20 Exchange. The terms "identified" and "deidentified" shall
21 be given the same meaning as in the Health Insurance
22 Portability and Accountability Act of 1996, Public Law
23 104-191, or any subsequent amendments thereto, and any
24 regulations promulgated thereunder.

25 (u) Records and information provided to an independent
26 team of experts under the Developmental Disability and

1 Mental Health Safety Act (also known as Brian's Law).

2 (v) Names and information of people who have applied
3 for or received Firearm Owner's Identification Cards under
4 the Firearm Owners Identification Card Act or applied for
5 or received a concealed carry license under the Firearm
6 Concealed Carry Act, unless otherwise authorized by the
7 Firearm Concealed Carry Act; and databases under the
8 Firearm Concealed Carry Act, records of the Concealed
9 Carry Licensing Review Board under the Firearm Concealed
10 Carry Act, and law enforcement agency objections under the
11 Firearm Concealed Carry Act.

12 (v-5) Records of the Firearm Owner's Identification
13 Card Review Board that are exempted from disclosure under
14 Section 10 of the Firearm Owners Identification Card Act.

15 (w) Personally identifiable information which is
16 exempted from disclosure under subsection (g) of Section
17 19.1 of the Toll Highway Act.

18 (x) Information which is exempted from disclosure
19 under Section 5-1014.3 of the Counties Code or Section
20 8-11-21 of the Illinois Municipal Code.

21 (y) Confidential information under the Adult
22 Protective Services Act and its predecessor enabling
23 statute, the Elder Abuse and Neglect Act, including
24 information about the identity and administrative finding
25 against any caregiver of a verified and substantiated
26 decision of abuse, neglect, or financial exploitation of

1 an eligible adult maintained in the Registry established
2 under Section 7.5 of the Adult Protective Services Act.

3 (z) Records and information provided to a fatality
4 review team or the Illinois Fatality Review Team Advisory
5 Council under Section 15 of the Adult Protective Services
6 Act.

7 (aa) Information which is exempted from disclosure
8 under Section 2.37 of the Wildlife Code.

9 (bb) Information which is or was prohibited from
10 disclosure by the Juvenile Court Act of 1987.

11 (cc) Recordings made under the Law Enforcement
12 Officer-Worn Body Camera Act, except to the extent
13 authorized under that Act.

14 (dd) Information that is prohibited from being
15 disclosed under Section 45 of the Condominium and Common
16 Interest Community Ombudsperson Act.

17 (ee) Information that is exempted from disclosure
18 under Section 30.1 of the Pharmacy Practice Act.

19 (ff) Information that is exempted from disclosure
20 under the Revised Uniform Unclaimed Property Act.

21 (gg) Information that is prohibited from being
22 disclosed under Section 7-603.5 of the Illinois Vehicle
23 Code.

24 (hh) Records that are exempt from disclosure under
25 Section 1A-16.7 of the Election Code.

26 (ii) Information which is exempted from disclosure

1 under Section 2505-800 of the Department of Revenue Law of
2 the Civil Administrative Code of Illinois.

3 (jj) Information and reports that are required to be
4 submitted to the Department of Labor by registering day
5 and temporary labor service agencies but are exempt from
6 disclosure under subsection (a-1) of Section 45 of the Day
7 and Temporary Labor Services Act.

8 (kk) Information prohibited from disclosure under the
9 Seizure and Forfeiture Reporting Act.

10 (ll) Information the disclosure of which is restricted
11 and exempted under Section 5-30.8 of the Illinois Public
12 Aid Code.

13 (mm) Records that are exempt from disclosure under
14 Section 4.2 of the Crime Victims Compensation Act.

15 (nn) Information that is exempt from disclosure under
16 Section 70 of the Higher Education Student Assistance Act.

17 (oo) Communications, notes, records, and reports
18 arising out of a peer support counseling session
19 prohibited from disclosure under the First Responders
20 Suicide Prevention Act.

21 (pp) Names and all identifying information relating to
22 an employee of an emergency services provider or law
23 enforcement agency under the First Responders Suicide
24 Prevention Act.

25 (qq) Information and records held by the Department of
26 Public Health and its authorized representatives collected

1 under the Reproductive Health Act.

2 (rr) Information that is exempt from disclosure under
3 the Cannabis Regulation and Tax Act.

4 (ss) Data reported by an employer to the Department of
5 Human Rights pursuant to Section 2-108 of the Illinois
6 Human Rights Act.

7 (tt) Recordings made under the Children's Advocacy
8 Center Act, except to the extent authorized under that
9 Act.

10 (uu) Information that is exempt from disclosure under
11 Section 50 of the Sexual Assault Evidence Submission Act.

12 (vv) Information that is exempt from disclosure under
13 subsections (f) and (j) of Section 5-36 of the Illinois
14 Public Aid Code.

15 (ww) Information that is exempt from disclosure under
16 Section 16.8 of the State Treasurer Act.

17 (xx) Information that is exempt from disclosure or
18 information that shall not be made public under the
19 Illinois Insurance Code.

20 (yy) Information prohibited from being disclosed under
21 the Illinois Educational Labor Relations Act.

22 (zz) Information prohibited from being disclosed under
23 the Illinois Public Labor Relations Act.

24 (aaa) Information prohibited from being disclosed
25 under Section 1-167 of the Illinois Pension Code.

26 ~~(ccc) Information that is prohibited from disclosure~~

1 ~~by the Illinois Police Training Act and the State Police~~
2 ~~Act.~~

3 (ccc) ~~(ddd)~~ Records exempt from disclosure under
4 Section 2605-304 of the Illinois ~~Department of~~ State
5 Police Law of the Civil Administrative Code of Illinois.

6 (ddd) ~~(bbb)~~ Information prohibited from being
7 disclosed under Section 35 of the Address Confidentiality
8 for Victims of Domestic Violence, Sexual Assault, Human
9 Trafficking, or Stalking Act.

10 (eee) ~~(ddd)~~ Information prohibited from being
11 disclosed under subsection (b) of Section 75 of the
12 Domestic Violence Fatality Review Act.

13 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;
14 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
15 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,
16 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
17 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.
18 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,
19 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
20 102-559, eff. 8-20-21; revised 10-5-21.)

21 Section 350. The State Employee Indemnification Act is
22 amended by changing Section 1 as follows:

23 (5 ILCS 350/1) (from Ch. 127, par. 1301)

24 Sec. 1. Definitions. For the purpose of this Act:

1 (a) The term "State" means the State of Illinois, the
2 General Assembly, the court, or any State office, department,
3 division, bureau, board, commission, or committee, the
4 governing boards of the public institutions of higher
5 education created by the State, the Illinois National Guard,
6 the Illinois State Guard, the Comprehensive Health Insurance
7 Board, any poison control center designated under the Poison
8 Control System Act that receives State funding, or any other
9 agency or instrumentality of the State. It does not mean any
10 local public entity as that term is defined in Section 1-206 of
11 the Local Governmental and Governmental Employees Tort
12 Immunity Act or a pension fund.

13 (b) The term "employee" means: any present or former
14 elected or appointed officer, trustee or employee of the
15 State, or of a pension fund; any present or former
16 commissioner or employee of the Executive Ethics Commission or
17 of the Legislative Ethics Commission; any present or former
18 Executive, Legislative, or Auditor General's Inspector
19 General; any present or former employee of an Office of an
20 Executive, Legislative, or Auditor General's Inspector
21 General; any present or former member of the Illinois National
22 Guard while on active duty; any present or former member of the
23 Illinois State Guard while on State active duty; individuals
24 or organizations who contract with the Department of
25 Corrections, the Department of Juvenile Justice, the
26 Comprehensive Health Insurance Board, or the Department of

1 Veterans' Affairs to provide services; individuals or
2 organizations who contract with the Department of Human
3 Services (as successor to the Department of Mental Health and
4 Developmental Disabilities) to provide services including but
5 not limited to treatment and other services for sexually
6 violent persons; individuals or organizations who contract
7 with the Department of Military Affairs for youth programs;
8 individuals or organizations who contract to perform carnival
9 and amusement ride safety inspections for the Department of
10 Labor; individuals who contract with the Office of the State's
11 Attorneys Appellate Prosecutor to provide legal services, but
12 only when performing duties within the scope of the Office's
13 prosecutorial activities; individual representatives of or
14 designated organizations authorized to represent the Office of
15 State Long-Term Ombudsman for the Department on Aging;
16 individual representatives of or organizations designated by
17 the Department on Aging in the performance of their duties as
18 adult protective services agencies or regional administrative
19 agencies under the Adult Protective Services Act; individuals
20 or organizations appointed as members of a review team or the
21 Advisory Council under the Adult Protective Services Act;
22 individuals or organizations who perform volunteer services
23 for the State where such volunteer relationship is reduced to
24 writing; individuals who serve on any public entity (whether
25 created by law or administrative action) described in
26 paragraph (a) of this Section; individuals or not for profit

1 organizations who, either as volunteers, where such volunteer
2 relationship is reduced to writing, or pursuant to contract,
3 furnish professional advice or consultation to any agency or
4 instrumentality of the State; individuals who serve as foster
5 parents for the Department of Children and Family Services
6 when caring for youth in care as defined in Section 4d of the
7 Children and Family Services Act; individuals who serve as
8 members of an independent team of experts under the
9 Developmental Disability and Mental Health Safety Act (also
10 known as Brian's Law); and individuals who serve as
11 arbitrators pursuant to Part 10A of Article II of the Code of
12 Civil Procedure and the rules of the Supreme Court
13 implementing Part 10A, each as now or hereafter amended; ~~the~~
14 ~~members of the Certification Review Panel under the Illinois~~
15 ~~Police Training Act;~~ the term "employee" does not mean an
16 independent contractor except as provided in this Section. The
17 term includes an individual appointed as an inspector by the
18 Director of the Illinois State Police when performing duties
19 within the scope of the activities of a Metropolitan
20 Enforcement Group or a law enforcement organization
21 established under the Intergovernmental Cooperation Act. An
22 individual who renders professional advice and consultation to
23 the State through an organization which qualifies as an
24 "employee" under the Act is also an employee. The term
25 includes the estate or personal representative of an employee.

26 (c) The term "pension fund" means a retirement system or

1 pension fund created under the Illinois Pension Code.

2 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 1-1-22;
3 102-538, eff. 8-20-21; revised 10-6-21.)

4 Section 355. The Personnel Code is amended by changing
5 Section 4c as follows:

6 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

7 Sec. 4c. General exemptions. The following positions in
8 State service shall be exempt from jurisdictions A, B, and C,
9 unless the jurisdictions shall be extended as provided in this
10 Act:

11 (1) All officers elected by the people.

12 (2) All positions under the Lieutenant Governor,
13 Secretary of State, State Treasurer, State Comptroller,
14 State Board of Education, Clerk of the Supreme Court,
15 Attorney General, and State Board of Elections.

16 (3) Judges, and officers and employees of the courts,
17 and notaries public.

18 (4) All officers and employees of the Illinois General
19 Assembly, all employees of legislative commissions, all
20 officers and employees of the Illinois Legislative
21 Reference Bureau and the Legislative Printing Unit.

22 (5) All positions in the Illinois National Guard and
23 Illinois State Guard, paid from federal funds or positions
24 in the State Military Service filled by enlistment and

1 paid from State funds.

2 (6) All employees of the Governor at the executive
3 mansion and on his immediate personal staff.

4 (7) Directors of Departments, the Adjutant General,
5 the Assistant Adjutant General, the Director of the
6 Illinois Emergency Management Agency, members of boards
7 and commissions, and all other positions appointed by the
8 Governor by and with the consent of the Senate.

9 (8) The presidents, other principal administrative
10 officers, and teaching, research and extension faculties
11 of Chicago State University, Eastern Illinois University,
12 Governors State University, Illinois State University,
13 Northeastern Illinois University, Northern Illinois
14 University, Western Illinois University, the Illinois
15 Community College Board, Southern Illinois University,
16 Illinois Board of Higher Education, University of
17 Illinois, State Universities Civil Service System,
18 University Retirement System of Illinois, and the
19 administrative officers and scientific and technical staff
20 of the Illinois State Museum.

21 (9) All other employees except the presidents, other
22 principal administrative officers, and teaching, research
23 and extension faculties of the universities under the
24 jurisdiction of the Board of Regents and the colleges and
25 universities under the jurisdiction of the Board of
26 Governors of State Colleges and Universities, Illinois

1 Community College Board, Southern Illinois University,
2 Illinois Board of Higher Education, Board of Governors of
3 State Colleges and Universities, the Board of Regents,
4 University of Illinois, State Universities Civil Service
5 System, University Retirement System of Illinois, so long
6 as these are subject to the provisions of the State
7 Universities Civil Service Act.

8 (10) The Illinois State Police so long as they are
9 subject to the merit provisions of the Illinois State
10 Police Act. ~~Employees of the Illinois State Police Merit~~
11 ~~Board are subject to the provisions of this Code.~~

12 (11) (Blank).

13 (12) The technical and engineering staffs of the
14 Department of Transportation, the Department of Nuclear
15 Safety, the Pollution Control Board, and the Illinois
16 Commerce Commission, and the technical and engineering
17 staff providing architectural and engineering services in
18 the Department of Central Management Services.

19 (13) All employees of the Illinois State Toll Highway
20 Authority.

21 (14) The Secretary of the Illinois Workers'
22 Compensation Commission.

23 (15) All persons who are appointed or employed by the
24 Director of Insurance under authority of Section 202 of
25 the Illinois Insurance Code to assist the Director of
26 Insurance in discharging his responsibilities relating to

1 the rehabilitation, liquidation, conservation, and
2 dissolution of companies that are subject to the
3 jurisdiction of the Illinois Insurance Code.

4 (16) All employees of the St. Louis Metropolitan Area
5 Airport Authority.

6 (17) All investment officers employed by the Illinois
7 State Board of Investment.

8 (18) Employees of the Illinois Young Adult
9 Conservation Corps program, administered by the Illinois
10 Department of Natural Resources, authorized grantee under
11 Title VIII of the Comprehensive Employment and Training
12 Act of 1973, 29 U.S.C. ~~usc~~ 993.

13 (19) Seasonal employees of the Department of
14 Agriculture for the operation of the Illinois State Fair
15 and the DuQuoin State Fair, no one person receiving more
16 than 29 days of such employment in any calendar year.

17 (20) All "temporary" employees hired under the
18 Department of Natural Resources' Illinois Conservation
19 Service, a youth employment program that hires young
20 people to work in State parks for a period of one year or
21 less.

22 (21) All hearing officers of the Human Rights
23 Commission.

24 (22) All employees of the Illinois Mathematics and
25 Science Academy.

26 (23) All employees of the Kankakee River Valley Area

1 Airport Authority.

2 (24) The commissioners and employees of the Executive
3 Ethics Commission.

4 (25) The Executive Inspectors General, including
5 special Executive Inspectors General, and employees of
6 each Office of an Executive Inspector General.

7 (26) The commissioners and employees of the
8 Legislative Ethics Commission.

9 (27) The Legislative Inspector General, including
10 special Legislative Inspectors General, and employees of
11 the Office of the Legislative Inspector General.

12 (28) The Auditor General's Inspector General and
13 employees of the Office of the Auditor General's Inspector
14 General.

15 (29) All employees of the Illinois Power Agency.

16 (30) Employees having demonstrable, defined advanced
17 skills in accounting, financial reporting, or technical
18 expertise who are employed within executive branch
19 agencies and whose duties are directly related to the
20 submission to the Office of the Comptroller of financial
21 information for the publication of the Comprehensive
22 Annual Financial Report.

23 (31) All employees of the Illinois Sentencing Policy
24 Advisory Council.

25 (Source: P.A. 101-652, eff. 1-1-22; 102-291, eff. 8-6-21;
26 102-538, eff. 8-20-21; revised 10-5-21.)

1 Section 360. The Department of State Police Law of the
2 Civil Administrative Code of Illinois is amended by changing
3 Section 2605-50 as follows:

4 (20 ILCS 2605/2605-50) (was 20 ILCS 2605/55a-6)

5 Sec. 2605-50. Division of Internal Investigation. The
6 Division of Internal Investigation shall have jurisdiction and
7 initiate internal Illinois State Police investigations and, at
8 the direction of the Governor, investigate complaints and
9 initiate investigations of official misconduct by State
10 officers and all State employees. ~~Notwithstanding any other~~
11 ~~provisions of law, the Division shall serve as the~~
12 ~~investigative body for the Illinois State Police for purposes~~
13 ~~of compliance with the provisions of Sections 12.6 and 12.7 of~~
14 ~~this Act.~~

15 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
16 revised 10-4-21.)

17 Section 365. The State Police Act is amended by changing
18 Sections 3, 6, 8, and 9 as follows:

19 (20 ILCS 2610/3) (from Ch. 121, par. 307.3)

20 Sec. 3. The Governor shall appoint, by and with the advice
21 and consent of the Senate, an Illinois State Police Merit
22 Board, hereinafter called the Board, consisting of ~~7~~ 5 members

1 to hold office. ~~The Governor shall appoint new board members~~
2 ~~within 30 days for the vacancies created under this amendatory~~
3 ~~Act. Board members shall be appointed to four-year terms. No~~
4 ~~member shall be appointed to more than 2 terms. In making the~~
5 ~~appointments, the Governor shall make a good faith effort to~~
6 ~~appoint members reflecting the geographic, ethnic, and cultural~~
7 ~~diversity of this State. In making the appointments, the~~
8 ~~Governor should also consider appointing: persons with~~
9 ~~professional backgrounds, possessing legal, management,~~
10 ~~personnel, or labor experience; at least one member with at~~
11 ~~least 10 years of experience as a licensed physician or~~
12 ~~clinical psychologist with expertise in mental health; and at~~
13 ~~least one member affiliated with an organization commitment to~~
14 ~~social and economic rights and to eliminating discrimination.~~
15 , one until the third Monday in March, 1951, one until the
16 third Monday in March, 1953, and one until the third Monday in
17 March, 1955, and until their respective successors are
18 appointed and qualified. One of the members added by this
19 amendatory Act of 1977 shall serve a term expiring on the third
20 Monday in March, 1980, and until his successor is appointed
21 and qualified, and one shall serve a term expiring on the third
22 Monday in March, 1982, and until his successor is appointed
23 and qualified. Upon the expiration of the terms of office of
24 those first appointed, their respective successors shall be
25 appointed to hold office from the third Monday in March of the
26 year of their respective appointments for a term of six years

1 and until their successors are appointed and qualified for a
2 like term. No more than ~~4~~ 3 members of the Board shall be
3 affiliated with the same political party. If the Senate is not
4 in session at the time initial appointments are made pursuant
5 to this Section ~~section~~, the Governor shall make temporary
6 appointments as in the case of a vacancy. ~~In order to avoid~~
7 ~~actual conflicts of interest, or the appearance of conflicts~~
8 ~~of interest, no board member shall be a retired or former~~
9 ~~employee of the Illinois State Police. When a Board member may~~
10 ~~have an actual, perceived, or potential conflict of interest~~
11 ~~that could prevent the Board member from making a fair and~~
12 ~~impartial decision on a complaint or formal complaint against~~
13 ~~an Illinois State Police officer, the Board member shall~~
14 ~~recuse himself or herself; or If the Board member fails to~~
15 ~~recuse himself or herself, then the Board may, by a simple~~
16 ~~majority, vote to recuse the Board member.~~

17 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
18 revised 10-4-21.)

19 (20 ILCS 2610/6) (from Ch. 121, par. 307.6)

20 Sec. 6. The Board is authorized to employ such clerical
21 and technical staff assistants, not to exceed fifteen, as may
22 be necessary to enable the Board to transact its business and,
23 if the rate of compensation is not otherwise fixed by law, to
24 fix their compensation. ~~In order to avoid actual conflicts of~~
25 ~~interest, or the appearance of conflicts of interest, no~~

1 ~~employee, contractor, clerical or technical staff shall be a~~
2 ~~retired or former employee of the Illinois State Police. All~~
3 ~~employees shall be subject to the Personnel Code.~~

4 (Source: Laws 1949, p. 1357; P.A. 101-652.)

5 (20 ILCS 2610/8) (from Ch. 121, par. 307.8)

6 Sec. 8. Board jurisdiction.

7 ~~(a)~~ The Board shall exercise jurisdiction over the
8 certification for appointment and promotion, and over the
9 discipline, removal, demotion, and suspension of Illinois
10 State Police officers. ~~The Board and the Illinois State Police~~
11 ~~should also ensure Illinois State Police cadets and officers~~
12 ~~represent the utmost integrity and professionalism and~~
13 ~~represent the geographic, ethnic, and cultural diversity of~~
14 ~~this State. The Board shall also exercise jurisdiction to~~
15 ~~certify and terminate Illinois State Police Officers in~~
16 ~~compliance with certification standards consistent with~~
17 ~~Sections 9, 11.5, and 12.6 of this Act.~~ Pursuant to recognized
18 merit principles of public employment, the Board shall
19 formulate, adopt, and put into effect rules, regulations, and
20 procedures for its operation and the transaction of its
21 business. The Board shall establish a classification of ranks
22 of persons subject to its jurisdiction and shall set standards
23 and qualifications for each rank. Each Illinois State Police
24 officer appointed by the Director shall be classified as a
25 State Police officer as follows: trooper, sergeant, master

1 sergeant, lieutenant, captain, major, or Special Agent.

2 ~~(b) The Board shall publish all standards and~~
3 ~~qualifications for each rank, including Cadet, on its website.~~
4 ~~This shall include, but not be limited to, all physical~~
5 ~~fitness, medical, visual, and hearing standards. The Illinois~~
6 ~~State Police shall cooperate with the Board by providing any~~
7 ~~necessary information to complete this requirement.~~

8 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
9 revised 10-4-21.)

10 (20 ILCS 2610/9) (from Ch. 121, par. 307.9)

11 Sec. 9. Appointment; qualifications.

12 (a) Except as otherwise provided in this Section, the
13 appointment of Illinois State Police officers shall be made
14 from those applicants who have been certified by the Board as
15 being qualified for appointment. All persons so appointed
16 shall, at the time of their appointment, be not less than 21
17 years of age, or 20 years of age and have successfully
18 completed an associate's degree or 60 credit hours at an
19 accredited college or university. Any person appointed
20 subsequent to successful completion of an associate's degree
21 or 60 credit hours at an accredited college or university
22 shall not have power of arrest, nor shall he or she be
23 permitted to carry firearms, until he or she reaches 21 years
24 of age. In addition, all persons so certified for appointment
25 shall be of sound mind and body, be of good moral character, be

1 citizens of the United States, have no criminal records,
2 possess such prerequisites of training, education, and
3 experience as the Board may from time to time prescribe so long
4 as persons who have an associate's degree or 60 credit hours at
5 an accredited college or university are not disqualified, and
6 shall be required to pass successfully such mental and
7 physical tests and examinations as may be prescribed by the
8 Board. All persons who meet one of the following requirements
9 are deemed to have met the collegiate educational
10 requirements:

11 (i) have been honorably discharged and who have been
12 awarded a Southwest Asia Service Medal, Kosovo Campaign
13 Medal, Korean Defense Service Medal, Afghanistan Campaign
14 Medal, Iraq Campaign Medal, or Global War on Terrorism
15 Expeditionary Medal by the United States Armed Forces;

16 (ii) are active members of the Illinois National Guard
17 or a reserve component of the United States Armed Forces
18 and who have been awarded a Southwest Asia Service Medal,
19 Kosovo Campaign Medal, Korean Defense Service Medal,
20 Afghanistan Campaign Medal, Iraq Campaign Medal, or Global
21 War on Terrorism Expeditionary Medal as a result of
22 honorable service during deployment on active duty;

23 (iii) have been honorably discharged who served in a
24 combat mission by proof of hostile fire pay or imminent
25 danger pay during deployment on active duty; or

26 (iv) have at least 3 years of full active and

1 continuous military duty and received an honorable
2 discharge before hiring.

3 Preference shall be given in such appointments to persons
4 who have honorably served in the military or naval services of
5 the United States. All appointees shall serve a probationary
6 period of 12 months from the date of appointment and during
7 that period may be discharged at the will of the Director.
8 However, the Director may in his or her sole discretion extend
9 the probationary period of an officer up to an additional 6
10 months when to do so is deemed in the best interest of the
11 Illinois State Police. Nothing in this subsection (a) limits
12 the Board's ability to prescribe education prerequisites or
13 requirements to certify Illinois State Police officers for
14 promotion as provided in Section 10 of this Act.

15 (b) Notwithstanding the other provisions of this Act,
16 after July 1, 1977 and before July 1, 1980, the Director of
17 State Police may appoint and promote not more than 20 persons
18 having special qualifications as special agents as he or she
19 deems necessary to carry out the Department's objectives. Any
20 such appointment or promotion shall be ratified by the Board.

21 (c) During the 90 days following March 31, 1995 (the
22 effective date of Public Act 89-9) ~~this amendatory Act of~~
23 ~~1995~~, the Director of State Police may appoint up to 25 persons
24 as State Police officers. These appointments shall be made in
25 accordance with the requirements of this subsection (c) and
26 any additional criteria that may be established by the

1 Director, but are not subject to any other requirements of
2 this Act. The Director may specify the initial rank for each
3 person appointed under this subsection.

4 All appointments under this subsection (c) shall be made
5 from personnel certified by the Board. A person certified by
6 the Board and appointed by the Director under this subsection
7 must have been employed by the Illinois Commerce Commission on
8 November 30, 1994 in a job title subject to the Personnel Code
9 and in a position for which the person was eligible to earn
10 "eligible creditable service" as a "noncovered employee", as
11 those terms are defined in Article 14 of the Illinois Pension
12 Code.

13 Persons appointed under this subsection (c) shall
14 thereafter be subject to the same requirements and procedures
15 as other State police officers. A person appointed under this
16 subsection must serve a probationary period of 12 months from
17 the date of appointment, during which he or she may be
18 discharged at the will of the Director.

19 This subsection (c) does not affect or limit the
20 Director's authority to appoint other State Police officers
21 under subsection (a) of this Section.

22 ~~(d) During the 180 days following the effective date of~~
23 ~~this amendatory Act of the 101st General Assembly, the~~
24 ~~Director of the Illinois State Police may appoint current~~
25 ~~Illinois State Police Employees serving in law enforcement~~
26 ~~officer positions previously within Central Management~~

1 ~~Services as State Police Officers. These appointments shall be~~
2 ~~made in accordance with the requirements of this subsection~~
3 ~~(d) and any institutional criteria that may be established by~~
4 ~~the Director, but are not subject to any other requirements of~~
5 ~~this Act. All appointments under this subsection (d) shall be~~
6 ~~made from personnel certified by the Board. A person certified~~
7 ~~by the Board and appointed by the Director under this~~
8 ~~subsection must have been employed by the a state agency,~~
9 ~~board, or commission on January 1, 2021, in a job title subject~~
10 ~~to the Personnel Code and in a position for which the person~~
11 ~~was eligible to earn "eligible creditable service" as a~~
12 ~~"noncovered employee", as those terms are defined in Article~~
13 ~~14 of the Illinois Pension Code. Persons appointed under this~~
14 ~~subsection (d) shall thereafter be subject to the same~~
15 ~~requirements, and subject to the same contractual benefits and~~
16 ~~obligations, as other State police officers. This subsection~~
17 ~~(d) does not affect or limit the Director's authority to~~
18 ~~appoint other State Police officers under subsection (a) of~~
19 ~~this Section.~~

20 ~~(c) The Merit Board shall review Illinois State Police~~
21 ~~Cadet applicants. The Illinois State Police may provide~~
22 ~~background check and investigation material to the Board for~~
23 ~~their review 10 pursuant to this section. The Board shall~~
24 ~~approve and ensure that no cadet applicant is certified unless~~
25 ~~the applicant is a person of good character and has not been~~
26 ~~convicted of, or entered a plea of guilty to, a felony offense,~~

1 ~~any of the misdemeanors in Section or if committed in any other~~
2 ~~state would be an offense similar to 11-1.50, 11-6, 11-6.5,~~
3 ~~11-6.6, 11-9.1, 11-14, 11-14.1, 11-30, 12-2, 12-3.2, 12-3.5,~~
4 ~~16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any~~
5 ~~misdemeanor in violation of any section of Part E of Title III~~
6 ~~of the Criminal Code of 1961 or the Criminal Code of 2012,~~
7 ~~32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal~~
8 ~~Code of 2012, or subsection (a) of Section 17-32 of the~~
9 ~~Criminal Code of 1961 or the Criminal Code of 2012, to Section~~
10 ~~5 or 5.2 of the Cannabis Control Act, or any felony or~~
11 ~~misdemeanor in violation of federal law or the law of any state~~
12 ~~that is the equivalent of any of the offenses specified~~
13 ~~therein. The Officer Misconduct Database, provided in Section~~
14 ~~9.2 of the Illinois Police Training Act, shall be searched as~~
15 ~~part of this process. For purposes of this Section "convicted~~
16 ~~of, or entered a plea of guilty" regardless of whether the~~
17 ~~adjudication of guilt or sentence is withheld or not entered~~
18 ~~thereon. This includes sentences of supervision, conditional~~
19 ~~discharge, or first offender probation, or any similar~~
20 ~~disposition provided for by law.~~

21 ~~(f) The Board shall by rule establish an application fee~~
22 ~~waiver program for any person who meets one or more of the~~
23 ~~following criteria:~~

24 ~~(1) his or her available personal income is 200% or~~
25 ~~less of the current poverty level; or~~

26 ~~(2) he or she is, in the discretion of the Board,~~

1 ~~unable to proceed in an action with payment of application~~
2 ~~fee and payment of that fee would result in substantial~~
3 ~~hardship to the person or the person's family.~~

4 (Source: P.A. 101-374, eff. 1-1-20; 101-652, eff. 1-1-22;
5 102-538, eff 8-20-21; revised 10-4-21.)

6 (20 ILCS 2610/6.5 rep.)

7 (20 ILCS 2610/11.5 rep.)

8 (20 ILCS 2610/11.6 rep.)

9 (20 ILCS 2610/12.6 rep.)

10 (20 ILCS 2610/12.7 rep.)

11 (20 ILCS 2610/40.1 rep.)

12 (20 ILCS 2610/46 rep.)

13 Section 370. The State Police Act is amended by repealing
14 Sections 6.5, 11.5, 11.6, 12.6, 12.7, 40.1, and 46.

15 Section 375. The Illinois Police Training Act is amended
16 by changing Sections 2, 3, 6, 6.1, 7, 7.5, 8, 8.1, 8.2, 9, 10,
17 10.1, 10.2, 10.3, 10.7, 10.11, 10.12, 10.13, 10.16, 10.18,
18 10.19, 10.20, and 10.22 as follows:

19 (50 ILCS 705/2) (from Ch. 85, par. 502)

20 Sec. 2. Definitions. As used in this Act, unless the
21 context otherwise requires:

22 "Board" means the Illinois Law Enforcement Training
23 Standards Board.

1 ~~"Full-time law enforcement officer" means a law~~
2 ~~enforcement officer who has completed the officer's~~
3 ~~probationary period and is employed on a full-time basis as a~~
4 ~~law enforcement officer by a local government agency, State~~
5 ~~government agency, or as a campus police officer by a~~
6 ~~participating State controlled university, college, or public~~
7 ~~community college.~~

8 ~~"Governmental agency" means any local governmental agency~~
9 ~~and any State governmental agency.~~

10 "Local governmental agency" means any local governmental
11 unit or municipal corporation in this State. It does not
12 include the State of Illinois or any office, officer,
13 department, division, bureau, board, commission, or agency of
14 the State, except that it does include a State-controlled
15 university, college or public community college.

16 ~~"State governmental agency" means any governmental unit of~~
17 ~~this State. This includes any office, officer, department,~~
18 ~~division, bureau, board, commission, or agency of the State.~~
19 ~~It does not include the Illinois State Police as defined in the~~
20 ~~State Police Act.~~

21 ~~"Panel" means the Certification Review Panel.~~

22 "Police training school" means any school located within
23 the State of Illinois whether privately or publicly owned
24 which offers a course in police or county corrections training
25 and has been approved by the Board.

26 "Probationary police officer" means a recruit law

1 enforcement officer required to successfully complete initial
2 minimum basic training requirements at a police training
3 school to be eligible for permanent full-time employment as a
4 local law enforcement officer.

5 "Probationary part-time police officer" means a recruit
6 part-time law enforcement officer required to successfully
7 complete initial minimum part-time training requirements to be
8 eligible for employment on a part-time basis as a local law
9 enforcement officer.

10 "Permanent ~~law enforcement~~ police officer" means a law
11 enforcement officer who has completed ~~the officer's~~ his or her
12 probationary period and is permanently employed on a full-time
13 basis as a local law enforcement officer by a participating
14 local governmental unit or as a security officer or campus
15 ~~police officer~~ policeman permanently employed by a
16 participating State-controlled university, college, or public
17 community college.

18 "Part-time ~~law enforcement~~ police officer" means a law
19 enforcement officer who has completed ~~the officer's~~ his or her
20 probationary period and is employed on a part-time basis as a
21 law enforcement officer by a participating unit of local
22 government or as a campus ~~police officer~~ policeman by a
23 participating State-controlled university, college, or public
24 community college.

25 "Law enforcement officer" means (i) any police officer of
26 a local governmental agency who is primarily responsible for

1 prevention or detection of crime and the enforcement of the
2 criminal code, traffic, or highway laws of this State or any
3 political subdivision of this State or (ii) any member of a
4 police force appointed and maintained as provided in Section 2
5 of the Railroad Police Act.

6 "Recruit" means any full-time or part-time law enforcement
7 officer or full-time county corrections officer who is
8 enrolled in an approved training course.

9 "Probationary county corrections officer" means a recruit
10 county corrections officer required to successfully complete
11 initial minimum basic training requirements at a police
12 training school to be eligible for permanent employment on a
13 full-time basis as a county corrections officer.

14 "Permanent county corrections officer" means a county
15 corrections officer who has completed ~~the officer's~~ his
16 probationary period and is permanently employed on a full-time
17 basis as a county corrections officer by a participating local
18 governmental unit.

19 "County corrections officer" means any sworn officer of
20 the sheriff who is primarily responsible for the control and
21 custody of offenders, detainees or inmates.

22 "Probationary court security officer" means a recruit
23 court security officer required to successfully complete
24 initial minimum basic training requirements at a designated
25 training school to be eligible for employment as a court
26 security officer.

1 "Permanent court security officer" means a court security
2 officer who has completed ~~the officer's~~ his or her
3 probationary period and is employed as a court security
4 officer by a participating local governmental unit.

5 "Court security officer" has the meaning ascribed to it in
6 Section 3-6012.1 of the Counties Code.

7 (Source: P.A. 94-846, eff. 1-1-07; 101-652.)

8 (50 ILCS 705/3) (from Ch. 85, par. 503)

9 Sec. 3. Board; composition; appointments; tenure;
10 vacancies. ~~Board — composition — appointments — tenure —~~
11 ~~vacancies.~~

12 (a) The Board shall be composed of 18 members selected as
13 follows: The Attorney General of the State of Illinois, the
14 Director of the Illinois State Police, the Director of
15 Corrections, the Superintendent of the Chicago Police
16 Department, the Sheriff of Cook County, the Clerk of the
17 Circuit Court of Cook County, ~~who shall serve as ex officio~~
18 ~~members,~~ and the following to be appointed by the Governor: 2
19 mayors or village presidents of Illinois municipalities, 2
20 Illinois county sheriffs from counties other than Cook County,
21 2 managers of Illinois municipalities, 2 chiefs of municipal
22 police departments in Illinois having no Superintendent of the
23 Police Department on the Board, 2 citizens of Illinois who
24 shall be members of an organized enforcement officers'
25 association, one active member of a statewide association

1 representing sheriffs, and one active member of a statewide
2 association representing municipal police chiefs. The
3 appointments of the Governor shall be made on the first Monday
4 of August in 1965 with 3 of the appointments to be for a period
5 of one year, 3 for 2 years, and 3 for 3 years. Their successors
6 shall be appointed in like manner for terms to expire the first
7 Monday of August each 3 years thereafter. All members shall
8 serve until their respective successors are appointed and
9 qualify. Vacancies shall be filled by the Governor for the
10 unexpired terms. ~~Any ex officio member may appoint a designee~~
11 ~~to the Board who shall have the same powers and immunities~~
12 ~~otherwise conferred to the member of the Board, including the~~
13 ~~power to vote and be counted toward quorum, so long as the~~
14 ~~member is not in attendance.~~

15 ~~(b) When a Board member may have an actual, perceived, or~~
16 ~~potential conflict of interest or appearance of bias that~~
17 ~~could prevent the Board member from making a fair and~~
18 ~~impartial decision regarding decertification:~~

19 ~~(1) The Board member shall recuse himself or herself.~~

20 ~~(2) If the Board member fails to recuse himself or~~
21 ~~herself, then the Board may, by a simple majority of the~~
22 ~~remaining members, vote to recuse the Board member. Board~~
23 ~~members who are found to have voted on a matter in which~~
24 ~~they should have recused themselves may be removed from~~
25 ~~the Board by the Governor.~~

26 ~~A conflict of interest or appearance of bias may include,~~

1 ~~but is not limited to, matters where one of the following is a~~
2 ~~party to a decision on a decertification or formal complaint:~~
3 ~~someone with whom the member has an employment relationship;~~
4 ~~any of the following relatives: spouse, parents, children,~~
5 ~~adopted children, legal wards, stepchildren, step parents,~~
6 ~~step siblings, half siblings, siblings, parents in law,~~
7 ~~siblings in law, children in law, aunts, uncles, nieces, and~~
8 ~~nephews; a friend; or a member of a professional organization,~~
9 ~~association, or a union in which the member now actively~~
10 ~~serves.~~

11 ~~(c) A vacancy in members does not prevent a quorum of the~~
12 ~~remaining sitting members from exercising all rights and~~
13 ~~performing all duties of the Board.~~

14 ~~(d) An individual serving on the Board shall not also~~
15 ~~serve on the Panel.~~

16 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
17 revised 10-13-21.)

18 (50 ILCS 705/6) (from Ch. 85, par. 506)

19 Sec. 6. Powers and duties of the Board; selection and
20 certification of schools. The Board shall select and certify
21 schools within the State of Illinois for the purpose of
22 providing basic training for probationary police officers,
23 probationary county corrections officers, and court security
24 officers and of providing advanced or in-service training for
25 permanent police officers or permanent county corrections

1 officers, which schools may be either publicly or privately
2 owned and operated. In addition, the Board has the following
3 power and duties:

4 a. To require local governmental units to furnish such
5 reports and information as the Board deems necessary to
6 fully implement this Act.

7 b. To establish appropriate mandatory minimum
8 standards relating to the training of probationary local
9 law enforcement officers or probationary county
10 corrections officers, and in-service training of permanent
11 police officers.

12 c. To provide appropriate certification to those
13 probationary officers who successfully complete the
14 prescribed minimum standard basic training course.

15 d. To review and approve annual training curriculum
16 for county sheriffs.

17 e. To review and approve applicants to ensure that no
18 applicant is admitted to a certified academy unless the
19 applicant is a person of good character and has not been
20 convicted of, or entered a plea of guilty to, a felony
21 offense, any of the misdemeanors in Sections 11-1.50,
22 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1,
23 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7
24 of the Criminal Code of 1961 or the Criminal Code of 2012,
25 subdivision (a) (1) or (a) (2) (C) of Section 11-14.3 of the
26 Criminal Code of 1961 or the Criminal Code of 2012, or

1 subsection (a) of Section 17-32 of the Criminal Code of
2 1961 or the Criminal Code of 2012, or Section 5 or 5.2 of
3 the Cannabis Control Act, or a crime involving moral
4 turpitude under the laws of this State or any other state
5 which if committed in this State would be punishable as a
6 felony or a crime of moral turpitude. The Board may
7 appoint investigators who shall enforce the duties
8 conferred upon the Board by this Act.

9 f. To establish statewide standards for minimum
10 standards regarding regular mental health screenings for
11 probationary and permanent police officers, ensuring that
12 counseling sessions and screenings remain confidential.

13 (Source: P.A. 101-187, eff. 1-1-20; 101-652, Article 10,
14 Section 10-143, eff. 7-1-21.)

15 (Text of Section after amendment by P.A. 101-652, Article
16 25, Section 25-40)

17 Sec. 6. Powers and duties of the Board; selection and
18 certification of schools. The Board shall select and certify
19 schools within the State of Illinois for the purpose of
20 providing basic training for probationary ~~law enforcement~~
21 police officers, probationary county corrections officers, and
22 court security officers and of providing advanced or
23 in-service training for permanent ~~law enforcement~~ police
24 officers or permanent county corrections officers, which
25 schools may be either publicly or privately owned and

1 operated. In addition, the Board has the following power and
2 duties:

3 a. To require local governmental units~~7~~ to furnish
4 such reports and information as the Board deems necessary
5 to fully implement this Act.

6 b. To establish appropriate mandatory minimum
7 standards relating to the training of probationary local
8 ~~law enforcement~~ police officers or probationary county
9 corrections officers, and in-service training of permanent
10 law enforcement officers.

11 c. To provide appropriate certification to those
12 probationary officers who successfully complete the
13 prescribed minimum standard basic training course.

14 d. To review and approve annual training curriculum
15 for county sheriffs.

16 e. To review and approve applicants to ensure that no
17 applicant is admitted to a certified academy unless the
18 applicant is a person of good character and has not been
19 convicted of, ~~found guilty of,~~ or entered a plea of guilty
20 to, ~~or entered a plea of nolo contendere to~~ a felony
21 offense, any of the misdemeanors in Sections 11-1.50,
22 11-6, ~~11-6.5, 11-6.6,~~ 11-9.1, 11-14, ~~11-14.1, 11-30,~~
23 11-17, 11-19, 12-2, ~~12-3.2, 12-3.5,~~ 12-15, 16-1, 17-1,
24 17-2, ~~26.5-1, 26.5-2, 26.5-3,~~ 28-3, 29-1, ~~any misdemeanor~~
25 ~~in violation of any Section of Part E of Title III of the~~
26 ~~Criminal Code of 1961 or the Criminal Code of 2012,~~ 31-1,

1 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961 or
2 the Criminal Code of 2012, subdivision (a) (1) or (a) (2) (C)
3 of Section 11-14.3 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, or subsection (a) of Section 17-32
5 of the Criminal Code of 1961 or the Criminal Code of 2012,
6 or Section 5 or 5.2 of the Cannabis Control Act, or a crime
7 involving moral turpitude under the laws of this State or
8 any other state which if committed in this State would be
9 punishable as a felony or a crime of moral turpitude, ~~or~~
10 ~~any felony or misdemeanor in violation of federal law or~~
11 ~~the law of any state that is the equivalent of any of the~~
12 ~~offenses specified therein.~~ The Board may appoint
13 investigators who shall enforce the duties conferred upon
14 the Board by this Act.

15 For purposes of this paragraph e, a person is
16 considered to have been convicted of, found guilty of, or
17 entered a plea of guilty to, plea of nolo contendere to
18 regardless of whether the adjudication of guilt or
19 sentence is withheld or not entered thereon. This includes
20 sentences of supervision, conditional discharge, or first
21 offender probation, or any similar disposition provided
22 for by law.

23 ~~f. To establish statewide standards for minimum~~
24 ~~standards regarding regular mental health screenings for~~
25 ~~probationary and permanent police officers, ensuring that~~
26 ~~counseling sessions and screenings remain confidential.~~

1 ~~f. For purposes of this paragraph (c), a person is~~
2 ~~considered to have been "convicted of, found guilty of, or~~
3 ~~entered a plea of guilty to, plea of nolo contendere to"~~
4 ~~regardless of whether the adjudication of guilt or~~
5 ~~sentence is withheld or not entered thereon. This includes~~
6 ~~sentences of supervision, conditional discharge, or first~~
7 ~~offender probation, or any similar disposition provided~~
8 ~~for by law.~~

9 ~~g. To review and ensure all law enforcement officers~~
10 ~~remain in compliance with this Act, and any administrative~~
11 ~~rules adopted under this Act.~~

12 ~~h. To suspend any certificate for a definite period,~~
13 ~~limit or restrict any certificate, or revoke any~~
14 ~~certificate.~~

15 ~~i. The Board and the Panel shall have power to secure~~
16 ~~by its subpoena and bring before it any person or entity in~~
17 ~~this State and to take testimony either orally or by~~
18 ~~deposition or both with the same fees and mileage and in~~
19 ~~the same manner as prescribed by law in judicial~~
20 ~~proceedings in civil cases in circuit courts of this~~
21 ~~State. The Board and the Panel shall also have the power to~~
22 ~~subpoena the production of documents, papers, files,~~
23 ~~books, documents, and records, whether in physical or~~
24 ~~electronic form, in support of the charges and for~~
25 ~~defense, and in connection with a hearing or~~
26 ~~investigation.~~

1 ~~j. The Executive Director, the administrative law~~
2 ~~judge designated by the Executive Director, and each~~
3 ~~member of the Board and the Panel shall have the power to~~
4 ~~administer oaths to witnesses at any hearing that the~~
5 ~~Board is authorized to conduct under this Act and any~~
6 ~~other oaths required or authorized to be administered by~~
7 ~~the Board under this Act.~~

8 ~~k. In case of the neglect or refusal of any person to~~
9 ~~obey a subpoena issued by the Board and the Panel, any~~
10 ~~circuit court, upon application of the Board and the~~
11 ~~Panel, through the Illinois Attorney General, may order~~
12 ~~such person to appear before the Board and the Panel give~~
13 ~~testimony or produce evidence, and any failure to obey~~
14 ~~such order is punishable by the court as a contempt~~
15 ~~thereof. This order may be served by personal delivery, by~~
16 ~~email, or by mail to the address of record or email address~~
17 ~~of record.~~

18 ~~l. The Board shall have the power to administer state~~
19 ~~certification examinations. Any and all records related to~~
20 ~~these examinations, including but not limited to test~~
21 ~~questions, test formats, digital files, answer responses,~~
22 ~~answer keys, and scoring information shall be exempt from~~
23 ~~disclosure.~~

24 (Source: P.A. 101-187, eff. 1-1-20; 101-652, Article 10,
25 Section 10-143, eff. 7-1-21; 101-652, Article 25, Section
26 25-40, eff. 1-1-22; revised 4-26-21.)

1 (50 ILCS 705/6.1)

2 Sec. 6.1. ~~Automatic~~ decertification of full-time and
3 part-time ~~law enforcement~~ police officers.

4 (a) The Board must review ~~law enforcement~~ police officer
5 conduct and records to ensure that no ~~law enforcement~~ police
6 officer is certified or provided a valid waiver if that ~~law~~
7 ~~enforcement~~ police officer has been convicted of, ~~found guilty~~
8 ~~of, or~~ entered a plea of guilty to, or entered a plea of nolo
9 ~~contendere to,~~ a felony offense under the laws of this State or
10 any other state which if committed in this State would be
11 punishable as a felony. The Board must also ensure that no ~~law~~
12 ~~enforcement~~ or officer is certified or provided a valid waiver
13 if that ~~law enforcement~~ police officer has been convicted of,
14 ~~found guilty of,~~ or entered a plea of guilty to, on or after
15 the effective date of this amendatory Act of ~~the 101st General~~
16 ~~Assembly 1999~~ of any misdemeanor specified in this Section or
17 if committed in any other state would be an offense similar to
18 Section 11-1.50, 11-6, ~~11-6.5, 11-6.6,~~ 11-9.1, 11-14, ~~11-14.1,~~
19 11-17, 11-19, 11-30, 12-2, ~~12-3.2, 12-3.5,~~ 12-15, 16-1, 17-1,
20 17-2, ~~26.5-1, 26.5-2, 26.5-3,~~ 28-3, 29-1, ~~any misdemeanor in~~
21 ~~violation of any Section of Part E of Title III of the Criminal~~
22 ~~Code of 1961 or the Criminal Code of 2012~~ 31-1, 31-6, 31-7,
23 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal
24 Code of 2012, to subdivision (a)(1) or (a)(2)(C) of Section
25 11-14.3 of the Criminal Code of 1961 or the Criminal Code of

1 2012, or subsection (a) of Section 17-32 of the Criminal Code
2 of 1961 or the Criminal Code of 2012, or to Section 5 or 5.2 of
3 the Cannabis Control Act, ~~or any felony or misdemeanor in~~
4 ~~violation of federal law or the law of any state that is the~~
5 ~~equivalent of any of the offenses specified therein.~~ The Board
6 must appoint investigators to enforce the duties conferred
7 upon the Board by this Act.

8 ~~(a 1) For purposes of this Section, a person is "convicted~~
9 ~~of, or entered a plea of guilty to, plea of nolo contendere to,~~
10 ~~found guilty of" regardless of whether the adjudication of~~
11 ~~guilt or sentence is withheld or not entered thereon. This~~
12 ~~includes sentences of supervision, conditional discharge, or~~
13 ~~first offender probation, or any similar disposition provided~~
14 ~~for by law.~~

15 (b) It is the responsibility of the sheriff or the chief
16 executive officer of every ~~governmental~~ local law enforcement
17 agency or department within this State to report to the Board
18 any arrest, conviction, ~~finding of guilt,~~ or plea of guilty,
19 ~~or plea of nolo contendere to,~~ of any officer for an offense
20 identified in this Section, ~~regardless of whether the~~
21 ~~adjudication of guilt or sentence is withheld or not entered~~
22 ~~thereon, this includes sentences of supervision, conditional~~
23 ~~discharge, or first offender probation.~~

24 (c) It is the duty and responsibility of every full-time
25 and part-time ~~law enforcement~~ police officer in this State to
26 report to the Board within ~~14~~ 30 days, and the officer's

1 sheriff or chief executive officer, of ~~the officer's~~ his or
2 her arrest, conviction, ~~found guilty of,~~ or plea of guilty for
3 an offense identified in this Section. Any full-time or
4 part-time ~~law enforcement~~ police officer who knowingly makes,
5 submits, causes to be submitted, or files a false or
6 untruthful report to the Board must have ~~the officer's~~ his or
7 her certificate or waiver immediately decertified or revoked.

8 (d) Any person, or a local or State agency, or the Board is
9 immune from liability for submitting, disclosing, or releasing
10 information of arrests, convictions, or pleas of guilty in
11 this Section as long as the information is submitted,
12 disclosed, or released in good faith and without malice. The
13 Board has qualified immunity for the release of the
14 information.

15 (e) Any full-time or part-time ~~law enforcement~~ police
16 officer with a certificate or waiver issued by the Board who is
17 convicted of, ~~found guilty of,~~ or entered a plea of guilty to,
18 ~~or entered a plea of nolo contendere to~~ any offense described
19 in this Section immediately becomes decertified or no longer
20 has a valid waiver. The decertification and invalidity of
21 waivers occurs as a matter of law. Failure of a convicted
22 person to report to the Board ~~the officer's~~ his or her
23 conviction as described in this Section or any continued law
24 enforcement practice after receiving a conviction is a Class 4
25 felony.

26 ~~For purposes of this Section, a person is considered to~~

1 ~~have been "convicted of, found guilty of, or entered a plea of~~
2 ~~guilty to, plea of nolo contendere to" regardless of whether~~
3 ~~the adjudication of guilt or sentence is withheld or not~~
4 ~~entered thereon, including sentences of supervision,~~
5 ~~conditional discharge, first offender probation, or any~~
6 ~~similar disposition as provided for by law.~~

7 (f) The Board's investigators ~~shall be law enforcement~~
8 ~~officers as defined in Section 2 of this Act~~ are peace officers
9 and have all the powers possessed by policemen in cities and by
10 sheriff's, and these investigators may exercise those powers
11 anywhere in the State. An investigator shall not have peace
12 officer status or exercise police powers unless he or she
13 successfully completes the basic police training course
14 mandated and approved by the Board or the Board waives the
15 training requirement by reason of the investigator's prior law
16 enforcement experience, training, or both. The Board shall not
17 waive the training requirement unless the investigator has had
18 a minimum of 5 years experience as a sworn officer of a local,
19 State, or federal law enforcement agency. ~~An investigator~~
20 ~~shall not have been terminated for good cause, decertified,~~
21 ~~had his or her law enforcement license or certificate revoked~~
22 ~~in this or any other jurisdiction, or been convicted of any of~~
23 ~~the conduct listed in subsection (a). Any complaint filed~~
24 ~~against the Board's investigators shall be investigated by the~~
25 ~~Illinois State Police.~~

26 (g) The Board must request and receive information and

1 assistance from any federal, state, or local governmental
2 agency as part of the authorized criminal background
3 investigation. The Illinois State Police must process, retain,
4 and additionally provide and disseminate information to the
5 Board concerning criminal charges, arrests, convictions, and
6 their disposition, that have been filed before, on, or after
7 the effective date of this amendatory Act of the 91st General
8 Assembly against a basic academy applicant, law enforcement
9 applicant, or law enforcement officer whose fingerprint
10 identification cards are on file or maintained by the Illinois
11 State Police. The Federal Bureau of Investigation must provide
12 the Board any criminal history record information contained in
13 its files pertaining to law enforcement officers or any
14 applicant to a Board certified basic law enforcement academy
15 as described in this Act based on fingerprint identification.
16 The Board must make payment of fees to the Illinois State
17 Police for each fingerprint card submission in conformance
18 with the requirements of paragraph 22 of Section 55a of the
19 Civil Administrative Code of Illinois.

20 ~~(h) (Blank)~~. A police officer who has been certified or
21 granted a valid waiver shall also be decertified or have his or
22 her waiver revoked upon a determination by the Illinois Labor
23 Relations Board State Panel that he or she, while under oath,
24 has knowingly and willfully made false statements as to a
25 material fact going to an element of the offense of murder. If
26 an appeal is filed, the determination shall be stayed.

1 (1) In the case of an acquittal on a charge of murder,
2 a verified complaint may be filed:

3 (A) by the defendant; or

4 (B) by a police officer with personal knowledge of
5 perjured testimony.

6 The complaint must allege that a police officer, while
7 under oath, knowingly and willfully made false statements
8 as to a material fact going to an element of the offense of
9 murder. The verified complaint must be filed with the
10 Executive Director of the Illinois Law Enforcement
11 Training Standards Board within 2 years of the judgment of
12 acquittal.

13 (2) Within 30 days, the Executive Director of the
14 Illinois Law Enforcement Training Standards Board shall
15 review the verified complaint and determine whether the
16 verified complaint is frivolous and without merit, or
17 whether further investigation is warranted. The Illinois
18 Law Enforcement Training Standards Board shall notify the
19 officer and the Executive Director of the Illinois Labor
20 Relations Board State Panel of the filing of the complaint
21 and any action taken thereon. If the Executive Director of
22 the Illinois Law Enforcement Training Standards Board
23 determines that the verified complaint is frivolous and
24 without merit, it shall be dismissed. The Executive
25 Director of the Illinois Law Enforcement Training
26 Standards Board has sole discretion to make this

1 determination and this decision is not subject to appeal.

2 ~~(i) (Blank).~~ If the Executive Director of the Illinois Law
3 Enforcement Training Standards Board determines that the
4 verified complaint warrants further investigation, he or she
5 shall refer the matter to a task force of investigators
6 created for this purpose. This task force shall consist of 8
7 sworn police officers: 2 from the Illinois State Police, 2
8 from the City of Chicago Police Department, 2 from county
9 police departments, and 2 from municipal police departments.
10 These investigators shall have a minimum of 5 years of
11 experience in conducting criminal investigations. The
12 investigators shall be appointed by the Executive Director of
13 the Illinois Law Enforcement Training Standards Board. Any
14 officer or officers acting in this capacity pursuant to this
15 statutory provision will have statewide police authority while
16 acting in this investigative capacity. Their salaries and
17 expenses for the time spent conducting investigations under
18 this paragraph shall be reimbursed by the Illinois Law
19 Enforcement Training Standards Board.

20 ~~(j) (Blank).~~ Once the Executive Director of the Illinois
21 Law Enforcement Training Standards Board has determined that
22 an investigation is warranted, the verified complaint shall be
23 assigned to an investigator or investigators. The investigator
24 or investigators shall conduct an investigation of the
25 verified complaint and shall write a report of his or her
26 findings. This report shall be submitted to the Executive

1 Director of the Illinois Labor Relations Board State Panel.

2 Within 30 days, the Executive Director of the Illinois
3 Labor Relations Board State Panel shall review the
4 investigative report and determine whether sufficient evidence
5 exists to conduct an evidentiary hearing on the verified
6 complaint. If the Executive Director of the Illinois Labor
7 Relations Board State Panel determines upon his or her review
8 of the investigatory report that a hearing should not be
9 conducted, the complaint shall be dismissed. This decision is
10 in the Executive Director's sole discretion, and this
11 dismissal may not be appealed.

12 If the Executive Director of the Illinois Labor Relations
13 Board State Panel determines that there is sufficient evidence
14 to warrant a hearing, a hearing shall be ordered on the
15 verified complaint, to be conducted by an administrative law
16 judge employed by the Illinois Labor Relations Board State
17 Panel. The Executive Director of the Illinois Labor Relations
18 Board State Panel shall inform the Executive Director of the
19 Illinois Law Enforcement Training Standards Board and the
20 person who filed the complaint of either the dismissal of the
21 complaint or the issuance of the complaint for hearing. The
22 Executive Director shall assign the complaint to the
23 administrative law judge within 30 days of the decision
24 granting a hearing.

25 ~~(k)~~ (Blank). In the case of a finding of guilt on the
26 offense of murder, if a new trial is granted on direct appeal,

1 or a state post-conviction evidentiary hearing is ordered,
2 based on a claim that a police officer, under oath, knowingly
3 and willfully made false statements as to a material fact
4 going to an element of the offense of murder, the Illinois
5 Labor Relations Board State Panel shall hold a hearing to
6 determine whether the officer should be decertified if an
7 interested party requests such a hearing within 2 years of the
8 court's decision. The complaint shall be assigned to an
9 administrative law judge within 30 days so that a hearing can
10 be scheduled.

11 At the hearing, the accused officer shall be afforded the
12 opportunity to:

13 (1) Be represented by counsel of his or her own
14 choosing;

15 (2) Be heard in his or her own defense;

16 (3) Produce evidence in his or her defense;

17 (4) Request that the Illinois Labor Relations Board
18 State Panel compel the attendance of witnesses and
19 production of related documents including but not limited
20 to court documents and records.

21 Once a case has been set for hearing, the verified
22 complaint shall be referred to the Department of Professional
23 Regulation. That office shall prosecute the verified complaint
24 at the hearing before the administrative law judge. The
25 Department of Professional Regulation shall have the
26 opportunity to produce evidence to support the verified

1 complaint and to request the Illinois Labor Relations Board
2 State Panel to compel the attendance of witnesses and the
3 production of related documents, including, but not limited
4 to, court documents and records. The Illinois Labor Relations
5 Board State Panel shall have the power to issue subpoenas
6 requiring the attendance of and testimony of witnesses and the
7 production of related documents including, but not limited to,
8 court documents and records and shall have the power to
9 administer oaths.

10 The administrative law judge shall have the responsibility
11 of receiving into evidence relevant testimony and documents,
12 including court records, to support or disprove the
13 allegations made by the person filing the verified complaint
14 and, at the close of the case, hear arguments. If the
15 administrative law judge finds that there is not clear and
16 convincing evidence to support the verified complaint that the
17 police officer has, while under oath, knowingly and willfully
18 made false statements as to a material fact going to an element
19 of the offense of murder, the administrative law judge shall
20 make a written recommendation of dismissal to the Illinois
21 Labor Relations Board State Panel. If the administrative law
22 judge finds that there is clear and convincing evidence that
23 the police officer has, while under oath, knowingly and
24 willfully made false statements as to a material fact that
25 goes to an element of the offense of murder, the
26 administrative law judge shall make a written recommendation

1 so concluding to the Illinois Labor Relations Board State
2 Panel. The hearings shall be transcribed. The Executive
3 Director of the Illinois Law Enforcement Training Standards
4 Board shall be informed of the administrative law judge's
5 recommended findings and decision and the Illinois Labor
6 Relations Board State Panel's subsequent review of the
7 recommendation.

8 ~~(l)~~ ~~(Blank)~~. An officer named in any complaint filed
9 pursuant to this Act shall be indemnified for his or her
10 reasonable attorney's fees and costs by his or her employer.
11 These fees shall be paid in a regular and timely manner. The
12 State, upon application by the public employer, shall
13 reimburse the public employer for the accused officer's
14 reasonable attorney's fees and costs. At no time and under no
15 circumstances will the accused officer be required to pay his
16 or her own reasonable attorney's fees or costs.

17 ~~(m)~~ ~~(Blank)~~. The accused officer shall not be placed on
18 unpaid status because of the filing or processing of the
19 verified complaint until there is a final non-appealable order
20 sustaining his or her guilt and his or her certification is
21 revoked. Nothing in this Act, however, restricts the public
22 employer from pursuing discipline against the officer in the
23 normal course and under procedures then in place.

24 ~~(n)~~ ~~(Blank)~~. The Illinois Labor Relations Board State
25 Panel shall review the administrative law judge's recommended
26 decision and order and determine by a majority vote whether or

1 not there was clear and convincing evidence that the accused
2 officer, while under oath, knowingly and willfully made false
3 statements as to a material fact going to the offense of
4 murder. Within 30 days of service of the administrative law
5 judge's recommended decision and order, the parties may file
6 exceptions to the recommended decision and order and briefs in
7 support of their exceptions with the Illinois Labor Relations
8 Board State Panel. The parties may file responses to the
9 exceptions and briefs in support of the responses no later
10 than 15 days after the service of the exceptions. If
11 exceptions are filed by any of the parties, the Illinois Labor
12 Relations Board State Panel shall review the matter and make a
13 finding to uphold, vacate, or modify the recommended decision
14 and order. If the Illinois Labor Relations Board State Panel
15 concludes that there is clear and convincing evidence that the
16 accused officer, while under oath, knowingly and willfully
17 made false statements as to a material fact going to an element
18 of the offense murder, the Illinois Labor Relations Board
19 State Panel shall inform the Illinois Law Enforcement Training
20 Standards Board and the Illinois Law Enforcement Training
21 Standards Board shall revoke the accused officer's
22 certification. If the accused officer appeals that
23 determination to the Appellate Court, as provided by this Act,
24 he or she may petition the Appellate Court to stay the
25 revocation of his or her certification pending the court's
26 review of the matter.

1 ~~(e) (Blank)~~. None of the Illinois Labor Relations Board
2 State Panel's findings or determinations shall set any
3 precedent in any of its decisions decided pursuant to the
4 Illinois Public Labor Relations Act by the Illinois Labor
5 Relations Board State Panel or the courts.

6 ~~(p) (Blank)~~. A party aggrieved by the final order of the
7 Illinois Labor Relations Board State Panel may apply for and
8 obtain judicial review of an order of the Illinois Labor
9 Relations Board State Panel, in accordance with the provisions
10 of the Administrative Review Law, except that such judicial
11 review shall be afforded directly in the Appellate Court for
12 the district in which the accused officer resides. Any direct
13 appeal to the Appellate Court shall be filed within 35 days
14 from the date that a copy of the decision sought to be reviewed
15 was served upon the party affected by the decision.

16 ~~(q) (Blank)~~. Interested parties. Only interested parties
17 to the criminal prosecution in which the police officer
18 allegedly, while under oath, knowingly and willfully made
19 false statements as to a material fact going to an element of
20 the offense of murder may file a verified complaint pursuant
21 to this Section. For purposes of this Section, "interested
22 parties" shall be limited to the defendant and any police
23 officer who has personal knowledge that the police officer who
24 is the subject of the complaint has, while under oath,
25 knowingly and willfully made false statements as to a material
26 fact going to an element of the offense of murder.

1 ~~(r) (Blank)~~. Semi-annual reports. The Executive Director
2 of the Illinois Labor Relations Board shall submit semi-annual
3 reports to the Governor, President, and Minority Leader of the
4 Senate, and to the Speaker and Minority Leader of the House of
5 Representatives beginning on June 30, 2004, indicating:

6 (1) the number of verified complaints received since
7 the date of the last report;

8 (2) the number of investigations initiated since the
9 date of the last report;

10 (3) the number of investigations concluded since the
11 date of the last report;

12 (4) the number of investigations pending as of the
13 reporting date;

14 (5) the number of hearings held since the date of the
15 last report; and

16 (6) the number of officers decertified since the date
17 of the last report.

18 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;
19 102-538, eff. 8-20-21; revised 10-13-21.)

20 (50 ILCS 705/7)

21 (Text of Section before amendment by P.A. 102-345)

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

25 a. The curriculum for probationary law enforcement

1 officers which shall be offered by all certified schools
2 shall include, but not be limited to, courses of
3 procedural justice, arrest and use and control tactics,
4 search and seizure, including temporary questioning, civil
5 rights, human rights, human relations, cultural
6 competency, including implicit bias and racial and ethnic
7 sensitivity, criminal law, law of criminal procedure,
8 constitutional and proper use of law enforcement
9 authority, crisis intervention training, vehicle and
10 traffic law including uniform and non-discriminatory
11 enforcement of the Illinois Vehicle Code, traffic control
12 and accident investigation, techniques of obtaining
13 physical evidence, court testimonies, statements, reports,
14 firearms training, training in the use of electronic
15 control devices, including the psychological and
16 physiological effects of the use of those devices on
17 humans, first-aid (including cardiopulmonary
18 resuscitation), training in the administration of opioid
19 antagonists as defined in paragraph (1) of subsection (e)
20 of Section 5-23 of the Substance Use Disorder Act,
21 handling of juvenile offenders, recognition of mental
22 conditions and crises, including, but not limited to, the
23 disease of addiction, which require immediate assistance
24 and response and methods to safeguard and provide
25 assistance to a person in need of mental treatment,
26 recognition of abuse, neglect, financial exploitation, and

1 self-neglect of adults with disabilities and older adults,
2 as defined in Section 2 of the Adult Protective Services
3 Act, crimes against the elderly, law of evidence, the
4 hazards of high-speed police vehicle chases with an
5 emphasis on alternatives to the high-speed chase, and
6 physical training. The curriculum shall include specific
7 training in techniques for immediate response to and
8 investigation of cases of domestic violence and of sexual
9 assault of adults and children, including cultural
10 perceptions and common myths of sexual assault and sexual
11 abuse as well as interview techniques that are age
12 sensitive and are trauma informed, victim centered, and
13 victim sensitive. The curriculum shall include training in
14 techniques designed to promote effective communication at
15 the initial contact with crime victims and ways to
16 comprehensively explain to victims and witnesses their
17 rights under the Rights of Crime Victims and Witnesses Act
18 and the Crime Victims Compensation Act. The curriculum
19 shall also include training in effective recognition of
20 and responses to stress, trauma, and post-traumatic stress
21 experienced by law enforcement officers that is consistent
22 with Section 25 of the Illinois Mental Health First Aid
23 Training Act in a peer setting, including recognizing
24 signs and symptoms of work-related cumulative stress,
25 issues that may lead to suicide, and solutions for
26 intervention with peer support resources. The curriculum

1 shall include a block of instruction addressing the
2 mandatory reporting requirements under the Abused and
3 Neglected Child Reporting Act. The curriculum shall also
4 include a block of instruction aimed at identifying and
5 interacting with persons with autism and other
6 developmental or physical disabilities, reducing barriers
7 to reporting crimes against persons with autism, and
8 addressing the unique challenges presented by cases
9 involving victims or witnesses with autism and other
10 developmental disabilities. The curriculum shall include
11 training in the detection and investigation of all forms
12 of human trafficking. The curriculum shall also include
13 instruction in trauma-informed responses designed to
14 ensure the physical safety and well-being of a child of an
15 arrested parent or immediate family member; this
16 instruction must include, but is not limited to: (1)
17 understanding the trauma experienced by the child while
18 maintaining the integrity of the arrest and safety of
19 officers, suspects, and other involved individuals; (2)
20 de-escalation tactics that would include the use of force
21 when reasonably necessary; and (3) inquiring whether a
22 child will require supervision and care. The curriculum
23 for probationary law enforcement officers shall include:
24 (1) at least 12 hours of hands-on, scenario-based
25 role-playing; (2) at least 6 hours of instruction on use
26 of force techniques, including the use of de-escalation

1 techniques to prevent or reduce the need for force
2 whenever safe and feasible; (3) specific training on
3 officer safety techniques, including cover, concealment,
4 and time; and (4) at least 6 hours of training focused on
5 high-risk traffic stops. The curriculum for permanent law
6 enforcement officers shall include, but not be limited to:
7 (1) refresher and in-service training in any of the
8 courses listed above in this subparagraph, (2) advanced
9 courses in any of the subjects listed above in this
10 subparagraph, (3) training for supervisory personnel, and
11 (4) specialized training in subjects and fields to be
12 selected by the board. The training in the use of
13 electronic control devices shall be conducted for
14 probationary law enforcement officers, including
15 University police officers.

16 b. Minimum courses of study, attendance requirements
17 and equipment requirements.

18 c. Minimum requirements for instructors.

19 d. Minimum basic training requirements, which a
20 probationary law enforcement officer must satisfactorily
21 complete before being eligible for permanent employment as
22 a local law enforcement officer for a participating local
23 governmental or State governmental agency. Those
24 requirements shall include training in first aid
25 (including cardiopulmonary resuscitation).

26 e. Minimum basic training requirements, which a

1 probationary county corrections officer must
2 satisfactorily complete before being eligible for
3 permanent employment as a county corrections officer for a
4 participating local governmental agency.

5 f. Minimum basic training requirements which a
6 probationary court security officer must satisfactorily
7 complete before being eligible for permanent employment as
8 a court security officer for a participating local
9 governmental agency. The Board shall establish those
10 training requirements which it considers appropriate for
11 court security officers and shall certify schools to
12 conduct that training.

13 A person hired to serve as a court security officer
14 must obtain from the Board a certificate (i) attesting to
15 the officer's successful completion of the training
16 course; (ii) attesting to the officer's satisfactory
17 completion of a training program of similar content and
18 number of hours that has been found acceptable by the
19 Board under the provisions of this Act; or (iii) attesting
20 to the Board's determination that the training course is
21 unnecessary because of the person's extensive prior law
22 enforcement experience.

23 Individuals who currently serve as court security
24 officers shall be deemed qualified to continue to serve in
25 that capacity so long as they are certified as provided by
26 this Act within 24 months of June 1, 1997 (the effective

1 date of Public Act 89-685). Failure to be so certified,
2 absent a waiver from the Board, shall cause the officer to
3 forfeit his or her position.

4 All individuals hired as court security officers on or
5 after June 1, 1997 (the effective date of Public Act
6 89-685) shall be certified within 12 months of the date of
7 their hire, unless a waiver has been obtained by the
8 Board, or they shall forfeit their positions.

9 The Sheriff's Merit Commission, if one exists, or the
10 Sheriff's Office if there is no Sheriff's Merit
11 Commission, shall maintain a list of all individuals who
12 have filed applications to become court security officers
13 and who meet the eligibility requirements established
14 under this Act. Either the Sheriff's Merit Commission, or
15 the Sheriff's Office if no Sheriff's Merit Commission
16 exists, shall establish a schedule of reasonable intervals
17 for verification of the applicants' qualifications under
18 this Act and as established by the Board.

19 g. Minimum in-service training requirements, which a
20 law enforcement officer must satisfactorily complete every
21 3 years. Those requirements shall include constitutional
22 and proper use of law enforcement authority, procedural
23 justice, civil rights, human rights, reporting child abuse
24 and neglect, and cultural competency, including implicit
25 bias and racial and ethnic sensitivity. These trainings
26 shall consist of at least 30 hours of training every 3

1 years.

2 h. Minimum in-service training requirements, which a
3 law enforcement officer must satisfactorily complete at
4 least annually. Those requirements shall include law
5 updates, emergency medical response training and
6 certification, crisis intervention training, and officer
7 wellness and mental health.

8 i. Minimum in-service training requirements as set
9 forth in Section 10.6.

10 The amendatory changes to this Section made by Public Act
11 101-652 shall take effect January 1, 2022.

12 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;
13 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff.
14 8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section
15 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.
16 1-1-22; 102-28, eff. 6-25-21; 102-558, eff. 8-20-21; revised
17 10-5-21.)

18 (Text of Section after amendment by P.A. 102-345)

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

22 a. The curriculum for probationary ~~law enforcement~~
23 police officers which shall be offered by all certified
24 schools shall include, but not be limited to, courses of
25 procedural justice, arrest and use and control tactics,

1 search and seizure, including temporary questioning, civil
2 rights, human rights, human relations, cultural
3 competency, including implicit bias and racial and ethnic
4 sensitivity, criminal law, law of criminal procedure,
5 constitutional and proper use of law enforcement
6 authority, crisis intervention training, vehicle and
7 traffic law including uniform and non-discriminatory
8 enforcement of the Illinois Vehicle Code, traffic control
9 and accident investigation, techniques of obtaining
10 physical evidence, court testimonies, statements, reports,
11 firearms training, training in the use of electronic
12 control devices, including the psychological and
13 physiological effects of the use of those devices on
14 humans, first-aid (including cardiopulmonary
15 resuscitation), training in the administration of opioid
16 antagonists as defined in paragraph (1) of subsection (e)
17 of Section 5-23 of the Substance Use Disorder Act,
18 handling of juvenile offenders, recognition of mental
19 conditions and crises, including, but not limited to, the
20 disease of addiction, which require immediate assistance
21 and response and methods to safeguard and provide
22 assistance to a person in need of mental treatment,
23 recognition of abuse, neglect, financial exploitation, and
24 self-neglect of adults with disabilities and older adults,
25 as defined in Section 2 of the Adult Protective Services
26 Act, crimes against the elderly, law of evidence, the

1 hazards of high-speed police vehicle chases with an
2 emphasis on alternatives to the high-speed chase, and
3 physical training. The curriculum shall include specific
4 training in techniques for immediate response to and
5 investigation of cases of domestic violence and of sexual
6 assault of adults and children, including cultural
7 perceptions and common myths of sexual assault and sexual
8 abuse as well as interview techniques that are age
9 sensitive and are trauma informed, victim centered, and
10 victim sensitive. The curriculum shall include training in
11 techniques designed to promote effective communication at
12 the initial contact with crime victims and ways to
13 comprehensively explain to victims and witnesses their
14 rights under the Rights of Crime Victims and Witnesses Act
15 and the Crime Victims Compensation Act. The curriculum
16 shall also include training in effective recognition of
17 and responses to stress, trauma, and post-traumatic stress
18 experienced by ~~law enforcement~~ police officers that is
19 consistent with Section 25 of the Illinois Mental Health
20 First Aid Training Act in a peer setting, including
21 recognizing signs and symptoms of work-related cumulative
22 stress, issues that may lead to suicide, and solutions for
23 intervention with peer support resources. The curriculum
24 shall include a block of instruction addressing the
25 mandatory reporting requirements under the Abused and
26 Neglected Child Reporting Act. The curriculum shall also

1 include a block of instruction aimed at identifying and
2 interacting with persons with autism and other
3 developmental or physical disabilities, reducing barriers
4 to reporting crimes against persons with autism, and
5 addressing the unique challenges presented by cases
6 involving victims or witnesses with autism and other
7 developmental disabilities. The curriculum shall include
8 training in the detection and investigation of all forms
9 of human trafficking. The curriculum shall also include
10 instruction in trauma-informed responses designed to
11 ensure the physical safety and well-being of a child of an
12 arrested parent or immediate family member; this
13 instruction must include, but is not limited to: (1)
14 understanding the trauma experienced by the child while
15 maintaining the integrity of the arrest and safety of
16 officers, suspects, and other involved individuals; (2)
17 de-escalation tactics that would include the use of force
18 when reasonably necessary; and (3) inquiring whether a
19 child will require supervision and care. The curriculum
20 for probationary law enforcement officers shall include:
21 (1) at least 12 hours of hands-on, scenario-based
22 role-playing; (2) at least 6 hours of instruction on use
23 of force techniques, including the use of de-escalation
24 techniques to prevent or reduce the need for force
25 whenever safe and feasible; (3) specific training on
26 officer safety techniques, including cover, concealment,

1 and time; and (4) at least 6 hours of training focused on
2 high-risk traffic stops. The curriculum for permanent ~~law~~
3 ~~enforcement~~ police officers shall include, but not be
4 limited to: (1) refresher and in-service training in any
5 of the courses listed above in this subparagraph, (2)
6 advanced courses in any of the subjects listed above in
7 this subparagraph, (3) training for supervisory personnel,
8 and (4) specialized training in subjects and fields to be
9 selected by the board. The training in the use of
10 electronic control devices shall be conducted for
11 probationary ~~law-enforcement~~ police officers, including
12 University police officers. The curriculum shall also
13 include training on the use of a firearms restraining
14 order by providing instruction on the process used to file
15 a firearms restraining order and how to identify
16 situations in which a firearms restraining order is
17 appropriate.

18 b. Minimum courses of study, attendance requirements
19 and equipment requirements.

20 c. Minimum requirements for instructors.

21 d. Minimum basic training requirements, which a
22 probationary ~~law-enforcement~~ police officer must
23 satisfactorily complete before being eligible for
24 permanent employment as a local law enforcement officer
25 for a participating local governmental ~~or State~~
26 ~~governmental~~ agency. Those requirements shall include

1 training in first aid (including cardiopulmonary
2 resuscitation).

3 e. Minimum basic training requirements, which a
4 probationary county corrections officer must
5 satisfactorily complete before being eligible for
6 permanent employment as a county corrections officer for a
7 participating local governmental agency.

8 f. Minimum basic training requirements which a
9 probationary court security officer must satisfactorily
10 complete before being eligible for permanent employment as
11 a court security officer for a participating local
12 governmental agency. The Board shall establish those
13 training requirements which it considers appropriate for
14 court security officers and shall certify schools to
15 conduct that training.

16 A person hired to serve as a court security officer
17 must obtain from the Board a certificate (i) attesting to
18 ~~the officer's~~ his or her successful completion of the
19 training course; (ii) attesting to ~~the officer's~~ his or
20 her satisfactory completion of a training program of
21 similar content and number of hours that has been found
22 acceptable by the Board under the provisions of this Act;
23 or (iii) attesting to the Board's determination that the
24 training course is unnecessary because of the person's
25 extensive prior law enforcement experience.

26 Individuals who currently serve as court security

1 officers shall be deemed qualified to continue to serve in
2 that capacity so long as they are certified as provided by
3 this Act within 24 months of June 1, 1997 (the effective
4 date of Public Act 89-685). Failure to be so certified,
5 absent a waiver from the Board, shall cause the officer to
6 forfeit his or her position.

7 All individuals hired as court security officers on or
8 after June 1, 1997 (the effective date of Public Act
9 89-685) shall be certified within 12 months of the date of
10 their hire, unless a waiver has been obtained by the
11 Board, or they shall forfeit their positions.

12 The Sheriff's Merit Commission, if one exists, or the
13 Sheriff's Office if there is no Sheriff's Merit
14 Commission, shall maintain a list of all individuals who
15 have filed applications to become court security officers
16 and who meet the eligibility requirements established
17 under this Act. Either the Sheriff's Merit Commission, or
18 the Sheriff's Office if no Sheriff's Merit Commission
19 exists, shall establish a schedule of reasonable intervals
20 for verification of the applicants' qualifications under
21 this Act and as established by the Board.

22 g. Minimum in-service training requirements, which a
23 ~~law enforcement~~ police officer must satisfactorily
24 complete every 3 years. Those requirements shall include
25 constitutional and proper use of law enforcement
26 authority, procedural justice, civil rights, human rights,

1 reporting child abuse and neglect, and cultural
2 competency, including implicit bias and racial and ethnic
3 sensitivity. These trainings shall consist of at least 30
4 hours of training every 3 years.

5 h. Minimum in-service training requirements, which a
6 ~~law enforcement~~ police officer must satisfactorily
7 complete at least annually. Those requirements shall
8 include law updates, emergency medical response training
9 and certification, crisis intervention training, and
10 officer wellness and mental health.

11 i. Minimum in-service training requirements as set
12 forth in Section 10.6.

13 The amendatory changes to this Section made by Public Act
14 101-652 shall take effect January 1, 2022.

15 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;
16 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff.
17 8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section
18 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.
19 1-1-22; 102-28, eff. 6-25-21; 102-345, eff. 6-1-22; 102-558,
20 eff. 8-20-21; revised 10-5-21.)

21 (50 ILCS 705/7.5)

22 Sec. 7.5. ~~Law enforcement~~ Police pursuit guidelines. The
23 Board shall annually review police pursuit procedures and make
24 available suggested ~~law enforcement~~ police pursuit guidelines
25 for law enforcement agencies. This Section does not alter the

1 effect of previously existing law, including the immunities
2 established under the Local Governmental and Governmental
3 Employees Tort Immunity Act.

4 (Source: P.A. 88-637, eff. 9-9-94; 101-652.)

5 (50 ILCS 705/8) (from Ch. 85, par. 508)

6 Sec. 8. Participation required. All home rule local
7 governmental units shall comply with Sections ~~6.37~~ 8.17 and
8 8.2 and any other mandatory provisions of this Act. This Act is
9 a limitation on home rule powers under subsection (i) of
10 Section 6 of Article VII of the Illinois Constitution.

11 (Source: P.A. 89-170, eff. 1-1-96; 101-652.)

12 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

13 Sec. 8.1. Full-time ~~law enforcement~~ police and county
14 corrections officers.

15 (a) ~~No~~ After January 1, 1976, no person shall receive a
16 permanent appointment as a law enforcement officer ~~or~~ as
17 defined in this Act nor shall any person receive, after the
18 effective date of this amendatory Act of 1984, a permanent
19 appointment as a county corrections officer unless that person
20 has been awarded, within 6 months of ~~the officer's~~ his or her
21 initial full-time employment, a certificate attesting to ~~the~~
22 ~~officer's~~ his or her successful completion of the Minimum
23 Standards Basic Law Enforcement ~~or~~ and County Correctional
24 Training Course as prescribed by the Board; or has been

1 awarded a certificate attesting to ~~the officer's~~ his or her
2 satisfactory completion of a training program of similar
3 content and number of hours and which course has been found
4 acceptable by the Board under the provisions of this Act; or ~~a~~
5 ~~training waiver~~ by reason of extensive prior law enforcement
6 or county corrections experience the basic training
7 requirement is determined by the Board to be illogical and
8 unreasonable.

9 If such training is required and not completed within the
10 applicable 6 months, then the officer must forfeit ~~the~~
11 ~~officer's~~ his or her position, or the employing agency must
12 obtain a waiver from the Board extending the period for
13 compliance. Such waiver shall be issued only for good and
14 justifiable reasons, and in no case shall extend more than 90
15 days beyond the initial 6 months. Any hiring agency that fails
16 to train a law enforcement officer within this period shall be
17 prohibited from employing this individual in a law enforcement
18 capacity for one year from the date training was to be
19 completed. If an agency again fails to train the individual a
20 second time, the agency shall be permanently barred from
21 employing this individual in a law enforcement capacity.

22 ~~An individual who is not certified by the Board or whose~~
23 ~~certified status is inactive shall not function as a law~~
24 ~~enforcement officer, be assigned the duties of a law~~
25 ~~enforcement officer by an employing agency, or be authorized~~
26 ~~to carry firearms under the authority of the employer, except~~

1 ~~as otherwise authorized to carry a firearm under State or~~
2 ~~federal law. Sheriffs who are elected as of the effective date~~
3 ~~of this Amendatory Act of the 101st General Assembly, are~~
4 ~~exempt from the requirement of certified status. Failure to be~~
5 ~~certified in accordance with this Act shall cause the officer~~
6 ~~to forfeit the officer's position.~~

7 ~~An employing agency may not grant a person status as a law~~
8 ~~enforcement officer unless the person has been granted an~~
9 ~~active law enforcement officer certification by the Board.~~

10 ~~(b) Inactive status. A person who has an inactive law~~
11 ~~enforcement officer certification has no law enforcement~~
12 ~~authority.~~

13 ~~(1) A law enforcement officer's certification becomes~~
14 ~~inactive upon termination, resignation, retirement, or~~
15 ~~separation from the officer's employing governmental~~
16 ~~agency for any reason. The Board shall re activate a~~
17 ~~certification upon written application from the law~~
18 ~~enforcement officer's governmental agency that shows the~~
19 ~~law enforcement officer: (i) has accepted a full time law~~
20 ~~enforcement position with that governmental agency, (ii)~~
21 ~~is not the subject of a decertification proceeding, and~~
22 ~~(iii) meets all other criteria for re-activation required~~
23 ~~by the Board. The Board may also establish special~~
24 ~~training requirements to be completed as a condition for~~
25 ~~re-activation.~~

26 ~~A law enforcement officer who is refused reactivation~~

1 ~~under this Section may request a hearing in accordance~~
2 ~~with the hearing procedures as outlined in subsection (h)~~
3 ~~of Section 6.3 of this Act.~~

4 ~~The Board may refuse to re-activate the certification~~
5 ~~of a law enforcement officer who was involuntarily~~
6 ~~terminated for good cause by his or her governmental~~
7 ~~agency for conduct subject to decertification under this~~
8 ~~Act or resigned or retired after receiving notice of a~~
9 ~~governmental agency's investigation.~~

10 ~~(2) A law enforcement officer who is currently~~
11 ~~certified can place his or her certificate on inactive~~
12 ~~status by sending a written request to the Board. A law~~
13 ~~enforcement officer whose certificate has been placed on~~
14 ~~inactive status shall not function as a law enforcement~~
15 ~~officer until the officer has completed any requirements~~
16 ~~for reactivating the certificate as required by the Board.~~
17 ~~A request for inactive status in this subsection shall be~~
18 ~~in writing, accompanied by verifying documentation, and~~
19 ~~shall be submitted to the Board with a copy to the chief~~
20 ~~administrator of the law enforcement officer's~~
21 ~~governmental agency.~~

22 ~~(3) Certification that has become inactive under~~
23 ~~paragraph (2) of this subsection (b), shall be reactivated~~
24 ~~by written notice from the law enforcement officer's~~
25 ~~agency upon a showing that the law enforcement officer is:~~
26 ~~(i) employed in a full time law enforcement position with~~

1 ~~the same governmental agency (ii) not the subject of a~~
2 ~~decertification proceeding, and (iii) meets all other~~
3 ~~criteria for re-activation required by the Board.~~

4 ~~(4) Notwithstanding paragraph (3) of this subsection~~
5 ~~(b), a law enforcement officer whose certification has~~
6 ~~become inactive under paragraph (2) may have the officer's~~
7 ~~governmental agency submit a request for a waiver of~~
8 ~~training requirements to the Board. A grant of a waiver is~~
9 ~~within the discretion of the Board. Within 7 days of~~
10 ~~receiving a request for a waiver under this section, the~~
11 ~~Board shall notify the law enforcement officer and the~~
12 ~~chief administrator of the law enforcement officer's~~
13 ~~governmental agency, whether the request has been granted,~~
14 ~~denied, or if the Board will take additional time for~~
15 ~~information. A law enforcement officer whose request for a~~
16 ~~waiver under this subsection is denied is entitled to~~
17 ~~appeal the denial to the Board within 20 days of the waiver~~
18 ~~being denied.~~

19 ~~(e)~~ (b) No provision of this Section shall be construed to
20 mean that a law enforcement officer employed by a local
21 governmental agency at the time of the effective date of this
22 amendatory Act, either as a probationary police officer or as
23 a permanent police officer, shall require certification under
24 the provisions of this Section. No provision of this Section
25 shall be construed to mean that a county corrections officer
26 employed by a local governmental agency at the time of the

1 effective date of this amendatory Act of 1984, either as a
2 probationary county corrections or as a permanent county
3 corrections officer, shall require certification under the
4 provisions of this Section. No provision of this Section shall
5 be construed to apply to certification of elected county
6 sheriffs.

7 ~~(d) Within 14 days, a law enforcement officer shall report~~
8 ~~to the Board: (1) any name change; (2) any change in~~
9 ~~employment; or (3) the filing of any criminal indictment or~~
10 ~~charges against the officer alleging that the officer~~
11 ~~committed any offense as enumerated in Section 6.1 of this~~
12 ~~Act.~~

13 ~~(e) All law enforcement officers must report the~~
14 ~~completion of the training requirements required in this Act~~
15 ~~in compliance with Section 8.4 of this Act.~~

16 ~~(e 1) Each employing governmental agency shall allow and~~
17 ~~provide an opportunity for a law enforcement officer to~~
18 ~~complete the mandated requirements in this Act.~~

19 ~~(f)~~ (c) This Section does not apply to part-time ~~law~~
20 ~~enforcement~~ police officers or probationary part-time ~~law~~
21 ~~enforcement~~ police officers.

22 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22.)

23 (50 ILCS 705/8.2)

24 Sec. 8.2. Part-time ~~law enforcement~~ police officers.

25 (a) A person hired to serve as a part-time ~~law enforcement~~

1 police officer must obtain from the Board a certificate (i)
2 attesting to ~~the officer's~~ his or her successful completion of
3 the part-time police training course; (ii) attesting to ~~the~~
4 ~~officer's~~ his or her satisfactory completion of a training
5 program of similar content and number of hours that has been
6 found acceptable by the Board under the provisions of this
7 Act; or (iii) ~~a training waiver~~ attesting to the Board's
8 determination that the part-time police training course is
9 unnecessary because of the person's extensive prior law
10 enforcement experience. A person hired on or after the
11 effective date of this amendatory Act of the 92nd General
12 Assembly must obtain this certificate within 18 months after
13 the initial date of hire as a probationary part-time ~~law~~
14 ~~enforcement~~ police officer in the State of Illinois. The
15 probationary part-time ~~law enforcement~~ police officer must be
16 enrolled and accepted into a Board-approved course within 6
17 months after active employment by any department in the State.
18 A person hired on or after January 1, 1996 and before the
19 effective date of this amendatory Act of the 92nd General
20 Assembly must obtain this certificate within 18 months after
21 the date of hire. A person hired before January 1, 1996 must
22 obtain this certificate within 24 months after the effective
23 date of this amendatory Act of 1995.

24 The employing agency may seek ~~an extension~~ a waiver from
25 the Board extending the period for compliance. ~~An extension~~ A
26 waiver shall be issued only for good and justifiable reasons,

1 and the probationary part-time ~~law enforcement~~ police officer
2 may not practice as a part-time ~~law enforcement~~ police officer
3 during the ~~extension~~ waiver period. If training is required
4 and not completed within the applicable time period, as
5 extended by any waiver that may be granted, then the officer
6 must forfeit ~~the officer's~~ his or her position.

7 ~~An individual who is not certified by the Board or whose~~
8 ~~certified status is inactive shall not function as a law~~
9 ~~enforcement officer, be assigned the duties of a law~~
10 ~~enforcement officer by an agency, or be authorized to carry~~
11 ~~firearms under the authority of the employer, except that~~
12 ~~sheriffs who are elected are exempt from the requirement of~~
13 ~~certified status. Failure to be in accordance with this Act~~
14 ~~shall cause the officer to forfeit the officer's position.~~

15 ~~A part time probationary officer shall be allowed to~~
16 ~~complete six months of a part time police training course and~~
17 ~~function as a law enforcement officer with a waiver from the~~
18 ~~Board, provided the part time law enforcement officer is still~~
19 ~~enrolled in the training course. If the part time probationary~~
20 ~~officer withdraws from the course for any reason or does not~~
21 ~~complete the course within the applicable time period, as~~
22 ~~extended by any waiver that may be granted, then the officer~~
23 ~~must forfeit the officer's position.~~

24 ~~A governmental agency may not grant a person status as a~~
25 ~~law enforcement officer unless the person has been granted an~~
26 ~~active law enforcement officer certification by the Board.~~

1 (b) ~~Inactive status. A person who has an inactive law~~
2 ~~enforcement officer certification has no law enforcement~~
3 ~~authority. (Blank).~~

4 ~~(1) A law enforcement officer's certification becomes~~
5 ~~inactive upon termination, resignation, retirement, or~~
6 ~~separation from the governmental agency for any reason.~~
7 ~~The Board shall re activate a certification upon written~~
8 ~~application from the law enforcement officer's~~
9 ~~governmental agency that shows the law enforcement~~
10 ~~officer: (i) has accepted a part-time law enforcement~~
11 ~~position with that a governmental agency, (ii) is not the~~
12 ~~subject of a decertification proceeding, and (iii) meets~~
13 ~~all other criteria for re-activation required by the~~
14 ~~Board.~~

15 ~~The Board may refuse to re activate the certification~~
16 ~~of a law enforcement officer who was involuntarily~~
17 ~~terminated for good cause by the officer's governmental~~
18 ~~agency for conduct subject to decertification under this~~
19 ~~Act or resigned or retired after receiving notice of a~~
20 ~~governmental agency's investigation.~~

21 ~~(2) A law enforcement officer who is currently~~
22 ~~certified can place his or her certificate on inactive~~
23 ~~status by sending a written request to the Board. A law~~
24 ~~enforcement officer whose certificate has been placed on~~
25 ~~inactive status shall not function as a law enforcement~~
26 ~~officer until the officer has completed any requirements~~

1 ~~for reactivating the certificate as required by the Board.~~
2 ~~A request for inactive status in this subsection shall be~~
3 ~~in writing, accompanied by verifying documentation, and~~
4 ~~shall be submitted to the Board by the law enforcement~~
5 ~~officer's governmental agency.~~

6 ~~(3) Certification that has become inactive under~~
7 ~~paragraph (2) of this subsection (b), shall be reactivated~~
8 ~~by written notice from the law enforcement officer's~~
9 ~~agency upon a showing that the law enforcement officer is:~~
10 ~~(i) employed in a full-time law enforcement position with~~
11 ~~the same governmental agency, (ii) not the subject of a~~
12 ~~decertification proceeding, and (iii) meets all other~~
13 ~~criteria for re-activation required by the Board. The~~
14 ~~Board may also establish special training requirements to~~
15 ~~be completed as a condition for re-activation.~~

16 ~~A law enforcement officer who is refused reactivation~~
17 ~~under this Section may request a hearing in accordance~~
18 ~~with the hearing procedures as outlined in subsection (h)~~
19 ~~of Section 6.3 of this Act.~~

20 ~~(4) Notwithstanding paragraph (3) of this Section, a~~
21 ~~law enforcement officer whose certification has become~~
22 ~~inactive under paragraph (2) may have the officer's~~
23 ~~governmental agency submit a request for a waiver of~~
24 ~~training requirements to the Board. A grant of a waiver is~~
25 ~~within the discretion of the Board. Within 7 days of~~
26 ~~receiving a request for a waiver under this section, the~~

1 ~~Board shall notify the law enforcement officer and the~~
2 ~~chief administrator of the law enforcement officer's~~
3 ~~governmental agency, whether the request has been granted,~~
4 ~~denied, or if the Board will take additional time for~~
5 ~~information. A law enforcement officer whose request for a~~
6 ~~waiver under this subsection is denied is entitled to~~
7 ~~appeal the denial to the Board within 20 days of the waiver~~
8 ~~being denied.~~

9 (c) The part-time police training course referred to in
10 this Section shall be of similar content and the same number of
11 hours as the courses for full-time officers and shall be
12 provided by Mobile Team In-Service Training Units under the
13 Intergovernmental Law Enforcement Officer's In-Service
14 Training Act or by another approved program or facility in a
15 manner prescribed by the Board.

16 ~~(d) Within 14 days, a law enforcement officer shall report~~
17 ~~to the Board: (1) any name change; (2) any change in~~
18 ~~employment; or (3) the filing of any criminal indictment or~~
19 ~~charges against the officer alleging that the officer~~
20 ~~committed any offense as enumerated in section 6.1 of this~~
21 ~~Act.~~

22 ~~(e) All law enforcement officers must report the~~
23 ~~completion of the training requirements required in this Act~~
24 ~~in compliance with Section 8.4 of this Act.~~

25 ~~(e 1) Each employing agency shall allow and provide an~~
26 ~~opportunity for a law enforcement officer to complete the~~

1 ~~requirements in this Act.~~

2 ~~(f)~~ (d) For the purposes of this Section, the Board shall
3 adopt rules defining what constitutes employment on a
4 part-time basis.

5 (Source: P.A. 92-533, eff. 3-14-02; 101-652.)

6 (50 ILCS 705/9) (from Ch. 85, par. 509)

7 Sec. 9. A special fund is hereby established in the State
8 Treasury to be known as the Traffic and Criminal Conviction
9 Surcharge Fund. Moneys in this Fund shall be expended as
10 follows:

11 (1) a portion of the total amount deposited in the
12 Fund may be used, as appropriated by the General Assembly,
13 for the ordinary and contingent expenses of the Illinois
14 Law Enforcement Training Standards Board;

15 (2) a portion of the total amount deposited in the
16 Fund shall be appropriated for the reimbursement of local
17 governmental agencies participating in training programs
18 certified by the Board, in an amount equaling 1/2 of the
19 total sum paid by such agencies during the State's
20 previous fiscal year for mandated training for
21 probationary ~~law enforcement~~ police officers or
22 probationary county corrections officers and for optional
23 advanced and specialized law enforcement or county
24 corrections training; these reimbursements may include the
25 costs for tuition at training schools, the salaries of

1 trainees while in schools, and the necessary travel and
2 room and board expenses for each trainee; if the
3 appropriations under this paragraph (2) are not sufficient
4 to fully reimburse the participating local governmental
5 agencies, the available funds shall be apportioned among
6 such agencies, with priority first given to repayment of
7 the costs of mandatory training given to law enforcement
8 officer or county corrections officer recruits, then to
9 repayment of costs of advanced or specialized training for
10 permanent ~~law enforcement~~ police officers or permanent
11 county corrections officers;

12 (3) a portion of the total amount deposited in the
13 Fund may be used to fund the Intergovernmental Law
14 Enforcement Officer's In-Service Training Act, veto
15 overridden October 29, 1981, as now or hereafter amended,
16 at a rate and method to be determined by the board;

17 (4) a portion of the Fund also may be used by the
18 Illinois State Police for expenses incurred in the
19 training of employees from any State, county, or municipal
20 agency whose function includes enforcement of criminal or
21 traffic law;

22 (5) a portion of the Fund may be used by the Board to
23 fund grant-in-aid programs and services for the training
24 of employees from any county or municipal agency whose
25 functions include corrections or the enforcement of
26 criminal or traffic law;

1 (6) for fiscal years 2013 through 2017 only, a portion
2 of the Fund also may be used by the Department of State
3 Police to finance any of its lawful purposes or functions;

4 (7) a portion of the Fund may be used by the Board,
5 subject to appropriation, to administer grants to local
6 law enforcement agencies for the purpose of purchasing
7 bulletproof vests under the Law Enforcement Officer
8 Bulletproof Vest Act; and

9 (8) a portion of the Fund may be used by the Board to
10 create a law enforcement grant program available for units
11 of local government to fund crime prevention programs,
12 training, and interdiction efforts, including enforcement
13 and prevention efforts, relating to the illegal cannabis
14 market and driving under the influence of cannabis.

15 All payments from the Traffic and Criminal Conviction
16 Surcharge Fund shall be made each year from moneys
17 appropriated for the purposes specified in this Section. No
18 more than 50% of any appropriation under this Act shall be
19 spent in any city having a population of more than 500,000. The
20 State Comptroller and the State Treasurer shall from time to
21 time, at the direction of the Governor, transfer from the
22 Traffic and Criminal Conviction Surcharge Fund to the General
23 Revenue Fund in the State Treasury such amounts as the
24 Governor determines are in excess of the amounts required to
25 meet the obligations of the Traffic and Criminal Conviction
26 Surcharge Fund.

1 (Source: P.A. 101-27, eff. 6-25-19; 101-652, eff. 1-1-22;
2 102-538, eff. 8-20-21; revised 10-5-21.)

3 (50 ILCS 705/10) (from Ch. 85, par. 510)

4 Sec. 10. The Board may make, amend and rescind such rules
5 and regulations as may be necessary to carry out the
6 provisions of this Act, including those relating to the annual
7 certification of retired law enforcement officers qualified
8 under federal law to carry a concealed weapon. A copy of all
9 rules and regulations and amendments or rescissions thereof
10 shall be filed with the Secretary of State within a reasonable
11 time after their adoption. The schools certified by the Board
12 and participating in the training program may dismiss from the
13 school any trainee prior to ~~the officer's~~ his completion of
14 the course, if in the opinion of the person in charge of the
15 training school, the trainee is unable or unwilling to
16 satisfactorily complete the prescribed course of training.

17 ~~The Board shall adopt emergency rules to administer this~~
18 ~~Act in accordance with Section 5-45 of the Illinois~~
19 ~~Administrative Procedure Act. For the purposes of the Illinois~~
20 ~~Administrative Procedure Act, the General Assembly finds that~~
21 ~~the adoption of rules to implement this Act is deemed an~~
22 ~~emergency and necessary to the public interest, safety, and~~
23 ~~welfare.~~

24 (Source: P.A. 94-103, eff. 7-1-05; 101-652.)

1 (50 ILCS 705/10.1) (from Ch. 85, par. 510.1)

2 Sec. 10.1. Additional training programs. The Board shall
3 initiate, administer, and conduct training programs for
4 permanent ~~law enforcement~~ police officers and permanent county
5 corrections officers in addition to the basic recruit training
6 program. The Board may initiate, administer, and conduct
7 training programs for part-time ~~law enforcement~~ police
8 officers in addition to the basic part-time ~~law enforcement~~
9 police training course. The training for permanent and
10 part-time ~~law enforcement~~ police officers and permanent county
11 corrections officers may be given in any schools selected by
12 the Board. Such training may include all or any part of the
13 subjects enumerated in Section 7 of this Act.

14 The corporate authorities of all participating local
15 governmental agencies may elect to participate in the advanced
16 training for permanent and part-time ~~law enforcement~~ police
17 officers and permanent county corrections officers but
18 nonparticipation in this program shall not in any way affect
19 the mandatory responsibility of governmental units to
20 participate in the basic recruit training programs for
21 probationary full-time and part-time ~~law enforcement~~ police
22 and permanent county corrections officers. The failure of any
23 permanent or part-time ~~law enforcement~~ police officer or
24 permanent county corrections officer to successfully complete
25 any course authorized under this Section shall not affect the
26 officer's status as a member of the police department or

1 county sheriff's office of any local governmental agency.

2 The Board may initiate, administer, and conduct training
3 programs for clerks of circuit courts. Those training
4 programs, at the Board's discretion, may be the same or
5 variations of training programs for law enforcement officers.

6 The Board shall initiate, administer, and conduct a
7 training program regarding the set up and operation of
8 portable scales for all municipal and county police officers,
9 technicians, and employees who set up and operate portable
10 scales. This training program must include classroom and field
11 training.

12 (Source: P.A. 90-271, eff. 7-30-97, 91-129, eff. 7-16-99;
13 101-652.)

14 (50 ILCS 705/10.2)

15 Sec. 10.2. Criminal background investigations.

16 (a) On and after ~~March 14, 2002~~ (the effective date of
17 ~~Public Act 92-533~~) this amendatory Act of the 92nd General
18 Assembly, an applicant for employment as a peace officer, or
19 for annual certification as a retired law enforcement officer
20 qualified under federal law to carry a concealed weapon, shall
21 authorize an investigation to determine if the applicant has
22 been convicted of, or entered a plea of guilty to, any criminal
23 offense that disqualifies the person as a peace officer.

24 (b) No ~~governmental~~ law enforcement agency may knowingly
25 employ a person, or certify a retired law enforcement officer

1 qualified under federal law to carry a concealed weapon,
2 unless (i) a criminal background investigation of that person
3 has been completed and (ii) that investigation reveals no
4 convictions ~~of~~ or pleas of guilty ~~to~~ of offenses specified in
5 subsection (a) of Section 6.1 of this Act.

6 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;
7 102-558, eff. 8-20-21.)

8 (50 ILCS 705/10.3)

9 Sec. 10.3. Training of ~~law enforcement~~ police officers to
10 conduct electronic interrogations.

11 (a) From appropriations made to it for that purpose, the
12 Board shall initiate, administer, and conduct training
13 programs for permanent ~~law enforcement~~ police officers,
14 part-time ~~law enforcement~~ police officers, and recruits on the
15 methods and technical aspects of conducting electronic
16 recordings of interrogations.

17 (b) Subject to appropriation, the Board shall develop
18 technical guidelines for the mandated recording of custodial
19 interrogations in all homicide investigations by law
20 enforcement agencies. These guidelines shall be developed in
21 conjunction with law enforcement agencies and technology
22 accreditation groups to provide guidance for law enforcement
23 agencies in implementing the mandated recording of custodial
24 interrogations in all homicide investigations.

25 (Source: P.A. 95-688, eff. 10-23-07; 101-652.)

1 (50 ILCS 705/10.7)

2 Sec. 10.7. Mandatory training; police chief and deputy
3 police chief. Each police chief and deputy police chief shall
4 obtain at least 20 hours of training each year. The training
5 must be approved by the Illinois Law Enforcement Training and
6 Standards Board and must be related to law enforcement,
7 management or executive development, or ethics. This
8 requirement may be satisfied by attending any training portion
9 of a conference held by an association that represents chiefs
10 of police that has been approved by the Illinois Law
11 Enforcement Training and Standards Board. Any police chief and
12 any deputy police chief, upon presentation of a certificate of
13 completion from the person or entity conducting the training,
14 shall be reimbursed by the municipality in accordance with the
15 municipal policy regulating the terms of reimbursement, for
16 ~~the officer's~~ his or her reasonable expenses in obtaining the
17 training required under this Section. No police chief or
18 deputy police chief may attend any recognized training
19 offering without the prior approval of ~~the officer's~~ his or
20 her municipal mayor, manager, or immediate supervisor.

21 This Section does not apply to the City of Chicago or the
22 Sheriff's Police Department in Cook County.

23 (Source: P.A. 101-652, eff. 1-1-22; 102-558, eff. 8-20-21.)

24 (50 ILCS 705/10.11)

1 Sec. 10.11. Training; death and homicide investigation.
2 The Illinois Law Enforcement Training and Standards Board
3 shall conduct or approve a training program in death and
4 homicide investigation for the training of law enforcement
5 officers of local government agencies. Only law enforcement
6 officers who successfully complete the training program may be
7 assigned as lead investigators in death and homicide
8 investigations. Satisfactory completion of the training
9 program shall be evidenced by a certificate issued to the law
10 enforcement officer by the Illinois Law Enforcement Training
11 and Standards Board.

12 The Illinois Law Enforcement Training and Standards Board
13 shall develop a process for waiver applications sent by a
14 local ~~governmental~~ law enforcement agency administrator for
15 those officers whose prior training and experience as homicide
16 investigators may qualify them for a waiver. The Board may
17 issue a waiver at its discretion, based solely on the prior
18 training and experience of an officer as a homicide
19 investigator. This Section does not affect or impede the
20 powers of the office of the coroner to investigate all deaths
21 as provided in Division 3-3 of the Counties Code and the
22 Coroner Training Board Act.

23 (Source: P.A. 101-652, eff. 1-1-22; 102-558, eff. 8-20-21.)

24 (50 ILCS 705/10.12)

25 Sec. 10.12. Police dog training standards. All police dogs

1 used by State and local ~~governmental~~ law enforcement agencies
2 for drug enforcement purposes pursuant to the Cannabis Control
3 Act, the Illinois Controlled Substances Act, or the
4 Methamphetamine Control and Community Protection Act shall be
5 trained by programs that meet the minimum certification
6 requirements set by the Board.

7 (Source: P.A. 101-27, eff. 6-25-19; 101-652.)

8 (50 ILCS 705/10.13)

9 Sec. 10.13. Training; Post-Traumatic Stress Disorder
10 (PTSD). The Illinois Law Enforcement Training Standards Board
11 shall conduct or approve a training program in Post-Traumatic
12 Stress Disorder (PTSD) for law enforcement officers of local
13 ~~governmental~~ government agencies. The purpose of that training
14 shall be to equip law enforcement officers of local
15 ~~governmental~~ government agencies to identify the symptoms of
16 PTSD and to respond appropriately to individuals exhibiting
17 those symptoms.

18 (Source: P.A. 97-1040, eff. 1-1-13; 101-652.)

19 (50 ILCS 705/10.16)

20 Sec. 10.16. Veterans' awareness. The Illinois Law
21 Enforcement Training Standards Board may conduct or approve a
22 training program in veterans' awareness for law enforcement
23 officers of local government agencies. The program shall train
24 law enforcement officers to identify issues relating to

1 veterans and provide guidelines dictating how law enforcement
2 officers should respond to and address such issues. Each local
3 ~~governmental~~ government agency is encouraged to designate an
4 individual to respond to veterans' issues.

5 (Source: P.A. 98-960, eff. 1-1-15; 101-652.)

6 (50 ILCS 705/10.18)

7 Sec. 10.18. Training; administration of opioid
8 antagonists. The Board shall conduct or approve an in-service
9 training program for ~~law enforcement~~ police officers in the
10 administration of opioid antagonists as defined in paragraph
11 (1) of subsection (e) of Section 5-23 of the Substance Use
12 Disorder Act that is in accordance with that Section. As used
13 in this Section, the term "~~law enforcement~~ police officers"
14 includes full-time or part-time probationary ~~law enforcement~~
15 police officers, permanent or part-time ~~law enforcement~~ police
16 officers, law enforcement officers, recruits, permanent or
17 probationary county corrections officers, permanent or
18 probationary county security officers, and court security
19 officers. The term does not include auxiliary police officers
20 as defined in Section 3.1-30-20 of the Illinois Municipal
21 Code.

22 (Source: P.A. 99-480, eff. 9-9-15; 99-642, eff. 7-28-16;
23 100-759, eff. 1-1-19; 101-652.)

24 (50 ILCS 705/10.19)

1 Sec. 10.19. Training; administration of epinephrine.

2 (a) This Section, along with Section 40 of the Illinois
3 State Police Act, may be referred to as the Annie LeGere Law.

4 (b) For purposes of this Section, "epinephrine
5 auto-injector" means a single-use device used for the
6 automatic injection of a pre-measured dose of epinephrine into
7 the human body prescribed in the name of a local governmental
8 agency.

9 (c) The Board shall conduct or approve an optional
10 advanced training program for ~~law enforcement~~ police officers
11 to recognize and respond to anaphylaxis, including the
12 administration of an epinephrine auto-injector. The training
13 must include, but is not limited to:

14 (1) how to recognize symptoms of an allergic reaction;

15 (2) how to respond to an emergency involving an
16 allergic reaction;

17 (3) how to administer an epinephrine auto-injector;

18 (4) how to respond to an individual with a known
19 allergy as well as an individual with a previously unknown
20 allergy;

21 (5) a test demonstrating competency of the knowledge
22 required to recognize anaphylaxis and administer an
23 epinephrine auto-injector; and

24 (6) other criteria as determined in rules adopted by
25 the Board.

26 (d) A local governmental agency may authorize a ~~law~~

1 ~~enforcement~~ police officer who has completed an optional
2 advanced training program under subsection (c) to carry,
3 administer, or assist with the administration of epinephrine
4 auto-injectors provided by the local governmental agency
5 whenever ~~the officer~~ he or she is performing official duties.

6 (e) A local governmental agency that authorizes its
7 officers to carry and administer epinephrine auto-injectors
8 under subsection (d) must establish a policy to control the
9 acquisition, storage, transportation, administration, and
10 disposal of epinephrine auto-injectors and to provide
11 continued training in the administration of epinephrine
12 auto-injectors.

13 (f) A physician, physician's assistant with prescriptive
14 authority, or advanced practice registered nurse with
15 prescriptive authority may provide a standing protocol or
16 prescription for epinephrine auto-injectors in the name of a
17 local governmental agency to be maintained for use when
18 necessary.

19 (g) When a ~~law enforcement~~ police officer administers an
20 epinephrine auto-injector in good faith, the ~~law enforcement~~
21 police officer and local governmental agency, and its
22 employees and agents, including a physician, physician's
23 assistant with prescriptive authority, or advanced practice
24 registered nurse with prescriptive authority who provides a
25 standing order or prescription for an epinephrine
26 auto-injector, incur no civil or professional liability,

1 except for willful and wanton conduct, or as a result of any
2 injury or death arising from the use of an epinephrine
3 auto-injector.

4 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
5 revised 10-5-21.)

6 (50 ILCS 705/10.20)

7 Sec. 10.20. Disposal of medications. The Board shall
8 develop rules and minimum standards for local governmental
9 agencies that authorize ~~law enforcement~~ police officers to
10 dispose of unused medications under Section 18 of the Safe
11 Pharmaceutical Disposal Act.

12 (Source: P.A. 99-648, eff. 1-1-17; 100-201, eff. 8-18-17;
13 101-652.)

14 (50 ILCS 705/10.22)

15 Sec. 10.22. School resource officers.

16 (a) The Board shall develop or approve a course for school
17 resource officers as defined in Section 10-20.68 of the School
18 Code.

19 (b) The school resource officer course shall be developed
20 within one year after January 1, 2019 (the effective date of
21 Public Act 100-984) and shall be created in consultation with
22 organizations demonstrating expertise and or experience in the
23 areas of youth and adolescent developmental issues,
24 educational administrative issues, prevention of child abuse

1 and exploitation, youth mental health treatment, and juvenile
2 advocacy.

3 (c) The Board shall develop a process allowing law
4 enforcement agencies to request a waiver of this training
5 requirement for any specific individual assigned as a school
6 resource officer. Applications for these waivers may be
7 submitted by a local ~~governmental~~ law enforcement agency chief
8 administrator for any officer whose prior training and
9 experience may qualify for a waiver of the training
10 requirement of this subsection (c). The Board may issue a
11 waiver at its discretion, based solely on the prior training
12 and experience of an officer.

13 (d) Upon completion, the employing agency shall be issued
14 a certificate attesting to a specific officer's completion of
15 the school resource officer training. Additionally, a letter
16 of approval shall be issued to the employing agency for any
17 officer who is approved for a training waiver under this
18 subsection (d).

19 (Source: P.A. 100-984, eff. 1-1-19; 101-81, eff. 7-12-19;
20 101-652.)

21 (50 ILCS 705/3.1 rep.)

22 (50 ILCS 705/6.3 rep.)

23 (50 ILCS 705/6.6 rep.)

24 (50 ILCS 705/6.7 rep.)

25 (50 ILCS 705/8.3 rep.)

1 (50 ILCS 705/8.4 rep.)

2 (50 ILCS 705/9.2 rep.)

3 (50 ILCS 705/13 rep.)

4 Section 380. The Illinois Police Training Act is amended
5 by repealing Sections 3.1, 6.3, 6.6, 6.7, 8.3, 8.4, 9.2, and
6 13.

7 Section 385. The Illinois Police Training Act is amended
8 by reenacting Sections 6.2 and 10.5 as follows:

9 (50 ILCS 705/6.2)

10 Sec. 6.2. Officer professional conduct database.

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

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

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

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

24 (b) Upon receiving notification from a law enforcement

1 agency, the Board must notify the law enforcement officer of
2 the report and his or her right to provide a statement
3 regarding the reported violation.

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

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

11 (50 ILCS 705/10.5)

12 Sec. 10.5. Conservators of the Peace training course. The
13 Board shall initiate, administer, and conduct a training
14 course for conservators of the peace. The training course may
15 include all or any part of the subjects enumerated in Section
16 7. The Board shall issue a certificate to those persons
17 successfully completing the course.

18 For the purposes of this Section, "conservators of the
19 peace" means those persons designated under Section 3.1-15-25
20 of the Illinois Municipal Code and Section 4-7 of the Park
21 District Code.

22 (Source: P.A. 90-540, eff. 12-1-97.)

23 Section 390. The Counties Code is amended by changing
24 Section 3-6001.5 as follows:

1 (55 ILCS 5/3-6001.5)

2 Sec. 3-6001.5. Sheriff qualifications. ~~A~~ On or after the
3 effective date of this amendatory Act of the 98th General
4 Assembly, except as otherwise provided in this Section, a
5 person is not eligible to be elected or appointed to the office
6 of sheriff, unless that person meets all of the following
7 requirements:

8 (1) Is a United States citizen.

9 (2) Has been a resident of the county for at least one
10 year.

11 (3) Is not a convicted felon.

12 ~~(4) Has a certificate attesting to his or her~~
13 ~~successful completion of the Minimum Standards Basic Law~~
14 ~~Enforcement Officers Training Course as prescribed by the~~
15 ~~Illinois Law Enforcement Training Standards Board or a~~
16 ~~substantially similar training program of another state or~~
17 ~~the federal government. This paragraph does not apply to a~~
18 ~~sheriff currently serving on the effective date of this~~
19 ~~amendatory Act of the 101st General Assembly.~~

20 (Source: P.A. 98-115, eff. 7-29-13; 101-652.)

21 Section 995. No acceleration or delay. Where this Act
22 makes changes in a statute that is represented in this Act by
23 text that is not yet or no longer in effect (for example, a
24 Section represented by multiple versions), the use of that

1 text does not accelerate or delay the taking effect of (i) the
2 changes made by this Act or (ii) provisions derived from any
3 other Public Act.

4 Section 999. Effective date. This Act takes effect upon
5 becoming law.".