



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4497

Introduced 1/21/2022, by Rep. Ryan Spain - Jim Durkin - Patrick Windhorst - Tony McCombie - Tim Butler, et al.

SYNOPSIS AS INTRODUCED:

See Index

Repeals the Statewide Use of Force Standardization Act, the No Representation Without Population Act, the Reporting of Deaths in Custody Act, and the Task Force on Constitutional Rights and Remedies Act. Restores various provisions of specified Acts to the form in which they existed before their amendment by Public Acts 101-652 and 102-28, except for changes made to the Crime Victims Compensation Act. Effective immediately.

LRB102 21800 RLC 30920 b

1 AN ACT concerning law enforcement.

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

4 (5 ILCS 845/Act rep.)

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6 is repealed.

7 (730 ILCS 205/Act rep.)

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9 repealed.

10 (730 ILCS 210/Act rep.)

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12 repealed.

13 (20 ILCS 5165/Act rep.)

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15 Remedies Act is repealed.

16 (5 ILCS 70/1.43 rep.)

17 Section 20. The Statute on Statutes is amended by
18 repealing Section 1.43.

19 Section 25. The Freedom of Information Act is amended by

1 changing Section 2.15 as follows:

2 (5 ILCS 140/2.15)

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

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

20 (b) Criminal history records. The following documents
21 maintained by a public body pertaining to criminal history
22 record information are public records subject to inspection
23 and copying by the public pursuant to this Act: (i) court
24 records that are public; (ii) records that are otherwise
25 available under State or local law; and (iii) records in which

1 the requesting party is the individual identified, except as
2 provided under Section 7(1)(d)(vi).

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

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

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

1 (Source: P.A. 100-927, eff. 1-1-19; 101-433, eff. 8-20-19;
2 101-652.)

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

5 (5 ILCS 160/4a)

6 Sec. 4a. Arrest records and reports.

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

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

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

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

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

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

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

23 (b) The information required by this Section must be made
24 available to the news media for inspection and copying as soon

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

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

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

10 or

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

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

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

26 (e) The provisions of this Section do not supersede the

1 confidentiality provisions for arrest records of the Juvenile
2 Court Act of 1987.

3 (f) All information, including photographs, made available
4 under this Section is subject to the provisions of Section
5 2000 of the Consumer Fraud and Deceptive Business Practices
6 Act.

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

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

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

23 (5 ILCS 315/14) (from Ch. 48, par. 1614)

24 (Text of Section before amendment by P.A. 101-652)

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

3 (a) In the case of collective bargaining agreements
4 involving units of security employees of a public employer,
5 Peace Officer Units, or units of fire fighters or paramedics,
6 and in the case of disputes under Section 18, unless the
7 parties mutually agree to some other time limit, mediation
8 shall commence 30 days prior to the expiration date of such
9 agreement or at such later time as the mediation services
10 chosen under subsection (b) of Section 12 can be provided to
11 the parties. In the case of negotiations for an initial
12 collective bargaining agreement, mediation shall commence upon
13 15 days notice from either party or at such later time as the
14 mediation services chosen pursuant to subsection (b) of
15 Section 12 can be provided to the parties. In mediation under
16 this Section, if either party requests the use of mediation
17 services from the Federal Mediation and Conciliation Service,
18 the other party shall either join in such request or bear the
19 additional cost of mediation services from another source. The
20 mediator shall have a duty to keep the Board informed on the
21 progress of the mediation. If any dispute has not been
22 resolved within 15 days after the first meeting of the parties
23 and the mediator, or within such other time limit as may be
24 mutually agreed upon by the parties, either the exclusive
25 representative or employer may request of the other, in
26 writing, arbitration, and shall submit a copy of the request

1 to the Board.

2 (b) Within 10 days after such a request for arbitration
3 has been made, the employer shall choose a delegate and the
4 employees' exclusive representative shall choose a delegate to
5 a panel of arbitration as provided in this Section. The
6 employer and employees shall forthwith advise the other and
7 the Board of their selections.

8 (c) Within 7 days after the request of either party, the
9 parties shall request a panel of impartial arbitrators from
10 which they shall select the neutral chairman according to the
11 procedures provided in this Section. If the parties have
12 agreed to a contract that contains a grievance resolution
13 procedure as provided in Section 8, the chairman shall be
14 selected using their agreed contract procedure unless they
15 mutually agree to another procedure. If the parties fail to
16 notify the Board of their selection of neutral chairman within
17 7 days after receipt of the list of impartial arbitrators, the
18 Board shall appoint, at random, a neutral chairman from the
19 list. In the absence of an agreed contract procedure for
20 selecting an impartial arbitrator, either party may request a
21 panel from the Board. Within 7 days of the request of either
22 party, the Board shall select from the Public Employees Labor
23 Mediation Roster 7 persons who are on the labor arbitration
24 panels of either the American Arbitration Association or the
25 Federal Mediation and Conciliation Service, or who are members
26 of the National Academy of Arbitrators, as nominees for

1 impartial arbitrator of the arbitration panel. The parties may
2 select an individual on the list provided by the Board or any
3 other individual mutually agreed upon by the parties. Within 7
4 days following the receipt of the list, the parties shall
5 notify the Board of the person they have selected. Unless the
6 parties agree on an alternate selection procedure, they shall
7 alternatively strike one name from the list provided by the
8 Board until only one name remains. A coin toss shall determine
9 which party shall strike the first name. If the parties fail to
10 notify the Board in a timely manner of their selection for
11 neutral chairman, the Board shall appoint a neutral chairman
12 from the Illinois Public Employees Mediation/Arbitration
13 Roster.

14 (d) The chairman shall call a hearing to begin within 15
15 days and give reasonable notice of the time and place of the
16 hearing. The hearing shall be held at the offices of the Board
17 or at such other location as the Board deems appropriate. The
18 chairman shall preside over the hearing and shall take
19 testimony. Any oral or documentary evidence and other data
20 deemed relevant by the arbitration panel may be received in
21 evidence. The proceedings shall be informal. Technical rules
22 of evidence shall not apply and the competency of the evidence
23 shall not thereby be deemed impaired. A verbatim record of the
24 proceedings shall be made and the arbitrator shall arrange for
25 the necessary recording service. Transcripts may be ordered at
26 the expense of the party ordering them, but the transcripts

1 shall not be necessary for a decision by the arbitration
2 panel. The expense of the proceedings, including a fee for the
3 chairman, shall be borne equally by each of the parties to the
4 dispute. The delegates, if public officers or employees, shall
5 continue on the payroll of the public employer without loss of
6 pay. The hearing conducted by the arbitration panel may be
7 adjourned from time to time, but unless otherwise agreed by
8 the parties, shall be concluded within 30 days of the time of
9 its commencement. Majority actions and rulings shall
10 constitute the actions and rulings of the arbitration panel.
11 Arbitration proceedings under this Section shall not be
12 interrupted or terminated by reason of any unfair labor
13 practice charge filed by either party at any time.

14 (e) The arbitration panel may administer oaths, require
15 the attendance of witnesses, and the production of such books,
16 papers, contracts, agreements and documents as may be deemed
17 by it material to a just determination of the issues in
18 dispute, and for such purpose may issue subpoenas. If any
19 person refuses to obey a subpoena, or refuses to be sworn or to
20 testify, or if any witness, party or attorney is guilty of any
21 contempt while in attendance at any hearing, the arbitration
22 panel may, or the attorney general if requested shall, invoke
23 the aid of any circuit court within the jurisdiction in which
24 the hearing is being held, which court shall issue an
25 appropriate order. Any failure to obey the order may be
26 punished by the court as contempt.

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

10 (g) At or before the conclusion of the hearing held
11 pursuant to subsection (d), the arbitration panel shall
12 identify the economic issues in dispute, and direct each of
13 the parties to submit, within such time limit as the panel
14 shall prescribe, to the arbitration panel and to each other
15 its last offer of settlement on each economic issue. The
16 determination of the arbitration panel as to the issues in
17 dispute and as to which of these issues are economic shall be
18 conclusive. The arbitration panel, within 30 days after the
19 conclusion of the hearing, or such further additional periods
20 to which the parties may agree, shall make written findings of
21 fact and promulgate a written opinion and shall mail or
22 otherwise deliver a true copy thereof to the parties and their
23 representatives and to the Board. As to each economic issue,
24 the arbitration panel shall adopt the last offer of settlement
25 which, in the opinion of the arbitration panel, more nearly
26 complies with the applicable factors prescribed in subsection

1 (h). The findings, opinions and order as to all other issues
2 shall be based upon the applicable factors prescribed in
3 subsection (h).

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

12 (1) The lawful authority of the employer.

13 (2) Stipulations of the parties.

14 (3) The interests and welfare of the public and the
15 financial ability of the unit of government to meet those
16 costs.

17 (4) Comparison of the wages, hours and conditions of
18 employment of the employees involved in the arbitration
19 proceeding with the wages, hours and conditions of
20 employment of other employees performing similar services
21 and with other employees generally:

22 (A) In public employment in comparable
23 communities.

24 (B) In private employment in comparable
25 communities.

26 (5) The average consumer prices for goods and

1 services, commonly known as the cost of living.

2 (6) The overall compensation presently received by the
3 employees, including direct wage compensation, vacations,
4 holidays and other excused time, insurance and pensions,
5 medical and hospitalization benefits, the continuity and
6 stability of employment and all other benefits received.

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

9 (8) Such other factors, not confined to the foregoing,
10 which are normally or traditionally taken into
11 consideration in the determination of wages, hours and
12 conditions of employment through voluntary collective
13 bargaining, mediation, fact-finding, arbitration or
14 otherwise between the parties, in the public service or in
15 private employment.

16 (i) In the case of peace officers, the arbitration
17 decision shall be limited to wages, hours, and conditions of
18 employment (which may include residency requirements in
19 municipalities with a population under ~~1,000,000~~ 1,000,000,
20 but those residency requirements shall not allow residency
21 outside of Illinois) and shall not include the following: i)
22 residency requirements in municipalities with a population of
23 at least ~~1,000,000~~ 1,000,000; ii) the type of equipment, other
24 than uniforms, issued or used; iii) manning; iv) the total
25 number of employees employed by the department; v) mutual aid
26 and assistance agreements to other units of government; and

1 vi) the criterion pursuant to which force, including deadly
2 force, can be used; provided, nothing herein shall preclude an
3 arbitration decision regarding equipment or manning levels if
4 such decision is based on a finding that the equipment or
5 manning considerations in a specific work assignment involve a
6 serious risk to the safety of a peace officer beyond that which
7 is inherent in the normal performance of police duties.
8 Limitation of the terms of the arbitration decision pursuant
9 to this subsection shall not be construed to limit the factors
10 upon which the decision may be based, as set forth in
11 subsection (h).

12 In the case of fire fighter, and fire department or fire
13 district paramedic matters, the arbitration decision shall be
14 limited to wages, hours, and conditions of employment
15 (including manning and also including residency requirements
16 in municipalities with a population under 1,000,000, but those
17 residency requirements shall not allow residency outside of
18 Illinois) and shall not include the following matters: i)
19 residency requirements in municipalities with a population of
20 at least 1,000,000; ii) the type of equipment (other than
21 uniforms and fire fighter turnout gear) issued or used; iii)
22 the total number of employees employed by the department; iv)
23 mutual aid and assistance agreements to other units of
24 government; and v) the criterion pursuant to which force,
25 including deadly force, can be used; provided, however,
26 nothing herein shall preclude an arbitration decision

1 regarding equipment levels if such decision is based on a
2 finding that the equipment considerations in a specific work
3 assignment involve a serious risk to the safety of a fire
4 fighter beyond that which is inherent in the normal
5 performance of fire fighter duties. Limitation of the terms of
6 the arbitration decision pursuant to this subsection shall not
7 be construed to limit the facts upon which the decision may be
8 based, as set forth in subsection (h).

9 The changes to this subsection (i) made by Public Act
10 90-385 (relating to residency requirements) do not apply to
11 persons who are employed by a combined department that
12 performs both police and firefighting services; these persons
13 shall be governed by the provisions of this subsection (i)
14 relating to peace officers, as they existed before the
15 amendment by Public Act 90-385.

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

21 (j) Arbitration procedures shall be deemed to be initiated
22 by the filing of a letter requesting mediation as required
23 under subsection (a) of this Section. The commencement of a
24 new municipal fiscal year after the initiation of arbitration
25 procedures under this Act, but before the arbitration
26 decision, or its enforcement, shall not be deemed to render a

1 dispute moot, or to otherwise impair the jurisdiction or
2 authority of the arbitration panel or its decision. Increases
3 in rates of compensation awarded by the arbitration panel may
4 be effective only at the start of the fiscal year next
5 commencing after the date of the arbitration award. If a new
6 fiscal year has commenced either since the initiation of
7 arbitration procedures under this Act or since any mutually
8 agreed extension of the statutorily required period of
9 mediation under this Act by the parties to the labor dispute
10 causing a delay in the initiation of arbitration, the
11 foregoing limitations shall be inapplicable, and such awarded
12 increases may be retroactive to the commencement of the fiscal
13 year, any other statute or charter provisions to the contrary,
14 notwithstanding. At any time the parties, by stipulation, may
15 amend or modify an award of arbitration.

16 (k) Orders of the arbitration panel shall be reviewable,
17 upon appropriate petition by either the public employer or the
18 exclusive bargaining representative, by the circuit court for
19 the county in which the dispute arose or in which a majority of
20 the affected employees reside, but only for reasons that the
21 arbitration panel was without or exceeded its statutory
22 authority; the order is arbitrary, or capricious; or the order
23 was procured by fraud, collusion or other similar and unlawful
24 means. Such petitions for review must be filed with the
25 appropriate circuit court within 90 days following the
26 issuance of the arbitration order. The pendency of such

1 proceeding for review shall not automatically stay the order
2 of the arbitration panel. The party against whom the final
3 decision of any such court shall be adverse, if such court
4 finds such appeal or petition to be frivolous, shall pay
5 reasonable attorneys' fees and costs to the successful party
6 as determined by said court in its discretion. If said court's
7 decision affirms the award of money, such award, if
8 retroactive, shall bear interest at the rate of 12 percent per
9 annum from the effective retroactive date.

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

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

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

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

25 (o) If the governing body of the employer votes to reject
26 the panel's decision, the parties shall return to the panel

1 within 30 days from the issuance of the reasons for rejection
2 for further proceedings and issuance of a supplemental
3 decision. All reasonable costs of such supplemental proceeding
4 including the exclusive representative's reasonable attorney's
5 fees, as established by the Board, shall be paid by the
6 employer.

7 (p) Notwithstanding the provisions of this Section the
8 employer and exclusive representative may agree to submit
9 unresolved disputes concerning wages, hours, terms and
10 conditions of employment to an alternative form of impasse
11 resolution.

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

13 (Text of Section after amendment by P.A. 101-652)

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

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

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

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

22 (c) Within 7 days after the request of either party, the
23 parties shall request a panel of impartial arbitrators from
24 which they shall select the neutral chairman according to the
25 procedures provided in this Section. If the parties have
26 agreed to a contract that contains a grievance resolution

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

1 Roster.

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

1 practice charge filed by either party at any time.

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

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

24 (g) At or before the conclusion of the hearing held
25 pursuant to subsection (d), the arbitration panel shall
26 identify the economic issues in dispute, and direct each of

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

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

26 (1) The lawful authority of the employer.

1 (2) Stipulations of the parties.

2 (3) The interests and welfare of the public and the
3 financial ability of the unit of government to meet those
4 costs.

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

10 (A) In public employment in comparable
11 communities.

12 (B) In private employment in comparable
13 communities.

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

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

21 (7) Changes in any of the foregoing circumstances
22 during the pendency of the arbitration proceedings.

23 (8) Such other factors, not confined to the foregoing,
24 which are normally or traditionally taken into
25 consideration in the determination of wages, hours and
26 conditions of employment through voluntary collective

1 bargaining, mediation, fact-finding, arbitration or
2 otherwise between the parties, in the public service or in
3 private employment.

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

26 In the case of fire fighter, and fire department or fire

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

23 The changes to this subsection (i) made by Public Act
24 90-385 (relating to residency requirements) do not apply to
25 persons who are employed by a combined department that
26 performs both police and firefighting services; these persons

1 shall be governed by the provisions of this subsection (i)
2 relating to peace officers, as they existed before the
3 amendment by Public Act 90-385.

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

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

1 year, any other statute or charter provisions to the contrary,
2 notwithstanding. At any time the parties, by stipulation, may
3 amend or modify an award of arbitration.

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

24 (l) During the pendency of proceedings before the
25 arbitration panel, existing wages, hours, and other conditions
26 of employment shall not be changed by action of either party

1 without the consent of the other but a party may so consent
2 without prejudice to his rights or position under this Act.
3 The proceedings are deemed to be pending before the
4 arbitration panel upon the initiation of arbitration
5 procedures under this Act.

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

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

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

1 days of such rejection and the parties shall return to the
2 arbitration panel for further proceedings and issuance of a
3 supplemental decision with respect to the rejected terms. Any
4 supplemental decision by an arbitration panel or other
5 decision maker agreed to by the parties shall be submitted to
6 the governing body for ratification and adoption in accordance
7 with the procedures and voting requirements set forth in this
8 Section. The voting requirements of this subsection shall
9 apply to all disputes submitted to arbitration pursuant to
10 this Section notwithstanding any contrary voting requirements
11 contained in any existing collective bargaining agreement
12 between the parties.

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

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

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

1 Section 40. The Community-Law Enforcement and Other First
2 Responder Partnership for Deflection and Substance Use
3 Disorder Treatment Act is amended by changing Sections 1, 5,
4 10, 15, 20, 30, and 35 as follows:

5 (5 ILCS 820/1)

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

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

11 (5 ILCS 820/5)

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

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

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

13 (5 ILCS 820/10)

14 Sec. 10. Definitions. In this Act:

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

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

1 disorder, either themselves or as family members.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (5 ILCS 820/15)

4 Sec. 15. Authorization.

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

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

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

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

1 appropriate provider and may include peer recovery support
2 approaches.

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

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

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

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

20 (Source: P.A. 100-1025, eff. 1-1-19; 101-81, eff. 7-12-19;
21 101-652.)

22 (5 ILCS 820/20)

23 Sec. 20. Procedure. The law enforcement agency ~~or other~~
24 ~~first responder entity~~, licensed treatment providers, and
25 community members or organizations shall establish a local

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

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

11 (5 ILCS 820/30)

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

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

19 (5 ILCS 820/35)

20 Sec. 35. Funding.

21 (a) The General Assembly may appropriate funds to the
22 Illinois Criminal Justice Information Authority for the
23 purpose of funding law enforcement agencies ~~or other first~~
24 ~~responder entities~~ for services provided by deflection program

1 partners as part of deflection programs subject to subsection
2 (d) of Section 15 of this Act.

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

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

25 (1) activities related to program administration,
26 coordination, or management, including, but not limited

1 to, the development of collaborative partnerships with
2 licensed treatment providers and community members or
3 organizations; collection of program data; or monitoring
4 of compliance with a local deflection program plan;

5 (2) case management including case management provided
6 prior to assessment, diagnosis, and engagement in
7 treatment, as well as assistance navigating and gaining
8 access to various treatment modalities and support
9 services;

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

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

16 (5) program evaluation activities.

17 ~~(6) naloxone and related supplies necessary for~~
18 ~~carrying out overdose reversal for purposes of~~
19 ~~distribution to program participants or for use by law~~
20 ~~enforcement or other first responders; and~~

21 ~~(7) treatment necessary to prevent gaps in service~~
22 ~~delivery between linkage and coverage by other funding~~
23 ~~sources when otherwise non-reimbursable.~~

24 (c) Specific linkage agreements with recovery support
25 services or self-help entities may be a requirement of the
26 program services protocols. All deflection programs shall

1 encourage the involvement of key family members and
2 significant others as a part of a family-based approach to
3 treatment. All deflection programs are encouraged to use
4 evidence-based practices and outcome measures in the provision
5 of substance use disorder treatment and medication-assisted
6 treatment for persons with opioid use disorders.

7 (Source: P.A. 100-1025, eff. 1-1-19; 101-81, eff. 7-12-19;
8 101-652.)

9 (5 ILCS 820/21 rep.)

10 Section 45. The Community-Law Enforcement Partnership for
11 Deflection and Substance Use Disorder Treatment Act is amended
12 by repealing Section 21.

13 (15 ILCS 205/10 rep.)

14 Section 50. The Attorney General Act is amended by
15 repealing Section 10.

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

19 (20 ILCS 2605/2605-302) (was 20 ILCS 2605/55a in part)

20 Sec. 2605-302. Arrest reports.

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

1 inspection and copying:

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

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

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

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

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

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

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

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

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

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

17 (Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01;
18 incorporates 92-335, eff. 8-10-01; 92-651, eff. 7-11-02;
19 101-652.)

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

22 (20 ILCS 2610/14) (from Ch. 121, par. 307.14)

23 Sec. 14. Except as is otherwise provided in this Act, no
24 Illinois State Police officer shall be removed, demoted, or

1 suspended except for cause, upon written charges filed with
2 the Board by the Director and a hearing before the Board
3 thereon upon not less than 10 days' notice at a place to be
4 designated by the chairman thereof. At such hearing, the
5 accused shall be afforded full opportunity to be heard in his
6 or her own defense and to produce proof in his or her defense.
7 ~~It shall not be a requirement of a person~~ Anyone filing a
8 complaint against a State Police officer ~~Officer to~~ must have
9 a ~~the~~ complaint supported by a sworn affidavit ~~or any other~~
10 ~~legal documentation. This ban on an affidavit requirement~~
11 ~~shall apply to any collective bargaining agreements entered~~
12 ~~after the effective date of this provision. Any such~~
13 complaint, having been supported by a sworn affidavit, and
14 having been found, in total or in part, to contain false
15 information, shall be presented to the appropriate State's
16 Attorney for a determination of prosecution.

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

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

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

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

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

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

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

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

26 Notwithstanding the provisions of this Section, a policy

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

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

7 (20 ILCS 2610/17c rep.)

8 Section 65. The State Police Act is amended by repealing
9 Section 17c.

10 (20 ILCS 3930/7.7 rep.)

11 (20 ILCS 3930/7.8 rep.)

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

14 (50 ILCS 105/4.1 rep.)

15 Section 75. The Public Officer Prohibited Activities Act
16 is amended by repealing Section 4.1.

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

19 (50 ILCS 205/3b)

20 Sec. 3b. Arrest records and reports.

21 (a) When an individual is arrested, the following

1 information must be made available to the news media for
2 inspection and copying:

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

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

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

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

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

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

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

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

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

1 or

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

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

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

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

20 (f) All information, including photographs, made available
21 under this Section is subject to the provisions of Section
22 2000 of the Consumer Fraud and Deceptive Business Practices
23 Act.

24 (Source: P.A. 98-555, eff. 1-1-14; 99-363, eff. 1-1-16;
25 101-652.)

1 (50 ILCS 205/25 rep.)

2 Section 85. The Local Records Act is amended by repealing
3 Section 25.

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

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

7 (Text of Section before amendment by P.A. 101-652)

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

18 a. To require local governmental units to furnish such
19 reports and information as the Board deems necessary to
20 fully implement this Act.

21 b. To establish appropriate mandatory minimum
22 standards relating to the training of probationary local
23 law enforcement officers or probationary county
24 corrections officers, and in-service training of permanent

1 police officers.

2 c. To provide appropriate certification to those
3 probationary officers who successfully complete the
4 prescribed minimum standard basic training course.

5 d. To review and approve annual training curriculum
6 for county sheriffs.

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

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

1 (Text of Section after amendment by P.A. 101-652, Article
2 10, Section 10-143 but before amendment by P.A. 101-652,
3 Article 25, Section 25-40)

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

14 a. To require local governmental units to furnish such
15 reports and information as the Board deems necessary to
16 fully implement this Act.

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

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

25 d. To review and approve annual training curriculum
26 for county sheriffs.

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

19 ~~f. To establish statewide standards for minimum~~
20 ~~standards regarding regular mental health screenings for~~
21 ~~probationary and permanent police officers, ensuring that~~
22 ~~counseling sessions and screenings remain confidential.~~

23 (Source: P.A. 101-187, eff. 1-1-20; 101-652, Article 10,
24 Section 10-143, eff. 7-1-21.)

25 (Text of Section after amendment by P.A. 101-652, Article

1 25, Section 25-40)

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 units, 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 (Text of Section before amendment by P.A. 101-652)

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

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

1 involving individuals who appear to have a mental illness, and
2 connect that person in crisis to treatment. Officers who have
3 successfully completed this program shall be issued a
4 certificate attesting to their attendance of a Crisis
5 Intervention Team (CIT) training program.

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

18 (Source: P.A. 99-261, eff. 1-1-16; 99-642, eff. 7-28-16;
19 100-247, eff. 1-1-18.)

20 (Text of Section after amendment by P.A. 101-652)

21 Sec. 10.17. Crisis intervention team training; mental
22 health awareness training.

23 (a) The Illinois Law Enforcement Training Standards Board
24 shall develop and approve a standard curriculum for certified
25 training programs in crisis intervention ~~of at least 40 hours~~

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

19 (b) The Board shall create an introductory course
20 incorporating adult learning models that provides law
21 enforcement officers with an awareness of mental health issues
22 including a history of the mental health system, types of
23 mental health illness including signs and symptoms of mental
24 illness and common treatments and medications, and the
25 potential interactions law enforcement officers may have on a
26 regular basis with these individuals, their families, and

1 service providers including de-escalating a potential crisis
2 situation. This course, in addition to other traditional
3 learning settings, may be made available in an electronic
4 format.

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

6 (50 ILCS 705/10.6 rep.)

7 Section 95. The Illinois Police Training Act is amended by
8 repealing Section 10.6.

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

12 (50 ILCS 706/10-15)

13 (Text of Section before amendment by P.A. 101-652)

14 Sec. 10-15. Applicability. Any law enforcement agency
15 which employs the use of officer-worn body cameras is subject
16 to the provisions of this Act, whether or not the agency
17 receives or has received monies from the Law Enforcement
18 Camera Grant Fund.

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

20 (Text of Section after amendment by P.A. 101-652)

21 Sec. 10-15. Applicability.

22 ~~(a) All Any law enforcement agencies must employ the use~~

1 ~~of agency which employs the use of~~ officer-worn body cameras
2 ~~in accordance with~~ is subject to the provisions of this Act,
3 whether or not the agency receives or has received monies from
4 the Law Enforcement Camera Grant Fund.

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

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

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

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

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

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

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

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

1 (50 ILCS 706/10-20)

2 Sec. 10-20. Requirements.

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

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

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

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

24 (A) If exigent circumstances exist which prevent
25 the camera from being turned on, the camera must be

1 turned on as soon as practicable.

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

7 ~~(C) Officer worn body cameras may be turned off~~
8 ~~when the officer is inside a correctional facility or~~
9 ~~courthouse which is equipped with a functioning camera~~
10 ~~system.~~

11 (4) Cameras must be turned off when:

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

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

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

21 (D) an officer of the Department of Revenue enters
22 a Department of Revenue facility or conducts an
23 interview during which return information will be
24 discussed or visible.

25 However, an officer may continue to record or resume
26 recording a victim or a witness, if exigent circumstances

1 exist, or if the officer has reasonable articulable
2 suspicion that a victim or witness, or confidential
3 informant has committed or is in the process of committing
4 a crime. Under these circumstances, and unless impractical
5 or impossible, the officer must indicate on the recording
6 the reason for continuing to record despite the request of
7 the victim or witness.

8 (4.5) Cameras may be turned off when the officer is
9 engaged in community caretaking functions. However, the
10 camera must be turned on when the officer has reason to
11 believe that the person on whose behalf the officer is
12 performing a community caretaking function has committed
13 or is in the process of committing a crime. If exigent
14 circumstances exist which prevent the camera from being
15 turned on, the camera must be turned on as soon as
16 practicable.

17 (5) The officer must provide notice of recording to
18 any person if the person has a reasonable expectation of
19 privacy and proof of notice must be evident in the
20 recording. If exigent circumstances exist which prevent
21 the officer from providing notice, notice must be provided
22 as soon as practicable.

23 (6) ~~(A)~~ For the purposes of redaction, labeling, or
24 duplicating recordings, access to camera recordings shall
25 be restricted to only those personnel responsible for
26 those purposes. The recording officer or his or her

1 supervisor may not redact, label, duplicate or otherwise
2 alter the recording officer's camera recordings. Except as
3 otherwise provided in this Section, the recording officer
4 and his or her supervisor may access and review recordings
5 prior to completing incident reports or other
6 documentation, provided that the officer or his or her
7 supervisor discloses that fact in the report or
8 documentation.

9 (i) A law enforcement officer shall not have
10 access to or review his or her body-worn camera
11 recordings or the body-worn camera recordings of
12 another officer prior to completing incident reports
13 or other documentation when the officer:

14 (a) has been involved in or is a witness to an
15 officer-involved shooting, use of deadly force
16 incident, or use of force incidents resulting in
17 great bodily harm;

18 (b) is ordered to write a report in response
19 to or during the investigation of a misconduct
20 complaint against the officer.

21 (ii) If the officer subject to subparagraph (i)
22 prepares a report, any report shall be prepared
23 without viewing body-worn camera recordings, and
24 subject to supervisor's approval, officers may file
25 amendatory reports after viewing body-worn camera
26 recordings. Supplemental reports under this provision

1 shall also contain documentation regarding access to
2 the video footage.

3 ~~(B) The recording officer's assigned field~~
4 ~~training officer may access and review recordings for~~
5 ~~training purposes. Any detective or investigator~~
6 ~~directly involved in the investigation of a matter may~~
7 ~~access and review recordings which pertain to that~~
8 ~~investigation but may not have access to delete or~~
9 ~~alter such recordings.~~

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

14 (A) Under no circumstances shall any recording,
15 except for a non-law enforcement related activity or
16 encounter, made with an officer-worn body camera be
17 altered, erased, or destroyed prior to the expiration
18 of the 90-day storage period. In the event any
19 recording made with an officer-worn body camera is
20 altered, erased, or destroyed prior to the expiration
21 of the 90-day storage period, the law enforcement
22 agency shall maintain, for a period of one year, a
23 written record including (i) the name of the
24 individual who made such alteration, erasure, or
25 destruction, and (ii) the reason for any such
26 alteration, erasure, or destruction.

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

6 (i) a formal or informal complaint has been
7 filed;

8 (ii) the officer discharged his or her firearm
9 or used force during the encounter;

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

12 (iv) the encounter resulted in a detention or
13 an arrest, excluding traffic stops which resulted
14 in only a minor traffic offense or business
15 offense;

16 (v) the officer is the subject of an internal
17 investigation or otherwise being investigated for
18 possible misconduct;

19 (vi) the supervisor of the officer,
20 prosecutor, defendant, or court determines that
21 the encounter has evidentiary value in a criminal
22 prosecution; or

23 (vii) the recording officer requests that the
24 video be flagged for official purposes related to
25 his or her official duties.

26 (C) Under no circumstances shall any recording

1 made with an officer-worn body camera relating to a
2 flagged encounter be altered or destroyed prior to 2
3 years after the recording was flagged. If the flagged
4 recording was used in a criminal, civil, or
5 administrative proceeding, the recording shall not be
6 destroyed except upon a final disposition and order
7 from the court.

8 (8) Following the 90-day storage period, recordings
9 may be retained if a supervisor at the law enforcement
10 agency designates the recording for training purposes. If
11 the recording is designated for training purposes, the
12 recordings may be viewed by officers, in the presence of a
13 supervisor or training instructor, for the purposes of
14 instruction, training, or ensuring compliance with agency
15 policies.

16 (9) Recordings shall not be used to discipline law
17 enforcement officers unless:

18 (A) a formal or informal complaint of misconduct
19 has been made;

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

21 (C) the encounter on the recording could result in
22 a formal investigation under the Uniform Peace
23 Officers' Disciplinary Act; or

24 (D) as corroboration of other evidence of
25 misconduct.

26 Nothing in this paragraph (9) shall be construed to

1 limit or prohibit a law enforcement officer from being
2 subject to an action that does not amount to discipline.

3 (10) The law enforcement agency shall ensure proper
4 care and maintenance of officer-worn body cameras. Upon
5 becoming aware, officers must as soon as practical
6 document and notify the appropriate supervisor of any
7 technical difficulties, failures, or problems with the
8 officer-worn body camera or associated equipment. Upon
9 receiving notice, the appropriate supervisor shall make
10 every reasonable effort to correct and repair any of the
11 officer-worn body camera equipment.

12 (11) No officer may hinder or prohibit any person, not
13 a law enforcement officer, from recording a law
14 enforcement officer in the performance of his or her
15 duties in a public place or when the officer has no
16 reasonable expectation of privacy. The law enforcement
17 agency's written policy shall indicate the potential
18 criminal penalties, as well as any departmental
19 discipline, which may result from unlawful confiscation or
20 destruction of the recording medium of a person who is not
21 a law enforcement officer. However, an officer may take
22 reasonable action to maintain safety and control, secure
23 crime scenes and accident sites, protect the integrity and
24 confidentiality of investigations, and protect the public
25 safety and order.

26 (b) Recordings made with the use of an officer-worn body

1 camera are not subject to disclosure under the Freedom of
2 Information Act, except that:

3 (1) if the subject of the encounter has a reasonable
4 expectation of privacy, at the time of the recording, any
5 recording which is flagged, due to the filing of a
6 complaint, discharge of a firearm, use of force, arrest or
7 detention, or resulting death or bodily harm, shall be
8 disclosed in accordance with the Freedom of Information
9 Act if:

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

12 (B) the law enforcement agency obtains written
13 permission of the subject or the subject's legal
14 representative;

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

21 (3) upon request, the law enforcement agency shall
22 disclose, in accordance with the Freedom of Information
23 Act, the recording to the subject of the encounter
24 captured on the recording or to the subject's attorney, or
25 the officer or his or her legal representative.

26 For the purposes of paragraph (1) of this subsection (b),

1 the subject of the encounter does not have a reasonable
2 expectation of privacy if the subject was arrested as a result
3 of the encounter. For purposes of subparagraph (A) of
4 paragraph (1) of this subsection (b), "witness" does not
5 include a person who is a victim or who was arrested as a
6 result of the encounter.

7 Only recordings or portions of recordings responsive to
8 the request shall be available for inspection or reproduction.
9 Any recording disclosed under the Freedom of Information Act
10 shall be redacted to remove identification of any person that
11 appears on the recording and is not the officer, a subject of
12 the encounter, or directly involved in the encounter. Nothing
13 in this subsection (b) shall require the disclosure of any
14 recording or portion of any recording which would be exempt
15 from disclosure under the Freedom of Information Act.

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

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

21 (50 ILCS 706/10-25)

22 Sec. 10-25. Reporting.

23 (a) Each law enforcement agency which employs the use of
24 officer-worn body cameras must provide an annual report ~~on the~~
25 ~~use of officer worn body cameras~~ to the Board, on or before May

1 of the year. The report shall include:

2 (1) a brief overview of the makeup of the agency,
3 including the number of officers utilizing officer-worn
4 body cameras;

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

7 (3) any technical issues with the equipment and how
8 those issues were remedied;

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

11 (5) for each recording used in prosecutions of
12 conservation, criminal, or traffic offenses or municipal
13 ordinance violations:

14 (A) the time, date, location, and precinct of the
15 incident;

16 (B) the offense charged and the date charges were
17 filed; and

18 (6) any other information relevant to the
19 administration of the program.

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

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

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

1 (50 ILCS 709/5-10)

2 Sec. 5-10. Central repository of crime statistics. The
3 Illinois State Police shall be a central repository and
4 custodian of crime statistics for the State and shall have all
5 the power necessary to carry out the purposes of this Act,
6 including the power to demand and receive cooperation in the
7 submission of crime statistics from all law enforcement
8 agencies. All data and information provided to the Illinois
9 State Police under this Act must be provided in a manner and
10 form prescribed by the Illinois State Police. On an annual
11 basis, the Illinois State Police shall make available
12 compilations of crime statistics ~~and monthly reporting~~
13 required to be reported by each law enforcement agency.

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

16 (50 ILCS 709/5-12)

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

20 (1) beginning January 1, 2016, a report on any
21 arrest-related death that shall include information
22 regarding the deceased, the officer, any weapon used by
23 the officer or the deceased, and the circumstances of the
24 incident. The Illinois State Police shall submit on a

1 quarterly basis all information collected under this
2 paragraph (1) to the Illinois Criminal Justice Information
3 Authority, contingent upon updated federal guidelines
4 regarding the Uniform Crime Reporting Program;

5 (2) beginning January 1, 2017, a report on any
6 instance when a law enforcement officer discharges his or
7 her firearm causing a non-fatal injury to a person, during
8 the performance of his or her official duties or in the
9 line of duty;

10 (3) a report of incident-based information on hate
11 crimes including information describing the offense,
12 location of the offense, type of victim, offender, and
13 bias motivation. If no hate crime incidents occurred
14 during a reporting month, the law enforcement agency must
15 submit a no incident record, as required by the Illinois
16 State Police;

17 (4) a report on any incident of an alleged commission
18 of a domestic crime, that shall include information
19 regarding the victim, offender, date and time of the
20 incident, any injury inflicted, any weapons involved in
21 the commission of the offense, and the relationship
22 between the victim and the offender;

23 (5) data on an index of offenses selected by the
24 Illinois State Police based on the seriousness of the
25 offense, frequency of occurrence of the offense, and
26 likelihood of being reported to law enforcement. The data

1 shall include the number of index crime offenses committed
2 and number of associated arrests; and

3 (6) data on offenses and incidents reported by schools
4 to local law enforcement. The data shall include offenses
5 defined as an attack against school personnel,
6 intimidation offenses, drug incidents, and incidents
7 involving weapons~~†.~~

8 ~~(7) beginning on July 1, 2021, a report on incidents~~
9 ~~where a law enforcement officer was dispatched to deal~~
10 ~~with a person experiencing a mental health crisis or~~
11 ~~incident. The report shall include the number of~~
12 ~~incidents, the level of law enforcement response and the~~
13 ~~outcome of each incident. For purposes of this Section, a~~
14 ~~"mental health crisis" is when a person's behavior puts~~
15 ~~them at risk of hurting themselves or others or prevents~~
16 ~~them from being able to care for themselves;~~

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

23 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
24 102-538, eff. 8-20-21; revised 10-15-21.)

25 (50 ILCS 709/5-20)

1 Sec. 5-20. Reporting compliance. The Illinois State Police
2 shall annually report to the Illinois Law Enforcement Training
3 Standards Board ~~and the Department of Revenue~~ any law
4 enforcement agency not in compliance with the reporting
5 requirements under this Act. A law enforcement agency's
6 compliance with the reporting requirements under this Act
7 shall be a factor considered by the Illinois Law Enforcement
8 Training Standards Board in awarding grant funding under the
9 Law Enforcement Camera Grant Act, ~~with preference to law~~
10 ~~enforcement agencies which are in compliance with reporting~~
11 ~~requirements under this Act.~~

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

14 (50 ILCS 709/5-11 rep.)

15 Section 110. The Uniform Crime Reporting Act is amended by
16 repealing Section 5-11.

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

19 (50 ILCS 725/3.2) (from Ch. 85, par. 2555)

20 Sec. 3.2. No officer shall be subjected to interrogation
21 without first being informed in writing of the nature of the
22 investigation. If an administrative proceeding is instituted,
23 the officer shall be informed beforehand of the names of all

1 complainants. The information shall be sufficient as to
2 reasonably apprise the officer of the nature of the
3 investigation.

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

5 (50 ILCS 725/3.4) (from Ch. 85, par. 2557)

6 Sec. 3.4. The officer under investigation shall be
7 informed in writing of the name, rank and unit or command of
8 the officer in charge of the investigation, the interrogators,
9 and all persons who will be present on the behalf of the
10 employer during any interrogation except at a public
11 administrative proceeding. The officer under investigation
12 shall inform the employer of any person who will be present on
13 his or her behalf during any interrogation except at a public
14 administrative hearing.

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

16 (50 ILCS 725/3.8) (from Ch. 85, par. 2561)

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

18 (a) No officer shall be interrogated without first being
19 advised in writing that admissions made in the course of the
20 interrogation may be used as evidence of misconduct or as the
21 basis for charges seeking suspension, removal, or discharge;
22 and without first being advised in writing that he or she has
23 the right to counsel of his or her choosing who may be present
24 to advise him or her at any stage of any interrogation.

1 (b) ~~It shall not be a requirement for a person~~ Anyone
2 filing a complaint against a sworn peace officer ~~to~~ must have
3 the complaint supported by a sworn affidavit ~~or any other~~
4 ~~legal documentation. This ban on an affidavit requirement~~
5 ~~shall apply to any collective bargaining agreements entered~~
6 ~~after the effective date of this provision.~~ Any complaint,
7 having been supported by a sworn affidavit, and having been
8 found, in total or in part, to contain knowingly false
9 material information, shall be presented to the appropriate
10 State's Attorney for a determination of prosecution.

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

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

14 (50 ILCS 725/6) (from Ch. 85, par. 2567)

15 Sec. 6. Except as otherwise provided in this Act, the
16 provisions of this Act apply only to the extent there is no
17 collective bargaining agreement currently in effect dealing
18 with the subject matter of this Act.

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

20 (50 ILCS 727/1-35 rep.)

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

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

3 (55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

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

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

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

12 For serving or attempting to serve each garnishee in each
13 county, \$10.

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

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

18 For serving or attempting to serve a warrant of arrest,
19 \$8, to be paid upon conviction.

20 For returning a defendant from outside the State of
21 Illinois, upon conviction, the court shall assess, as court
22 costs, the cost of returning a defendant to the jurisdiction.

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

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

1 For advertising property for sale, \$5.

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

3 Mileage for each mile of necessary travel to serve any
4 such process as Stated above, calculating from the place of
5 holding court to the place of residence of the defendant, or
6 witness, 50¢ each way.

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

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

12 For taking possession of and removing property levied on,
13 the officer shall be allowed to tax the actual cost of such
14 possession or removal.

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

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

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

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

25 For serving or attempting to serve an order or judgment
26 for the possession of real estate in an action of ejectment or

1 in any other action, or for restitution in an eviction action
2 without aid, \$10 and when aid is necessary, the sheriff shall
3 be allowed to tax in addition the actual costs thereof, and for
4 each mile of necessary travel, 50¢ each way.

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

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

10 For making certificates of sale, and making and filing
11 duplicate, in counties of first class, \$3; in counties of the
12 second class, \$3.

13 For making certificate of redemption, \$3.

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

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

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

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

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

25 For conveying persons to the penitentiary, reformatories,
26 Illinois State Training School for Boys, Illinois State

1 Training School for Girls and Reception Centers, the following
2 fees, payable out of the State treasury. For each person who is
3 conveyed, 35¢ per mile in going only to the penitentiary,
4 reformatory, Illinois State Training School for Boys, Illinois
5 State Training School for Girls and Reception Centers, from
6 the place of conviction.

7 The fees provided for transporting persons to the
8 penitentiary, reformatories, Illinois State Training School
9 for Boys, Illinois State Training School for Girls and
10 Reception Centers shall be paid for each trip so made. Mileage
11 as used in this Section means the shortest practical route,
12 between the place from which the person is to be transported,
13 to the penitentiary, reformatories, Illinois State Training
14 School for Boys, Illinois State Training School for Girls and
15 Reception Centers and all fees per mile shall be computed on
16 such basis.

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

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

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

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

1 sheriff a fee of \$600 for the sale of real estate which is made
2 by virtue of any judgment of a court, except that in the case
3 of a sale of unimproved real estate which sells for \$10,000 or
4 less, the fee shall be \$150. In addition to this fee and all
5 other fees provided by this Section, there shall be allowed to
6 the sheriff a fee in accordance with the following schedule
7 for the sale of personal estate which is made by virtue of any
8 judgment of a court:

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

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

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

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

1 in the determination of the costs of each service, program and
2 activity.

3 In all cases where the judgment is settled by the parties,
4 replevied, stopped by injunction or paid, or where the
5 property levied upon is not actually sold, the sheriff shall
6 be allowed his fee for levying and mileage, together with half
7 the fee for all money collected by him which he would be
8 entitled to if the same was made by sale to enforce the
9 judgment. In no case shall the fee exceed the amount of money
10 arising from the sale.

11 The fee requirements of this Section do not apply to
12 police departments or other law enforcement agencies. For the
13 purposes of this Section, "law enforcement agency" means an
14 agency of the State or unit of local government which is vested
15 by law or ordinance with the duty to maintain public order and
16 to enforce criminal laws.

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

19 (55 ILCS 5/4-12001) (from Ch. 34, par. 4-12001)

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

25 Fees for Sheriff

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

3 For serving or attempting to serve each alias summons or
4 other process mileage will be charged as hereinafter provided
5 when the address for service differs from the address for
6 service on the original summons or other process.

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

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

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

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

13 For summoning each juror, \$10.

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

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

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

23 For serving or attempting to serve notice of judgment,
24 \$35.

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

1 For executing order of court to seize personal property,
2 \$25.

3 For making certificate of levy on real estate and filing
4 or recording same, \$8, and the fee for filing or recording
5 shall be advanced by the plaintiff in attachment or by the
6 judgment creditor and taxed as costs. For taking possession of
7 or removing property levied on, the sheriff shall be allowed
8 to tax the necessary actual costs of such possession or
9 removal.

10 For advertising property for sale, \$20.

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

14 For preparing, executing and acknowledging deed on
15 redemption from a court sale of real estate, \$15; for
16 preparing, executing and acknowledging all other deeds on sale
17 of real estate, \$10.

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

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

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

26 For taking special bail, \$5.

1 For returning each process, \$15.

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

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

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

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

9 For committing to or discharging each prisoner from jail,
10 \$3.

11 For feeding each prisoner, such compensation to cover
12 actual costs as may be fixed by the county board, but such
13 compensation shall not be considered a part of the fees of the
14 office.

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

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

20 For discharging such prisoners, \$3.

21 For conveying persons to the penitentiary, reformatories,
22 Illinois State Training School for Boys, Illinois State
23 Training School for Girls, Reception Centers and Illinois
24 Security Hospital, the following fees, payable out of the
25 State Treasury. When one person is conveyed, 20¢ per mile in
26 going to the penitentiary, reformatories, Illinois State

1 Training School for Boys, Illinois State Training School for
2 Girls, Reception Centers and Illinois Security Hospital from
3 the place of conviction; when 2 persons are conveyed at the
4 same time, 20¢ per mile for the first and 15¢ per mile for the
5 second person; when more than 2 persons are conveyed at the
6 same time as Stated above, the sheriff shall be allowed 20¢ per
7 mile for the first, 15¢ per mile for the second and 10¢ per
8 mile for each additional person.

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

22 In addition to the above fees, there shall be allowed to
23 the sheriff a fee of \$900 for the sale of real estate which
24 shall be made by virtue of any judgment of a court. In addition
25 to this fee and all other fees provided by this Section, there
26 shall be allowed to the sheriff a fee in accordance with the

1 following schedule for the sale of personal estate which is
2 made by virtue of any judgment of a court:

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

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

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

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

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

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

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

23 (55 ILCS 5/4-12001.1) (from Ch. 34, par. 4-12001.1)

24 Sec. 4-12001.1. Fees of sheriff in third class counties;
25 local governments and school districts. The officers herein

1 named, in counties of the third class, shall be entitled to
2 receive the fees herein specified from all units of local
3 government and school districts, for the services mentioned
4 and such other fees as may be provided by law for such other
5 services not herein designated.

6 Fees for Sheriff

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

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

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

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

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

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

19 For summoning each juror, \$4.

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

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

24 For serving or attempting to serve an order or judgment
25 for the possession of real estate in an action of ejectment or
26 in any other action, or for restitution in an eviction action,

1 without aid, \$9, and when aid is necessary, the sheriff shall
2 be allowed to tax in addition the actual costs thereof.

3 For serving or attempting to serve notice of judgment,
4 \$25.

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

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

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

16 For advertising property for sale, \$3.

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

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

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

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

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

6 For taking special bail, \$2.

7 For returning each process, \$5.

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

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

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

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

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

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

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

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

26 For discharging such prisoners, \$1.

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

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

1 such basis.

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

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

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

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

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

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

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

23 (55 ILCS 5/3-6041 rep.)

24 Section 135. The Counties Code is amended by repealing
25 Section 3-6041.

1 (65 ILCS 5/11-5.1-2 rep.)

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

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

6 (65 ILCS 5/1-2-12.1)

7 Sec. 1-2-12.1. Municipal bond fees. A municipality may
8 impose a fee up to \$20 for bail processing against any person
9 arrested for violating a bailable municipal ordinance or a
10 State or federal law.

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

12 Section 150. The Campus Security Enhancement Act of 2008
13 is amended by changing Section 15 as follows:

14 (110 ILCS 12/15)

15 Sec. 15. Arrest reports.

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

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

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

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

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

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

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

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

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

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

23 (3) compromise the security of any correctional
24 facility.

25 (c) For the purposes of this Section the term "news media"
26 means personnel of a newspaper or other periodical issued at

1 regular intervals whether in print or electronic format, a
2 news service whether in print or electronic format, a radio
3 station, a television station, a television network, a
4 community antenna television service, or a person or
5 corporation engaged in making news reels or other motion
6 picture news for public showing.

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

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

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

17 Section 155. The Illinois Insurance Code is amended by
18 changing Sections 143.19, 143.19.1, and 205 as follows:

19 (215 ILCS 5/143.19) (from Ch. 73, par. 755.19)

20 Sec. 143.19. Cancellation of automobile insurance policy;
21 grounds. After a policy of automobile insurance as defined in
22 Section 143.13(a) has been effective for 60 days, or if such
23 policy is a renewal policy, the insurer shall not exercise its
24 option to cancel such policy except for one or more of the

1 following reasons:

2 a. Nonpayment of premium;

3 b. The policy was obtained through a material
4 misrepresentation;

5 c. Any insured violated any of the terms and
6 conditions of the policy;

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

10 e. Any insured made a false or fraudulent claim or
11 knowingly aided or abetted another in the presentation of
12 such a claim;

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

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

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

23 3. has an accident record, conviction record
24 (criminal or traffic), physical, or mental condition
25 which is such that his operation of an automobile
26 might endanger the public safety;

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

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

26 g. The insured automobile is:

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

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

7 3. used in the business of transportation of
8 flammables or explosives;

9 4. an authorized emergency vehicle;

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

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

14 Nothing in this Section shall apply to nonrenewal.

15 (Source: P.A. 100-201, eff. 8-18-17; 101-652.)

16 (215 ILCS 5/143.19.1) (from Ch. 73, par. 755.19.1)

17 Sec. 143.19.1. Limits on exercise of right of nonrenewal.
18 After a policy of automobile insurance, as defined in Section
19 143.13, has been effective or renewed for 5 or more years, the
20 company shall not exercise its right of non-renewal unless:

21 a. The policy was obtained through a material
22 misrepresentation; or

23 b. Any insured violated any of the terms and conditions of
24 the policy; or

25 c. The named insured failed to disclose fully his motor

1 vehicle accidents and moving traffic violations for the
2 preceding 36 months, if such information is called for in the
3 application; or

4 d. Any insured made a false or fraudulent claim or
5 knowingly aided or abetted another in the presentation of such
6 a claim; or

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

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

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

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

21 4. Has, within the 36 months prior to the notice of
22 non-renewal, been addicted to the use of narcotics or
23 other drugs; or

24 5. Has been convicted or ~~pretrial release has been~~
25 ~~revoked~~ forfeited bail, during the 36 months immediately
26 preceding the notice of non-renewal, for any felony,

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

19 1. So mechanically defective that its operation might
20 endanger public safety; or

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

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

- 1 4. An authorized emergency vehicle; or
- 2 5. Changed in shape or condition during the policy
- 3 period so as to increase the risk substantially; or
- 4 6. Subject to an inspection law and it has not been
- 5 inspected or, if inspected, has failed to qualify; or
- 6 g. The notice of the intention not to renew is mailed to
- 7 the insured at least 60 days before the date of nonrenewal as
- 8 provided in Section 143.17.
- 9 (Source: P.A. 89-669, eff. 1-1-97; 101-652.)

10 (215 ILCS 5/205) (from Ch. 73, par. 817)

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

12 (1) The priorities of distribution of general assets from

13 the company's estate is to be as follows:

14 (a) The costs and expenses of administration,

15 including, but not limited to, the following:

16 (i) The reasonable expenses of the Illinois

17 Insurance Guaranty Fund, the Illinois Life and Health

18 Insurance Guaranty Association, and the Illinois

19 Health Maintenance Organization Guaranty Association

20 and of any similar organization in any other state,

21 including overhead, salaries, and other general

22 administrative expenses allocable to the receivership

23 (administrative and claims handling expenses and

24 expenses in connection with arrangements for ongoing

25 coverage), but excluding expenses incurred in the

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

16 (ii) The expenses expressly approved or ratified
17 by the Director as liquidator or rehabilitator,
18 including, but not limited to, the following:

19 (1) the actual and necessary costs of
20 preserving or recovering the property of the
21 insurer;

22 (2) reasonable compensation for all services
23 rendered on behalf of the administrative
24 supervisor or receiver;

25 (3) any necessary filing fees;

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

1 (5) unsecured loans obtained by the receiver;

2 and

3 (6) expenses approved by the conservator or
4 rehabilitator of the insurer, if any, incurred in the
5 course of the conservation or rehabilitation that are
6 unpaid at the time of the entry of the order of
7 liquidation.

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

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

21 (c) Claims for wages actually owing to employees for
22 services rendered within 3 months prior to the date of the
23 filing of the complaint, not exceeding \$1,000 to each
24 employee unless there are claims due the federal
25 government under paragraph (f), then the claims for wages
26 shall have a priority of distribution immediately

1 following that of federal claims under paragraph (f) and
2 immediately preceding claims of general creditors under
3 paragraph (g).

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

1 contingencies.

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

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

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

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

16 (i) Proprietary claims of shareholders, members, or
17 other owners.

18 Every claim under a written agreement, statute, or rule
19 providing that the assets in a separate account are not
20 chargeable with the liabilities arising out of any other
21 business of the insurer shall be satisfied out of the funded
22 assets in the separate account equal to, but not to exceed, the
23 reserves maintained in the separate account under the separate
24 account agreement, and to the extent, if any, the claim is not
25 fully discharged thereby, the remainder of the claim shall be
26 treated as a priority level (d) claim under paragraph (d) of

1 this subsection to the extent that reserves have been
2 established in the insurer's general account pursuant to
3 statute, rule, or the separate account agreement.

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

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

22 To the extent, if any, reserves or assets maintained in
23 the separate account are in excess of the amounts needed to
24 satisfy claims under the separate account contracts, the
25 excess shall be treated as part of the general assets of the
26 insurer's estate.

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

20 The Director shall establish procedures for the ratable
21 allocation and distribution of disbursements to the Illinois
22 Insurance Guaranty Fund, the Illinois Life and Health
23 Insurance Guaranty Association, the Illinois Health
24 Maintenance Organization Guaranty Association, and similar
25 organizations in other states. In determining the amounts
26 available for disbursement, the Director shall reserve

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

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

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

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

25 Section 160. The Illinois Gambling Act is amended by

1 changing Section 5.1 as follows:

2 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

3 Sec. 5.1. Disclosure of records.

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

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

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

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

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

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

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

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

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

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

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

1 (9) Whether an applicant or licensee has made,
2 directly or indirectly, any political contribution, or any
3 loans, donations or other payments, to any candidate or
4 office holder, within 5 years from the date of filing the
5 application, including the amount and the method of
6 payment.

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

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

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

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

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

26 (2) Whenever the Board finds an applicant for an

1 owner's license unsuitable for licensing, a copy of the
2 written letter outlining the reasons for the denial.

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

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

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

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

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

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

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

17 (410 ILCS 70/7.5)

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

21 (a) A hospital, approved pediatric health care facility,
22 health care professional, ambulance provider, laboratory, or
23 pharmacy furnishing medical forensic services, transportation,
24 follow-up healthcare, or medication to a sexual assault

1 survivor shall not:

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

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

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

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

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

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

24 (c) Every hospital and approved pediatric health care
25 facility providing treatment services to sexual assault
26 survivors in accordance with a plan approved under Section 2

1 of this Act shall provide a written notice to a sexual assault
2 survivor. The written notice must include, but is not limited
3 to, the following:

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

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

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

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

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

1 (6) the toll-free phone number of the Office of the
2 Illinois Attorney General, Crime Victim Services Division,
3 which the sexual assault survivor may call should the
4 sexual assault survivor receive a bill from an ambulance
5 provider, approved pediatric health care facility, a
6 health care professional, a laboratory, or a pharmacy.

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

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

1 protocol that ensures that no survivor of sexual assault is
2 sent a bill for any medical forensic services and submit the
3 billing protocol to the Crime Victim Services Division of the
4 Office of the Attorney General for approval. Health care
5 professionals who bill as a legal entity may submit a single
6 billing protocol for the billing entity.

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

15 The billing protocol must include at a minimum:

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

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

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

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

1 (5) the termination of all collection activities if
2 the protocol is violated; and

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

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

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

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

26 The health care professional or approved pediatric health

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

9 (e) This Section is effective on and after January 1,
10 2022.

11 (Source: P.A. 101-634, eff. 6-5-20; 101-652, eff. 7-1-21;
12 102-22, eff. 6-25-21.)

13 Section 170. The Illinois Vehicle Code is amended by
14 changing Sections 6-204, 6-206, 6-308, 6-500, 6-601, and
15 16-103 as follows:

16 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

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

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

1 vehicles, the following duties are imposed upon public
2 officials:

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

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

1 (restrictions as to tire equipment), 12-502 (mirrors),
2 12-503 (windshields must be unobstructed and equipped with
3 wipers), 12-601 (horns and warning devices), 12-602
4 (mufflers, prevention of noise or smoke), 12-603 (seat
5 safety belts), 12-702 (certain vehicles to carry flares or
6 other warning devices), 12-703 (vehicles for oiling roads
7 operated on highways), 12-710 (splash guards and
8 replacements), 13-101 (safety tests), 15-101 (size, weight
9 and load), 15-102 (width), 15-103 (height), 15-104 (name
10 and address on second division vehicles), 15-107 (length
11 of vehicle), 15-109.1 (cover or tarpaulin), 15-111
12 (weights), 15-112 (weights), 15-301 (weights), 15-316
13 (weights), 15-318 (weights), and also excepting the
14 following enumerated Sections of the Chicago Municipal
15 Code: Sections 27-245 (following fire apparatus), 27-254
16 (obstruction of traffic), 27-258 (driving vehicle which is
17 in unsafe condition), 27-259 (coasting on downgrade),
18 27-264 (use of horns and signal devices), 27-265
19 (obstruction to driver's view or driver mechanism), 27-267
20 (dimming of headlights), 27-268 (unattended motor
21 vehicle), 27-272 (illegal funeral procession), 27-273
22 (funeral procession on boulevard), 27-275 (driving freight
23 hauling vehicles on boulevard), 27-276 (stopping and
24 standing of buses or taxicabs), 27-277 (cruising of public
25 passenger vehicles), 27-305 (parallel parking), 27-306
26 (diagonal parking), 27-307 (parking not to obstruct

1 traffic), 27-308 (stopping, standing or parking
2 regulated), 27-311 (parking regulations), 27-312 (parking
3 regulations), 27-313 (parking regulations), 27-314
4 (parking regulations), 27-315 (parking regulations),
5 27-316 (parking regulations), 27-317 (parking
6 regulations), 27-318 (parking regulations), 27-319
7 (parking regulations), 27-320 (parking regulations),
8 27-321 (parking regulations), 27-322 (parking
9 regulations), 27-324 (loading and unloading at an angle),
10 27-333 (wheel and axle loads), 27-334 (load restrictions
11 in the downtown district), 27-335 (load restrictions in
12 residential areas), 27-338 (width of vehicles), 27-339
13 (height of vehicles), 27-340 (length of vehicles), 27-352
14 (reflectors on trailers), 27-353 (mufflers), 27-354
15 (display of plates), 27-355 (display of city vehicle tax
16 sticker), 27-357 (identification of vehicles), 27-358
17 (projecting of loads), and also excepting the following
18 enumerated paragraphs of Section 2-201 of the Rules and
19 Regulations of the Illinois State Toll Highway Authority:
20 (l) (driving unsafe vehicle on tollway), (m) (vehicles
21 transporting dangerous cargo not properly indicated), it
22 shall be the duty of the clerk of the court in which such
23 conviction is had within 5 days thereafter to forward to
24 the Secretary of State a report of the conviction and the
25 court may recommend the suspension of the driver's license
26 or permit of the person so convicted.

1 The reporting requirements of this subsection shall
2 apply to all violations stated in paragraphs (1) and (2)
3 of this subsection when the individual has been
4 adjudicated under the Juvenile Court Act or the Juvenile
5 Court Act of 1987. Such reporting requirements shall also
6 apply to individuals adjudicated under the Juvenile Court
7 Act or the Juvenile Court Act of 1987 who have committed a
8 violation of Section 11-501 of this Code, or similar
9 provision of a local ordinance, or Section 9-3 of the
10 Criminal Code of 1961 or the Criminal Code of 2012,
11 relating to the offense of reckless homicide, or Section
12 5-7 of the Snowmobile Registration and Safety Act or
13 Section 5-16 of the Boat Registration and Safety Act,
14 relating to the offense of operating a snowmobile or a
15 watercraft while under the influence of alcohol, other
16 drug or drugs, intoxicating compound or compounds, or
17 combination thereof. These reporting requirements also
18 apply to individuals adjudicated under the Juvenile Court
19 Act of 1987 based on any offense determined to have been
20 committed in furtherance of the criminal activities of an
21 organized gang, as provided in Section 5-710 of that Act,
22 if those activities involved the operation or use of a
23 motor vehicle. It shall be the duty of the clerk of the
24 court in which adjudication is had within 5 days
25 thereafter to forward to the Secretary of State a report
26 of the adjudication and the court order requiring the

1 Secretary of State to suspend the minor's driver's license
2 and driving privilege for such time as determined by the
3 court, but only until he or she attains the age of 18
4 years. All juvenile court dispositions reported to the
5 Secretary of State under this provision shall be processed
6 by the Secretary of State as if the cases had been
7 adjudicated in traffic or criminal court. However,
8 information reported relative to the offense of reckless
9 homicide, or Section 11-501 of this Code, or a similar
10 provision of a local ordinance, shall be privileged and
11 available only to the Secretary of State, courts, and
12 police officers.

13 The reporting requirements of this subsection (a)
14 apply to all violations listed in paragraphs (1) and (2)
15 of this subsection (a), excluding parking violations, when
16 the driver holds a CLP or CDL, regardless of the type of
17 vehicle in which the violation occurred, or when any
18 driver committed the violation in a commercial motor
19 vehicle as defined in Section 6-500 of this Code.

20 (3) Whenever an order is entered vacating the
21 ~~conditions of pretrial release~~ forfeiture of any bail,
22 security or bond given to secure appearance for any
23 offense under this Code or similar offenses under
24 municipal ordinance, it shall be the duty of the clerk of
25 the court in which such vacation was had or the judge of
26 such court if such court has no clerk, within 5 days

1 thereafter to forward to the Secretary of State a report
2 of the vacation.

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

15 (5) Reports of conviction under this Code and
16 sentencing hearings under the Juvenile Court Act of 1987
17 in an electronic format or a computer processible medium
18 shall be forwarded to the Secretary of State via the
19 Supreme Court in the form and format required by the
20 Illinois Supreme Court and established by a written
21 agreement between the Supreme Court and the Secretary of
22 State. In counties with a population over 300,000, instead
23 of forwarding reports to the Supreme Court, reports of
24 conviction under this Code and sentencing hearings under
25 the Juvenile Court Act of 1987 in an electronic format or a
26 computer processible medium may be forwarded to the

1 Secretary of State by the Circuit Court Clerk in a form and
2 format required by the Secretary of State and established
3 by written agreement between the Circuit Court Clerk and
4 the Secretary of State. Failure to forward the reports of
5 conviction or sentencing hearing under the Juvenile Court
6 Act of 1987 as required by this Section shall be deemed an
7 omission of duty and it shall be the duty of the several
8 State's Attorneys to enforce the requirements of this
9 Section.

10 (b) Whenever a restricted driving permit is forwarded to a
11 court, as a result of confiscation by a police officer
12 pursuant to the authority in Section 6-113(f), it shall be the
13 duty of the clerk, or judge, if the court has no clerk, to
14 forward such restricted driving permit and a facsimile of the
15 officer's citation to the Secretary of State as expeditiously
16 as practicable.

17 (c) For the purposes of this Code, a ~~violation of the~~
18 ~~conditions of pretrial release~~ forfeiture of bail or
19 collateral deposited to secure a defendant's appearance in
20 court when ~~the conditions of pretrial release have~~ forfeiture
21 has not been vacated, or the failure of a defendant to appear
22 for trial after depositing his driver's license in lieu of
23 other bail, shall be equivalent to a conviction.

24 (d) For the purpose of providing the Secretary of State
25 with records necessary to properly monitor and assess driver
26 performance and assist the courts in the proper disposition of

1 repeat traffic law offenders, the clerk of the court shall
2 forward to the Secretary of State, on a form prescribed by the
3 Secretary, records of a driver's participation in a driver
4 remedial or rehabilitative program which was required, through
5 a court order or court supervision, in relation to the
6 driver's arrest for a violation of Section 11-501 of this Code
7 or a similar provision of a local ordinance. The clerk of the
8 court shall also forward to the Secretary, either on paper or
9 in an electronic format or a computer processible medium as
10 required under paragraph (5) of subsection (a) of this
11 Section, any disposition of court supervision for any traffic
12 violation, excluding those offenses listed in paragraph (2) of
13 subsection (a) of this Section. These reports shall be sent
14 within 5 days after disposition, or, if the driver is referred
15 to a driver remedial or rehabilitative program, within 5 days
16 of the driver's referral to that program. These reports
17 received by the Secretary of State, including those required
18 to be forwarded under paragraph (a)(4), shall be privileged
19 information, available only (i) to the affected driver, (ii)
20 to the parent or guardian of a person under the age of 18 years
21 holding an instruction permit or a graduated driver's license,
22 and (iii) for use by the courts, police officers, prosecuting
23 authorities, the Secretary of State, and the driver licensing
24 administrator of any other state. In accordance with 49 C.F.R.
25 Part 384, all reports of court supervision, except violations
26 related to parking, shall be forwarded to the Secretary of

1 State for all holders of a CLP or CDL or any driver who commits
2 an offense while driving a commercial motor vehicle. These
3 reports shall be recorded to the driver's record as a
4 conviction for use in the disqualification of the driver's
5 commercial motor vehicle privileges and shall not be
6 privileged information.

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

9 (625 ILCS 5/6-206)

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

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

16 1. Has committed an offense for which mandatory
17 revocation of a driver's license or permit is required
18 upon conviction;

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

24 3. Has been repeatedly involved as a driver in motor
25 vehicle collisions or has been repeatedly convicted of

1 offenses against laws and ordinances regulating the
2 movement of traffic, to a degree that indicates lack of
3 ability to exercise ordinary and reasonable care in the
4 safe operation of a motor vehicle or disrespect for the
5 traffic laws and the safety of other persons upon the
6 highway;

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

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

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

24 7. Has refused or failed to submit to an examination
25 provided for by Section 6-207 or has failed to pass the
26 examination;

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

3 9. Has made a false statement or knowingly concealed a
4 material fact or has used false information or
5 identification in any application for a license,
6 identification card, or permit;

7 10. Has possessed, displayed, or attempted to
8 fraudulently use any license, identification card, or
9 permit not issued to the person;

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

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

23 13. Has operated a motor vehicle upon a highway of
24 this State when the person's driver's license or permit
25 was invalid under the provisions of Sections 6-107.1 and
26 6-110;

1 14. Has committed a violation of Section 6-301,
2 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
3 14B of the Illinois Identification Card Act;

4 15. Has been convicted of violating Section 21-2 of
5 the Criminal Code of 1961 or the Criminal Code of 2012
6 relating to criminal trespass to vehicles if the person
7 exercised actual physical control over the vehicle during
8 the commission of the offense, in which case the
9 suspension shall be for one year;

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

12 17. Has refused to submit to a test, or tests, as
13 required under Section 11-501.1 of this Code and the
14 person has not sought a hearing as provided for in Section
15 11-501.1;

16 18. (Blank);

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

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

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

26 22. Has used a motor vehicle in violating paragraph

1 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
2 the Criminal Code of 1961 or the Criminal Code of 2012
3 relating to unlawful use of weapons, in which case the
4 suspension shall be for one year;

5 23. Has, as a driver, been convicted of committing a
6 violation of paragraph (a) of Section 11-502 of this Code
7 for a second or subsequent time within one year of a
8 similar violation;

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

15 25. Has permitted any form of identification to be
16 used by another in the application process in order to
17 obtain or attempt to obtain a license, identification
18 card, or permit;

19 26. Has altered or attempted to alter a license or has
20 possessed an altered license, identification card, or
21 permit;

22 27. (Blank);

23 28. Has been convicted for a first time of the illegal
24 possession, while operating or in actual physical control,
25 as a driver, of a motor vehicle, of any controlled
26 substance prohibited under the Illinois Controlled

1 Substances Act, any cannabis prohibited under the Cannabis
2 Control Act, or any methamphetamine prohibited under the
3 Methamphetamine Control and Community Protection Act, in
4 which case the person's driving privileges shall be
5 suspended for one year. Any defendant found guilty of this
6 offense while operating a motor vehicle, shall have an
7 entry made in the court record by the presiding judge that
8 this offense did occur while the defendant was operating a
9 motor vehicle and order the clerk of the court to report
10 the violation to the Secretary of State;

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

25 30. Has been convicted a second or subsequent time for
26 any combination of the offenses named in paragraph 29 of

1 this subsection, in which case the person's driving
2 privileges shall be suspended for 5 years;

3 31. Has refused to submit to a test as required by
4 Section 11-501.6 of this Code or Section 5-16c of the Boat
5 Registration and Safety Act or has submitted to a test
6 resulting in an alcohol concentration of 0.08 or more or
7 any amount of a drug, substance, or compound resulting
8 from the unlawful use or consumption of cannabis as listed
9 in the Cannabis Control Act, a controlled substance as
10 listed in the Illinois Controlled Substances Act, an
11 intoxicating compound as listed in the Use of Intoxicating
12 Compounds Act, or methamphetamine as listed in the
13 Methamphetamine Control and Community Protection Act, in
14 which case the penalty shall be as prescribed in Section
15 6-208.1;

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

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

26 34. Has committed a violation of Section 11-1301.5 of

1 this Code or a similar provision of a local ordinance;

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

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

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

13 38. Has been convicted of a violation of Section 6-20
14 of the Liquor Control Act of 1934 or a similar provision of
15 a local ordinance and the person was an occupant of a motor
16 vehicle at the time of the violation;

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

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

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

26 42. Has committed a violation of subsection (a-1) of

1 Section 11-1301.3 of this Code or a similar provision of a
2 local ordinance;

3 43. Has received a disposition of court supervision
4 for a violation of subsection (a), (d), or (e) of Section
5 6-20 of the Liquor Control Act of 1934 or a similar
6 provision of a local ordinance and the person was an
7 occupant of a motor vehicle at the time of the violation,
8 in which case the suspension shall be for a period of 3
9 months;

10 44. Is under the age of 21 years at the time of arrest
11 and has been convicted of an offense against traffic
12 regulations governing the movement of vehicles after
13 having previously had his or her driving privileges
14 suspended or revoked pursuant to subparagraph 36 of this
15 Section;

16 45. Has, in connection with or during the course of a
17 formal hearing conducted under Section 2-118 of this Code:
18 (i) committed perjury; (ii) submitted fraudulent or
19 falsified documents; (iii) submitted documents that have
20 been materially altered; or (iv) submitted, as his or her
21 own, documents that were in fact prepared or composed for
22 another person;

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

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

1 48. Has submitted a falsified or altered medical
2 examiner's certificate to the Secretary of State or
3 provided false information to obtain a medical examiner's
4 certificate;

5 49. Has been convicted of a violation of Section
6 11-1002 or 11-1002.5 that resulted in a Type A injury to
7 another, in which case the driving privileges of the
8 person shall be suspended for 12 months; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (E) In each case the Secretary may issue a restricted

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

19 (F) A person subject to the provisions of paragraph 4
20 of subsection (b) of Section 6-208 of this Code may make
21 application for a restricted driving permit at a hearing
22 conducted under Section 2-118 of this Code after the
23 expiration of 5 years from the effective date of the most
24 recent revocation or after 5 years from the date of
25 release from a period of imprisonment resulting from a
26 conviction of the most recent offense, whichever is later,

1 provided the person, in addition to all other requirements
2 of the Secretary, shows by clear and convincing evidence:

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

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

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

1 restricted driving permit under this subparagraph (F).

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

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

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

1 under the age of 18. However, beginning January 1, 2008, if the
2 person is a CDL holder, the suspension shall also be made
3 available to the driver licensing administrator of any other
4 state, the U.S. Department of Transportation, and the affected
5 driver or motor carrier or prospective motor carrier upon
6 request.

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

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

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

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

25 (f) In accordance with 49 C.F.R. 384, the Secretary of
26 State may not issue a restricted driving permit for the

1 operation of a commercial motor vehicle to a person holding a
2 CDL whose driving privileges have been suspended, revoked,
3 cancelled, or disqualified under any provisions of this Code.
4 (Source: P.A. 101-90, eff. 7-1-20; 101-470, eff. 7-1-20;
5 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-299, eff.
6 8-6-21; 102-558, eff. 8-20-21; revised 10-28-21.)

7 (625 ILCS 5/6-308)

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

9 (a) Any person cited for violating this Code or a similar
10 provision of a local ordinance for which a violation is a petty
11 offense as defined by Section 5-1-17 of the Unified Code of
12 Corrections, excluding business offenses as defined by Section
13 5-1-2 of the Unified Code of Corrections or a violation of
14 Section 15-111 or subsection (d) of Section 3-401 of this
15 Code, shall not be required to sign the citation or post bond
16 to secure bail for his or her release. All other provisions of
17 this Code or similar provisions of local ordinances shall be
18 governed by the ~~pretrial-release~~ bail provisions of the
19 Illinois Supreme Court Rules when it is not practical or
20 feasible to take the person before a judge to have ~~conditions~~
21 ~~of pretrial-release~~ bail set or to avoid undue delay because of
22 the hour or circumstances.

23 (b) Whenever a person fails to appear in court, the court
24 may continue the case for a minimum of 30 days and the clerk of
25 the court shall send notice of the continued court date to the

1 person's last known address. If the person does not appear in
2 court on or before the continued court date or satisfy the
3 court that the person's appearance in and surrender to the
4 court is impossible for no fault of the person, the court shall
5 enter an order of failure to appear. The clerk of the court
6 shall notify the Secretary of State, on a report prescribed by
7 the Secretary, of the court's order. The Secretary, when
8 notified by the clerk of the court that an order of failure to
9 appear has been entered, shall immediately suspend the
10 person's driver's license, which shall be designated by the
11 Secretary as a Failure to Appear suspension. The Secretary
12 shall not remove the suspension, nor issue any permit or
13 privileges to the person whose license has been suspended,
14 until notified by the ordering court that the person has
15 appeared and resolved the violation. Upon compliance, the
16 clerk of the court shall present the person with a notice of
17 compliance containing the seal of the court, and shall notify
18 the Secretary that the person has appeared and resolved the
19 violation.

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

25 (Source: P.A. 100-674, eff. 1-1-19; 101-652.)

1 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)
2 Sec. 6-500. Definitions of words and phrases.
3 Notwithstanding the definitions set forth elsewhere in this
4 Code, for purposes of the Uniform Commercial Driver's License
5 Act (UCDLA), the words and phrases listed below have the
6 meanings ascribed to them as follows:

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

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

11 (A) the number of grams of alcohol per 210 liters of
12 breath; or

13 (B) the number of grams of alcohol per 100 milliliters
14 of blood; or

15 (C) the number of grams of alcohol per 67 milliliters
16 of urine.

17 Alcohol tests administered within 2 hours of the driver
18 being "stopped or detained" shall be considered that driver's
19 "alcohol concentration" for the purposes of enforcing this
20 UCDLA.

21 (3) (Blank).

22 (4) (Blank).

23 (5) (Blank).

24 (5.3) CDLIS driver record. "CDLIS driver record" means the
25 electronic record of the individual CDL driver's status and
26 history stored by the State-of-Record as part of the

1 Commercial Driver's License Information System, or CDLIS,
2 established under 49 U.S.C. 31309.

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

9 (5.7) Commercial driver's license downgrade. "Commercial
10 driver's license downgrade" or "CDL downgrade" means either:

11 (A) a state allows the driver to change his or her
12 self-certification to interstate, but operating
13 exclusively in transportation or operation excepted from
14 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
15 391.2, 391.68, or 398.3;

16 (B) a state allows the driver to change his or her
17 self-certification to intrastate only, if the driver
18 qualifies under that state's physical qualification
19 requirements for intrastate only;

20 (C) a state allows the driver to change his or her
21 certification to intrastate, but operating exclusively in
22 transportation or operations excepted from all or part of
23 the state driver qualification requirements; or

24 (D) a state removes the CDL privilege from the driver
25 license.

26 (6) Commercial Motor Vehicle.

1 (A) "Commercial motor vehicle" or "CMV" means a motor
2 vehicle or combination of motor vehicles used in commerce,
3 except those referred to in subdivision (B), designed to
4 transport passengers or property if the motor vehicle:

5 (i) has a gross combination weight rating or gross
6 combination weight of 11,794 kilograms or more (26,001
7 pounds or more), whichever is greater, inclusive of
8 any towed unit with a gross vehicle weight rating or
9 gross vehicle weight of more than 4,536 kilograms
10 (10,000 pounds), whichever is greater; or

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

14 (ii) is designed to transport 16 or more persons,
15 including the driver; or

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

18 (B) Pursuant to the interpretation of the Commercial
19 Motor Vehicle Safety Act of 1986 by the Federal Highway
20 Administration, the definition of "commercial motor
21 vehicle" does not include:

22 (i) recreational vehicles, when operated primarily
23 for personal use;

24 (ii) vehicles owned by or operated under the
25 direction of the United States Department of Defense
26 or the United States Coast Guard only when operated by

1 non-civilian personnel. This includes any operator on
2 active military duty; members of the Reserves;
3 National Guard; personnel on part-time training; and
4 National Guard military technicians (civilians who are
5 required to wear military uniforms and are subject to
6 the Code of Military Justice); or

7 (iii) firefighting, police, and other emergency
8 equipment (including, without limitation, equipment
9 owned or operated by a HazMat or technical rescue team
10 authorized by a county board under Section 5-1127 of
11 the Counties Code), with audible and visual signals,
12 owned or operated by or for a governmental entity,
13 which is necessary to the preservation of life or
14 property or the execution of emergency governmental
15 functions which are normally not subject to general
16 traffic rules and regulations.

17 (7) Controlled Substance. "Controlled substance" shall
18 have the same meaning as defined in Section 102 of the Illinois
19 Controlled Substances Act, and shall also include cannabis as
20 defined in Section 3 of the Cannabis Control Act and
21 methamphetamine as defined in Section 10 of the
22 Methamphetamine Control and Community Protection Act.

23 (8) Conviction. "Conviction" means an unvacated
24 adjudication of guilt or a determination that a person has
25 violated or failed to comply with the law in a court of
26 original jurisdiction or by an authorized administrative

1 tribunal; an unvacated ~~revocation of pretrial release or~~
2 forfeiture of bail or collateral deposited to secure the
3 person's appearance in court; a plea of guilty or nolo
4 contendere accepted by the court; the payment of a fine or
5 court cost regardless of whether the imposition of sentence is
6 deferred and ultimately a judgment dismissing the underlying
7 charge is entered; or a violation of a condition of ~~pretrial~~
8 release without bail, regardless of whether or not the penalty
9 is rebated, suspended or probated.

10 (8.5) Day. "Day" means calendar day.

11 (9) (Blank).

12 (10) (Blank).

13 (11) (Blank).

14 (12) (Blank).

15 (13) Driver. "Driver" means any person who drives,
16 operates, or is in physical control of a commercial motor
17 vehicle, any person who is required to hold a CDL, or any
18 person who is a holder of a CDL while operating a
19 non-commercial motor vehicle.

20 (13.5) Driver applicant. "Driver applicant" means an
21 individual who applies to a state or other jurisdiction to
22 obtain, transfer, upgrade, or renew a CDL or to obtain or renew
23 a CLP.

24 (13.8) Electronic device. "Electronic device" includes,
25 but is not limited to, a cellular telephone, personal digital
26 assistant, pager, computer, or any other device used to input,

1 write, send, receive, or read text.

2 (14) Employee. "Employee" means a person who is employed
3 as a commercial motor vehicle driver. A person who is
4 self-employed as a commercial motor vehicle driver must comply
5 with the requirements of this UCDLA pertaining to employees.
6 An owner-operator on a long-term lease shall be considered an
7 employee.

8 (15) Employer. "Employer" means a person (including the
9 United States, a State or a local authority) who owns or leases
10 a commercial motor vehicle or assigns employees to operate
11 such a vehicle. A person who is self-employed as a commercial
12 motor vehicle driver must comply with the requirements of this
13 UCDLA.

14 (15.1) Endorsement. "Endorsement" means an authorization
15 to an individual's CLP or CDL required to permit the
16 individual to operate certain types of commercial motor
17 vehicles.

18 (15.2) Entry-level driver training. "Entry-level driver
19 training" means the training an entry-level driver receives
20 from an entity listed on the Federal Motor Carrier Safety
21 Administration's Training Provider Registry prior to: (i)
22 taking the CDL skills test required to receive the Class A or
23 Class B CDL for the first time; (ii) taking the CDL skills test
24 required to upgrade to a Class A or Class B CDL; or (iii)
25 taking the CDL skills test required to obtain a passenger or
26 school bus endorsement for the first time or the CDL knowledge

1 test required to obtain a hazardous materials endorsement for
2 the first time.

3 (15.3) Excepted interstate. "Excepted interstate" means a
4 person who operates or expects to operate in interstate
5 commerce, but engages exclusively in transportation or
6 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68,
7 or 398.3 from all or part of the qualification requirements of
8 49 C.F.R. Part 391 and is not required to obtain a medical
9 examiner's certificate by 49 C.F.R. 391.45.

10 (15.5) Excepted intrastate. "Excepted intrastate" means a
11 person who operates in intrastate commerce but engages
12 exclusively in transportation or operations excepted from all
13 or parts of the state driver qualification requirements.

14 (16) (Blank).

15 (16.5) Fatality. "Fatality" means the death of a person as
16 a result of a motor vehicle accident.

17 (16.7) Foreign commercial driver. "Foreign commercial
18 driver" means a person licensed to operate a commercial motor
19 vehicle by an authority outside the United States, or a
20 citizen of a foreign country who operates a commercial motor
21 vehicle in the United States.

22 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
23 sovereign jurisdiction that does not fall within the
24 definition of "State".

25 (18) (Blank).

26 (19) (Blank).

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

6 (20.5) Imminent Hazard. "Imminent hazard" means the
7 existence of any condition of a vehicle, employee, or
8 commercial motor vehicle operations that substantially
9 increases the likelihood of serious injury or death if not
10 discontinued immediately; or a condition relating to hazardous
11 material that presents a substantial likelihood that death,
12 serious illness, severe personal injury, or a substantial
13 endangerment to health, property, or the environment may occur
14 before the reasonably foreseeable completion date of a formal
15 proceeding begun to lessen the risk of that death, illness,
16 injury or endangerment.

17 (20.6) Issuance. "Issuance" means initial issuance,
18 transfer, renewal, or upgrade of a CLP or CDL and
19 non-domiciled CLP or CDL.

20 (20.7) Issue. "Issue" means initial issuance, transfer,
21 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or
22 non-domiciled CDL.

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

26 (21.01) Manual transmission. "Manual transmission" means a

1 transmission utilizing a driver-operated clutch that is
2 activated by a pedal or lever and a gear-shift mechanism
3 operated either by hand or foot including those known as a
4 stick shift, stick, straight drive, or standard transmission.
5 All other transmissions, whether semi-automatic or automatic,
6 shall be considered automatic for the purposes of the
7 standardized restriction code.

8 (21.1) Medical examiner. "Medical examiner" means an
9 individual certified by the Federal Motor Carrier Safety
10 Administration and listed on the National Registry of
11 Certified Medical Examiners in accordance with Federal Motor
12 Carrier Safety Regulations, 49 CFR 390.101 et seq.

13 (21.2) Medical examiner's certificate. "Medical examiner's
14 certificate" means either (1) prior to June 22, 2021, a
15 document prescribed or approved by the Secretary of State that
16 is issued by a medical examiner to a driver to medically
17 qualify him or her to drive; or (2) beginning June 22, 2021, an
18 electronic submission of results of an examination conducted
19 by a medical examiner listed on the National Registry of
20 Certified Medical Examiners to the Federal Motor Carrier
21 Safety Administration of a driver to medically qualify him or
22 her to drive.

23 (21.5) Medical variance. "Medical variance" means a driver
24 has received one of the following from the Federal Motor
25 Carrier Safety Administration which allows the driver to be
26 issued a medical certificate: (1) an exemption letter

1 permitting operation of a commercial motor vehicle pursuant to
2 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
3 skill performance evaluation (SPE) certificate permitting
4 operation of a commercial motor vehicle pursuant to 49 C.F.R.
5 391.49.

6 (21.7) Mobile telephone. "Mobile telephone" means a mobile
7 communication device that falls under or uses any commercial
8 mobile radio service, as defined in regulations of the Federal
9 Communications Commission, 47 CFR 20.3. It does not include
10 two-way or citizens band radio services.

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

16 (22.2) Motor vehicle record. "Motor vehicle record" means
17 a report of the driving status and history of a driver
18 generated from the driver record provided to users, such as
19 drivers or employers, and is subject to the provisions of the
20 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

21 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
22 combination of motor vehicles not defined by the term
23 "commercial motor vehicle" or "CMV" in this Section.

24 (22.7) Non-excepted interstate. "Non-excepted interstate"
25 means a person who operates or expects to operate in
26 interstate commerce, is subject to and meets the qualification

1 requirements under 49 C.F.R. Part 391, and is required to
2 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

3 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
4 means a person who operates only in intrastate commerce and is
5 subject to State driver qualification requirements.

6 (23) Non-domiciled CLP or Non-domiciled CDL.
7 "Non-domiciled CLP" or "Non-domiciled CDL" means a CLP or CDL,
8 respectively, issued by a state or other jurisdiction under
9 either of the following two conditions:

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

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

16 (24) (Blank).

17 (25) (Blank).

18 (25.5) Railroad-Highway Grade Crossing Violation.
19 "Railroad-highway grade crossing violation" means a violation,
20 while operating a commercial motor vehicle, of any of the
21 following:

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

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

25 (25.7) School Bus. "School bus" means a commercial motor
26 vehicle used to transport pre-primary, primary, or secondary

1 school students from home to school, from school to home, or to
2 and from school-sponsored events. "School bus" does not
3 include a bus used as a common carrier.

4 (26) Serious Traffic Violation. "Serious traffic
5 violation" means:

6 (A) a conviction when operating a commercial motor
7 vehicle, or when operating a non-CMV while holding a CLP
8 or CDL, of:

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

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

13 (iii) a violation of any State law or local
14 ordinance relating to motor vehicle traffic control
15 (other than parking violations) arising in connection
16 with a fatal traffic accident; or

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

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

22 (vi) a violation relating to improper or erratic
23 traffic lane changes; or

24 (vii) a violation relating to following another
25 vehicle too closely; or

26 (viii) a violation relating to texting while

1 driving; or

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

4 (B) any other similar violation of a law or local
5 ordinance of any state relating to motor vehicle traffic
6 control, other than a parking violation, which the
7 Secretary of State determines by administrative rule to be
8 serious.

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

12 (28) (Blank).

13 (29) (Blank).

14 (30) (Blank).

15 (31) (Blank).

16 (32) Texting. "Texting" means manually entering
17 alphanumeric text into, or reading text from, an electronic
18 device.

19 (1) Texting includes, but is not limited to, short
20 message service, emailing, instant messaging, a command or
21 request to access a World Wide Web page, pressing more
22 than a single button to initiate or terminate a voice
23 communication using a mobile telephone, or engaging in any
24 other form of electronic text retrieval or entry for
25 present or future communication.

26 (2) Texting does not include:

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

3 or

4 (ii) pressing a single button to initiate or
5 terminate a voice communication using a mobile
6 telephone; or

7 (iii) using a device capable of performing
8 multiple functions (for example, a fleet management
9 system, dispatching device, smart phone, citizens band
10 radio, or music player) for a purpose that is not
11 otherwise prohibited by Part 392 of the Federal Motor
12 Carrier Safety Regulations.

13 (32.3) Third party skills test examiner. "Third party
14 skills test examiner" means a person employed by a third party
15 tester who is authorized by the State to administer the CDL
16 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

17 (32.5) Third party tester. "Third party tester" means a
18 person (including, but not limited to, another state, a motor
19 carrier, a private driver training facility or other private
20 institution, or a department, agency, or instrumentality of a
21 local government) authorized by the State to employ skills
22 test examiners to administer the CDL skills tests specified in
23 49 C.F.R. Part 383, subparts G and H.

24 (32.7) United States. "United States" means the 50 states
25 and the District of Columbia.

26 (33) Use a hand-held mobile telephone. "Use a hand-held

1 mobile telephone" means:

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

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

6 (3) reaching for a mobile telephone in a manner that
7 requires a driver to maneuver so that he or she is no
8 longer in a seated driving position, restrained by a seat
9 belt that is installed in accordance with 49 CFR 393.93
10 and adjusted in accordance with the vehicle manufacturer's
11 instructions.

12 (Source: P.A. 100-223, eff. 8-18-17; 101-185, eff. 1-1-20;
13 101-652.)

14 (625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)

15 Sec. 6-601. Penalties.

16 (a) It is a petty offense for any person to violate any of
17 the provisions of this Chapter unless such violation is by
18 this Code or other law of this State declared to be a
19 misdemeanor or a felony.

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

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

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

4 2. A Class B misdemeanor if the person has been issued
5 a driver's license or permit, which has expired, and if
6 the period of expiration is greater than one year; or if
7 the person has never been issued a driver's license or
8 permit, or is not qualified to obtain a driver's license
9 or permit because of his age.

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

14 If a licensee under this Code is convicted of violating
15 Section 6-303 for operating a motor vehicle during a time when
16 such licensee's driver's license was suspended under the
17 provisions of Section 6-306.3 or 6-308, then such act shall be
18 a petty offense (provided the licensee has answered the charge
19 which was the basis of the suspension under Section 6-306.3 or
20 6-308), and there shall be imposed no additional like period
21 of suspension as provided in paragraph (b) of Section 6-303.

22 (d) For violations of this Code or a similar provision of a
23 local ordinance for which a violation is a petty offense as
24 defined by Section 5-1-17 of the Unified Code of Corrections,
25 excluding business offenses as defined by Section 5-1-2 of the
26 Unified Code of Corrections or a violation of Section 15-111

1 or subsection (d) of Section 3-401 of this Code, if the
2 violation may be satisfied without a court appearance, the
3 violator may, pursuant to Supreme Court Rule, satisfy the case
4 with a written plea of guilty and payment of fines, penalties,
5 and costs ~~as~~ equal to the bail amount established by the
6 Supreme Court for the offense.

7 (Source: P.A. 97-1157, eff. 11-28-13; 98-870, eff. 1-1-15;
8 98-1134, eff. 1-1-15; 101-652.)

9 (625 ILCS 5/16-103) (from Ch. 95 1/2, par. 16-103)

10 Sec. 16-103. Arrest outside county where violation
11 committed.

12 Whenever a defendant is arrested upon a warrant charging a
13 violation of this Act in a county other than that in which such
14 warrant was issued, the arresting officer, immediately upon
15 the request of the defendant, shall take such defendant before
16 a circuit judge or associate circuit judge in the county in
17 which the arrest was made who shall admit the defendant to
18 ~~pretrial release~~ bail for his appearance before the court
19 named in the warrant. On ~~setting the conditions of pretrial~~
20 ~~release~~ taking such bail the circuit judge or associate
21 circuit judge shall certify such fact on the warrant and
22 deliver the warrant and ~~conditions of pretrial release~~
23 undertaking of bail or other security, or the drivers license
24 of such defendant if deposited, under the law relating to such
25 licenses, in lieu of such security, to the officer having

1 charge of the defendant. Such officer shall then immediately
2 discharge the defendant from arrest and without delay deliver
3 such warrant and such ~~acknowledgment by the defendant of his~~
4 ~~or her receiving the conditions of pretrial release~~
5 undertaking of bail, or other security or drivers license to
6 the court before which the defendant is required to appear.

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

8 Section 175. The Illinois Vehicle Code is amended by
9 changing Sections 6-209.1, 11-208.3, 11-208.6, 11-208.8,
10 11-208.9, and 11-1201.1 as follows:

11 (625 ILCS 5/6-209.1)

12 Sec. 6-209.1. Restoration of driving privileges;
13 revocation; suspension; cancellation.

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

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

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

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

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

9 (5) the person receiving a disposition of court
10 supervision for a violation of ~~subsection~~ subsections (a),
11 (d), or (e) of Section 6-20 of the Liquor Control Act of
12 1934 or a similar provision of a local ordinance, if the
13 person presents a certified copy of a court order that
14 includes a finding that the person was not an occupant of a
15 motor vehicle at the time of the violation;

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

21 (7) the person failing to satisfy any fine or penalty
22 resulting from a final order issued by the ~~Illinois State~~
23 ~~Toll Highway~~ Authority relating directly or indirectly to
24 5 or more toll violations, toll evasions, or both;

25 (8) the person being convicted of a violation of
26 Section 4-102 of this Code, if the person presents a

1 certified copy of a court order that includes a finding
2 that the person did not exercise actual physical control
3 of the vehicle at the time of the violation; or

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

10 ~~(b) As soon as practicable and no later than July 1, 2021,~~
11 ~~the Secretary shall rescind the suspension, cancellation, or~~
12 ~~prohibition of renewal of a person's driver's license that has~~
13 ~~been suspended, canceled, or whose renewal has been prohibited~~
14 ~~before the effective date of this amendatory Act of the 101st~~
15 ~~General Assembly due to the person having failed to pay any~~
16 ~~fine or penalty for traffic violations, automated traffic law~~
17 ~~enforcement system violations as defined in Sections 11-208.6,~~
18 ~~and 11-208.8, 11-208.9, and 11-1201.1, or abandoned vehicle~~
19 ~~fees.~~

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

22 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

23 Sec. 11-208.3. Administrative adjudication of violations
24 of traffic regulations concerning the standing, parking, or
25 condition of vehicles, automated traffic law violations, and

1 automated speed enforcement system violations.

2 (a) Any municipality or county may provide by ordinance
3 for a system of administrative adjudication of vehicular
4 standing and parking violations and vehicle compliance
5 violations as described in this subsection, automated traffic
6 law violations as defined in Section 11-208.6, 11-208.9, or
7 11-1201.1, and automated speed enforcement system violations
8 as defined in Section 11-208.8. The administrative system
9 shall have as its purpose the fair and efficient enforcement
10 of municipal or county regulations through the administrative
11 adjudication of automated speed enforcement system or
12 automated traffic law violations and violations of municipal
13 or county ordinances regulating the standing and parking of
14 vehicles, the condition and use of vehicle equipment, and the
15 display of municipal or county wheel tax licenses within the
16 municipality's or county's borders. The administrative system
17 shall only have authority to adjudicate civil offenses
18 carrying fines not in excess of \$500 or requiring the
19 completion of a traffic education program, or both, that occur
20 after the effective date of the ordinance adopting such a
21 system under this Section. For purposes of this Section,
22 "compliance violation" means a violation of a municipal or
23 county regulation governing the condition or use of equipment
24 on a vehicle or governing the display of a municipal or county
25 wheel tax license.

26 (b) Any ordinance establishing a system of administrative

1 adjudication under this Section shall provide for:

2 (1) A traffic compliance administrator authorized to
3 adopt, distribute, and process parking, compliance, and
4 automated speed enforcement system or automated traffic
5 law violation notices and other notices required by this
6 Section, collect money paid as fines and penalties for
7 violation of parking and compliance ordinances and
8 automated speed enforcement system or automated traffic
9 law violations, and operate an administrative adjudication
10 system. The traffic compliance administrator also may make
11 a certified report to the Secretary of State under Section
12 6-306.5.

13 (2) A parking, standing, compliance, automated speed
14 enforcement system, or automated traffic law violation
15 notice that shall specify or include the date, time, and
16 place of violation of a parking, standing, compliance,
17 automated speed enforcement system, or automated traffic
18 law regulation; the particular regulation violated; any
19 requirement to complete a traffic education program; the
20 fine and any penalty that may be assessed for late payment
21 or failure to complete a required traffic education
22 program, or both, when so provided by ordinance; the
23 vehicle make or a photograph of the vehicle; the state
24 registration number of the vehicle; and the identification
25 number of the person issuing the notice. With regard to
26 automated speed enforcement system or automated traffic

1 law violations, vehicle make shall be specified on the
2 automated speed enforcement system or automated traffic
3 law violation notice if the notice does not include a
4 photograph of the vehicle and the make is available and
5 readily discernible. With regard to municipalities or
6 counties with a population of 1 million or more, it shall
7 be grounds for dismissal of a parking violation if the
8 state registration number or vehicle make specified is
9 incorrect. The violation notice shall state that the
10 completion of any required traffic education program, the
11 payment of any indicated fine, and the payment of any
12 applicable penalty for late payment or failure to complete
13 a required traffic education program, or both, shall
14 operate as a final disposition of the violation. The
15 notice also shall contain information as to the
16 availability of a hearing in which the violation may be
17 contested on its merits. The violation notice shall
18 specify the time and manner in which a hearing may be had.

19 (3) Service of a parking, standing, or compliance
20 violation notice by: (i) affixing the original or a
21 facsimile of the notice to an unlawfully parked or
22 standing vehicle; (ii) handing the notice to the operator
23 of a vehicle if he or she is present; or (iii) mailing the
24 notice to the address of the registered owner or lessee of
25 the cited vehicle as recorded with the Secretary of State
26 or the lessor of the motor vehicle within 30 days after the

1 Secretary of State or the lessor of the motor vehicle
2 notifies the municipality or county of the identity of the
3 owner or lessee of the vehicle, but not later than 90 days
4 after ~~the~~ date of the violation, except that in the case of
5 a lessee of a motor vehicle, service of a parking,
6 standing, or compliance violation notice may occur no
7 later than 210 days after the violation; and service of an
8 automated speed enforcement system or automated traffic
9 law violation notice by mail to the address of the
10 registered owner or lessee of the cited vehicle as
11 recorded with the Secretary of State or the lessor of the
12 motor vehicle within 30 days after the Secretary of State
13 or the lessor of the motor vehicle notifies the
14 municipality or county of the identity of the owner or
15 lessee of the vehicle, but not later than 90 days after the
16 violation, except that in the case of a lessee of a motor
17 vehicle, service of an automated traffic law violation
18 notice may occur no later than 210 days after the
19 violation. A person authorized by ordinance to issue and
20 serve parking, standing, and compliance violation notices
21 shall certify as to the correctness of the facts entered
22 on the violation notice by signing his or her name to the
23 notice at the time of service or, in the case of a notice
24 produced by a computerized device, by signing a single
25 certificate to be kept by the traffic compliance
26 administrator attesting to the correctness of all notices

1 produced by the device while it was under his or her
2 control. In the case of an automated traffic law
3 violation, the ordinance shall require a determination by
4 a technician employed or contracted by the municipality or
5 county that, based on inspection of recorded images, the
6 motor vehicle was being operated in violation of Section
7 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance. If
8 the technician determines that the vehicle entered the
9 intersection as part of a funeral procession or in order
10 to yield the right-of-way to an emergency vehicle, a
11 citation shall not be issued. In municipalities with a
12 population of less than 1,000,000 inhabitants and counties
13 with a population of less than 3,000,000 inhabitants, the
14 automated traffic law ordinance shall require that all
15 determinations by a technician that a motor vehicle was
16 being operated in violation of Section 11-208.6, 11-208.9,
17 or 11-1201.1 or a local ordinance must be reviewed and
18 approved by a law enforcement officer or retired law
19 enforcement officer of the municipality or county issuing
20 the violation. In municipalities with a population of
21 1,000,000 or more inhabitants and counties with a
22 population of 3,000,000 or more inhabitants, the automated
23 traffic law ordinance shall require that all
24 determinations by a technician that a motor vehicle was
25 being operated in violation of Section 11-208.6, 11-208.9,
26 or 11-1201.1 or a local ordinance must be reviewed and

1 approved by a law enforcement officer or retired law
2 enforcement officer of the municipality or county issuing
3 the violation or by an additional ~~fully-trained~~
4 fully-trained reviewing technician who is not employed by
5 the contractor who employs the technician who made the
6 initial determination. In the case of an automated speed
7 enforcement system violation, the ordinance shall require
8 a determination by a technician employed by the
9 municipality, based upon an inspection of recorded images,
10 video or other documentation, including documentation of
11 the speed limit and automated speed enforcement signage,
12 and documentation of the inspection, calibration, and
13 certification of the speed equipment, that the vehicle was
14 being operated in violation of Article VI of Chapter 11 of
15 this Code or a similar local ordinance. If the technician
16 determines that the vehicle speed was not determined by a
17 calibrated, certified speed equipment device based upon
18 the speed equipment documentation, or if the vehicle was
19 an emergency vehicle, a citation may not be issued. The
20 automated speed enforcement ordinance shall require that
21 all determinations by a technician that a violation
22 occurred be reviewed and approved by a law enforcement
23 officer or retired law enforcement officer of the
24 municipality issuing the violation or by an additional
25 fully trained reviewing technician who is not employed by
26 the contractor who employs the technician who made the

1 initial determination. Routine and independent calibration
2 of the speeds produced by automated speed enforcement
3 systems and equipment shall be conducted annually by a
4 qualified technician. Speeds produced by an automated
5 speed enforcement system shall be compared with speeds
6 produced by lidar or other independent equipment. Radar or
7 lidar equipment shall undergo an internal validation test
8 no less frequently than once each week. Qualified
9 technicians shall test ~~loop-based~~ loop based equipment no
10 less frequently than once a year. Radar equipment shall be
11 checked for accuracy by a qualified technician when the
12 unit is serviced, when unusual or suspect readings
13 persist, or when deemed necessary by a reviewing
14 technician. Radar equipment shall be checked with the
15 internal frequency generator and the internal circuit test
16 whenever the radar is turned on. Technicians must be alert
17 for any unusual or suspect readings, and if unusual or
18 suspect readings of a radar unit persist, that unit shall
19 immediately be removed from service and not returned to
20 service until it has been checked by a qualified
21 technician and determined to be functioning properly.
22 Documentation of the annual calibration results, including
23 the equipment tested, test date, technician performing the
24 test, and test results, shall be maintained and available
25 for use in the determination of an automated speed
26 enforcement system violation and issuance of a citation.

1 The technician performing the calibration and testing of
2 the automated speed enforcement equipment shall be trained
3 and certified in the use of equipment for speed
4 enforcement purposes. Training on the speed enforcement
5 equipment may be conducted by law enforcement, civilian,
6 or manufacturer's personnel and if applicable may be
7 equivalent to the equipment use and operations training
8 included in the Speed Measuring Device Operator Program
9 developed by the National Highway Traffic Safety
10 Administration (NHTSA). The vendor or technician who
11 performs the work shall keep accurate records on each
12 piece of equipment the technician calibrates and tests. As
13 used in this paragraph, "~~fully-trained~~ fully-trained
14 reviewing technician" means a person who has received at
15 least 40 hours of supervised training in subjects which
16 shall include image inspection and interpretation, the
17 elements necessary to prove a violation, license plate
18 identification, and traffic safety and management. In all
19 municipalities and counties, the automated speed
20 enforcement system or automated traffic law ordinance
21 shall require that no additional fee shall be charged to
22 the alleged violator for exercising his or her right to an
23 administrative hearing, and persons shall be given at
24 least 25 days following an administrative hearing to pay
25 any civil penalty imposed by a finding that Section
26 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a similar

1 local ordinance has been violated. The original or a
2 facsimile of the violation notice or, in the case of a
3 notice produced by a computerized device, a printed record
4 generated by the device showing the facts entered on the
5 notice, shall be retained by the traffic compliance
6 administrator, and shall be a record kept in the ordinary
7 course of business. A parking, standing, compliance,
8 automated speed enforcement system, or automated traffic
9 law violation notice issued, signed, and served in
10 accordance with this Section, a copy of the notice, or the
11 ~~computer-generated~~ computer generated record shall be
12 prima facie correct and shall be prima facie evidence of
13 the correctness of the facts shown on the notice. The
14 notice, copy, or ~~computer-generated~~ computer generated
15 record shall be admissible in any subsequent
16 administrative or legal proceedings.

17 (4) An opportunity for a hearing for the registered
18 owner of the vehicle cited in the parking, standing,
19 compliance, automated speed enforcement system, or
20 automated traffic law violation notice in which the owner
21 may contest the merits of the alleged violation, and
22 during which formal or technical rules of evidence shall
23 not apply; provided, however, that under Section 11-1306
24 of this Code the lessee of a vehicle cited in the violation
25 notice likewise shall be provided an opportunity for a
26 hearing of the same kind afforded the registered owner.

1 The hearings shall be recorded, and the person conducting
2 the hearing on behalf of the traffic compliance
3 administrator shall be empowered to administer oaths and
4 to secure by subpoena both the attendance and testimony of
5 witnesses and the production of relevant books and papers.
6 Persons appearing at a hearing under this Section may be
7 represented by counsel at their expense. The ordinance may
8 also provide for internal administrative review following
9 the decision of the hearing officer.

10 (5) Service of additional notices, sent by first class
11 United States mail, postage prepaid, to the address of the
12 registered owner of the cited vehicle as recorded with the
13 Secretary of State or, if any notice to that address is
14 returned as undeliverable, to the last known address
15 recorded in a United States Post Office approved database,
16 or, under Section 11-1306 or subsection (p) of Section
17 11-208.6 or 11-208.9, or subsection (p) of Section
18 11-208.8 of this Code, to the lessee of the cited vehicle
19 at the last address known to the lessor of the cited
20 vehicle at the time of lease or, if any notice to that
21 address is returned as undeliverable, to the last known
22 address recorded in a United States Post Office approved
23 database. The service shall be deemed complete as of the
24 date of deposit in the United States mail. The notices
25 shall be in the following sequence and shall include⁷ but
26 not be limited to⁷ the information specified herein:

1 (i) A second notice of parking, standing, or
2 compliance violation if the first notice of the
3 violation was issued by affixing the original or a
4 facsimile of the notice to the unlawfully parked
5 vehicle or by handing the notice to the operator. This
6 notice shall specify or include the date and location
7 of the violation cited in the parking, standing, or
8 compliance violation notice, the particular regulation
9 violated, the vehicle make or a photograph of the
10 vehicle, the state registration number of the vehicle,
11 any requirement to complete a traffic education
12 program, the fine and any penalty that may be assessed
13 for late payment or failure to complete a traffic
14 education program, or both, when so provided by
15 ordinance, the availability of a hearing in which the
16 violation may be contested on its merits, and the time
17 and manner in which the hearing may be had. The notice
18 of violation shall also state that failure to complete
19 a required traffic education program, to pay the
20 indicated fine and any applicable penalty, or to
21 appear at a hearing on the merits in the time and
22 manner specified, will result in a final determination
23 of violation liability for the cited violation in the
24 amount of the fine or penalty indicated, and that,
25 upon the occurrence of a final determination of
26 violation liability for the failure, and the

1 exhaustion of, or failure to exhaust, available
2 administrative or judicial procedures for review, any
3 incomplete traffic education program or any unpaid
4 fine or penalty, or both, will constitute a debt due
5 and owing the municipality or county.

6 (ii) A notice of final determination of parking,
7 standing, compliance, automated speed enforcement
8 system, or automated traffic law violation liability.
9 This notice shall be sent following a final
10 determination of parking, standing, compliance,
11 automated speed enforcement system, or automated
12 traffic law violation liability and the conclusion of
13 judicial review procedures taken under this Section.
14 The notice shall state that the incomplete traffic
15 education program or the unpaid fine or penalty, or
16 both, is a debt due and owing the municipality or
17 county. The notice shall contain warnings that failure
18 to complete any required traffic education program or
19 to pay any fine or penalty due and owing the
20 municipality or county, or both, within the time
21 specified may result in the municipality's or county's
22 filing of a petition in the Circuit Court to have the
23 incomplete traffic education program or unpaid fine or
24 penalty, or both, rendered a judgment as provided by
25 this Section, or, where applicable, may result in
26 suspension of the person's ~~driver's~~ drivers license

1 for failure to complete a traffic education program.
2 or to pay fines or penalties, or both, for 5 or more
3 automated traffic law violations under Section
4 11-208.6 or 11-208.9 or automated speed enforcement
5 system violations under Section 11-208.8

6 (6) A notice of impending ~~driver's~~ drivers license
7 suspension. This notice shall be sent to the person liable
8 for failure to complete a required traffic education
9 program or to pay any fine or penalty that remains due and
10 owing, or both, on 5 or more unpaid automated speed
11 enforcement system or automated traffic law violations.

12 The notice shall state that failure to complete a required
13 traffic education program or to pay the fine or penalty
14 owing, or both, within 45 days of the notice's date will
15 result in the municipality or county notifying the
16 Secretary of State that the person is eligible for
17 initiation of suspension proceedings under Section 6-306.5
18 of this Code. The notice shall also state that the person
19 may obtain a photostatic copy of an original ticket
20 imposing a fine or penalty by sending a ~~self-addressed~~
21 self addressed , stamped envelope to the municipality or
22 county along with a request for the photostatic copy. The
23 notice of impending ~~driver's~~ drivers license suspension
24 shall be sent by first class United States mail, postage
25 prepaid, to the address recorded with the Secretary of
26 State or, if any notice to that address is returned as

1 undeliverable, to the last known address recorded in a
2 United States Post Office approved database.

3 (7) Final determinations of violation liability. A
4 final determination of violation liability shall occur
5 following failure to complete the required traffic
6 education program or to pay the fine or penalty, or both,
7 after a hearing officer's determination of violation
8 liability and the exhaustion of or failure to exhaust any
9 administrative review procedures provided by ordinance.
10 Where a person fails to appear at a hearing to contest the
11 alleged violation in the time and manner specified in a
12 prior mailed notice, the hearing officer's determination
13 of violation liability shall become final: (A) upon denial
14 of a timely petition to set aside that determination, or
15 (B) upon expiration of the period for filing the petition
16 without a filing having been made.

17 (8) A petition to set aside a determination of
18 parking, standing, compliance, automated speed enforcement
19 system, or automated traffic law violation liability that
20 may be filed by a person owing an unpaid fine or penalty. A
21 petition to set aside a determination of liability may
22 also be filed by a person required to complete a traffic
23 education program. The petition shall be filed with and
24 ruled upon by the traffic compliance administrator in the
25 manner and within the time specified by ordinance. The
26 grounds for the petition may be limited to: (A) the person

1 not having been the owner or lessee of the cited vehicle on
2 the date the violation notice was issued, (B) the person
3 having already completed the required traffic education
4 program or paid the fine or penalty, or both, for the
5 violation in question, and (C) excusable failure to appear
6 at or request a new date for a hearing. With regard to
7 municipalities or counties with a population of 1 million
8 or more, it shall be grounds for dismissal of a parking
9 violation if the state registration number or vehicle
10 make, only if specified in the violation notice, is
11 incorrect. After the determination of parking, standing,
12 compliance, automated speed enforcement system, or
13 automated traffic law violation liability has been set
14 aside upon a showing of just cause, the registered owner
15 shall be provided with a hearing on the merits for that
16 violation.

17 (9) Procedures for non-residents. Procedures by which
18 persons who are not residents of the municipality or
19 county may contest the merits of the alleged violation
20 without attending a hearing.

21 (10) A schedule of civil fines for violations of
22 vehicular standing, parking, compliance, automated speed
23 enforcement system, or automated traffic law regulations
24 enacted by ordinance pursuant to this Section, and a
25 schedule of penalties for late payment of the fines or
26 failure to complete required traffic education programs,

1 provided, however, that the total amount of the fine and
2 penalty for any one violation shall not exceed \$250,
3 except as provided in subsection (c) of Section 11-1301.3
4 of this Code.

5 (11) Other provisions as are necessary and proper to
6 carry into effect the powers granted and purposes stated
7 in this Section.

8 (c) Any municipality or county establishing vehicular
9 standing, parking, compliance, automated speed enforcement
10 system, or automated traffic law regulations under this
11 Section may also provide by ordinance for a program of vehicle
12 immobilization for the purpose of facilitating enforcement of
13 those regulations. The program of vehicle immobilization shall
14 provide for immobilizing any eligible vehicle upon the public
15 way by presence of a restraint in a manner to prevent operation
16 of the vehicle. Any ordinance establishing a program of
17 vehicle immobilization under this Section shall provide:

18 (1) Criteria for the designation of vehicles eligible
19 for immobilization. A vehicle shall be eligible for
20 immobilization when the registered owner of the vehicle
21 has accumulated the number of incomplete traffic education
22 programs or unpaid final determinations of parking,
23 standing, compliance, automated speed enforcement system,
24 or automated traffic law violation liability, or both, as
25 determined by ordinance.

26 (2) A notice of impending vehicle immobilization and a

1 right to a hearing to challenge the validity of the notice
2 by disproving liability for the incomplete traffic
3 education programs or unpaid final determinations of
4 parking, standing, compliance, automated speed enforcement
5 system, or automated traffic law violation liability, or
6 both, listed on the notice.

7 (3) The right to a prompt hearing after a vehicle has
8 been immobilized or subsequently towed without the
9 completion of the required traffic education program or
10 payment of the outstanding fines and penalties on parking,
11 standing, compliance, automated speed enforcement system,
12 or automated traffic law violations, or both, for which
13 final determinations have been issued. An order issued
14 after the hearing is a final administrative decision
15 within the meaning of Section 3-101 of the Code of Civil
16 Procedure.

17 (4) A post immobilization and post-towing notice
18 advising the registered owner of the vehicle of the right
19 to a hearing to challenge the validity of the impoundment.

20 (d) Judicial review of final determinations of parking,
21 standing, compliance, automated speed enforcement system, or
22 automated traffic law violations and final administrative
23 decisions issued after hearings regarding vehicle
24 immobilization and impoundment made under this Section shall
25 be subject to the provisions of the Administrative Review Law.

26 (e) Any fine, penalty, incomplete traffic education

1 program, or part of any fine or any penalty remaining unpaid
2 after the exhaustion of, or the failure to exhaust,
3 administrative remedies created under this Section and the
4 conclusion of any judicial review procedures shall be a debt
5 due and owing the municipality or county and, as such, may be
6 collected in accordance with applicable law. Completion of any
7 required traffic education program and payment in full of any
8 fine or penalty resulting from a standing, parking,
9 compliance, automated speed enforcement system, or automated
10 traffic law violation shall constitute a final disposition of
11 that violation.

12 (f) After the expiration of the period within which
13 judicial review may be sought for a final determination of
14 parking, standing, compliance, automated speed enforcement
15 system, or automated traffic law violation, the municipality
16 or county may commence a proceeding in the Circuit Court for
17 purposes of obtaining a judgment on the final determination of
18 violation. Nothing in this Section shall prevent a
19 municipality or county from consolidating multiple final
20 determinations of parking, standing, compliance, automated
21 speed enforcement system, or automated traffic law violations
22 against a person in a proceeding. Upon commencement of the
23 action, the municipality or county shall file a certified copy
24 or record of the final determination of parking, standing,
25 compliance, automated speed enforcement system, or automated
26 traffic law violation, which shall be accompanied by a

1 certification that recites facts sufficient to show that the
2 final determination of violation was issued in accordance with
3 this Section and the applicable municipal or county ordinance.
4 Service of the summons and a copy of the petition may be by any
5 method provided by Section 2-203 of the Code of Civil
6 Procedure or by certified mail, return receipt requested,
7 provided that the total amount of fines and penalties for
8 final determinations of parking, standing, compliance,
9 automated speed enforcement system, or automated traffic law
10 violations does not exceed \$2500. If the court is satisfied
11 that the final determination of parking, standing, compliance,
12 automated speed enforcement system, or automated traffic law
13 violation was entered in accordance with the requirements of
14 this Section and the applicable municipal or county ordinance,
15 and that the registered owner or the lessee, as the case may
16 be, had an opportunity for an administrative hearing and for
17 judicial review as provided in this Section, the court shall
18 render judgment in favor of the municipality or county and
19 against the registered owner or the lessee for the amount
20 indicated in the final determination of parking, standing,
21 compliance, automated speed enforcement system, or automated
22 traffic law violation, plus costs. The judgment shall have the
23 same effect and may be enforced in the same manner as other
24 judgments for the recovery of money.

25 (g) The fee for participating in a traffic education
26 program under this Section shall not exceed \$25.

1 A low-income individual required to complete a traffic
2 education program under this Section who provides proof of
3 eligibility for the federal earned income tax credit under
4 Section 32 of the Internal Revenue Code or the Illinois earned
5 income tax credit under Section 212 of the Illinois Income Tax
6 Act shall not be required to pay any fee for participating in a
7 required traffic education program.

8 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;
9 101-652, eff. 7-1-21; 102-558, eff. 8-20-21.)

10 (625 ILCS 5/11-208.6)

11 Sec. 11-208.6. Automated traffic law enforcement system.

12 (a) As used in this Section, "automated traffic law
13 enforcement system" means a device with one or more motor
14 vehicle sensors working in conjunction with a red light signal
15 to produce recorded images of motor vehicles entering an
16 intersection against a red signal indication in violation of
17 Section 11-306 of this Code or a similar provision of a local
18 ordinance.

19 An automated traffic law enforcement system is a system,
20 in a municipality or county operated by a governmental agency,
21 that produces a recorded image of a motor vehicle's violation
22 of a provision of this Code or a local ordinance and is
23 designed to obtain a clear recorded image of the vehicle and
24 the vehicle's license plate. The recorded image must also
25 display the time, date, and location of the violation.

1 (b) As used in this Section, "recorded images" means
2 images recorded by an automated traffic law enforcement system
3 on:

4 (1) 2 or more photographs;

5 (2) 2 or more microphotographs;

6 (3) 2 or more electronic images; or

7 (4) a video recording showing the motor vehicle and,
8 on at least one image or portion of the recording, clearly
9 identifying the registration plate or digital registration
10 plate number of the motor vehicle.

11 (b-5) A municipality or county that produces a recorded
12 image of a motor vehicle's violation of a provision of this
13 Code or a local ordinance must make the recorded images of a
14 violation accessible to the alleged violator by providing the
15 alleged violator with a website address, accessible through
16 the Internet.

17 (c) Except as provided under Section 11-208.8 of this
18 Code, a county or municipality, including a home rule county
19 or municipality, may not use an automated traffic law
20 enforcement system to provide recorded images of a motor
21 vehicle for the purpose of recording its speed. Except as
22 provided under Section 11-208.8 of this Code, the regulation
23 of the use of automated traffic law enforcement systems to
24 record vehicle speeds is an exclusive power and function of
25 the State. This subsection (c) is a denial and limitation of
26 home rule powers and functions under subsection (h) of Section

1 6 of Article VII of the Illinois Constitution.

2 (c-5) A county or municipality, including a home rule
3 county or municipality, may not use an automated traffic law
4 enforcement system to issue violations in instances where the
5 motor vehicle comes to a complete stop and does not enter the
6 intersection, as defined by Section 1-132 of this Code, during
7 the cycle of the red signal indication unless one or more
8 pedestrians or bicyclists are present, even if the motor
9 vehicle stops at a point past a stop line or crosswalk where a
10 driver is required to stop, as specified in subsection (c) of
11 Section 11-306 of this Code or a similar provision of a local
12 ordinance.

13 (c-6) A county, or a municipality with less than 2,000,000
14 inhabitants, including a home rule county or municipality, may
15 not use an automated traffic law enforcement system to issue
16 violations in instances where a motorcyclist enters an
17 intersection against a red signal indication when the red
18 signal fails to change to a green signal within a reasonable
19 period of time not less than 120 seconds because of a signal
20 malfunction or because the signal has failed to detect the
21 arrival of the motorcycle due to the motorcycle's size or
22 weight.

23 (d) For each violation of a provision of this Code or a
24 local ordinance recorded by an automatic traffic law
25 enforcement system, the county or municipality having
26 jurisdiction shall issue a written notice of the violation to

1 the registered owner of the vehicle as the alleged violator.
2 The notice shall be delivered to the registered owner of the
3 vehicle, by mail, within 30 days after the Secretary of State
4 notifies the municipality or county of the identity of the
5 owner of the vehicle, but in no event later than 90 days after
6 the violation.

7 The notice shall include:

8 (1) the name and address of the registered owner of
9 the vehicle;

10 (2) the registration number of the motor vehicle
11 involved in the violation;

12 (3) the violation charged;

13 (4) the location where the violation occurred;

14 (5) the date and time of the violation;

15 (6) a copy of the recorded images;

16 (7) the amount of the civil penalty imposed and the
17 requirements of any traffic education program imposed and
18 the date by which the civil penalty should be paid and the
19 traffic education program should be completed;

20 (8) a statement that recorded images are evidence of a
21 violation of a red light signal;

22 (9) a warning that failure to pay the civil penalty,
23 to complete a required traffic education program, or to
24 contest liability in a timely manner is an admission of
25 liability and may result in a suspension of the driving
26 privileges of the registered owner of the vehicle;

1 (10) a statement that the person may elect to proceed
2 by:

3 (A) paying the fine, completing a required traffic
4 education program, or both; or

5 (B) challenging the charge in court, by mail, or
6 by administrative hearing; and

7 (11) a website address, accessible through the
8 Internet, where the person may view the recorded images of
9 the violation.

10 (e) ~~(Blank)~~. If a person charged with a traffic violation,
11 as a result of an automated traffic law enforcement system,
12 does not pay the fine or complete a required traffic education
13 program, or both, or successfully contest the civil penalty
14 resulting from that violation, the Secretary of State shall
15 suspend the driving privileges of the registered owner of the
16 vehicle under Section 6-306.5 of this Code for failing to
17 complete a required traffic education program or to pay any
18 fine or penalty due and owing, or both, as a result of a
19 combination of 5 violations of the automated traffic law
20 enforcement system or the automated speed enforcement system
21 under Section 11-208.8 of this Code.

22 (f) Based on inspection of recorded images produced by an
23 automated traffic law enforcement system, a notice alleging
24 that the violation occurred shall be evidence of the facts
25 contained in the notice and admissible in any proceeding
26 alleging a violation under this Section.

1 (g) Recorded images made by an automatic traffic law
2 enforcement system are confidential and shall be made
3 available only to the alleged violator and governmental and
4 law enforcement agencies for purposes of adjudicating a
5 violation of this Section, for statistical purposes, or for
6 other governmental purposes. Any recorded image evidencing a
7 violation of this Section, however, may be admissible in any
8 proceeding resulting from the issuance of the citation.

9 (h) The court or hearing officer may consider in defense
10 of a violation:

11 (1) that the motor vehicle or registration plates or
12 digital registration plates of the motor vehicle were
13 stolen before the violation occurred and not under the
14 control of or in the possession of the owner at the time of
15 the violation;

16 (2) that the driver of the vehicle passed through the
17 intersection when the light was red either (i) in order to
18 yield the right-of-way to an emergency vehicle or (ii) as
19 part of a funeral procession; and

20 (3) any other evidence or issues provided by municipal
21 or county ordinance.

22 (i) To demonstrate that the motor vehicle or the
23 registration plates or digital registration plates were stolen
24 before the violation occurred and were not under the control
25 or possession of the owner at the time of the violation, the
26 owner must submit proof that a report concerning the stolen

1 motor vehicle or registration plates was filed with a law
2 enforcement agency in a timely manner.

3 (j) Unless the driver of the motor vehicle received a
4 Uniform Traffic Citation from a police officer at the time of
5 the violation, the motor vehicle owner is subject to a civil
6 penalty not exceeding \$100 or the completion of a traffic
7 education program, or both, plus an additional penalty of not
8 more than \$100 for failure to pay the original penalty or to
9 complete a required traffic education program, or both, in a
10 timely manner, if the motor vehicle is recorded by an
11 automated traffic law enforcement system. A violation for
12 which a civil penalty is imposed under this Section is not a
13 violation of a traffic regulation governing the movement of
14 vehicles and may not be recorded on the driving record of the
15 owner of the vehicle.

16 (j-3) A registered owner who is a holder of a valid
17 commercial driver's license is not required to complete a
18 traffic education program.

19 (j-5) For purposes of the required traffic education
20 program only, a registered owner may submit an affidavit to
21 the court or hearing officer swearing that at the time of the
22 alleged violation, the vehicle was in the custody and control
23 of another person. The affidavit must identify the person in
24 custody and control of the vehicle, including the person's
25 name and current address. The person in custody and control of
26 the vehicle at the time of the violation is required to

1 complete the required traffic education program. If the person
2 in custody and control of the vehicle at the time of the
3 violation completes the required traffic education program,
4 the registered owner of the vehicle is not required to
5 complete a traffic education program.

6 (k) An intersection equipped with an automated traffic law
7 enforcement system must be posted with a sign visible to
8 approaching traffic indicating that the intersection is being
9 monitored by an automated traffic law enforcement system.

10 (k-3) A municipality or county that has one or more
11 intersections equipped with an automated traffic law
12 enforcement system must provide notice to drivers by posting
13 the locations of automated traffic law systems on the
14 municipality or county website.

15 (k-5) An intersection equipped with an automated traffic
16 law enforcement system must have a yellow change interval that
17 conforms with the Illinois Manual on Uniform Traffic Control
18 Devices (IMUTCD) published by the Illinois Department of
19 Transportation.

20 (k-7) A municipality or county operating an automated
21 traffic law enforcement system shall conduct a statistical
22 analysis to assess the safety impact of each automated traffic
23 law enforcement system at an intersection following
24 installation of the system. The statistical analysis shall be
25 based upon the best available crash, traffic, and other data,
26 and shall cover a period of time before and after installation

1 of the system sufficient to provide a statistically valid
2 comparison of safety impact. The statistical analysis shall be
3 consistent with professional judgment and acceptable industry
4 practice. The statistical analysis also shall be consistent
5 with the data required for valid comparisons of before and
6 after conditions and shall be conducted within a reasonable
7 period following the installation of the automated traffic law
8 enforcement system. The statistical analysis required by this
9 subsection (k-7) shall be made available to the public and
10 shall be published on the website of the municipality or
11 county. If the statistical analysis for the 36 month period
12 following installation of the system indicates that there has
13 been an increase in the rate of accidents at the approach to
14 the intersection monitored by the system, the municipality or
15 county shall undertake additional studies to determine the
16 cause and severity of the accidents, and may take any action
17 that it determines is necessary or appropriate to reduce the
18 number or severity of the accidents at that intersection.

19 (l) The compensation paid for an automated traffic law
20 enforcement system must be based on the value of the equipment
21 or the services provided and may not be based on the number of
22 traffic citations issued or the revenue generated by the
23 system.

24 (m) This Section applies only to the counties of Cook,
25 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
26 to municipalities located within those counties.

1 (n) The fee for participating in a traffic education
2 program under this Section shall not exceed \$25.

3 A low-income individual required to complete a traffic
4 education program under this Section who provides proof of
5 eligibility for the federal earned income tax credit under
6 Section 32 of the Internal Revenue Code or the Illinois earned
7 income tax credit under Section 212 of the Illinois Income Tax
8 Act shall not be required to pay any fee for participating in a
9 required traffic education program.

10 (o) ~~(Blank)~~. A municipality or county shall make a
11 certified report to the Secretary of State pursuant to Section
12 6-306.5 of this Code whenever a registered owner of a vehicle
13 has failed to pay any fine or penalty due and owing as a result
14 of a combination of 5 offenses for automated traffic law or
15 speed enforcement system violations.

16 (p) No person who is the lessor of a motor vehicle pursuant
17 to a written lease agreement shall be liable for an automated
18 speed or traffic law enforcement system violation involving
19 such motor vehicle during the period of the lease; provided
20 that upon the request of the appropriate authority received
21 within 120 days after the violation occurred, the lessor
22 provides within 60 days after such receipt the name and
23 address of the lessee. The drivers license number of a lessee
24 may be subsequently individually requested by the appropriate
25 authority if needed for enforcement of this Section.

26 Upon the provision of information by the lessor pursuant

1 to this subsection, the county or municipality may issue the
2 violation to the lessee of the vehicle in the same manner as it
3 would issue a violation to a registered owner of a vehicle
4 pursuant to this Section, and the lessee may be held liable for
5 the violation.

6 (Source: P.A. 101-395, eff. 8-16-19; 101-652.)

7 (625 ILCS 5/11-208.8)

8 Sec. 11-208.8. Automated speed enforcement systems in
9 safety zones.

10 (a) As used in this Section:

11 "Automated speed enforcement system" means a photographic
12 device, radar device, laser device, or other electrical or
13 mechanical device or devices installed or utilized in a safety
14 zone and designed to record the speed of a vehicle and obtain a
15 clear photograph or other recorded image of the vehicle and
16 the vehicle's registration plate or digital registration plate
17 while the driver is violating Article VI of Chapter 11 of this
18 Code or a similar provision of a local ordinance.

19 An automated speed enforcement system is a system, located
20 in a safety zone which is under the jurisdiction of a
21 municipality, that produces a recorded image of a motor
22 vehicle's violation of a provision of this Code or a local
23 ordinance and is designed to obtain a clear recorded image of
24 the vehicle and the vehicle's license plate. The recorded
25 image must also display the time, date, and location of the

1 violation.

2 "Owner" means the person or entity to whom the vehicle is
3 registered.

4 "Recorded image" means images recorded by an automated
5 speed enforcement system on:

6 (1) 2 or more photographs;

7 (2) 2 or more microphotographs;

8 (3) 2 or more electronic images; or

9 (4) a video recording showing the motor vehicle and,
10 on at least one image or portion of the recording, clearly
11 identifying the registration plate or digital registration
12 plate number of the motor vehicle.

13 "Safety zone" means an area that is within one-eighth of a
14 mile from the nearest property line of any public or private
15 elementary or secondary school, or from the nearest property
16 line of any facility, area, or land owned by a school district
17 that is used for educational purposes approved by the Illinois
18 State Board of Education, not including school district
19 headquarters or administrative buildings. A safety zone also
20 includes an area that is within one-eighth of a mile from the
21 nearest property line of any facility, area, or land owned by a
22 park district used for recreational purposes. However, if any
23 portion of a roadway is within either one-eighth mile radius,
24 the safety zone also shall include the roadway extended to the
25 furthest portion of the next furthest intersection. The term
26 "safety zone" does not include any portion of the roadway

1 known as Lake Shore Drive or any controlled access highway
2 with 8 or more lanes of traffic.

3 (a-5) The automated speed enforcement system shall be
4 operational and violations shall be recorded only at the
5 following times:

6 (i) if the safety zone is based upon the property line
7 of any facility, area, or land owned by a school district,
8 only on school days and no earlier than 6 a.m. and no later
9 than 8:30 p.m. if the school day is during the period of
10 Monday through Thursday, or 9 p.m. if the school day is a
11 Friday; and

12 (ii) if the safety zone is based upon the property
13 line of any facility, area, or land owned by a park
14 district, no earlier than one hour prior to the time that
15 the facility, area, or land is open to the public or other
16 patrons, and no later than one hour after the facility,
17 area, or land is closed to the public or other patrons.

18 (b) A municipality that produces a recorded image of a
19 motor vehicle's violation of a provision of this Code or a
20 local ordinance must make the recorded images of a violation
21 accessible to the alleged violator by providing the alleged
22 violator with a website address, accessible through the
23 Internet.

24 (c) Notwithstanding any penalties for any other violations
25 of this Code, the owner of a motor vehicle used in a traffic
26 violation recorded by an automated speed enforcement system

1 shall be subject to the following penalties:

2 (1) if the recorded speed is no less than 6 miles per
3 hour and no more than 10 miles per hour over the legal
4 speed limit, a civil penalty not exceeding \$50, plus an
5 additional penalty of not more than \$50 for failure to pay
6 the original penalty in a timely manner; or

7 (2) if the recorded speed is more than 10 miles per
8 hour over the legal speed limit, a civil penalty not
9 exceeding \$100, plus an additional penalty of not more
10 than \$100 for failure to pay the original penalty in a
11 timely manner.

12 A penalty may not be imposed under this Section if the
13 driver of the motor vehicle received a Uniform Traffic
14 Citation from a police officer for a speeding violation
15 occurring within one-eighth of a mile and 15 minutes of the
16 violation that was recorded by the system. A violation for
17 which a civil penalty is imposed under this Section is not a
18 violation of a traffic regulation governing the movement of
19 vehicles and may not be recorded on the driving record of the
20 owner of the vehicle. A law enforcement officer is not
21 required to be present or to witness the violation. No penalty
22 may be imposed under this Section if the recorded speed of a
23 vehicle is 5 miles per hour or less over the legal speed limit.
24 The municipality may send, in the same manner that notices are
25 sent under this Section, a speed violation warning notice
26 where the violation involves a speed of 5 miles per hour or

1 less above the legal speed limit.

2 (d) The net proceeds that a municipality receives from
3 civil penalties imposed under an automated speed enforcement
4 system, after deducting all non-personnel and personnel costs
5 associated with the operation and maintenance of such system,
6 shall be expended or obligated by the municipality for the
7 following purposes:

8 (i) public safety initiatives to ensure safe passage
9 around schools, and to provide police protection and
10 surveillance around schools and parks, including but not
11 limited to: (1) personnel costs; and (2) non-personnel
12 costs such as construction and maintenance of public
13 safety infrastructure and equipment;

14 (ii) initiatives to improve pedestrian and traffic
15 safety;

16 (iii) construction and maintenance of infrastructure
17 within the municipality, including but not limited to
18 roads and bridges; and

19 (iv) after school programs.

20 (e) For each violation of a provision of this Code or a
21 local ordinance recorded by an automated speed enforcement
22 system, the municipality having jurisdiction shall issue a
23 written notice of the violation to the registered owner of the
24 vehicle as the alleged violator. The notice shall be delivered
25 to the registered owner of the vehicle, by mail, within 30 days
26 after the Secretary of State notifies the municipality of the

1 identity of the owner of the vehicle, but in no event later
2 than 90 days after the violation.

3 (f) The notice required under subsection (e) of this
4 Section shall include:

5 (1) the name and address of the registered owner of
6 the vehicle;

7 (2) the registration number of the motor vehicle
8 involved in the violation;

9 (3) the violation charged;

10 (4) the date, time, and location where the violation
11 occurred;

12 (5) a copy of the recorded image or images;

13 (6) the amount of the civil penalty imposed and the
14 date by which the civil penalty should be paid;

15 (7) a statement that recorded images are evidence of a
16 violation of a speed restriction;

17 (8) a warning that failure to pay the civil penalty or
18 to contest liability in a timely manner is an admission of
19 liability and may result in a suspension of the driving
20 privileges of the registered owner of the vehicle;

21 (9) a statement that the person may elect to proceed
22 by:

23 (A) paying the fine; or

24 (B) challenging the charge in court, by mail, or
25 by administrative hearing; and

26 (10) a website address, accessible through the

1 Internet, where the person may view the recorded images of
2 the violation.

3 (g) ~~(Blank)~~. If a person charged with a traffic violation,
4 as a result of an automated speed enforcement system, does not
5 pay the fine or successfully contest the civil penalty
6 resulting from that violation, the Secretary of State shall
7 suspend the driving privileges of the registered owner of the
8 vehicle under Section 6-306.5 of this Code for failing to pay
9 any fine or penalty due and owing, or both, as a result of a
10 combination of 5 violations of the automated speed enforcement
11 system or the automated traffic law under Section 11-208.6 of
12 this Code.

13 (h) Based on inspection of recorded images produced by an
14 automated speed enforcement system, a notice alleging that the
15 violation occurred shall be evidence of the facts contained in
16 the notice and admissible in any proceeding alleging a
17 violation under this Section.

18 (i) Recorded images made by an automated speed enforcement
19 system are confidential and shall be made available only to
20 the alleged violator and governmental and law enforcement
21 agencies for purposes of adjudicating a violation of this
22 Section, for statistical purposes, or for other governmental
23 purposes. Any recorded image evidencing a violation of this
24 Section, however, may be admissible in any proceeding
25 resulting from the issuance of the citation.

26 (j) The court or hearing officer may consider in defense

1 of a violation:

2 (1) that the motor vehicle or registration plates or
3 digital registration plates of the motor vehicle were
4 stolen before the violation occurred and not under the
5 control or in the possession of the owner at the time of
6 the violation;

7 (2) that the driver of the motor vehicle received a
8 Uniform Traffic Citation from a police officer for a
9 speeding violation occurring within one-eighth of a mile
10 and 15 minutes of the violation that was recorded by the
11 system; and

12 (3) any other evidence or issues provided by municipal
13 ordinance.

14 (k) To demonstrate that the motor vehicle or the
15 registration plates or digital registration plates were stolen
16 before the violation occurred and were not under the control
17 or possession of the owner at the time of the violation, the
18 owner must submit proof that a report concerning the stolen
19 motor vehicle or registration plates was filed with a law
20 enforcement agency in a timely manner.

21 (l) A roadway equipped with an automated speed enforcement
22 system shall be posted with a sign conforming to the national
23 Manual on Uniform Traffic Control Devices that is visible to
24 approaching traffic stating that vehicle speeds are being
25 photo-enforced and indicating the speed limit. The
26 municipality shall install such additional signage as it

1 determines is necessary to give reasonable notice to drivers
2 as to where automated speed enforcement systems are installed.

3 (m) A roadway where a new automated speed enforcement
4 system is installed shall be posted with signs providing 30
5 days notice of the use of a new automated speed enforcement
6 system prior to the issuance of any citations through the
7 automated speed enforcement system.

8 (n) The compensation paid for an automated speed
9 enforcement system must be based on the value of the equipment
10 or the services provided and may not be based on the number of
11 traffic citations issued or the revenue generated by the
12 system.

13 (o) ~~(Blank)~~. A municipality shall make a certified report
14 to the Secretary of State pursuant to Section 6-306.5 of this
15 Code whenever a registered owner of a vehicle has failed to pay
16 any fine or penalty due and owing as a result of a combination
17 of 5 offenses for automated speed or traffic law enforcement
18 system violations.

19 (p) No person who is the lessor of a motor vehicle pursuant
20 to a written lease agreement shall be liable for an automated
21 speed or traffic law enforcement system violation involving
22 such motor vehicle during the period of the lease; provided
23 that upon the request of the appropriate authority received
24 within 120 days after the violation occurred, the lessor
25 provides within 60 days after such receipt the name and
26 address of the lessee. The drivers license number of a lessee

1 may be subsequently individually requested by the appropriate
2 authority if needed for enforcement of this Section.

3 Upon the provision of information by the lessor pursuant
4 to this subsection, the municipality may issue the violation
5 to the lessee of the vehicle in the same manner as it would
6 issue a violation to a registered owner of a vehicle pursuant
7 to this Section, and the lessee may be held liable for the
8 violation.

9 (q) A municipality using an automated speed enforcement
10 system must provide notice to drivers by publishing the
11 locations of all safety zones where system equipment is
12 installed on the website of the municipality.

13 (r) A municipality operating an automated speed
14 enforcement system shall conduct a statistical analysis to
15 assess the safety impact of the system. The statistical
16 analysis shall be based upon the best available crash,
17 traffic, and other data, and shall cover a period of time
18 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.

3 (s) This Section applies only to municipalities with a
4 population of 1,000,000 or more inhabitants.

5 (Source: P.A. 101-395, eff. 8-16-19; 101-652.)

6 (625 ILCS 5/11-208.9)

7 Sec. 11-208.9. Automated traffic law enforcement system;
8 approaching, overtaking, and passing a school bus.

9 (a) As used in this Section, "automated traffic law
10 enforcement system" means a device with one or more motor
11 vehicle sensors working in conjunction with the visual signals
12 on a school bus, as specified in Sections 12-803 and 12-805 of
13 this Code, to produce recorded images of motor vehicles that
14 fail to stop before meeting or overtaking, from either
15 direction, any school bus stopped at any location for the
16 purpose of receiving or discharging pupils in violation of
17 Section 11-1414 of this Code or a similar provision of a local
18 ordinance.

19 An automated traffic law enforcement system is a system,
20 in a municipality or county operated by a governmental agency,
21 that produces a recorded image of a motor vehicle's violation
22 of a provision of this Code or a local ordinance and is
23 designed to obtain a clear recorded image of the vehicle and
24 the vehicle's license plate. The recorded image must also
25 display the time, date, and location of the violation.

1 (b) As used in this Section, "recorded images" means
2 images recorded by an automated traffic law enforcement system
3 on:

4 (1) 2 or more photographs;

5 (2) 2 or more microphotographs;

6 (3) 2 or more electronic images; or

7 (4) a video recording showing the motor vehicle and,
8 on at least one image or portion of the recording, clearly
9 identifying the registration plate or digital registration
10 plate number of the motor vehicle.

11 (c) A municipality or county that produces a recorded
12 image of a motor vehicle's violation of a provision of this
13 Code or a local ordinance must make the recorded images of a
14 violation accessible to the alleged violator by providing the
15 alleged violator with a website address, accessible through
16 the Internet.

17 (d) For each violation of a provision of this Code or a
18 local ordinance recorded by an automated traffic law
19 enforcement system, the county or municipality having
20 jurisdiction shall issue a written notice of the violation to
21 the registered owner of the vehicle as the alleged violator.
22 The notice shall be delivered to the registered owner of the
23 vehicle, by mail, within 30 days after the Secretary of State
24 notifies the municipality or county of the identity of the
25 owner of the vehicle, but in no event later than 90 days after
26 the violation.

1 (e) The notice required under subsection (d) shall
2 include:

3 (1) the name and address of the registered owner of
4 the vehicle;

5 (2) the registration number of the motor vehicle
6 involved in the violation;

7 (3) the violation charged;

8 (4) the location where the violation occurred;

9 (5) the date and time of the violation;

10 (6) a copy of the recorded images;

11 (7) the amount of the civil penalty imposed and the
12 date by which the civil penalty should be paid;

13 (8) a statement that recorded images are evidence of a
14 violation of overtaking or passing a school bus stopped
15 for the purpose of receiving or discharging pupils;

16 (9) a warning that failure to pay the civil penalty or
17 to contest liability in a timely manner is an admission of
18 liability and may result in a suspension of the driving
19 privileges of the registered owner of the vehicle;

20 (10) a statement that the person may elect to proceed
21 by:

22 (A) paying the fine; or

23 (B) challenging the charge in court, by mail, or
24 by administrative hearing; and

25 (11) a website address, accessible through the
26 Internet, where the person may view the recorded images of

1 the violation.

2 (f) ~~(Blank)~~. If a person charged with a traffic violation,
3 as a result of an automated traffic law enforcement system
4 under this Section, does not pay the fine or successfully
5 contest the civil penalty resulting from that violation, the
6 Secretary of State shall suspend the driving privileges of the
7 registered owner of the vehicle under Section 6-306.5 of this
8 Code for failing to pay any fine or penalty due and owing as a
9 result of a combination of 5 violations of the automated
10 traffic law enforcement system or the automated speed
11 enforcement system under Section 11-208.8 of this Code.

12 (g) Based on inspection of recorded images produced by an
13 automated traffic law enforcement system, a notice alleging
14 that the violation occurred shall be evidence of the facts
15 contained in the notice and admissible in any proceeding
16 alleging a violation under this Section.

17 (h) Recorded images made by an automated traffic law
18 enforcement system are confidential and shall be made
19 available only to the alleged violator and governmental and
20 law enforcement agencies for purposes of adjudicating a
21 violation of this Section, for statistical purposes, or for
22 other governmental purposes. Any recorded image evidencing a
23 violation of this Section, however, may be admissible in any
24 proceeding resulting from the issuance of the citation.

25 (i) The court or hearing officer may consider in defense
26 of a violation:

1 (1) that the motor vehicle or registration plates or
2 digital registration plates of the motor vehicle were
3 stolen before the violation occurred and not under the
4 control of or in the possession of the owner at the time of
5 the violation;

6 (2) that the driver of the motor vehicle received a
7 Uniform Traffic Citation from a police officer for a
8 violation of Section 11-1414 of this Code within
9 one-eighth of a mile and 15 minutes of the violation that
10 was recorded by the system;

11 (3) that the visual signals required by Sections
12 12-803 and 12-805 of this Code were damaged, not
13 activated, not present in violation of Sections 12-803 and
14 12-805, or inoperable; and

15 (4) any other evidence or issues provided by municipal
16 or county ordinance.

17 (j) To demonstrate that the motor vehicle or the
18 registration plates or digital registration plates were stolen
19 before the violation occurred and were not under the control
20 or possession of the owner at the time of the violation, the
21 owner must submit proof that a report concerning the stolen
22 motor vehicle or registration plates was filed with a law
23 enforcement agency in a timely manner.

24 (k) Unless the driver of the motor vehicle received a
25 Uniform Traffic Citation from a police officer at the time of
26 the violation, the motor vehicle owner is subject to a civil

1 penalty not exceeding \$150 for a first time violation or \$500
2 for a second or subsequent violation, plus an additional
3 penalty of not more than \$100 for failure to pay the original
4 penalty in a timely manner, if the motor vehicle is recorded by
5 an automated traffic law enforcement system. A violation for
6 which a civil penalty is imposed under this Section is not a
7 violation of a traffic regulation governing the movement of
8 vehicles and may not be recorded on the driving record of the
9 owner of the vehicle, but may be recorded by the municipality
10 or county for the purpose of determining if a person is subject
11 to the higher fine for a second or subsequent offense.

12 (l) A school bus equipped with an automated traffic law
13 enforcement system must be posted with a sign indicating that
14 the school bus is being monitored by an automated traffic law
15 enforcement system.

16 (m) A municipality or county that has one or more school
17 buses equipped with an automated traffic law enforcement
18 system must provide notice to drivers by posting a list of
19 school districts using school buses equipped with an automated
20 traffic law enforcement system on the municipality or county
21 website. School districts that have one or more school buses
22 equipped with an automated traffic law enforcement system must
23 provide notice to drivers by posting that information on their
24 websites.

25 (n) A municipality or county operating an automated
26 traffic law enforcement system shall conduct a statistical

1 analysis to assess the safety impact in each school district
2 using school buses equipped with an automated traffic law
3 enforcement system following installation of the system. The
4 statistical analysis shall be based upon the best available
5 crash, traffic, and other data, and shall cover a period of
6 time before and after installation of the system sufficient to
7 provide a statistically valid comparison of safety impact. The
8 statistical analysis shall be consistent with professional
9 judgment and acceptable industry practice. The statistical
10 analysis also shall be consistent with the data required for
11 valid comparisons of before and after conditions and shall be
12 conducted within a reasonable period following the
13 installation of the automated traffic law enforcement system.
14 The statistical analysis required by this subsection shall be
15 made available to the public and shall be published on the
16 website of the municipality or county. If the statistical
17 analysis for the 36-month period following installation of the
18 system indicates that there has been an increase in the rate of
19 accidents at the approach to school buses monitored by the
20 system, the municipality or county shall undertake additional
21 studies to determine the cause and severity of the accidents,
22 and may take any action that it determines is necessary or
23 appropriate to reduce the number or severity of the accidents
24 involving school buses equipped with an automated traffic law
25 enforcement system.

26 (o) The compensation paid for an automated traffic law

1 enforcement system must be based on the value of the equipment
2 or the services provided and may not be based on the number of
3 traffic citations issued or the revenue generated by the
4 system.

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 county or municipality may issue the
17 violation to the lessee of the vehicle in the same manner as it
18 would issue a violation to a registered owner of a vehicle
19 pursuant to this Section, and the lessee may be held liable for
20 the violation.

21 (q) ~~(Blank)~~. A municipality or county shall make a
22 certified report to the Secretary of State pursuant to Section
23 6-306.5 of this Code whenever a registered owner of a vehicle
24 has failed to pay any fine or penalty due and owing as a result
25 of a combination of 5 offenses for automated traffic law or
26 speed enforcement system violations.

1 (r) After a municipality or county enacts an ordinance
2 providing for automated traffic law enforcement systems under
3 this Section, each school district within that municipality or
4 county's jurisdiction may implement an automated traffic law
5 enforcement system under this Section. The elected school
6 board for that district must approve the implementation of an
7 automated traffic law enforcement system. The school district
8 shall be responsible for entering into a contract, approved by
9 the elected school board of that district, with vendors for
10 the installation, maintenance, and operation of the automated
11 traffic law enforcement system. The school district must enter
12 into an intergovernmental agreement, approved by the elected
13 school board of that district, with the municipality or county
14 with jurisdiction over that school district for the
15 administration of the automated traffic law enforcement
16 system. The proceeds from a school district's automated
17 traffic law enforcement system's fines shall be divided
18 equally between the school district and the municipality or
19 county administering the automated traffic law enforcement
20 system.

21 (Source: P.A. 101-395, eff. 8-16-19; 101-652.)

22 (625 ILCS 5/11-1201.1)

23 Sec. 11-1201.1. Automated Railroad Crossing Enforcement
24 System.

25 (a) For the purposes of this Section, an automated

1 railroad grade crossing enforcement system is a system in a
2 municipality or county operated by a governmental agency that
3 produces a recorded image of a motor vehicle's violation of a
4 provision of this Code or local ordinance and is designed to
5 obtain a clear recorded image of the vehicle and vehicle's
6 license plate. The recorded image must also display the time,
7 date, and location of the violation.

8 As used in this Section, "recorded images" means images
9 recorded by an automated railroad grade crossing enforcement
10 system on:

11 (1) 2 or more photographs;

12 (2) 2 or more microphotographs;

13 (3) 2 or more electronic images; or

14 (4) a video recording showing the motor vehicle and,
15 on at least one image or portion of the recording, clearly
16 identifying the registration plate or digital registration
17 plate number of the motor vehicle.

18 (b) The Illinois Commerce Commission may, in cooperation
19 with a local law enforcement agency, establish in any county
20 or municipality an automated railroad grade crossing
21 enforcement system at any railroad grade crossing equipped
22 with a crossing gate designated by local authorities. Local
23 authorities desiring the establishment of an automated
24 railroad crossing enforcement system must initiate the process
25 by enacting a local ordinance requesting the creation of such
26 a system. After the ordinance has been enacted, and before any

1 additional steps toward the establishment of the system are
2 undertaken, the local authorities and the Commission must
3 agree to a plan for obtaining, from any combination of
4 federal, State, and local funding sources, the moneys required
5 for the purchase and installation of any necessary equipment.

6 (b-1) (Blank.)

7 (c) For each violation of Section 11-1201 of this Code or a
8 local ordinance recorded by an automated railroad grade
9 crossing enforcement system, the county or municipality having
10 jurisdiction shall issue a written notice of the violation to
11 the registered owner of the vehicle as the alleged violator.
12 The notice shall be delivered to the registered owner of the
13 vehicle, by mail, no later than 90 days after the violation.

14 The notice shall 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 a railroad grade crossing;

1 (9) a warning that failure to pay the civil penalty or
2 to contest liability in a timely manner is an admission of
3 liability and may result in a suspension of the driving
4 privileges of the registered owner of the vehicle; and

5 (10) a statement that the person may elect to proceed
6 by:

7 (A) paying the fine; or

8 (B) challenging the charge in court, by mail, or
9 by administrative hearing.

10 (d) ~~(Blank).~~ If a person charged with a traffic violation,
11 as a result of an automated railroad grade crossing
12 enforcement system, does not pay or successfully contest the
13 civil penalty resulting from that violation, the Secretary of
14 State shall suspend the driving privileges of the registered
15 owner of the vehicle under Section 6-306.5 of this Code for
16 failing to pay any fine or penalty due and owing as a result of
17 5 violations of the automated railroad grade crossing
18 enforcement system.

19 (d-1) (Blank.)

20 (d-2) (Blank.)

21 (e) Based on inspection of recorded images produced by an
22 automated railroad grade crossing enforcement system, a notice
23 alleging that the violation occurred shall be evidence of the
24 facts contained in the notice and admissible in any proceeding
25 alleging a violation under this Section.

26 (e-1) Recorded images made by an automated railroad grade

1 crossing enforcement system are confidential and shall be made
2 available only to the alleged violator and governmental and
3 law enforcement agencies for purposes of adjudicating a
4 violation of this Section, for statistical purposes, or for
5 other governmental purposes. Any recorded image evidencing a
6 violation of this Section, however, may be admissible in any
7 proceeding resulting from the issuance of the citation.

8 (e-2) The court or hearing officer may consider the
9 following in the defense of a violation:

10 (1) that the motor vehicle or registration plates or
11 digital registration plates of the motor vehicle were
12 stolen before the violation occurred and not under the
13 control of or in the possession of the owner at the time of
14 the violation;

15 (2) that the driver of the motor vehicle received a
16 Uniform Traffic Citation from a police officer at the time
17 of the violation for the same offense;

18 (3) any other evidence or issues provided by municipal
19 or county ordinance.

20 (e-3) To demonstrate that the motor vehicle or the
21 registration plates or digital registration plates were stolen
22 before the violation occurred and were not under the control
23 or possession of the owner at the time of the violation, the
24 owner must submit proof that a report concerning the stolen
25 motor vehicle or registration plates was filed with a law
26 enforcement agency in a timely manner.

1 (f) Rail crossings equipped with an automatic railroad
2 grade crossing enforcement system shall be posted with a sign
3 visible to approaching traffic stating that the railroad grade
4 crossing is being monitored, that citations will be issued,
5 and the amount of the fine for violation.

6 (g) The compensation paid for an automated railroad grade
7 crossing enforcement system must be based on the value of the
8 equipment or the services provided and may not be based on the
9 number of citations issued or the revenue generated by the
10 system.

11 (h) (Blank.)

12 (i) If any part or parts of this Section are held by a
13 court of competent jurisdiction to be unconstitutional, the
14 unconstitutionality shall not affect the validity of the
15 remaining parts of this Section. The General Assembly hereby
16 declares that it would have passed the remaining parts of this
17 Section if it had known that the other part or parts of this
18 Section would be declared unconstitutional.

19 (j) Penalty. A civil fine of \$250 shall be imposed for a
20 first violation of this Section, and a civil fine of \$500 shall
21 be imposed for a second or subsequent violation of this
22 Section.

23 (Source: P.A. 101-395, eff. 8-16-19; 101-652.)

24 Section 180. The Illinois Vehicle Code is amended by
25 reenacting and amending Sections 4-214.1, 6-306.5, and 6-306.6

1 as follows:

2 (625 ILCS 5/4-214.1)

3 Sec. 4-214.1. Failure to pay fines, charges, and costs on
4 an abandoned vehicle. (a) Whenever any resident of this
5 State fails to pay any fine, charge, or cost imposed for a
6 violation of Section 4-201 of this Code, or a similar
7 provision of a local ordinance, the clerk shall notify the
8 Secretary of State, on a report prescribed by the Secretary,
9 and the Secretary shall prohibit the renewal, reissue, or
10 reinstatement of the resident's driving privileges until the
11 fine, charge, or cost has been paid in full. The clerk shall
12 provide notice to the owner, at the owner's last known address
13 as shown on the court's records, stating that the action will
14 be effective on the 46th day following the date of the above
15 notice if payment is not received in full by the court of
16 venue.

17 (b) Following receipt of the report from the clerk, the
18 Secretary of State shall make the proper notation to the
19 owner's file to prohibit the renewal, reissue, or
20 reinstatement of the owner's driving privileges. Except as
21 provided in subsection (d) of this Section, the notation shall
22 not be removed from the owner's record until the owner
23 satisfies the outstanding fine, charge, or cost and an
24 appropriate notice on a form prescribed by the Secretary is
25 received by the Secretary from the court of venue, stating

1 that the fine, charge, or cost has been paid in full. Upon
2 payment in full of a fine, charge, or court cost which has
3 previously been reported under this Section as unpaid, the
4 clerk of the court shall present the owner with a signed
5 receipt containing the seal of the court indicating that the
6 fine, charge, or cost has been paid in full, and shall forward
7 immediately to the Secretary of State a notice stating that
8 the fine, charge, or cost has been paid in full.

9 (c) Notwithstanding the receipt of a report from the clerk
10 as prescribed in subsection (a), nothing in this Section is
11 intended to place any responsibility upon the Secretary of
12 State to provide independent notice to the owner of any
13 potential action to disallow the renewal, reissue, or
14 reinstatement of the owner's driving privileges.

15 (d) The Secretary of State shall renew, reissue, or
16 reinstate an owner's driving privileges which were previously
17 refused under this Section upon presentation of an original
18 receipt which is signed by the clerk of the court and contains
19 the seal of the court indicating that the fine, charge, or cost
20 has been paid in full. The Secretary of State shall retain the
21 receipt for his or her records.

22 (Source: P.A. 95-621, eff. 6-1-08.)

23 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

24 Sec. 6-306.5. Failure to pay fine or penalty for standing,
25 parking, compliance, automated speed enforcement system, or

1 automated traffic law violations; suspension of driving
2 privileges.

3 (a) Upon receipt of a certified report, as prescribed by
4 subsection (c) of this Section, from any municipality or
5 county stating that the owner of a registered vehicle has
6 failed to pay any fine or penalty due and owing as a result of
7 5 offenses for automated speed enforcement system violations
8 or automated traffic violations as defined in Sections
9 11-208.6, 11-208.8, 11-208.9, or 11-1201.1, or combination
10 thereof, or ~~(3)~~ is more than 14 days in default of a payment
11 plan pursuant to which a suspension had been terminated under
12 subsection (c) of this Section, the Secretary of State shall
13 suspend the driving privileges of such person in accordance
14 with the procedures set forth in this Section. The Secretary
15 shall also suspend the driving privileges of an owner of a
16 registered vehicle upon receipt of a certified report, as
17 prescribed by subsection (f) of this Section, from any
18 municipality or county stating that such person has failed to
19 satisfy any fines or penalties imposed by final judgments for
20 5 or more automated speed enforcement system or automated
21 traffic law violations, or combination thereof, after
22 exhaustion of judicial review procedures.

23 (b) Following receipt of the certified report of the
24 municipality or county as specified in this Section, the
25 Secretary of State shall notify the person whose name appears
26 on the certified report that the person's driver's ~~drivers~~

1 license will be suspended at the end of a specified period of
2 time unless the Secretary of State is presented with a notice
3 from the municipality or county certifying that the fine or
4 penalty due and owing the municipality or county has been paid
5 or that inclusion of that person's name on the certified
6 report was in error. The Secretary's notice shall state in
7 substance the information contained in the municipality's or
8 county's certified report to the Secretary, and shall be
9 effective as specified by subsection (c) of Section 6-211 of
10 this Code.

11 (c) The report of the appropriate municipal or county
12 official notifying the Secretary of State of unpaid fines or
13 penalties pursuant to this Section shall be certified and
14 shall contain the following:

15 (1) The name, last known address as recorded with the
16 Secretary of State, as provided by the lessor of the cited
17 vehicle at the time of lease, or as recorded in a United
18 States Post Office approved database if any notice sent
19 under Section 11-208.3 of this Code is returned as
20 undeliverable, and driver's ~~drivers~~ license number of the
21 person who failed to pay the fine or penalty or who has
22 defaulted in a payment plan and the registration number of
23 any vehicle known to be registered to such person in this
24 State.

25 (2) The name of the municipality or county making the
26 report pursuant to this Section.

1 (3) A statement that the municipality or county sent a
2 notice of impending driver's ~~drivers~~ license suspension as
3 prescribed by ordinance enacted pursuant to Section
4 11-208.3 of this Code or a notice of default in a payment
5 plan, to the person named in the report at the address
6 recorded with the Secretary of State or at the last
7 address known to the lessor of the cited vehicle at the
8 time of lease or, if any notice sent under Section
9 11-208.3 of this Code is returned as undeliverable, at the
10 last known address recorded in a United States Post Office
11 approved database; the date on which such notice was sent;
12 and the address to which such notice was sent. In a
13 municipality or county with a population of 1,000,000 or
14 more, the report shall also include a statement that the
15 alleged violator's State vehicle registration number and
16 vehicle make, if specified on the automated speed
17 enforcement system violation or automated traffic law
18 violation notice, are correct as they appear on the
19 citations.

20 (4) A unique identifying reference number for each
21 request of suspension sent whenever a person has failed to
22 pay the fine or penalty or has defaulted on a payment plan.

23 (d) Any municipality or county making a certified report
24 to the Secretary of State pursuant to this Section shall
25 notify the Secretary of State, in a form prescribed by the
26 Secretary, whenever a person named in the certified report has

1 paid the previously reported fine or penalty, whenever a
2 person named in the certified report has entered into a
3 payment plan pursuant to which the municipality or county has
4 agreed to terminate the suspension, or whenever the
5 municipality or county determines that the original report was
6 in error. A certified copy of such notification shall also be
7 given upon request and at no additional charge to the person
8 named therein. Upon receipt of the municipality's or county's
9 notification or presentation of a certified copy of such
10 notification, the Secretary of State shall terminate the
11 suspension.

12 (e) Any municipality or county making a certified report
13 to the Secretary of State pursuant to this Section shall also
14 by ordinance establish procedures for persons to challenge the
15 accuracy of the certified report. The ordinance shall also
16 state the grounds for such a challenge, which may be limited to
17 (1) the person not having been the owner or lessee of the
18 vehicle or vehicles receiving a combination of 5 or more
19 automated speed enforcement system or automated traffic law
20 violations on the date or dates such notices were issued; and
21 (2) the person having already paid the fine or penalty for the
22 combination of 5 or more automated speed enforcement system or
23 automated traffic law violations indicated on the certified
24 report.

25 (f) Any municipality or county, other than a municipality
26 or county establishing automated speed enforcement system

1 regulations under Section 11-208.8, or automated traffic law
2 regulations under Section 11-208.6, 11-208.9, or 11-1201.1,
3 may also cause a suspension of a person's driver's ~~drivers~~
4 license pursuant to this Section. Such municipality or county
5 may invoke this sanction by making a certified report to the
6 Secretary of State upon a person's failure to satisfy any fine
7 or penalty imposed by final judgment for a combination of 5 or
8 more automated speed enforcement system or automated traffic
9 law violations after exhaustion of judicial review procedures,
10 but only if:

11 (1) the municipality or county complies with the
12 provisions of this Section in all respects except in
13 regard to enacting an ordinance pursuant to Section
14 11-208.3;

15 (2) the municipality or county has sent a notice of
16 impending driver's ~~drivers~~ license suspension as
17 prescribed by an ordinance enacted pursuant to subsection
18 (g) of this Section; and

19 (3) in municipalities or counties with a population of
20 1,000,000 or more, the municipality or county has verified
21 that the alleged violator's State vehicle registration
22 number and vehicle make are correct as they appear on the
23 citations.

24 (g) Any municipality or county, other than a municipality
25 or county establishing automated speed enforcement system
26 regulations under Section 11-208.8, or automated traffic law

1 regulations under Section 11-208.6, 11-208.9, or 11-1201.1,
2 may provide by ordinance for the sending of a notice of
3 impending driver's ~~drivers~~ license suspension to the person
4 who has failed to satisfy any fine or penalty imposed by final
5 judgment for a combination of 5 or more automated speed
6 enforcement system or automated traffic law violations after
7 exhaustion of judicial review procedures. An ordinance so
8 providing shall specify that the notice sent to the person
9 liable for any fine or penalty shall state that failure to pay
10 the fine or penalty owing within 45 days of the notice's date
11 will result in the municipality or county notifying the
12 Secretary of State that the person's driver's ~~drivers~~ license
13 is eligible for suspension pursuant to this Section. The
14 notice of impending driver's ~~drivers~~ license suspension shall
15 be sent by first class United States mail, postage prepaid, to
16 the address recorded with the Secretary of State or at the last
17 address known to the lessor of the cited vehicle at the time of
18 lease or, if any notice sent under Section 11-208.3 of this
19 Code is returned as undeliverable, to the last known address
20 recorded in a United States Post Office approved database.

21 (h) An administrative hearing to contest an impending
22 suspension or a suspension made pursuant to this Section may
23 be had upon filing a written request with the Secretary of
24 State. The filing fee for this hearing shall be \$20, to be paid
25 at the time the request is made. A municipality or county which
26 files a certified report with the Secretary of State pursuant

1 to this Section shall reimburse the Secretary for all
2 reasonable costs incurred by the Secretary as a result of the
3 filing of the report, including, but not limited to, the costs
4 of providing the notice required pursuant to subsection (b)
5 and the costs incurred by the Secretary in any hearing
6 conducted with respect to the report pursuant to this
7 subsection and any appeal from such a hearing.

8 (i) The provisions of this Section shall apply on and
9 after January 1, 1988.

10 (j) For purposes of this Section, the term "compliance
11 violation" is defined as in Section 11-208.3.

12 (Source: P.A. 101-623, eff. 7-1-20; revised 8-18-20.)

13 (625 ILCS 5/6-306.6) (from Ch. 95 1/2, par. 6-306.6)

14 Sec. 6-306.6. Failure to pay traffic fines, penalties, or
15 court costs.

16 (a) Whenever any resident of this State fails to pay any
17 traffic fine, penalty, or cost imposed for a violation of this
18 Code, or similar provision of local ordinance, the clerk may
19 notify the Secretary of State, on a report prescribed by the
20 Secretary, and the Secretary shall prohibit the renewal,
21 reissue or reinstatement of such resident's driving privileges
22 until such fine, penalty, or cost has been paid in full. The
23 clerk shall provide notice to the driver, at the driver's last
24 known address as shown on the court's records, stating that
25 such action will be effective on the 46th day following the

1 date of the above notice if payment is not received in full by
2 the court of venue.

3 (a-1) Whenever any resident of this State who has made a
4 partial payment on any traffic fine, penalty, or cost that was
5 imposed under a conviction entered on or after the effective
6 date of this amendatory Act of the 93rd General Assembly, for a
7 violation of this Code or a similar provision of a local
8 ordinance, fails to pay the remainder of the outstanding fine,
9 penalty, or cost within the time limit set by the court, the
10 clerk may notify the Secretary of State, on a report
11 prescribed by the Secretary, and the Secretary shall prohibit
12 the renewal, reissue, or reinstatement of the resident's
13 driving privileges until the fine, penalty, or cost has been
14 paid in full. The clerk shall provide notice to the driver, at
15 the driver's last known address as shown on the court's
16 records, stating that the action will be effective on the 46th
17 day following the date of the notice if payment is not received
18 in full by the court of venue.

19 (b) Except as provided in subsection (b-1), following
20 receipt of the report from the clerk, the Secretary of State
21 shall make the proper notation to the driver's file to
22 prohibit the renewal, reissue or reinstatement of such
23 driver's driving privileges. Except as provided in paragraph
24 (2) of subsection (d) of this Section, such notation shall not
25 be removed from the driver's record until the driver satisfies
26 the outstanding fine, penalty, or cost and an appropriate

1 notice on a form prescribed by the Secretary is received by the
2 Secretary from the court of venue, stating that such fine,
3 penalty, or cost has been paid in full. Upon payment in full of
4 a traffic fine, penalty, or court cost which has previously
5 been reported under this Section as unpaid, the clerk of the
6 court shall present the driver with a signed receipt
7 containing the seal of the court indicating that such fine,
8 penalty, or cost has been paid in full, and shall forward
9 forthwith to the Secretary of State a notice stating that the
10 fine, penalty, or cost has been paid in full.

11 (b-1) In a county with a population of 3,000,000 or more,
12 following receipt of the report from the clerk, the Secretary
13 of State shall make the proper notation to the driver's file to
14 prohibit the renewal, reissue or reinstatement of such
15 driver's driving privileges. Such notation shall not be
16 removed from the driver's record until the driver satisfies
17 the outstanding fine, penalty, or cost and an appropriate
18 notice on a form prescribed by the Secretary is received by the
19 Secretary directly from the court of venue, stating that such
20 fine, penalty, or cost has been paid in full. Upon payment in
21 full of a traffic fine, penalty, or court cost which has
22 previously been reported under this Section as unpaid, the
23 clerk of the court shall forward forthwith directly to the
24 Secretary of State a notice stating that the fine, penalty, or
25 cost has been paid in full and shall provide the driver with a
26 signed receipt containing the seal of the court, indicating

1 that the fine, penalty, and cost have been paid in full. The
2 receipt may not be used by the driver to clear the driver's
3 record.

4 (c) The provisions of this Section shall be limited to a
5 single action per arrest and as a post conviction measure
6 only. Fines, penalty, or costs to be collected subsequent to
7 orders of court supervision, or other available court
8 diversions are not applicable to this Section.

9 (d) (1) Notwithstanding the receipt of a report from the
10 clerk as prescribed in subsections (a) and (e), nothing in
11 this Section is intended to place any responsibility upon the
12 Secretary of State to provide independent notice to the driver
13 of any potential action to disallow the renewal, reissue or
14 reinstatement of such driver's driving privileges.

15 (2) Except as provided in subsection (b-1), the Secretary
16 of State shall renew, reissue or reinstate a driver's driving
17 privileges which were previously refused pursuant to this
18 Section upon presentation of an original receipt which is
19 signed by the clerk of the court and contains the seal of the
20 court indicating that the fine, penalty, or cost has been paid
21 in full. The Secretary of State shall retain such receipt for
22 his records.

23 (e) Upon receipt of notification from another state that
24 is a member of the Nonresident Violator Compact of 1977,
25 stating a resident of this State failed to pay a traffic fine,
26 penalty, or cost imposed for a violation that occurs in

1 another state, the Secretary shall make the proper notation to
2 the driver's license file to prohibit the renewal, reissue, or
3 reinstatement of the resident's driving privileges until the
4 fine, penalty, or cost has been paid in full. The Secretary of
5 State shall renew, reissue, or reinstate the driver's driving
6 privileges that were previously refused under this Section
7 upon receipt of notification from the other state that
8 indicates that the fine, penalty, or cost has been paid in
9 full. The Secretary of State shall retain the out-of-state
10 receipt for his or her records.

11 (Source: P.A. 98-178, eff. 1-1-14.)

12 Section 185. The Snowmobile Registration and Safety Act is
13 amended by changing Section 5-7 as follows:

14 (625 ILCS 40/5-7)

15 (Text of Section before amendment by P.A. 101-652)

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

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

22 1. The alcohol concentration in that person's blood,
23 other bodily substance, or breath is a concentration at
24 which driving a motor vehicle is prohibited under

1 subdivision (1) of subsection (a) of Section 11-501 of the
2 Illinois Vehicle Code;

3 2. The person is under the influence of alcohol;

4 3. The person is under the influence of any other drug
5 or combination of drugs to a degree that renders that
6 person incapable of safely operating a snowmobile;

7 3.1. The person is under the influence of any
8 intoxicating compound or combination of intoxicating
9 compounds to a degree that renders the person incapable of
10 safely operating a snowmobile;

11 4. The person is under the combined influence of
12 alcohol and any other drug or drugs or intoxicating
13 compound or compounds to a degree that renders that person
14 incapable of safely operating a snowmobile;

15 4.3. The person who is not a CDL holder has a
16 tetrahydrocannabinol concentration in the person's whole
17 blood or other bodily substance at which driving a motor
18 vehicle is prohibited under subdivision (7) of subsection
19 (a) of Section 11-501 of the Illinois Vehicle Code;

20 4.5. The person who is a CDL holder has any amount of a
21 drug, substance, or compound in the person's breath,
22 blood, other bodily substance, or urine resulting from the
23 unlawful use or consumption of cannabis listed in the
24 Cannabis Control Act; or

25 5. There is any amount of a drug, substance, or
26 compound in that person's breath, blood, other bodily

1 substance, or urine resulting from the unlawful use or
2 consumption of a controlled substance listed in the
3 Illinois Controlled Substances Act, methamphetamine as
4 listed in the Methamphetamine Control and Community
5 Protection Act, or intoxicating compound listed in the use
6 of Intoxicating Compounds Act.

7 (b) The fact that a person charged with violating this
8 Section is or has been legally entitled to use alcohol, other
9 drug or drugs, any intoxicating compound or compounds, or any
10 combination of them does not constitute a defense against a
11 charge of violating this Section.

12 (c) Every person convicted of violating this Section or a
13 similar provision of a local ordinance is guilty of a Class A
14 misdemeanor, except as otherwise provided in this Section.

15 (c-1) As used in this Section, "first time offender" means
16 any person who has not had a previous conviction or been
17 assigned supervision for violating this Section or a similar
18 provision of a local ordinance, or any person who has not had a
19 suspension imposed under subsection (e) of Section 5-7.1.

20 (c-2) For purposes of this Section, the following are
21 equivalent to a conviction:

22 (1) a forfeiture of bail or collateral deposited to
23 secure a defendant's appearance in court when forfeiture
24 has not been vacated; or

25 (2) the failure of a defendant to appear for trial.

26 (d) Every person convicted of violating this Section is

1 guilty of a Class 4 felony if:

2 1. The person has a previous conviction under this
3 Section;

4 2. The offense results in personal injury where a
5 person other than the operator suffers great bodily harm
6 or permanent disability or disfigurement, when the
7 violation was a proximate cause of the injuries. A person
8 guilty of a Class 4 felony under this paragraph 2, if
9 sentenced to a term of imprisonment, shall be sentenced to
10 not less than one year nor more than 12 years; or

11 3. The offense occurred during a period in which the
12 person's privileges to operate a snowmobile are revoked or
13 suspended, and the revocation or suspension was for a
14 violation of this Section or was imposed under Section
15 5-7.1.

16 (e) Every person convicted of violating this Section is
17 guilty of a Class 2 felony if the offense results in the death
18 of a person. A person guilty of a Class 2 felony under this
19 subsection (e), if sentenced to a term of imprisonment, shall
20 be sentenced to a term of not less than 3 years and not more
21 than 14 years.

22 (e-1) Every person convicted of violating this Section or
23 a similar provision of a local ordinance who had a child under
24 the age of 16 on board the snowmobile at the time of offense
25 shall be subject to a mandatory minimum fine of \$500 and shall
26 be subject to a mandatory minimum of 5 days of community

1 service in a program benefiting children. The assignment under
2 this subsection shall not be subject to suspension nor shall
3 the person be eligible for probation in order to reduce the
4 assignment.

5 (e-2) Every person found guilty of violating this Section,
6 whose operation of a snowmobile while in violation of this
7 Section proximately caused any incident resulting in an
8 appropriate emergency response, shall be liable for the
9 expense of an emergency response as provided in subsection (i)
10 of Section 11-501.01 of the Illinois Vehicle Code.

11 (e-3) In addition to any other penalties and liabilities,
12 a person who is found guilty of violating this Section,
13 including any person placed on court supervision, shall be
14 fined \$100, payable to the circuit clerk, who shall distribute
15 the money to the law enforcement agency that made the arrest or
16 as provided in subsection (c) of Section 10-5 of the Criminal
17 and Traffic Assessment Act if the arresting agency is a State
18 agency, unless more than one agency is responsible for the
19 arrest, in which case the amount shall be remitted to each unit
20 of government equally. Any moneys received by a law
21 enforcement agency under this subsection (e-3) shall be used
22 to purchase law enforcement equipment or to provide law
23 enforcement training that will assist in the prevention of
24 alcohol related criminal violence throughout the State. Law
25 enforcement equipment shall include, but is not limited to,
26 in-car video cameras, radar and laser speed detection devices,

1 and alcohol breath testers.

2 (f) In addition to any criminal penalties imposed, the
3 Department of Natural Resources shall suspend the snowmobile
4 operation privileges of a person convicted or found guilty of
5 a misdemeanor under this Section for a period of one year,
6 except that first-time offenders are exempt from this
7 mandatory one-year ~~one-year~~ suspension.

8 (g) In addition to any criminal penalties imposed, the
9 Department of Natural Resources shall suspend for a period of
10 5 years the snowmobile operation privileges of any person
11 convicted or found guilty of a felony under this Section.

12 (Source: P.A. 102-145, eff. 7-23-21; revised 8-5-21.)

13 (Text of Section after amendment by P.A. 101-652)

14 Sec. 5-7. Operating a snowmobile while under the influence
15 of alcohol or other drug or drugs, intoxicating compound or
16 compounds, or a combination of them; criminal penalties;
17 suspension of operating privileges.

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

20 1. The alcohol concentration in that person's blood,
21 other bodily substance, or breath is a concentration at
22 which driving a motor vehicle is prohibited under
23 subdivision (1) of subsection (a) of Section 11-501 of the
24 Illinois Vehicle Code;

25 2. The person is under the influence of alcohol;

1 3. The person is under the influence of any other drug
2 or combination of drugs to a degree that renders that
3 person incapable of safely operating a snowmobile;

4 3.1. The person is under the influence of any
5 intoxicating compound or combination of intoxicating
6 compounds to a degree that renders the person incapable of
7 safely operating a snowmobile;

8 4. The person is under the combined influence of
9 alcohol and any other drug or drugs or intoxicating
10 compound or compounds to a degree that renders that person
11 incapable of safely operating a snowmobile;

12 4.3. The person who is not a CDL holder has a
13 tetrahydrocannabinol concentration in the person's whole
14 blood or other bodily substance at which driving a motor
15 vehicle is prohibited under subdivision (7) of subsection
16 (a) of Section 11-501 of the Illinois Vehicle Code;

17 4.5. The person who is a CDL holder has any amount of a
18 drug, substance, or compound in the person's breath,
19 blood, other bodily substance, or urine resulting from the
20 unlawful use or consumption of cannabis listed in the
21 Cannabis Control Act; or

22 5. There is any amount of a drug, substance, or
23 compound in that person's breath, blood, other bodily
24 substance, or urine resulting from the unlawful use or
25 consumption of a controlled substance listed in the
26 Illinois Controlled Substances Act, methamphetamine as

1 listed in the Methamphetamine Control and Community
2 Protection Act, or intoxicating compound listed in the use
3 of Intoxicating Compounds Act.

4 (b) The fact that a person charged with violating this
5 Section is or has been legally entitled to use alcohol, other
6 drug or drugs, any intoxicating compound or compounds, or any
7 combination of them does not constitute a defense against a
8 charge of violating this Section.

9 (c) Every person convicted of violating this Section or a
10 similar provision of a local ordinance is guilty of a Class A
11 misdemeanor, except as otherwise provided in this Section.

12 (c-1) As used in this Section, "first time offender" means
13 any person who has not had a previous conviction or been
14 assigned supervision for violating this Section or a similar
15 provision of a local ordinance, or any person who has not had a
16 suspension imposed under subsection (e) of Section 5-7.1.

17 (c-2) For purposes of this Section, the following are
18 equivalent to a conviction:

19 (1) ~~a violation of the terms of pretrial release when~~
20 ~~the court has not relieved the defendant of complying with~~
21 ~~the terms of pretrial release~~ forfeiture of bail or
22 collateral deposited to secure a defendant's appearance in
23 court when forfeiture has not been vacated; or

24 (2) the failure of a defendant to appear for trial.

25 (d) Every person convicted of violating this Section is
26 guilty of a Class 4 felony if:

1 1. The person has a previous conviction under this
2 Section;

3 2. The offense results in personal injury where a
4 person other than the operator suffers great bodily harm
5 or permanent disability or disfigurement, when the
6 violation was a proximate cause of the injuries. A person
7 guilty of a Class 4 felony under this paragraph 2, if
8 sentenced to a term of imprisonment, shall be sentenced to
9 not less than one year nor more than 12 years; or

10 3. The offense occurred during a period in which the
11 person's privileges to operate a snowmobile are revoked or
12 suspended, and the revocation or suspension was for a
13 violation of this Section or was imposed under Section
14 5-7.1.

15 (e) Every person convicted of violating this Section is
16 guilty of a Class 2 felony if the offense results in the death
17 of a person. A person guilty of a Class 2 felony under this
18 subsection (e), if sentenced to a term of imprisonment, shall
19 be sentenced to a term of not less than 3 years and not more
20 than 14 years.

21 (e-1) Every person convicted of violating this Section or
22 a similar provision of a local ordinance who had a child under
23 the age of 16 on board the snowmobile at the time of offense
24 shall be subject to a mandatory minimum fine of \$500 and shall
25 be subject to a mandatory minimum of 5 days of community
26 service in a program benefiting children. The assignment under

1 this subsection shall not be subject to suspension nor shall
2 the person be eligible for probation in order to reduce the
3 assignment.

4 (e-2) Every person found guilty of violating this Section,
5 whose operation of a snowmobile while in violation of this
6 Section proximately caused any incident resulting in an
7 appropriate emergency response, shall be liable for the
8 expense of an emergency response as provided in subsection (i)
9 of Section 11-501.01 of the Illinois Vehicle Code.

10 (e-3) In addition to any other penalties and liabilities,
11 a person who is found guilty of violating this Section,
12 including any person placed on court supervision, shall be
13 fined \$100, payable to the circuit clerk, who shall distribute
14 the money to the law enforcement agency that made the arrest or
15 as provided in subsection (c) of Section 10-5 of the Criminal
16 and Traffic Assessment Act if the arresting agency is a State
17 agency, unless more than one agency is responsible for the
18 arrest, in which case the amount shall be remitted to each unit
19 of government equally. Any moneys received by a law
20 enforcement agency under this subsection (e-3) shall be used
21 to purchase law enforcement equipment or to provide law
22 enforcement training that will assist in the prevention of
23 alcohol related criminal violence throughout the State. Law
24 enforcement equipment shall include, but is not limited to,
25 in-car video cameras, radar and laser speed detection devices,
26 and alcohol breath testers.

1 (f) In addition to any criminal penalties imposed, the
2 Department of Natural Resources shall suspend the snowmobile
3 operation privileges of a person convicted or found guilty of
4 a misdemeanor under this Section for a period of one year,
5 except that first-time offenders are exempt from this
6 mandatory one-year ~~one-year~~ suspension.

7 (g) In addition to any criminal penalties imposed, the
8 Department of Natural Resources shall suspend for a period of
9 5 years the snowmobile operation privileges of any person
10 convicted or found guilty of a felony under this Section.

11 (Source: P.A. 101-652, eff. 1-1-23; 102-145, eff. 7-23-21;
12 revised 8-5-21.)

13 Section 190. The Clerks of Courts Act is amended by
14 changing Section 27.3b as follows:

15 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

16 (Text of Section before amendment by P.A. 102-356 and
17 101-652)

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

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

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

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

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

8 (Text of Section after amendment by P.A. 102-356 but
9 before amendment by P.A. 101-652)

10 Sec. 27.3b. The clerk of court may accept payment of
11 fines, penalties, or costs by certified check, credit card, or
12 debit card approved by the clerk from an offender who has been
13 convicted of or placed on court supervision for a traffic
14 offense, petty offense, ordinance offense, or misdemeanor or
15 who has been convicted of a felony offense. The clerk of the
16 circuit court shall accept credit card payments over the
17 Internet for fines, penalties, court costs, or costs from
18 offenders on voluntary electronic pleas of guilty in minor
19 traffic and conservation offenses to satisfy the requirement
20 of written pleas of guilty as provided in Illinois Supreme
21 Court Rule 529. The clerk of the court may also accept payment
22 of statutory fees by a credit card or debit card. The clerk of
23 the court may also accept the credit card or debit card for the
24 cash deposit of bail bond fees.

25 The clerk of the circuit court is authorized to enter into

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

25 As used in this Section, "certified check" has the meaning
26 provided in Section 3-409 of the Uniform Commercial Code.

1 (Source: P.A. 95-331, eff. 8-21-07; 102-356, eff. 1-1-22.)

2 (Text of Section after amendment by P.A. 101-652)

3 Sec. 27.3b. The clerk of court may accept payment of
4 fines, penalties, or costs by certified check, credit card, or
5 debit card approved by the clerk from an offender who has been
6 convicted of or placed on court supervision for a traffic
7 offense, petty offense, ordinance offense, or misdemeanor or
8 who has been convicted of a felony offense. The clerk of the
9 circuit court shall accept credit card payments over the
10 Internet for fines, penalties, court costs, or costs from
11 offenders on voluntary electronic pleas of guilty in minor
12 traffic and conservation offenses to satisfy the requirement
13 of written pleas of guilty as provided in Illinois Supreme
14 Court Rule 529. The clerk of the court may also accept payment
15 of statutory fees by a credit card or debit card. The clerk of
16 the court may also accept the credit card or debit card for the
17 cash deposit of bail bond fees.

18 The clerk of the circuit court is authorized to enter into
19 contracts with credit card or debit card companies approved by
20 the clerk and to negotiate the payment of convenience and
21 administrative fees normally charged by those companies for
22 allowing the clerk of the circuit court to accept their credit
23 cards or debit cards in payment as authorized herein. The
24 clerk of the circuit court is authorized to enter into
25 contracts with third party fund guarantors, facilitators, and

1 service providers under which those entities may contract
2 directly with customers of the clerk of the circuit court and
3 guarantee and remit the payments to the clerk of the circuit
4 court. Where the offender pays fines, penalties, or costs by
5 credit card or debit card or through a third party fund
6 guarantor, facilitator, or service provider, or anyone paying
7 statutory fees of the circuit court clerk or the posting of
8 cash bail, the clerk shall collect a service fee of up to \$5 or
9 the amount charged to the clerk for use of its services by the
10 credit card or debit card issuer, third party fund guarantor,
11 facilitator, or service provider. This service fee shall be in
12 addition to any other fines, penalties, or costs. The clerk of
13 the circuit court is authorized to negotiate the assessment of
14 convenience and administrative fees by the third party fund
15 guarantors, facilitators, and service providers with the
16 revenue earned by the clerk of the circuit court to be remitted
17 to the county general revenue fund.

18 As used in this Section, "certified check" has the meaning
19 provided in Section 3-409 of the Uniform Commercial Code.

20 (Source: P.A. 101-652, eff. 1-1-23; 102-356, eff. 1-1-22.)

21 Section 195. The Attorney Act is amended by changing
22 Section 9 as follows:

23 (705 ILCS 205/9) (from Ch. 13, par. 9)

24 Sec. 9. All attorneys and counselors at law, judges,

1 clerks and sheriffs, and all other officers of the several
2 courts within this state, shall be liable to be arrested and
3 held to ~~terms of pretrial release~~ bail, and shall be subject to
4 the same legal process, and may in all respects be prosecuted
5 and proceeded against in the same courts and in the same manner
6 as other persons are, any law, usage or custom to the contrary
7 notwithstanding: Provided, nevertheless, said judges,
8 counselors or attorneys, clerks, sheriffs and other officers
9 of said courts, shall be privileged from arrest while
10 attending courts, and whilst going to and returning from
11 court.

12 (Source: R.S. 1874, p. 169; 101-652.)

13 Section 200. The Juvenile Court Act of 1987 is amended by
14 changing Sections 1-7, 1-8, and 5-150 as follows:

15 (705 ILCS 405/1-7)

16 (Text of Section before amendment by P.A. 101-652)

17 Sec. 1-7. Confidentiality of juvenile law enforcement and
18 municipal ordinance violation records.

19 (A) All juvenile law enforcement records which have not
20 been expunged are confidential and may never be disclosed to
21 the general public or otherwise made widely available.
22 Juvenile law enforcement records may be obtained only under
23 this Section and Section 1-8 and Part 9 of Article V of this
24 Act, when their use is needed for good cause and with an order

1 from the juvenile court, as required by those not authorized
2 to retain them. Inspection, copying, and disclosure of
3 juvenile law enforcement records maintained by law enforcement
4 agencies or records of municipal ordinance violations
5 maintained by any State, local, or municipal agency that
6 relate to a minor who has been investigated, arrested, or
7 taken into custody before his or her 18th birthday shall be
8 restricted to the following:

9 (0.05) The minor who is the subject of the juvenile
10 law enforcement record, his or her parents, guardian, and
11 counsel.

12 (0.10) Judges of the circuit court and members of the
13 staff of the court designated by the judge.

14 (0.15) An administrative adjudication hearing officer
15 or members of the staff designated to assist in the
16 administrative adjudication process.

17 (1) Any local, State, or federal law enforcement
18 officers or designated law enforcement staff of any
19 jurisdiction or agency when necessary for the discharge of
20 their official duties during the investigation or
21 prosecution of a crime or relating to a minor who has been
22 adjudicated delinquent and there has been a previous
23 finding that the act which constitutes the previous
24 offense was committed in furtherance of criminal
25 activities by a criminal street gang, or, when necessary
26 for the discharge of its official duties in connection

1 with a particular investigation of the conduct of a law
2 enforcement officer, an independent agency or its staff
3 created by ordinance and charged by a unit of local
4 government with the duty of investigating the conduct of
5 law enforcement officers. For purposes of this Section,
6 "criminal street gang" has the meaning ascribed to it in
7 Section 10 of the Illinois Streetgang Terrorism Omnibus
8 Prevention Act.

9 (2) Prosecutors, public defenders, probation officers,
10 social workers, or other individuals assigned by the court
11 to conduct a pre-adjudication or pre-disposition
12 investigation, and individuals responsible for supervising
13 or providing temporary or permanent care and custody for
14 minors under the order of the juvenile court, when
15 essential to performing their responsibilities.

16 (3) Federal, State, or local prosecutors, public
17 defenders, probation officers, and designated staff:

18 (a) in the course of a trial when institution of
19 criminal proceedings has been permitted or required
20 under Section 5-805;

21 (b) when institution of criminal proceedings has
22 been permitted or required under Section 5-805 and the
23 minor is the subject of a proceeding to determine the
24 amount of bail;

25 (c) when criminal proceedings have been permitted
26 or required under Section 5-805 and the minor is the

1 subject of a pre-trial investigation, pre-sentence
2 investigation, fitness hearing, or proceedings on an
3 application for probation; or

4 (d) in the course of prosecution or administrative
5 adjudication of a violation of a traffic, boating, or
6 fish and game law, or a county or municipal ordinance.

7 (4) Adult and Juvenile Prisoner Review Board.

8 (5) Authorized military personnel.

9 (5.5) Employees of the federal government authorized
10 by law.

11 (6) Persons engaged in bona fide research, with the
12 permission of the Presiding Judge and the chief executive
13 of the respective law enforcement agency; provided that
14 publication of such research results in no disclosure of a
15 minor's identity and protects the confidentiality of the
16 minor's record.

17 (7) Department of Children and Family Services child
18 protection investigators acting in their official
19 capacity.

20 (8) The appropriate school official only if the agency
21 or officer believes that there is an imminent threat of
22 physical harm to students, school personnel, or others who
23 are present in the school or on school grounds.

24 (A) Inspection and copying shall be limited to
25 juvenile law enforcement records transmitted to the
26 appropriate school official or officials whom the

1 school has determined to have a legitimate educational
2 or safety interest by a local law enforcement agency
3 under a reciprocal reporting system established and
4 maintained between the school district and the local
5 law enforcement agency under Section 10-20.14 of the
6 School Code concerning a minor enrolled in a school
7 within the school district who has been arrested or
8 taken into custody for any of the following offenses:

9 (i) any violation of Article 24 of the
10 Criminal Code of 1961 or the Criminal Code of
11 2012;

12 (ii) a violation of the Illinois Controlled
13 Substances Act;

14 (iii) a violation of the Cannabis Control Act;

15 (iv) a forcible felony as defined in Section
16 2-8 of the Criminal Code of 1961 or the Criminal
17 Code of 2012;

18 (v) a violation of the Methamphetamine Control
19 and Community Protection Act;

20 (vi) a violation of Section 1-2 of the
21 Harassing and Obscene Communications Act;

22 (vii) a violation of the Hazing Act; or

23 (viii) a violation of Section 12-1, 12-2,
24 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
25 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
26 Criminal Code of 1961 or the Criminal Code of

1 2012.

2 The information derived from the juvenile law
3 enforcement records shall be kept separate from and
4 shall not become a part of the official school record
5 of that child and shall not be a public record. The
6 information shall be used solely by the appropriate
7 school official or officials whom the school has
8 determined to have a legitimate educational or safety
9 interest to aid in the proper rehabilitation of the
10 child and to protect the safety of students and
11 employees in the school. If the designated law
12 enforcement and school officials deem it to be in the
13 best interest of the minor, the student may be
14 referred to in-school or community-based social
15 services if those services are available.
16 "Rehabilitation services" may include interventions by
17 school support personnel, evaluation for eligibility
18 for special education, referrals to community-based
19 agencies such as youth services, behavioral healthcare
20 service providers, drug and alcohol prevention or
21 treatment programs, and other interventions as deemed
22 appropriate for the student.

23 (B) Any information provided to appropriate school
24 officials whom the school has determined to have a
25 legitimate educational or safety interest by local law
26 enforcement officials about a minor who is the subject

1 of a current police investigation that is directly
2 related to school safety shall consist of oral
3 information only, and not written juvenile law
4 enforcement records, and shall be used solely by the
5 appropriate school official or officials to protect
6 the safety of students and employees in the school and
7 aid in the proper rehabilitation of the child. The
8 information derived orally from the local law
9 enforcement officials shall be kept separate from and
10 shall not become a part of the official school record
11 of the child and shall not be a public record. This
12 limitation on the use of information about a minor who
13 is the subject of a current police investigation shall
14 in no way limit the use of this information by
15 prosecutors in pursuing criminal charges arising out
16 of the information disclosed during a police
17 investigation of the minor. For purposes of this
18 paragraph, "investigation" means an official
19 systematic inquiry by a law enforcement agency into
20 actual or suspected criminal activity.

21 (9) Mental health professionals on behalf of the
22 Department of Corrections or the Department of Human
23 Services or prosecutors who are evaluating, prosecuting,
24 or investigating a potential or actual petition brought
25 under the Sexually Violent Persons Commitment Act relating
26 to a person who is the subject of juvenile law enforcement

1 records or the respondent to a petition brought under the
2 Sexually Violent Persons Commitment Act who is the subject
3 of the juvenile law enforcement records sought. Any
4 juvenile law enforcement records and any information
5 obtained from those juvenile law enforcement records under
6 this paragraph (9) may be used only in sexually violent
7 persons commitment proceedings.

8 (10) The president of a park district. Inspection and
9 copying shall be limited to juvenile law enforcement
10 records transmitted to the president of the park district
11 by the Illinois State Police under Section 8-23 of the
12 Park District Code or Section 16a-5 of the Chicago Park
13 District Act concerning a person who is seeking employment
14 with that park district and who has been adjudicated a
15 juvenile delinquent for any of the offenses listed in
16 subsection (c) of Section 8-23 of the Park District Code
17 or subsection (c) of Section 16a-5 of the Chicago Park
18 District Act.

19 (11) Persons managing and designated to participate in
20 a court diversion program as designated in subsection (6)
21 of Section 5-105.

22 (12) The Public Access Counselor of the Office of the
23 Attorney General, when reviewing juvenile law enforcement
24 records under its powers and duties under the Freedom of
25 Information Act.

26 (13) Collection agencies, contracted or otherwise

1 engaged by a governmental entity, to collect any debts due
2 and owing to the governmental entity.

3 (B)(1) Except as provided in paragraph (2), no law
4 enforcement officer or other person or agency may knowingly
5 transmit to the Department of Corrections, the Illinois State
6 Police, or the Federal Bureau of Investigation any fingerprint
7 or photograph relating to a minor who has been arrested or
8 taken into custody before his or her 18th birthday, unless the
9 court in proceedings under this Act authorizes the
10 transmission or enters an order under Section 5-805 permitting
11 or requiring the institution of criminal proceedings.

12 (2) Law enforcement officers or other persons or agencies
13 shall transmit to the Illinois State Police copies of
14 fingerprints and descriptions of all minors who have been
15 arrested or taken into custody before their 18th birthday for
16 the offense of unlawful use of weapons under Article 24 of the
17 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
18 or Class 1 felony, a forcible felony as defined in Section 2-8
19 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
20 Class 2 or greater felony under the Cannabis Control Act, the
21 Illinois Controlled Substances Act, the Methamphetamine
22 Control and Community Protection Act, or Chapter 4 of the
23 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
24 Identification Act. Information reported to the Department
25 pursuant to this Section may be maintained with records that
26 the Department files pursuant to Section 2.1 of the Criminal

1 Identification Act. Nothing in this Act prohibits a law
2 enforcement agency from fingerprinting a minor taken into
3 custody or arrested before his or her 18th birthday for an
4 offense other than those listed in this paragraph (2).

5 (C) The records of law enforcement officers, or of an
6 independent agency created by ordinance and charged by a unit
7 of local government with the duty of investigating the conduct
8 of law enforcement officers, concerning all minors under 18
9 years of age must be maintained separate from the records of
10 arrests and may not be open to public inspection or their
11 contents disclosed to the public. For purposes of obtaining
12 documents under this Section, a civil subpoena is not an order
13 of the court.

14 (1) In cases where the law enforcement, or independent
15 agency, records concern a pending juvenile court case, the
16 party seeking to inspect the records shall provide actual
17 notice to the attorney or guardian ad litem of the minor
18 whose records are sought.

19 (2) In cases where the records concern a juvenile
20 court case that is no longer pending, the party seeking to
21 inspect the records shall provide actual notice to the
22 minor or the minor's parent or legal guardian, and the
23 matter shall be referred to the chief judge presiding over
24 matters pursuant to this Act.

25 (3) In determining whether the records should be
26 available for inspection, the court shall consider the

1 minor's interest in confidentiality and rehabilitation
2 over the moving party's interest in obtaining the
3 information. Any records obtained in violation of this
4 subsection (C) shall not be admissible in any criminal or
5 civil proceeding, or operate to disqualify a minor from
6 subsequently holding public office or securing employment,
7 or operate as a forfeiture of any public benefit, right,
8 privilege, or right to receive any license granted by
9 public authority.

10 (D) Nothing contained in subsection (C) of this Section
11 shall prohibit the inspection or disclosure to victims and
12 witnesses of photographs contained in the records of law
13 enforcement agencies when the inspection and disclosure is
14 conducted in the presence of a law enforcement officer for the
15 purpose of the identification or apprehension of any person
16 subject to the provisions of this Act or for the investigation
17 or prosecution of any crime.

18 (E) Law enforcement officers, and personnel of an
19 independent agency created by ordinance and charged by a unit
20 of local government with the duty of investigating the conduct
21 of law enforcement officers, may not disclose the identity of
22 any minor in releasing information to the general public as to
23 the arrest, investigation or disposition of any case involving
24 a minor.

25 (F) Nothing contained in this Section shall prohibit law
26 enforcement agencies from communicating with each other by

1 letter, memorandum, teletype, or intelligence alert bulletin
2 or other means the identity or other relevant information
3 pertaining to a person under 18 years of age if there are
4 reasonable grounds to believe that the person poses a real and
5 present danger to the safety of the public or law enforcement
6 officers. The information provided under this subsection (F)
7 shall remain confidential and shall not be publicly disclosed,
8 except as otherwise allowed by law.

9 (G) Nothing in this Section shall prohibit the right of a
10 Civil Service Commission or appointing authority of any
11 federal government, state, county or municipality examining
12 the character and fitness of an applicant for employment with
13 a law enforcement agency, correctional institution, or fire
14 department from obtaining and examining the records of any law
15 enforcement agency relating to any record of the applicant
16 having been arrested or taken into custody before the
17 applicant's 18th birthday.

18 (G-5) Information identifying victims and alleged victims
19 of sex offenses shall not be disclosed or open to the public
20 under any circumstances. Nothing in this Section shall
21 prohibit the victim or alleged victim of any sex offense from
22 voluntarily disclosing his or her own identity.

23 (H) The changes made to this Section by Public Act 98-61
24 apply to law enforcement records of a minor who has been
25 arrested or taken into custody on or after January 1, 2014 (the
26 effective date of Public Act 98-61).

1 (H-5) Nothing in this Section shall require any court or
2 adjudicative proceeding for traffic, boating, fish and game
3 law, or municipal and county ordinance violations to be closed
4 to the public.

5 (I) Willful violation of this Section is a Class C
6 misdemeanor and each violation is subject to a fine of \$1,000.
7 This subsection (I) shall not apply to the person who is the
8 subject of the record.

9 (J) A person convicted of violating this Section is liable
10 for damages in the amount of \$1,000 or actual damages,
11 whichever is greater.

12 (Source: P.A. 102-538, eff. 8-20-21.)

13 (Text of Section after amendment by P.A. 101-652)

14 Sec. 1-7. Confidentiality of juvenile law enforcement and
15 municipal ordinance violation records.

16 (A) All juvenile law enforcement records which have not
17 been expunged are confidential and may never be disclosed to
18 the general public or otherwise made widely available.
19 Juvenile law enforcement records may be obtained only under
20 this Section and Section 1-8 and Part 9 of Article V of this
21 Act, when their use is needed for good cause and with an order
22 from the juvenile court, as required by those not authorized
23 to retain them. Inspection, copying, and disclosure of
24 juvenile law enforcement records maintained by law enforcement
25 agencies or records of municipal ordinance violations

1 maintained by any State, local, or municipal agency that
2 relate to a minor who has been investigated, arrested, or
3 taken into custody before his or her 18th birthday shall be
4 restricted to the following:

5 (0.05) The minor who is the subject of the juvenile
6 law enforcement record, his or her parents, guardian, and
7 counsel.

8 (0.10) Judges of the circuit court and members of the
9 staff of the court designated by the judge.

10 (0.15) An administrative adjudication hearing officer
11 or members of the staff designated to assist in the
12 administrative adjudication process.

13 (1) Any local, State, or federal law enforcement
14 officers or designated law enforcement staff of any
15 jurisdiction or agency when necessary for the discharge of
16 their official duties during the investigation or
17 prosecution of a crime or relating to a minor who has been
18 adjudicated delinquent and there has been a previous
19 finding that the act which constitutes the previous
20 offense was committed in furtherance of criminal
21 activities by a criminal street gang, or, when necessary
22 for the discharge of its official duties in connection
23 with a particular investigation of the conduct of a law
24 enforcement officer, an independent agency or its staff
25 created by ordinance and charged by a unit of local
26 government with the duty of investigating the conduct of

1 law enforcement officers. For purposes of this Section,
2 "criminal street gang" has the meaning ascribed to it in
3 Section 10 of the Illinois Streetgang Terrorism Omnibus
4 Prevention Act.

5 (2) Prosecutors, public defenders, probation officers,
6 social workers, or other individuals assigned by the court
7 to conduct a pre-adjudication or pre-disposition
8 investigation, and individuals responsible for supervising
9 or providing temporary or permanent care and custody for
10 minors under the order of the juvenile court, when
11 essential to performing their responsibilities.

12 (3) Federal, State, or local prosecutors, public
13 defenders, probation officers, and designated staff:

14 (a) in the course of a trial when institution of
15 criminal proceedings has been permitted or required
16 under Section 5-805;

17 (b) when institution of criminal proceedings has
18 been permitted or required under Section 5-805 and the
19 minor is the subject of a proceeding to determine the
20 ~~conditions of pretrial release~~ amount of bail;

21 (c) when criminal proceedings have been permitted
22 or required under Section 5-805 and the minor is the
23 subject of a pre-trial investigation, pre-sentence
24 investigation, fitness hearing, or proceedings on an
25 application for probation; or

26 (d) in the course of prosecution or administrative

1 adjudication of a violation of a traffic, boating, or
2 fish and game law, or a county or municipal ordinance.

3 (4) Adult and Juvenile Prisoner Review Board.

4 (5) Authorized military personnel.

5 (5.5) Employees of the federal government authorized
6 by law.

7 (6) Persons engaged in bona fide research, with the
8 permission of the Presiding Judge and the chief executive
9 of the respective law enforcement agency; provided that
10 publication of such research results in no disclosure of a
11 minor's identity and protects the confidentiality of the
12 minor's record.

13 (7) Department of Children and Family Services child
14 protection investigators acting in their official
15 capacity.

16 (8) The appropriate school official only if the agency
17 or officer believes that there is an imminent threat of
18 physical harm to students, school personnel, or others who
19 are present in the school or on school grounds.

20 (A) Inspection and copying shall be limited to
21 juvenile law enforcement records transmitted to the
22 appropriate school official or officials whom the
23 school has determined to have a legitimate educational
24 or safety interest by a local law enforcement agency
25 under a reciprocal reporting system established and
26 maintained between the school district and the local

1 law enforcement agency under Section 10-20.14 of the
2 School Code concerning a minor enrolled in a school
3 within the school district who has been arrested or
4 taken into custody for any of the following offenses:

5 (i) any violation of Article 24 of the
6 Criminal Code of 1961 or the Criminal Code of
7 2012;

8 (ii) a violation of the Illinois Controlled
9 Substances Act;

10 (iii) a violation of the Cannabis Control Act;

11 (iv) a forcible felony as defined in Section
12 2-8 of the Criminal Code of 1961 or the Criminal
13 Code of 2012;

14 (v) a violation of the Methamphetamine Control
15 and Community Protection Act;

16 (vi) a violation of Section 1-2 of the
17 Harassing and Obscene Communications Act;

18 (vii) a violation of the Hazing Act; or

19 (viii) a violation of Section 12-1, 12-2,
20 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
21 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
22 Criminal Code of 1961 or the Criminal Code of
23 2012.

24 The information derived from the juvenile law
25 enforcement records shall be kept separate from and
26 shall not become a part of the official school record

1 of that child and shall not be a public record. The
2 information shall be used solely by the appropriate
3 school official or officials whom the school has
4 determined to have a legitimate educational or safety
5 interest to aid in the proper rehabilitation of the
6 child and to protect the safety of students and
7 employees in the school. If the designated law
8 enforcement and school officials deem it to be in the
9 best interest of the minor, the student may be
10 referred to in-school or community-based social
11 services if those services are available.
12 "Rehabilitation services" may include interventions by
13 school support personnel, evaluation for eligibility
14 for special education, referrals to community-based
15 agencies such as youth services, behavioral healthcare
16 service providers, drug and alcohol prevention or
17 treatment programs, and other interventions as deemed
18 appropriate for the student.

19 (B) Any information provided to appropriate school
20 officials whom the school has determined to have a
21 legitimate educational or safety interest by local law
22 enforcement officials about a minor who is the subject
23 of a current police investigation that is directly
24 related to school safety shall consist of oral
25 information only, and not written juvenile law
26 enforcement records, and shall be used solely by the

1 appropriate school official or officials to protect
2 the safety of students and employees in the school and
3 aid in the proper rehabilitation of the child. The
4 information derived orally from the local law
5 enforcement officials shall be kept separate from and
6 shall not become a part of the official school record
7 of the child and shall not be a public record. This
8 limitation on the use of information about a minor who
9 is the subject of a current police investigation shall
10 in no way limit the use of this information by
11 prosecutors in pursuing criminal charges arising out
12 of the information disclosed during a police
13 investigation of the minor. For purposes of this
14 paragraph, "investigation" means an official
15 systematic inquiry by a law enforcement agency into
16 actual or suspected criminal activity.

17 (9) Mental health professionals on behalf of the
18 Department of Corrections or the Department of Human
19 Services or prosecutors who are evaluating, prosecuting,
20 or investigating a potential or actual petition brought
21 under the Sexually Violent Persons Commitment Act relating
22 to a person who is the subject of juvenile law enforcement
23 records or the respondent to a petition brought under the
24 Sexually Violent Persons Commitment Act who is the subject
25 of the juvenile law enforcement records sought. Any
26 juvenile law enforcement records and any information

1 obtained from those juvenile law enforcement records under
2 this paragraph (9) may be used only in sexually violent
3 persons commitment proceedings.

4 (10) The president of a park district. Inspection and
5 copying shall be limited to juvenile law enforcement
6 records transmitted to the president of the park district
7 by the Illinois State Police under Section 8-23 of the
8 Park District Code or Section 16a-5 of the Chicago Park
9 District Act concerning a person who is seeking employment
10 with that park district and who has been adjudicated a
11 juvenile delinquent for any of the offenses listed in
12 subsection (c) of Section 8-23 of the Park District Code
13 or subsection (c) of Section 16a-5 of the Chicago Park
14 District Act.

15 (11) Persons managing and designated to participate in
16 a court diversion program as designated in subsection (6)
17 of Section 5-105.

18 (12) The Public Access Counselor of the Office of the
19 Attorney General, when reviewing juvenile law enforcement
20 records under its powers and duties under the Freedom of
21 Information Act.

22 (13) Collection agencies, contracted or otherwise
23 engaged by a governmental entity, to collect any debts due
24 and owing to the governmental entity.

25 (B) (1) Except as provided in paragraph (2), no law
26 enforcement officer or other person or agency may knowingly

1 transmit to the Department of Corrections, the Illinois State
2 Police, or the Federal Bureau of Investigation any fingerprint
3 or photograph relating to a minor who has been arrested or
4 taken into custody before his or her 18th birthday, unless the
5 court in proceedings under this Act authorizes the
6 transmission or enters an order under Section 5-805 permitting
7 or requiring the institution of criminal proceedings.

8 (2) Law enforcement officers or other persons or agencies
9 shall transmit to the Illinois State Police copies of
10 fingerprints and descriptions of all minors who have been
11 arrested or taken into custody before their 18th birthday for
12 the offense of unlawful use of weapons under Article 24 of the
13 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
14 or Class 1 felony, a forcible felony as defined in Section 2-8
15 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
16 Class 2 or greater felony under the Cannabis Control Act, the
17 Illinois Controlled Substances Act, the Methamphetamine
18 Control and Community Protection Act, or Chapter 4 of the
19 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
20 Identification Act. Information reported to the Department
21 pursuant to this Section may be maintained with records that
22 the Department files pursuant to Section 2.1 of the Criminal
23 Identification Act. Nothing in this Act prohibits a law
24 enforcement agency from fingerprinting a minor taken into
25 custody or arrested before his or her 18th birthday for an
26 offense other than those listed in this paragraph (2).

1 (C) The records of law enforcement officers, or of an
2 independent agency created by ordinance and charged by a unit
3 of local government with the duty of investigating the conduct
4 of law enforcement officers, concerning all minors under 18
5 years of age must be maintained separate from the records of
6 arrests and may not be open to public inspection or their
7 contents disclosed to the public. For purposes of obtaining
8 documents under this Section, a civil subpoena is not an order
9 of the court.

10 (1) In cases where the law enforcement, or independent
11 agency, records concern a pending juvenile court case, the
12 party seeking to inspect the records shall provide actual
13 notice to the attorney or guardian ad litem of the minor
14 whose records are sought.

15 (2) In cases where the records concern a juvenile
16 court case that is no longer pending, the party seeking to
17 inspect the records shall provide actual notice to the
18 minor or the minor's parent or legal guardian, and the
19 matter shall be referred to the chief judge presiding over
20 matters pursuant to this Act.

21 (3) In determining whether the records should be
22 available for inspection, the court shall consider the
23 minor's interest in confidentiality and rehabilitation
24 over the moving party's interest in obtaining the
25 information. Any records obtained in violation of this
26 subsection (C) shall not be admissible in any criminal or

1 civil proceeding, or operate to disqualify a minor from
2 subsequently holding public office or securing employment,
3 or operate as a forfeiture of any public benefit, right,
4 privilege, or right to receive any license granted by
5 public authority.

6 (D) Nothing contained in subsection (C) of this Section
7 shall prohibit the inspection or disclosure to victims and
8 witnesses of photographs contained in the records of law
9 enforcement agencies when the inspection and disclosure is
10 conducted in the presence of a law enforcement officer for the
11 purpose of the identification or apprehension of any person
12 subject to the provisions of this Act or for the investigation
13 or prosecution of any crime.

14 (E) Law enforcement officers, and personnel of an
15 independent agency created by ordinance and charged by a unit
16 of local government with the duty of investigating the conduct
17 of law enforcement officers, may not disclose the identity of
18 any minor in releasing information to the general public as to
19 the arrest, investigation or disposition of any case involving
20 a minor.

21 (F) Nothing contained in this Section shall prohibit law
22 enforcement agencies from communicating with each other by
23 letter, memorandum, teletype, or intelligence alert bulletin
24 or other means the identity or other relevant information
25 pertaining to a person under 18 years of age if there are
26 reasonable grounds to believe that the person poses a real and

1 present danger to the safety of the public or law enforcement
2 officers. The information provided under this subsection (F)
3 shall remain confidential and shall not be publicly disclosed,
4 except as otherwise allowed by law.

5 (G) Nothing in this Section shall prohibit the right of a
6 Civil Service Commission or appointing authority of any
7 federal government, state, county or municipality examining
8 the character and fitness of an applicant for employment with
9 a law enforcement agency, correctional institution, or fire
10 department from obtaining and examining the records of any law
11 enforcement agency relating to any record of the applicant
12 having been arrested or taken into custody before the
13 applicant's 18th birthday.

14 (G-5) Information identifying victims and alleged victims
15 of sex offenses shall not be disclosed or open to the public
16 under any circumstances. Nothing in this Section shall
17 prohibit the victim or alleged victim of any sex offense from
18 voluntarily disclosing his or her own identity.

19 (H) The changes made to this Section by Public Act 98-61
20 apply to law enforcement records of a minor who has been
21 arrested or taken into custody on or after January 1, 2014 (the
22 effective date of Public Act 98-61).

23 (H-5) Nothing in this Section shall require any court or
24 adjudicative proceeding for traffic, boating, fish and game
25 law, or municipal and county ordinance violations to be closed
26 to the public.

1 (I) Willful violation of this Section is a Class C
2 misdemeanor and each violation is subject to a fine of \$1,000.
3 This subsection (I) shall not apply to the person who is the
4 subject of the record.

5 (J) A person convicted of violating this Section is liable
6 for damages in the amount of \$1,000 or actual damages,
7 whichever is greater.

8 (Source: P.A. 101-652, eff. 1-1-23; 102-538, eff. 8-20-21;
9 revised 10-13-21.)

10 (705 ILCS 405/1-8)

11 (Text of Section before amendment by P.A. 101-652)

12 Sec. 1-8. Confidentiality and accessibility of juvenile
13 court records.

14 (A) A juvenile adjudication shall never be considered a
15 conviction nor shall an adjudicated individual be considered a
16 criminal. Unless expressly allowed by law, a juvenile
17 adjudication shall not operate to impose upon the individual
18 any of the civil disabilities ordinarily imposed by or
19 resulting from conviction. Unless expressly allowed by law,
20 adjudications shall not prejudice or disqualify the individual
21 in any civil service application or appointment, from holding
22 public office, or from receiving any license granted by public
23 authority. All juvenile court records which have not been
24 expunged are sealed and may never be disclosed to the general
25 public or otherwise made widely available. Sealed juvenile

1 court records may be obtained only under this Section and
2 Section 1-7 and Part 9 of Article V of this Act, when their use
3 is needed for good cause and with an order from the juvenile
4 court. Inspection and copying of juvenile court records
5 relating to a minor who is the subject of a proceeding under
6 this Act shall be restricted to the following:

7 (1) The minor who is the subject of record, his or her
8 parents, guardian, and counsel.

9 (2) Law enforcement officers and law enforcement
10 agencies when such information is essential to executing
11 an arrest or search warrant or other compulsory process,
12 or to conducting an ongoing investigation or relating to a
13 minor who has been adjudicated delinquent and there has
14 been a previous finding that the act which constitutes the
15 previous offense was committed in furtherance of criminal
16 activities by a criminal street gang.

17 Before July 1, 1994, for the purposes of this Section,
18 "criminal street gang" means any ongoing organization,
19 association, or group of 3 or more persons, whether formal
20 or informal, having as one of its primary activities the
21 commission of one or more criminal acts and that has a
22 common name or common identifying sign, symbol or specific
23 color apparel displayed, and whose members individually or
24 collectively engage in or have engaged in a pattern of
25 criminal activity.

26 Beginning July 1, 1994, 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 (3) Judges, hearing officers, prosecutors, public
5 defenders, probation officers, social workers, or other
6 individuals assigned by the court to conduct a
7 pre-adjudication or pre-disposition investigation, and
8 individuals responsible for supervising or providing
9 temporary or permanent care and custody for minors under
10 the order of the juvenile court when essential to
11 performing their responsibilities.

12 (4) Judges, federal, State, and local prosecutors,
13 public defenders, probation officers, and designated
14 staff:

15 (a) in the course of a trial when institution of
16 criminal proceedings has been permitted or required
17 under Section 5-805;

18 (b) when criminal proceedings have been permitted
19 or required under Section 5-805 and a minor is the
20 subject of a proceeding to determine the amount of
21 bail;

22 (c) when criminal proceedings have been permitted
23 or required under Section 5-805 and a minor is the
24 subject of a pre-trial investigation, pre-sentence
25 investigation or fitness hearing, or proceedings on an
26 application for probation; or

1 (d) when a minor becomes 18 years of age or older,
2 and is the subject of criminal proceedings, including
3 a hearing to determine the amount of bail, a pre-trial
4 investigation, a pre-sentence investigation, a fitness
5 hearing, or proceedings on an application for
6 probation.

7 (5) Adult and Juvenile Prisoner Review Boards.

8 (6) Authorized military personnel.

9 (6.5) Employees of the federal government authorized
10 by law.

11 (7) Victims, their subrogees and legal
12 representatives; however, such persons shall have access
13 only to the name and address of the minor and information
14 pertaining to the disposition or alternative adjustment
15 plan of the juvenile court.

16 (8) Persons engaged in bona fide research, with the
17 permission of the presiding judge of the juvenile court
18 and the chief executive of the agency that prepared the
19 particular records; provided that publication of such
20 research results in no disclosure of a minor's identity
21 and protects the confidentiality of the record.

22 (9) The Secretary of State to whom the Clerk of the
23 Court shall report the disposition of all cases, as
24 required in Section 6-204 of the Illinois Vehicle Code.
25 However, information reported relative to these offenses
26 shall be privileged and available only to the Secretary of

1 State, courts, and police officers.

2 (10) The administrator of a bonafide substance abuse
3 student assistance program with the permission of the
4 presiding judge of the juvenile court.

5 (11) Mental health professionals on behalf of the
6 Department of Corrections or the Department of Human
7 Services or prosecutors who are evaluating, prosecuting,
8 or investigating a potential or actual petition brought
9 under the Sexually Violent Persons Commitment Act relating
10 to a person who is the subject of juvenile court records or
11 the respondent to a petition brought under the Sexually
12 Violent Persons Commitment Act, who is the subject of
13 juvenile court records sought. Any records and any
14 information obtained from those records under this
15 paragraph (11) may be used only in sexually violent
16 persons commitment proceedings.

17 (12) Collection agencies, contracted or otherwise
18 engaged by a governmental entity, to collect any debts due
19 and owing to the governmental entity.

20 (A-1) Findings and exclusions of paternity entered in
21 proceedings occurring under Article II of this Act shall be
22 disclosed, in a manner and form approved by the Presiding
23 Judge of the Juvenile Court, to the Department of Healthcare
24 and Family Services when necessary to discharge the duties of
25 the Department of Healthcare and Family Services under Article
26 X of the Illinois Public Aid Code.

1 (B) A minor who is the victim in a juvenile proceeding
2 shall be provided the same confidentiality regarding
3 disclosure of identity as the minor who is the subject of
4 record.

5 (C)(0.1) In cases where the records concern a pending
6 juvenile court case, the requesting party seeking to inspect
7 the juvenile court records shall provide actual notice to the
8 attorney or guardian ad litem of the minor whose records are
9 sought.

10 (0.2) In cases where the juvenile court records concern a
11 juvenile court case that is no longer pending, the requesting
12 party seeking to inspect the juvenile court records shall
13 provide actual notice to the minor or the minor's parent or
14 legal guardian, and the matter shall be referred to the chief
15 judge presiding over matters pursuant to this Act.

16 (0.3) In determining whether juvenile court records should
17 be made available for inspection and whether inspection should
18 be limited to certain parts of the file, the court shall
19 consider the minor's interest in confidentiality and
20 rehabilitation over the requesting party's interest in
21 obtaining the information. The State's Attorney, the minor,
22 and the minor's parents, guardian, and counsel shall at all
23 times have the right to examine court files and records.

24 (0.4) Any records obtained in violation of this Section
25 shall not be admissible in any criminal or civil proceeding,
26 or operate to disqualify a minor from subsequently holding

1 public office, or operate as a forfeiture of any public
2 benefit, right, privilege, or right to receive any license
3 granted by public authority.

4 (D) Pending or following any adjudication of delinquency
5 for any offense defined in Sections 11-1.20 through 11-1.60 or
6 12-13 through 12-16 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, the victim of any such offense shall
8 receive the rights set out in Sections 4 and 6 of the Bill of
9 Rights for Victims and Witnesses of Violent Crime Act; and the
10 juvenile who is the subject of the adjudication,
11 notwithstanding any other provision of this Act, shall be
12 treated as an adult for the purpose of affording such rights to
13 the victim.

14 (E) Nothing in this Section shall affect the right of a
15 Civil Service Commission or appointing authority of the
16 federal government, or any state, county, or municipality
17 examining the character and fitness of an applicant for
18 employment with a law enforcement agency, correctional
19 institution, or fire department to ascertain whether that
20 applicant was ever adjudicated to be a delinquent minor and,
21 if so, to examine the records of disposition or evidence which
22 were made in proceedings under this Act.

23 (F) Following any adjudication of delinquency for a crime
24 which would be a felony if committed by an adult, or following
25 any adjudication of delinquency for a violation of Section
26 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, the State's Attorney shall ascertain
2 whether the minor respondent is enrolled in school and, if so,
3 shall provide a copy of the dispositional order to the
4 principal or chief administrative officer of the school.
5 Access to the dispositional order shall be limited to the
6 principal or chief administrative officer of the school and
7 any school counselor designated by him or her.

8 (G) Nothing contained in this Act prevents the sharing or
9 disclosure of information or records relating or pertaining to
10 juveniles subject to the provisions of the Serious Habitual
11 Offender Comprehensive Action Program when that information is
12 used to assist in the early identification and treatment of
13 habitual juvenile offenders.

14 (H) When a court hearing a proceeding under Article II of
15 this Act becomes aware that an earlier proceeding under
16 Article II had been heard in a different county, that court
17 shall request, and the court in which the earlier proceedings
18 were initiated shall transmit, an authenticated copy of the
19 juvenile court record, including all documents, petitions, and
20 orders filed and the minute orders, transcript of proceedings,
21 and docket entries of the court.

22 (I) The Clerk of the Circuit Court shall report to the
23 Illinois State Police, in the form and manner required by the
24 Illinois State Police, the final disposition of each minor who
25 has been arrested or taken into custody before his or her 18th
26 birthday for those offenses required to be reported under

1 Section 5 of the Criminal Identification Act. Information
2 reported to the Department under this Section may be
3 maintained with records that the Department files under
4 Section 2.1 of the Criminal Identification Act.

5 (J) The changes made to this Section by Public Act 98-61
6 apply to juvenile law enforcement records of a minor who has
7 been arrested or taken into custody on or after January 1, 2014
8 (the effective date of Public Act 98-61).

9 (K) Willful violation of this Section is a Class C
10 misdemeanor and each violation is subject to a fine of \$1,000.
11 This subsection (K) shall not apply to the person who is the
12 subject of the record.

13 (L) A person convicted of violating this Section is liable
14 for damages in the amount of \$1,000 or actual damages,
15 whichever is greater.

16 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
17 revised 10-12-21.)

18 (Text of Section after amendment by P.A. 101-652)

19 Sec. 1-8. Confidentiality and accessibility of juvenile
20 court records.

21 (A) A juvenile adjudication shall never be considered a
22 conviction nor shall an adjudicated individual be considered a
23 criminal. Unless expressly allowed by law, a juvenile
24 adjudication shall not operate to impose upon the individual
25 any of the civil disabilities ordinarily imposed by or

1 resulting from conviction. Unless expressly allowed by law,
2 adjudications shall not prejudice or disqualify the individual
3 in any civil service application or appointment, from holding
4 public office, or from receiving any license granted by public
5 authority. All juvenile court records which have not been
6 expunged are sealed and may never be disclosed to the general
7 public or otherwise made widely available. Sealed juvenile
8 court records may be obtained only under this Section and
9 Section 1-7 and Part 9 of Article V of this Act, when their use
10 is needed for good cause and with an order from the juvenile
11 court. Inspection and copying of juvenile court records
12 relating to a minor who is the subject of a proceeding under
13 this Act shall be restricted to the following:

14 (1) The minor who is the subject of record, his or her
15 parents, guardian, and counsel.

16 (2) Law enforcement officers and law enforcement
17 agencies when such information is essential to executing
18 an arrest or search warrant or other compulsory process,
19 or to conducting an ongoing investigation or relating to a
20 minor who has been adjudicated delinquent and there has
21 been a previous finding that the act which constitutes the
22 previous offense was committed in furtherance of criminal
23 activities by a criminal street gang.

24 Before July 1, 1994, for the purposes of this Section,
25 "criminal street gang" means any ongoing organization,
26 association, or group of 3 or more persons, whether formal

1 or informal, having as one of its primary activities the
2 commission of one or more criminal acts and that has a
3 common name or common identifying sign, symbol or specific
4 color apparel displayed, and whose members individually or
5 collectively engage in or have engaged in a pattern of
6 criminal activity.

7 Beginning July 1, 1994, for purposes of this Section,
8 "criminal street gang" has the meaning ascribed to it in
9 Section 10 of the Illinois Streetgang Terrorism Omnibus
10 Prevention Act.

11 (3) Judges, hearing officers, prosecutors, public
12 defenders, probation officers, social workers, or other
13 individuals assigned by the court to conduct a
14 pre-adjudication or pre-disposition investigation, and
15 individuals responsible for supervising or providing
16 temporary or permanent care and custody for minors under
17 the order of the juvenile court when essential to
18 performing their responsibilities.

19 (4) Judges, federal, State, and local prosecutors,
20 public defenders, probation officers, and designated
21 staff:

22 (a) in the course of a trial when institution of
23 criminal proceedings has been permitted or required
24 under Section 5-805;

25 (b) when criminal proceedings have been permitted
26 or required under Section 5-805 and a minor is the

1 subject of a proceeding to determine the ~~conditions of~~
2 ~~pretrial release~~ amount of bail;

3 (c) when criminal proceedings have been permitted
4 or required under Section 5-805 and a minor is the
5 subject of a pre-trial investigation, pre-sentence
6 investigation or fitness hearing, or proceedings on an
7 application for probation; or

8 (d) when a minor becomes 18 years of age or older,
9 and is the subject of criminal proceedings, including
10 a hearing to determine the ~~conditions of pretrial~~
11 ~~release~~ amount of bail, a pre-trial investigation, a
12 pre-sentence investigation, a fitness hearing, or
13 proceedings on an application for probation.

14 (5) Adult and Juvenile Prisoner Review Boards.

15 (6) Authorized military personnel.

16 (6.5) Employees of the federal government authorized
17 by law.

18 (7) Victims, their subrogees and legal
19 representatives; however, such persons shall have access
20 only to the name and address of the minor and information
21 pertaining to the disposition or alternative adjustment
22 plan of the juvenile court.

23 (8) Persons engaged in bona fide research, with the
24 permission of the presiding judge of the juvenile court
25 and the chief executive of the agency that prepared the
26 particular records; provided that publication of such

1 research results in no disclosure of a minor's identity
2 and protects the confidentiality of the record.

3 (9) The Secretary of State to whom the Clerk of the
4 Court shall report the disposition of all cases, as
5 required in Section 6-204 of the Illinois Vehicle Code.
6 However, information reported relative to these offenses
7 shall be privileged and available only to the Secretary of
8 State, courts, and police officers.

9 (10) The administrator of a bonafide substance abuse
10 student assistance program with the permission of the
11 presiding judge of the juvenile court.

12 (11) 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 court records or
18 the respondent to a petition brought under the Sexually
19 Violent Persons Commitment Act, who is the subject of
20 juvenile court records sought. Any records and any
21 information obtained from those records under this
22 paragraph (11) may be used only in sexually violent
23 persons commitment proceedings.

24 (12) Collection agencies, contracted or otherwise
25 engaged by a governmental entity, to collect any debts due
26 and owing to the governmental entity.

1 (A-1) Findings and exclusions of paternity entered in
2 proceedings occurring under Article II of this Act shall be
3 disclosed, in a manner and form approved by the Presiding
4 Judge of the Juvenile Court, to the Department of Healthcare
5 and Family Services when necessary to discharge the duties of
6 the Department of Healthcare and Family Services under Article
7 X of the Illinois Public Aid Code.

8 (B) A minor who is the victim in a juvenile proceeding
9 shall be provided the same confidentiality regarding
10 disclosure of identity as the minor who is the subject of
11 record.

12 (C) (0.1) In cases where the records concern a pending
13 juvenile court case, the requesting party seeking to inspect
14 the juvenile court records shall provide actual notice to the
15 attorney or guardian ad litem of the minor whose records are
16 sought.

17 (0.2) In cases where the juvenile court records concern a
18 juvenile court case that is no longer pending, the requesting
19 party seeking to inspect the juvenile court records shall
20 provide actual notice to the minor or the minor's parent or
21 legal guardian, and the matter shall be referred to the chief
22 judge presiding over matters pursuant to this Act.

23 (0.3) In determining whether juvenile court records should
24 be made available for inspection and whether inspection should
25 be limited to certain parts of the file, the court shall
26 consider the minor's interest in confidentiality and

1 rehabilitation over the requesting party's interest in
2 obtaining the information. The State's Attorney, the minor,
3 and the minor's parents, guardian, and counsel shall at all
4 times have the right to examine court files and records.

5 (0.4) Any records obtained in violation of this Section
6 shall not be admissible in any criminal or civil proceeding,
7 or operate to disqualify a minor from subsequently holding
8 public office, or operate as a forfeiture of any public
9 benefit, right, privilege, or right to receive any license
10 granted by public authority.

11 (D) Pending or following any adjudication of delinquency
12 for any offense defined in Sections 11-1.20 through 11-1.60 or
13 12-13 through 12-16 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, the victim of any such offense shall
15 receive the rights set out in Sections 4 and 6 of the Bill of
16 Rights for Victims and Witnesses of Violent Crime Act; and the
17 juvenile who is the subject of the adjudication,
18 notwithstanding any other provision of this Act, shall be
19 treated as an adult for the purpose of affording such rights to
20 the victim.

21 (E) Nothing in this Section shall affect the right of a
22 Civil Service Commission or appointing authority of the
23 federal government, or any state, county, or municipality
24 examining the character and fitness of an applicant for
25 employment with a law enforcement agency, correctional
26 institution, or fire department to ascertain whether that

1 applicant was ever adjudicated to be a delinquent minor and,
2 if so, to examine the records of disposition or evidence which
3 were made in proceedings under this Act.

4 (F) Following any adjudication of delinquency for a crime
5 which would be a felony if committed by an adult, or following
6 any adjudication of delinquency for a violation of Section
7 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, the State's Attorney shall ascertain
9 whether the minor respondent is enrolled in school and, if so,
10 shall provide a copy of the dispositional order to the
11 principal or chief administrative officer of the school.
12 Access to the dispositional order shall be limited to the
13 principal or chief administrative officer of the school and
14 any school counselor designated by him or her.

15 (G) Nothing contained in this Act prevents the sharing or
16 disclosure of information or records relating or pertaining to
17 juveniles subject to the provisions of the Serious Habitual
18 Offender Comprehensive Action Program when that information is
19 used to assist in the early identification and treatment of
20 habitual juvenile offenders.

21 (H) When a court hearing a proceeding under Article II of
22 this Act becomes aware that an earlier proceeding under
23 Article II had been heard in a different county, that court
24 shall request, and the court in which the earlier proceedings
25 were initiated shall transmit, an authenticated copy of the
26 juvenile court record, including all documents, petitions, and

1 orders filed and the minute orders, transcript of proceedings,
2 and docket entries of the court.

3 (I) The Clerk of the Circuit Court shall report to the
4 Illinois State Police, in the form and manner required by the
5 Illinois State Police, the final disposition of each minor who
6 has been arrested or taken into custody before his or her 18th
7 birthday for those offenses required to be reported under
8 Section 5 of the Criminal Identification Act. Information
9 reported to the Department under this Section may be
10 maintained with records that the Department files under
11 Section 2.1 of the Criminal Identification Act.

12 (J) The changes made to this Section by Public Act 98-61
13 apply to juvenile law enforcement records of a minor who has
14 been arrested or taken into custody on or after January 1, 2014
15 (the effective date of Public Act 98-61).

16 (K) Willful violation of this Section is a Class C
17 misdemeanor and each violation is subject to a fine of \$1,000.
18 This subsection (K) shall not apply to the person who is the
19 subject of the record.

20 (L) A person convicted of violating this Section is liable
21 for damages in the amount of \$1,000 or actual damages,
22 whichever is greater.

23 (Source: P.A. 101-652, eff. 1-1-23; 102-197, eff. 7-30-21;
24 102-538, eff. 8-20-21; revised 10-12-21.)

25 (705 ILCS 405/5-150)

1 Sec. 5-150. Admissibility of evidence and adjudications in
2 other proceedings.

3 (1) Evidence and adjudications in proceedings under this
4 Act shall be admissible:

5 (a) in subsequent proceedings under this Act
6 concerning the same minor; or

7 (b) in criminal proceedings when the court is to
8 determine the ~~conditions of pretrial release~~ amount of
9 bail, fitness of the defendant or in sentencing under the
10 Unified Code of Corrections; or

11 (c) in proceedings under this Act or in criminal
12 proceedings in which anyone who has been adjudicated
13 delinquent under Section 5-105 is to be a witness
14 including the minor or defendant if he or she testifies,
15 and then only for purposes of impeachment and pursuant to
16 the rules of evidence for criminal trials; or

17 (d) in civil proceedings concerning causes of action
18 arising out of the incident or incidents which initially
19 gave rise to the proceedings under this Act.

20 (2) No adjudication or disposition under this Act shall
21 operate to disqualify a minor from subsequently holding public
22 office nor shall operate as a forfeiture of any right,
23 privilege or right to receive any license granted by public
24 authority.

25 (3) The court which adjudicated that a minor has committed
26 any offense relating to motor vehicles prescribed in Sections

1 4-102 and 4-103 of the Illinois Vehicle Code shall notify the
2 Secretary of State of that adjudication and the notice shall
3 constitute sufficient grounds for revoking that minor's
4 driver's license or permit as provided in Section 6-205 of the
5 Illinois Vehicle Code; no minor shall be considered a criminal
6 by reason thereof, nor shall any such adjudication be
7 considered a conviction.

8 (Source: P.A. 90-590, eff. 1-1-99; 101-652.)

9 Section 205. The Criminal Code of 2012 is amended by
10 changing Sections 26.5-5, 31-1, 31A-0.1, 32-10, and 32-15 as
11 follows:

12 (720 ILCS 5/26.5-5)

13 Sec. 26.5-5. Sentence.

14 (a) Except as provided in subsection (b), a person who
15 violates any of the provisions of Section 26.5-1, 26.5-2, or
16 26.5-3 of this Article is guilty of a Class B misdemeanor.
17 Except as provided in subsection (b), a second or subsequent
18 violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article
19 is a Class A misdemeanor, for which the court shall impose a
20 minimum of 14 days in jail or, if public or community service
21 is established in the county in which the offender was
22 convicted, 240 hours of public or community service.

23 (b) In any of the following circumstances, a person who
24 violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article

1 shall be guilty of a Class 4 felony:

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

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

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

17 (4) In the course of the offense, the offender
18 threatened to kill the victim or any member of the
19 victim's family or household;

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

23 (6) The person violates paragraph (5) of Section
24 26.5-2 or paragraph (4) of Section 26.5-3; or

25 (7) The person was at least 18 years of age at the time
26 of the commission of the offense and the victim was under

1 18 years of age at the time of the commission of the
2 offense.

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

5 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13;
6 101-652.)

7 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

8 (Text of Section before amendment by P.A. 101-652)

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

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

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

25 (a-7) A person convicted for a violation of this Section

1 whose violation was the proximate cause of an injury to a peace
2 officer, firefighter, or correctional institution employee is
3 guilty of a Class 4 felony.

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

25 (c) It is an affirmative defense to a violation of this
26 Section if a person resists or obstructs the performance of

1 one known by the person to be a firefighter by returning to or
2 remaining in a dwelling, residence, building, or other
3 structure to rescue or to attempt to rescue any person.

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

5 (Text of Section after amendment by P.A. 101-652)

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

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

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

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

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

23 (c) It is an affirmative defense to a violation of this
24 Section if a person resists or obstructs the performance of
25 one known by the person to be a firefighter by returning to or
26 remaining in a dwelling, residence, building, or other

1 structure to rescue or to attempt to rescue any person.

2 ~~(d) A person shall not be subject to arrest under this~~
3 ~~Section unless there is an underlying offense for which the~~
4 ~~person was initially subject to arrest.~~

5 (Source: P.A. 101-652, eff. 1-1-23.)

6 (720 ILCS 5/31A-0.1)

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

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

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

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

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

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

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

25 (iii-a) "Methamphetamine" as that term is defined in

1 the Illinois Controlled Substances Act or the
2 Methamphetamine Control and Community Protection Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 "Penal institution" means any penitentiary, State farm,
26 reformatory, prison, jail, house of correction, police

1 detention area, half-way house or other institution or place
2 for the incarceration or custody of persons under sentence for
3 offenses awaiting trial or sentence for offenses, under arrest
4 for an offense, a violation of probation, a violation of
5 parole, a violation of aftercare release, or a violation of
6 mandatory supervised release, or awaiting a bail setting
7 hearing ~~on the setting of conditions of pretrial release~~ or
8 preliminary hearing; provided that where the place for
9 incarceration or custody is housed within another public
10 building this Article shall not apply to that part of the
11 building unrelated to the incarceration or custody of persons.
12 (Source: P.A. 97-1108, eff. 1-1-13; 98-558, eff. 1-1-14;
13 101-652.)

14 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

15 Sec. 32-10. Violation of ~~conditions of pretrial release~~
16 bail bond.

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

1 misdemeanor if the underlying offense was a Class 4 felony ~~. If~~
2 ~~the violation of pretrial conditions were made;~~ or, if the
3 bail was given in connection with a charge of committing a
4 misdemeanor, or for appearance as a witness, commits a
5 misdemeanor of the next lower Class, but not less than a Class
6 C misdemeanor.

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

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

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

1 household member as defined in Article 112A of the Code of
2 Criminal Procedure of 1963 while on this release, must appear
3 before the court before bail is statutorily set.

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

11 (Source: P.A. 97-1108, eff. 1-1-13; 101-652.)

12 (720 ILCS 5/32-15)

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

1 proposed as surety or bail, or as to the number or total
2 penalties of all other bonds or recognizances signed by and
3 standing against the proposed surety or bail, or any person
4 who, having taken a lawful oath or made affirmation, shall
5 testify wilfully, corruptly and falsely as to any of said
6 matters for the purpose of inducing the approval of any such
7 ~~conditions of pretrial release~~ bail bond or recognizance; or
8 for the purpose of justifying on any such ~~conditions of~~
9 ~~pretrial release~~ bail bond or recognizance, or who shall
10 suborn any other person to so swear, affirm or testify as
11 aforesaid, shall be deemed and adjudged guilty of perjury or
12 subornation of perjury (as the case may be) and punished
13 accordingly.

14 (Source: P.A. 97-1108, eff. 1-1-13; 101-652.)

15 Section 210. The Criminal Code of 2012 is amended by
16 changing Sections 7-5, 7-5.5, 7-9, 9-1, and 33-3 as follows:

17 (720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

18 Sec. 7-5. Peace officer's use of force in making arrest.

19 (a) A peace officer, or any person whom he has summoned or
20 directed to assist him, need not retreat or desist from
21 efforts to make a lawful arrest because of resistance or
22 threatened resistance to the arrest. He is justified in the
23 use of any force which he reasonably believes, ~~based on the~~
24 ~~totality of the circumstances,~~ to be necessary to effect the

1 arrest and of any force which he reasonably believes, ~~based on~~
2 ~~the totality of the circumstances,~~ to be necessary to defend
3 himself or another from bodily harm while making the arrest.
4 However, he is justified in using force likely to cause death
5 or great bodily harm only when: (i) he reasonably believes, ~~7~~
6 ~~based on the totality of the circumstances,~~ that such force is
7 necessary to prevent death or great bodily harm to himself or
8 such other person; or (ii) when he reasonably believes, ~~based~~
9 ~~on the totality of the circumstances,~~ both that:

10 (1) Such force is necessary to prevent the arrest from
11 being defeated by resistance or escape ~~and the officer~~
12 ~~reasonably believes that the person to be arrested is~~
13 ~~likely to cause great bodily harm to another;~~ and

14 (2) The person to be arrested committed or attempted a
15 forcible felony which involves the infliction or
16 threatened infliction of great bodily harm or is
17 attempting to escape by use of a deadly weapon, or
18 otherwise indicates that he will endanger human life or
19 inflict great bodily harm unless arrested without delay.

20 ~~As used in this subsection, "retreat" does not mean~~
21 ~~tactical repositioning or other de-escalation tactics.~~

22 ~~A peace officer is not justified in using force likely to~~
23 ~~cause death or great bodily harm when there is no longer an~~
24 ~~imminent threat of great bodily harm to the officer or~~
25 ~~another.~~

26 ~~(a 5) Where feasible, a peace officer shall, prior to the~~

1 ~~use of force, make reasonable efforts to identify himself or~~
2 ~~herself as a peace officer and to warn that deadly force may be~~
3 ~~used.~~

4 ~~(a-10) A peace officer shall not use deadly force against~~
5 ~~a person based on the danger that the person poses to himself~~
6 ~~or herself if an reasonable officer would believe the person~~
7 ~~does not pose an imminent threat of death or great bodily harm~~
8 ~~to the peace officer or to another person.~~

9 ~~(a-15) A peace officer shall not use deadly force against~~
10 ~~a person who is suspected of committing a property offense,~~
11 ~~unless that offense is terrorism or unless deadly force is~~
12 ~~otherwise authorized by law.~~

13 ~~(b) A peace officer making an arrest pursuant to an~~
14 ~~invalid warrant is justified in the use of any force which he~~
15 ~~would be justified in using if the warrant were valid, unless~~
16 ~~he knows that the warrant is invalid.~~

17 ~~(c) The authority to use physical force conferred on peace~~
18 ~~officers by this Article is a serious responsibility that~~
19 ~~shall be exercised judiciously and with respect for human~~
20 ~~rights and dignity and for the sanctity of every human life.~~

21 ~~(d) Peace officers shall use deadly force only when~~
22 ~~reasonably necessary in defense of human life. In determining~~
23 ~~whether deadly force is reasonably necessary, officers shall~~
24 ~~evaluate each situation in light of the totality of~~
25 ~~circumstances of each case including but not limited to the~~
26 ~~proximity in time of the use of force to the commission of a~~

1 ~~forcible felony, and the reasonable feasibility of safely~~
2 ~~apprehending a subject at a later time, and shall use other~~
3 ~~available resources and techniques, if reasonably safe and~~
4 ~~feasible to a reasonable officer.~~

5 ~~(e) The decision by a peace officer to use force shall be~~
6 ~~evaluated carefully and thoroughly, in a manner that reflects~~
7 ~~the gravity of that authority and the serious consequences of~~
8 ~~the use of force by peace officers, in order to ensure that~~
9 ~~officers use force consistent with law and agency policies.~~

10 ~~(f) The decision by a peace officer to use force shall be~~
11 ~~evaluated from the perspective of a reasonable officer in the~~
12 ~~same situation, based on the totality of the circumstances~~
13 ~~known to or perceived by the officer at the time of the~~
14 ~~decision, rather than with the benefit of hindsight, and that~~
15 ~~the totality of the circumstances shall account for occasions~~
16 ~~when officers may be forced to make quick judgments about~~
17 ~~using force.~~

18 ~~(g) Law enforcement agencies are encouraged to adopt and~~
19 ~~develop policies designed to protect individuals with~~
20 ~~physical, mental health, developmental, or intellectual~~
21 ~~disabilities, or individuals who are significantly more likely~~
22 ~~to experience greater levels of physical force during police~~
23 ~~interactions, as these disabilities may affect the ability of~~
24 ~~a person to understand or comply with commands from peace~~
25 ~~officers.~~

26 ~~(h) As used in this Section:~~

1 ~~(1) "Deadly force" means any use of force that creates~~
2 ~~a substantial risk of causing death or great bodily harm,~~
3 ~~including, but not limited to, the discharge of a firearm.~~

4 ~~(2) A threat of death or serious bodily injury is~~
5 ~~"imminent" when, based on the totality of the~~
6 ~~circumstances, a reasonable officer in the same situation~~
7 ~~would believe that a person has the present ability,~~
8 ~~opportunity, and apparent intent to immediately cause~~
9 ~~death or great bodily harm to the peace officer or another~~
10 ~~person. An imminent harm is not merely a fear of future~~
11 ~~harm, no matter how great the fear and no matter how great~~
12 ~~the likelihood of the harm, but is one that, from~~
13 ~~appearances, must be instantly confronted and addressed.~~

14 ~~(3) "Totality of the circumstances" means all facts~~
15 ~~known to the peace officer at the time, or that would be~~
16 ~~known to a reasonable officer in the same situation,~~
17 ~~including the conduct of the officer and the subject~~
18 ~~leading up to the use of deadly force.~~

19 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
20 revised 8-2-21.)

21 (720 ILCS 5/7-5.5)

22 Sec. 7-5.5. Prohibited use of force by a peace officer.

23 (a) 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~~ in the performance of his

1 or her duties, unless deadly force is justified under this
2 Article ~~7 of this Code~~.

3 (b) A peace officer, ~~or any other person acting under the~~
4 ~~color of law,~~ shall not use a chokehold ~~or restraint above the~~
5 ~~shoulders with risk of asphyxiation,~~ or any lesser contact
6 with the throat or neck area of another, in order to prevent
7 the destruction of evidence by ingestion.

8 (c) As used in this Section, "chokehold" means applying
9 any direct pressure to the throat, windpipe, or airway of
10 another with the intent to reduce or prevent the intake of
11 air. "Chokehold" does not include any holding involving
12 contact with the neck that is not intended to reduce the intake
13 of air such as a headlock where the only pressure applied is to
14 the head.

15 ~~(d) As used in this Section, "restraint above the~~
16 ~~shoulders with risk of positional asphyxiation" means a use of~~
17 ~~a technique used to restrain a person above the shoulders,~~
18 ~~including the neck or head, in a position which interferes~~
19 ~~with the person's ability to breathe after the person no~~
20 ~~longer poses a threat to the officer or any other person.~~

21 ~~(e) A peace officer, or any other person acting under the~~
22 ~~color of law, shall not:~~

23 ~~(i) use force as punishment or retaliation;~~

24 ~~(ii) discharge kinetic impact projectiles and all~~
25 ~~other non-or less-lethal projectiles in a manner that~~
26 ~~targets the head, neck, groin, anterior pelvis, or back;~~

1 ~~(iii) discharge conducted electrical weapons in a~~
2 ~~manner that targets the head, chest, neck, groin, or~~
3 ~~anterior pelvis;~~

4 ~~(iv) discharge firearms or kinetic impact projectiles~~
5 ~~indiscriminately into a crowd;~~

6 ~~(v) use chemical agents or irritants for crowd~~
7 ~~control, including pepper spray and tear gas, prior to~~
8 ~~issuing an order to disperse in a sufficient manner to~~
9 ~~allow for the order to be heard and repeated if necessary,~~
10 ~~followed by sufficient time and space to allow compliance~~
11 ~~with the order unless providing such time and space would~~
12 ~~unduly place an officer or another person at risk of death~~
13 ~~or great bodily harm; or~~

14 ~~(vi) use chemical agents or irritants, including~~
15 ~~pepper spray and tear gas, prior to issuing an order in a~~
16 ~~sufficient manner to ensure the order is heard, and~~
17 ~~repeated if necessary, to allow compliance with the order~~
18 ~~unless providing such time and space would unduly place an~~
19 ~~officer or another person at risk of death or great bodily~~
20 ~~harm.~~

21 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
22 revised 8-2-21.)

23 (720 ILCS 5/7-9) (from Ch. 38, par. 7-9)

24 Sec. 7-9. Use of force to prevent escape.

25 (a) A peace officer or other person who has an arrested

1 person in his custody is justified in the use of such force, ~~7~~
2 ~~except deadly force,~~ to prevent the escape of the arrested
3 person from custody as he would be justified in using if he
4 were arresting such person.

5 (b) A guard or other peace officer is justified in the use
6 of force, including force likely to cause death or great
7 bodily harm, which he reasonably believes to be necessary to
8 prevent the escape from a penal institution of a person whom
9 the officer reasonably believes to be lawfully detained in
10 such institution under sentence for an offense or awaiting
11 trial or commitment for an offense.

12 ~~(c) Deadly force shall not be used to prevent escape under~~
13 ~~this Section unless, based on the totality of the~~
14 ~~circumstances, deadly force is necessary to prevent death or~~
15 ~~great bodily harm to himself or such other person.~~

16 (Source: Laws 1961, p. 1983; P.A. 101-652.)

17 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

18 Sec. 9-1. First degree murder; death penalties;
19 exceptions; separate hearings; proof; findings; appellate
20 procedures; reversals.

21 (a) A person who kills an individual without lawful
22 justification commits first degree murder if, in performing
23 the acts which cause the death:

24 (1) he or she either intends to kill or do great bodily
25 harm to that individual or another, or knows that such

1 acts will cause death to that individual or another; or

2 (2) he or she knows that such acts create a strong
3 probability of death or great bodily harm to that
4 individual or another; or

5 ~~(3) he or she, acting alone or with one or more~~
6 ~~participants, commits or attempts to commit a forcible~~
7 ~~felony other than second degree murder, and in the course~~
8 ~~of or in furtherance of such crime or flight therefrom, he~~
9 ~~or she or another participant causes the death of a person~~
10 he or she is attempting or committing a forcible felony
11 other than second degree murder.

12 (b) Aggravating Factors. A defendant who at the time of
13 the commission of the offense has attained the age of 18 or
14 more and who has been found guilty of first degree murder may
15 be sentenced to death if:

16 (1) the murdered individual was a peace officer or
17 fireman killed in the course of performing his official
18 duties, to prevent the performance of his or her official
19 duties, or in retaliation for performing his or her
20 official duties, and the defendant knew or should have
21 known that the murdered individual was a peace officer or
22 fireman; or

23 (2) the murdered individual was an employee of an
24 institution or facility of the Department of Corrections,
25 or any similar local correctional agency, killed in the
26 course of performing his or her official duties, to

1 prevent the performance of his or her official duties, or
2 in retaliation for performing his or her official duties,
3 or the murdered individual was an inmate at such
4 institution or facility and was killed on the grounds
5 thereof, or the murdered individual was otherwise present
6 in such institution or facility with the knowledge and
7 approval of the chief administrative officer thereof; or

8 (3) the defendant has been convicted of murdering two
9 or more individuals under subsection (a) of this Section
10 or under any law of the United States or of any state which
11 is substantially similar to subsection (a) of this Section
12 regardless of whether the deaths occurred as the result of
13 the same act or of several related or unrelated acts so
14 long as the deaths were the result of either an intent to
15 kill more than one person or of separate acts which the
16 defendant knew would cause death or create a strong
17 probability of death or great bodily harm to the murdered
18 individual or another; or

19 (4) the murdered individual was killed as a result of
20 the hijacking of an airplane, train, ship, bus, or other
21 public conveyance; or

22 (5) the defendant committed the murder pursuant to a
23 contract, agreement, or understanding by which he or she
24 was to receive money or anything of value in return for
25 committing the murder or procured another to commit the
26 murder for money or anything of value; or

1 (6) the murdered individual was killed in the course
2 of another felony if:

3 (a) the murdered individual:

4 (i) was actually killed by the defendant, or

5 (ii) received physical injuries personally
6 inflicted by the defendant substantially
7 contemporaneously with physical injuries caused by
8 one or more persons for whose conduct the
9 defendant is legally accountable under Section 5-2
10 of this Code, and the physical injuries inflicted
11 by either the defendant or the other person or
12 persons for whose conduct he is legally
13 accountable caused the death of the murdered
14 individual; and

15 (b) in performing the acts which caused the death
16 of the murdered individual or which resulted in
17 physical injuries personally inflicted by the
18 defendant on the murdered individual under the
19 circumstances of subdivision (ii) of subparagraph (a)
20 of paragraph (6) of subsection (b) of this Section,
21 the defendant acted with the intent to kill the
22 murdered individual or with the knowledge that his
23 acts created a strong probability of death or great
24 bodily harm to the murdered individual or another; and

25 (c) the other felony was an inherently violent
26 crime or the attempt to commit an inherently violent

1 crime. In this subparagraph (c), "inherently violent
2 crime" includes, but is not limited to, armed robbery,
3 robbery, predatory criminal sexual assault of a child,
4 aggravated criminal sexual assault, aggravated
5 kidnapping, aggravated vehicular hijacking, aggravated
6 arson, aggravated stalking, residential burglary, and
7 home invasion; or

8 (7) the murdered individual was under 12 years of age
9 and the death resulted from exceptionally brutal or
10 heinous behavior indicative of wanton cruelty; or

11 (8) the defendant committed the murder with intent to
12 prevent the murdered individual from testifying or
13 participating in any criminal investigation or prosecution
14 or giving material assistance to the State in any
15 investigation or prosecution, either against the defendant
16 or another; or the defendant committed the murder because
17 the murdered individual was a witness in any prosecution
18 or gave material assistance to the State in any
19 investigation or prosecution, either against the defendant
20 or another; for purposes of this paragraph (8),
21 "participating in any criminal investigation or
22 prosecution" is intended to include those appearing in the
23 proceedings in any capacity such as trial judges,
24 prosecutors, defense attorneys, investigators, witnesses,
25 or jurors; or

26 (9) the defendant, while committing an offense

1 punishable under Sections 401, 401.1, 401.2, 405, 405.2,
2 407 or 407.1 or subsection (b) of Section 404 of the
3 Illinois Controlled Substances Act, or while engaged in a
4 conspiracy or solicitation to commit such offense,
5 intentionally killed an individual or counseled,
6 commanded, induced, procured or caused the intentional
7 killing of the murdered individual; or

8 (10) the defendant was incarcerated in an institution
9 or facility of the Department of Corrections at the time
10 of the murder, and while committing an offense punishable
11 as a felony under Illinois law, or while engaged in a
12 conspiracy or solicitation to commit such offense,
13 intentionally killed an individual or counseled,
14 commanded, induced, procured or caused the intentional
15 killing of the murdered individual; or

16 (11) the murder was committed in a cold, calculated
17 and premeditated manner pursuant to a preconceived plan,
18 scheme or design to take a human life by unlawful means,
19 and the conduct of the defendant created a reasonable
20 expectation that the death of a human being would result
21 therefrom; or

22 (12) the murdered individual was an emergency medical
23 technician - ambulance, emergency medical technician -
24 intermediate, emergency medical technician - paramedic,
25 ambulance driver, or other medical assistance or first aid
26 personnel, employed by a municipality or other

1 governmental unit, killed in the course of performing his
2 official duties, to prevent the performance of his
3 official duties, or in retaliation for performing his
4 official duties, and the defendant knew or should have
5 known that the murdered individual was an emergency
6 medical technician - ambulance, emergency medical
7 technician - intermediate, emergency medical technician -
8 paramedic, ambulance driver, or other medical assistance
9 or first aid personnel; or

10 (13) the defendant was a principal administrator,
11 organizer, or leader of a calculated criminal drug
12 conspiracy consisting of a hierarchical position of
13 authority superior to that of all other members of the
14 conspiracy, and the defendant counseled, commanded,
15 induced, procured, or caused the intentional killing of
16 the murdered person; or

17 (14) the murder was intentional and involved the
18 infliction of torture. For the purpose of this Section
19 torture means the infliction of or subjection to extreme
20 physical pain, motivated by an intent to increase or
21 prolong the pain, suffering or agony of the victim; or

22 (15) the murder was committed as a result of the
23 intentional discharge of a firearm by the defendant from a
24 motor vehicle and the victim was not present within the
25 motor vehicle; or

26 (16) the murdered individual was 60 years of age or

1 older and the death resulted from exceptionally brutal or
2 heinous behavior indicative of wanton cruelty; or

3 (17) the murdered individual was a person with a
4 disability and the defendant knew or should have known
5 that the murdered individual was a person with a
6 disability. For purposes of this paragraph (17), "person
7 with a disability" means a person who suffers from a
8 permanent physical or mental impairment resulting from
9 disease, an injury, a functional disorder, or a congenital
10 condition that renders the person incapable of adequately
11 providing for his or her own health or personal care; or

12 (18) the murder was committed by reason of any
13 person's activity as a community policing volunteer or to
14 prevent any person from engaging in activity as a
15 community policing volunteer; or

16 (19) the murdered individual was subject to an order
17 of protection and the murder was committed by a person
18 against whom the same order of protection was issued under
19 the Illinois Domestic Violence Act of 1986; or

20 (20) the murdered individual was known by the
21 defendant to be a teacher or other person employed in any
22 school and the teacher or other employee is upon the
23 grounds of a school or grounds adjacent to a school, or is
24 in any part of a building used for school purposes; or

25 (21) the murder was committed by the defendant in
26 connection with or as a result of the offense of terrorism

1 as defined in Section 29D-14.9 of this Code; or

2 (22) the murdered individual was a member of a
3 congregation engaged in prayer or other religious
4 activities at a church, synagogue, mosque, or other
5 building, structure, or place used for religious worship.

6 (b-5) Aggravating Factor; Natural Life Imprisonment. A
7 defendant who has been found guilty of first degree murder and
8 who at the time of the commission of the offense had attained
9 the age of 18 years or more may be sentenced to natural life
10 imprisonment if (i) the murdered individual was a physician,
11 physician assistant, psychologist, nurse, or advanced practice
12 registered nurse, (ii) the defendant knew or should have known
13 that the murdered individual was a physician, physician
14 assistant, psychologist, nurse, or advanced practice
15 registered nurse, and (iii) the murdered individual was killed
16 in the course of acting in his or her capacity as a physician,
17 physician assistant, psychologist, nurse, or advanced practice
18 registered nurse, or to prevent him or her from acting in that
19 capacity, or in retaliation for his or her acting in that
20 capacity.

21 (c) Consideration of factors in Aggravation and
22 Mitigation.

23 The court shall consider, or shall instruct the jury to
24 consider any aggravating and any mitigating factors which are
25 relevant to the imposition of the death penalty. Aggravating
26 factors may include but need not be limited to those factors

1 set forth in subsection (b). Mitigating factors may include
2 but need not be limited to the following:

3 (1) the defendant has no significant history of prior
4 criminal activity;

5 (2) the murder was committed while the defendant was
6 under the influence of extreme mental or emotional
7 disturbance, although not such as to constitute a defense
8 to prosecution;

9 (3) the murdered individual was a participant in the
10 defendant's homicidal conduct or consented to the
11 homicidal act;

12 (4) the defendant acted under the compulsion of threat
13 or menace of the imminent infliction of death or great
14 bodily harm;

15 (5) the defendant was not personally present during
16 commission of the act or acts causing death;

17 (6) the defendant's background includes a history of
18 extreme emotional or physical abuse;

19 (7) the defendant suffers from a reduced mental
20 capacity.

21 Provided, however, that an action that does not otherwise
22 mitigate first degree murder cannot qualify as a mitigating
23 factor for first degree murder because of the discovery,
24 knowledge, or disclosure of the victim's sexual orientation as
25 defined in Section 1-103 of the Illinois Human Rights Act.

26 (d) Separate sentencing hearing.

1 Where requested by the State, the court shall conduct a
2 separate sentencing proceeding to determine the existence of
3 factors set forth in subsection (b) and to consider any
4 aggravating or mitigating factors as indicated in subsection
5 (c). The proceeding shall be conducted:

6 (1) before the jury that determined the defendant's
7 guilt; or

8 (2) before a jury impanelled for the purpose of the
9 proceeding if:

10 A. the defendant was convicted upon a plea of
11 guilty; or

12 B. the defendant was convicted after a trial
13 before the court sitting without a jury; or

14 C. the court for good cause shown discharges the
15 jury that determined the defendant's guilt; or

16 (3) before the court alone if the defendant waives a
17 jury for the separate proceeding.

18 (e) Evidence and Argument.

19 During the proceeding any information relevant to any of
20 the factors set forth in subsection (b) may be presented by
21 either the State or the defendant under the rules governing
22 the admission of evidence at criminal trials. Any information
23 relevant to any additional aggravating factors or any
24 mitigating factors indicated in subsection (c) may be
25 presented by the State or defendant regardless of its
26 admissibility under the rules governing the admission of

1 evidence at criminal trials. The State and the defendant shall
2 be given fair opportunity to rebut any information received at
3 the hearing.

4 (f) Proof.

5 The burden of proof of establishing the existence of any
6 of the factors set forth in subsection (b) is on the State and
7 shall not be satisfied unless established beyond a reasonable
8 doubt.

9 (g) Procedure - Jury.

10 If at the separate sentencing proceeding the jury finds
11 that none of the factors set forth in subsection (b) exists,
12 the court shall sentence the defendant to a term of
13 imprisonment under Chapter V of the Unified Code of
14 Corrections. If there is a unanimous finding by the jury that
15 one or more of the factors set forth in subsection (b) exist,
16 the jury shall consider aggravating and mitigating factors as
17 instructed by the court and shall determine whether the
18 sentence of death shall be imposed. If the jury determines
19 unanimously, after weighing the factors in aggravation and
20 mitigation, that death is the appropriate sentence, the court
21 shall sentence the defendant to death. If the court does not
22 concur with the jury determination that death is the
23 appropriate sentence, the court shall set forth reasons in
24 writing including what facts or circumstances the court relied
25 upon, along with any relevant documents, that compelled the
26 court to non-concur with the sentence. This document and any

1 attachments shall be part of the record for appellate review.
2 The court shall be bound by the jury's sentencing
3 determination.

4 If after weighing the factors in aggravation and
5 mitigation, one or more jurors determines that death is not
6 the appropriate sentence, the court shall sentence the
7 defendant to a term of imprisonment under Chapter V of the
8 Unified Code of Corrections.

9 (h) Procedure - No Jury.

10 In a proceeding before the court alone, if the court finds
11 that none of the factors found in subsection (b) exists, the
12 court shall sentence the defendant to a term of imprisonment
13 under Chapter V of the Unified Code of Corrections.

14 If the Court determines that one or more of the factors set
15 forth in subsection (b) exists, the Court shall consider any
16 aggravating and mitigating factors as indicated in subsection
17 (c). If the Court determines, after weighing the factors in
18 aggravation and mitigation, that death is the appropriate
19 sentence, the Court shall sentence the defendant to death.

20 If the court finds that death is not the appropriate
21 sentence, the court shall sentence the defendant to a term of
22 imprisonment under Chapter V of the Unified Code of
23 Corrections.

24 (h-5) Decertification as a capital case.

25 In a case in which the defendant has been found guilty of
26 first degree murder by a judge or jury, or a case on remand for

1 resentencing, and the State seeks the death penalty as an
2 appropriate sentence, on the court's own motion or the written
3 motion of the defendant, the court may decertify the case as a
4 death penalty case if the court finds that the only evidence
5 supporting the defendant's conviction is the uncorroborated
6 testimony of an informant witness, as defined in Section
7 115-21 of the Code of Criminal Procedure of 1963, concerning
8 the confession or admission of the defendant or that the sole
9 evidence against the defendant is a single eyewitness or
10 single accomplice without any other corroborating evidence. If
11 the court decertifies the case as a capital case under either
12 of the grounds set forth above, the court shall issue a written
13 finding. The State may pursue its right to appeal the
14 decertification pursuant to Supreme Court Rule 604(a)(1). If
15 the court does not decertify the case as a capital case, the
16 matter shall proceed to the eligibility phase of the
17 sentencing hearing.

18 (i) Appellate Procedure.

19 The conviction and sentence of death shall be subject to
20 automatic review by the Supreme Court. Such review shall be in
21 accordance with rules promulgated by the Supreme Court. The
22 Illinois Supreme Court may overturn the death sentence, and
23 order the imposition of imprisonment under Chapter V of the
24 Unified Code of Corrections if the court finds that the death
25 sentence is fundamentally unjust as applied to the particular
26 case. If the Illinois Supreme Court finds that the death

1 sentence is fundamentally unjust as applied to the particular
2 case, independent of any procedural grounds for relief, the
3 Illinois Supreme Court shall issue a written opinion
4 explaining this finding.

5 (j) Disposition of reversed death sentence.

6 In the event that the death penalty in this Act is held to
7 be unconstitutional by the Supreme Court of the United States
8 or of the State of Illinois, any person convicted of first
9 degree murder shall be sentenced by the court to a term of
10 imprisonment under Chapter V of the Unified Code of
11 Corrections.

12 In the event that any death sentence pursuant to the
13 sentencing provisions of this Section is declared
14 unconstitutional by the Supreme Court of the United States or
15 of the State of Illinois, the court having jurisdiction over a
16 person previously sentenced to death shall cause the defendant
17 to be brought before the court, and the court shall sentence
18 the defendant to a term of imprisonment under Chapter V of the
19 Unified Code of Corrections.

20 (k) Guidelines for seeking the death penalty.

21 The Attorney General and State's Attorneys Association
22 shall consult on voluntary guidelines for procedures governing
23 whether or not to seek the death penalty. The guidelines do not
24 have the force of law and are only advisory in nature.

25 (Source: P.A. 100-460, eff. 1-1-18; 100-513, eff. 1-1-18;
26 100-863, eff. 8-14-18; 101-223, eff. 1-1-20; 101-652.)

1 (720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

2 Sec. 33-3. Official misconduct.

3 (a) A public officer or employee or special government
4 agent commits misconduct when, in his official capacity or
5 capacity as a special government agent, he or she commits any
6 of the following acts:

7 (1) Intentionally or recklessly fails to perform any
8 mandatory duty as required by law; or

9 (2) Knowingly performs an act which he knows he is
10 forbidden by law to perform; or

11 (3) With intent to obtain a personal advantage for
12 himself or another, he performs an act in excess of his
13 lawful authority; or

14 (4) Solicits or knowingly accepts for the performance
15 of any act a fee or reward which he knows is not authorized
16 by law.

17 (b) An employee of a law enforcement agency commits
18 misconduct when he or she knowingly uses or communicates,
19 directly or indirectly, information acquired in the course of
20 employment, with the intent to obstruct, impede, or prevent
21 the investigation, apprehension, or prosecution of any
22 criminal offense or person. Nothing in this subsection (b)
23 shall be construed to impose liability for communicating to a
24 confidential resource, who is participating or aiding law
25 enforcement, in an ongoing investigation.

1 (c) A public officer or employee or special government
2 agent convicted of violating any provision of this Section
3 forfeits his or her office or employment or position as a
4 special government agent. In addition, he or she commits a
5 Class 3 felony.

6 (d) For purposes of this Section~~+~~

7 ~~"Special~~ , "special government agent" has the meaning
8 ascribed to it in subsection (1) of Section 4A-101 of the
9 Illinois Governmental Ethics Act.

10 (Source: P.A. 98-867, eff. 1-1-15; 101-652.)

11 (720 ILCS 5/7-15 rep.)

12 (720 ILCS 5/7-16 rep.)

13 (720 ILCS 5/33-9 rep.)

14 Section 215. The Criminal Code of 2012 is amended by
15 repealing Sections 7-15, 7-16, and 33-9.

16 Section 220. The Code of Criminal Procedure of 1963 is
17 amended by changing the heading of Article 110 and by changing
18 Sections 102-6, 102-7, 103-5, 103-7, 103-9, 104-13, 104-17,
19 106D-1, 107-4, 107-9, 109-1, 109-2, 109-3, 109-3.1, 110-1,
20 110-2, 110-3, 110-4, 110-5, 110-5.2, 110-6, 110-6.1, 110-6.2,
21 110-6.4, 110-10, 110-11, 110-12, 111-2, 112A-23, 114-1,
22 115-4.1, and 122-6 as follows:

23 (725 ILCS 5/102-6) (from Ch. 38, par. 102-6)

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

2 ~~"Pretrial release"~~ "Bail" ~~has the meaning ascribed to bail~~
3 ~~in Section 9 of Article I of the Illinois Constitution that is~~
4 ~~non-monetary~~ means the amount of money set by the court which
5 is required to be obligated and secured as provided by law for
6 the release of a person in custody in order that he will appear
7 before the court in which his appearance may be required and
8 that he will comply with such conditions as set forth in the
9 bail bond.

10 (Source: Laws 1963, p. 2836; P.A. 101-652.)

11 (725 ILCS 5/102-7) (from Ch. 38, par. 102-7)

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

13 ~~"Conditions of pretrial release"~~ "Bail bond" means ~~the~~
14 ~~conditions established by the court~~ an undertaking secured by
15 bail entered into by a person in custody by which he binds
16 himself to comply with such conditions as are set forth
17 therein.

18 (Source: Laws 1963, p. 2836; P.A. 101-652.)

19 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

20 Sec. 103-5. Speedy trial.)

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

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

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

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

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

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

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

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

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

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

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

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

24 (Source: P.A. 98-558, eff. 1-1-14; 101-652.)

25 (725 ILCS 5/103-7) (from Ch. 38, par. 103-7)

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

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

22 (Source: Laws 1965, p. 2622; P.A. 101-652.)

23 (725 ILCS 5/103-9) (from Ch. 38, par. 103-9)

24 Sec. 103-9. Bail bondsmen. No bail bondsman from any state
25 may seize or transport unwillingly any person found in this

1 State who is allegedly in violation of a bail bond posted in
2 some other state ~~or conditions of pretrial release~~. The return
3 of any such person to another state may be accomplished only as
4 provided by the laws of this State. Any bail bondsman who
5 violates this Section is fully subject to the criminal and
6 civil penalties provided by the laws of this State for his
7 actions.

8 (Source: P.A. 84-694; 101-652.)

9 (725 ILCS 5/104-13) (from Ch. 38, par. 104-13)

10 Sec. 104-13. Fitness Examination.

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

18 (b) If the issue of fitness involves the defendant's
19 physical condition, the court shall appoint one or more
20 physicians and in addition, such other experts as it may deem
21 appropriate to examine the defendant and to report to the
22 court regarding the defendant's condition.

23 (c) An examination ordered under this Section shall be
24 given at the place designated by the person who will conduct
25 the examination, except that if the defendant is being held in

1 custody, the examination shall take place at such location as
2 the court directs. No examinations under this Section shall be
3 ordered to take place at mental health or developmental
4 disabilities facilities operated by the Department of Human
5 Services. If the defendant fails to keep appointments without
6 reasonable cause or if the person conducting the examination
7 reports to the court that diagnosis requires hospitalization
8 or extended observation, the court may order the defendant
9 admitted to an appropriate facility for an examination, other
10 than a screening examination, for not more than 7 days. The
11 court may, upon a showing of good cause, grant an additional 7
12 days to complete the examination.

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

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

24 (Source: P.A. 89-507, eff. 7-1-97; 101-652.)

25 (725 ILCS 5/104-17) (from Ch. 38, par. 104-17)

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

2 (a) If the defendant is eligible to be or has been released
3 on ~~pretrial release~~ bail or on his own recognizance, the court
4 shall select the least physically restrictive form of
5 treatment therapeutically appropriate and consistent with the
6 treatment plan. The placement may be ordered either on an
7 inpatient or an outpatient basis.

8 (b) If the defendant's disability is mental, the court may
9 order him placed for treatment in the custody of the
10 Department of Human Services, or the court may order him
11 placed in the custody of any other appropriate public or
12 private mental health facility or treatment program which has
13 agreed to provide treatment to the defendant. If the court
14 orders the defendant placed in the custody of the Department
15 of Human Services, the Department shall evaluate the defendant
16 to determine to which secure facility the defendant shall be
17 transported and, within 20 days of the transmittal by the
18 clerk of the circuit court of the placement court order,
19 notify the sheriff of the designated facility. Upon receipt of
20 that notice, the sheriff shall promptly transport the
21 defendant to the designated facility. If the defendant is
22 placed in the custody of the Department of Human Services, the
23 defendant shall be placed in a secure setting. During the
24 period of time required to determine the appropriate placement
25 the defendant shall remain in jail. If during the course of
26 evaluating the defendant for placement, the Department of

1 Human Services determines that the defendant is currently fit
2 to stand trial, it shall immediately notify the court and
3 shall submit a written report within 7 days. In that
4 circumstance the placement shall be held pending a court
5 hearing on the Department's report. Otherwise, upon completion
6 of the placement process, the sheriff shall be notified and
7 shall transport the defendant to the designated facility. If,
8 within 20 days of the transmittal by the clerk of the circuit
9 court of the placement court order, the Department fails to
10 notify the sheriff of the identity of the facility to which the
11 defendant shall be transported, the sheriff shall contact a
12 designated person within the Department to inquire about when
13 a placement will become available at the designated facility
14 and bed availability at other facilities. If, within 20 days
15 of the transmittal by the clerk of the circuit court of the
16 placement court order, the Department fails to notify the
17 sheriff of the identity of the facility to which the defendant
18 shall be transported, the sheriff shall notify the Department
19 of its intent to transfer the defendant to the nearest secure
20 mental health facility operated by the Department and inquire
21 as to the status of the placement evaluation and availability
22 for admission to such facility operated by the Department by
23 contacting a designated person within the Department. The
24 Department shall respond to the sheriff within 2 business days
25 of the notice and inquiry by the sheriff seeking the transfer
26 and the Department shall provide the sheriff with the status

1 of the evaluation, information on bed and placement
2 availability, and an estimated date of admission for the
3 defendant and any changes to that estimated date of admission.
4 If the Department notifies the sheriff during the 2 business
5 day period of a facility operated by the Department with
6 placement availability, the sheriff shall promptly transport
7 the defendant to that facility. The placement may be ordered
8 either on an inpatient or an outpatient basis.

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

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

21 (1) a certified copy of the order to undergo
22 treatment. Accompanying the certified copy of the order to
23 undergo treatment shall be the complete copy of any report
24 prepared under Section 104-15 of this Code or other report
25 prepared by a forensic examiner for the court;

26 (2) the county and municipality in which the offense

1 was committed;

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

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

6 (5) all additional matters which the Court directs the
7 clerk to transmit.

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

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

24 (2) A description of treatment goals with respect to
25 rendering the defendant fit, a specification of the
26 proposed treatment modalities, and an estimated timetable

1 for attainment of the goals;

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

4 (Source: P.A. 99-140, eff. 1-1-16; 100-27, eff. 1-1-18;
5 101-652.)

6 (725 ILCS 5/106D-1)

7 (Text of Section before amendment by P.A. 101-652)

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

10 (a) Whenever the appearance in person in court, in either
11 a civil or criminal proceeding, is required of anyone held in a
12 place of custody or confinement operated by the State or any of
13 its political subdivisions, including counties and
14 municipalities, the chief judge of the circuit by rule may
15 permit the personal appearance to be made by means of two-way
16 audio-visual communication, including closed circuit
17 television and computerized video conference, in the following
18 proceedings:

19 (1) the initial appearance before a judge on a
20 criminal complaint, at which bail will be set;

21 (2) the waiver of a preliminary hearing;

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

24 (4) the presentation of a jury waiver;

25 (5) any status hearing;

1 (6) any hearing conducted under the Sexually Violent
2 Persons Commitment Act at which no witness testimony will
3 be taken; and

4 (7) at any hearing at which no witness testimony will
5 be taken conducted under the following:

6 (A) Section 104-20 of this Code (90-day hearings);

7 (B) Section 104-22 of this Code (trial with
8 special provisions and assistance);

9 (C) Section 104-25 of this Code (discharge
10 hearing); or

11 (D) Section 5-2-4 of the Unified Code of
12 Corrections (proceedings after acquittal by reason of
13 insanity).

14 (b) The two-way audio-visual communication facilities must
15 provide two-way audio-visual communication between the court
16 and the place of custody or confinement, and must include a
17 secure line over which the person in custody and his or her
18 counsel, if any, may communicate.

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

24 (d) Nothing in this Section shall be construed to
25 establish a right of any person held in custody or confinement
26 to appear in court through two-way audio-visual communication

1 or to require that any governmental entity, or place of
2 custody or confinement, provide two-way audio-visual
3 communication.

4 (Source: P.A. 102-486, eff. 8-20-21.)

5 (Text of Section after amendment by P.A. 101-652)

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

8 (a) Whenever the appearance in person in court, in either
9 a civil or criminal proceeding, is required of anyone held in a
10 place of custody or confinement operated by the State or any of
11 its political subdivisions, including counties and
12 municipalities, the chief judge of the circuit by rule may
13 permit the personal appearance to be made by means of two-way
14 audio-visual communication, including closed circuit
15 television and computerized video conference, in the following
16 proceedings:

17 (1) the initial appearance before a judge on a
18 criminal complaint, at which ~~the conditions of pretrial~~
19 ~~release~~ bail will be set;

20 (2) the waiver of a preliminary hearing;

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

23 (4) the presentation of a jury waiver;

24 (5) any status hearing;

25 (6) any hearing conducted under the Sexually Violent

1 Persons Commitment Act at which no witness testimony will
2 be taken; and

3 (7) at any hearing at which no witness testimony will
4 be taken conducted under the following:

5 (A) Section 104-20 of this Code (90-day hearings);

6 (B) Section 104-22 of this Code (trial with
7 special provisions and assistance);

8 (C) Section 104-25 of this Code (discharge
9 hearing); or

10 (D) Section 5-2-4 of the Unified Code of
11 Corrections (proceedings after acquittal by reason of
12 insanity).

13 (b) The two-way audio-visual communication facilities must
14 provide two-way audio-visual communication between the court
15 and the place of custody or confinement, and must include a
16 secure line over which the person in custody and his or her
17 counsel, if any, may communicate.

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

23 (d) Nothing in this Section shall be construed to
24 establish a right of any person held in custody or confinement
25 to appear in court through two-way audio-visual communication
26 or to require that any governmental entity, or place of

1 custody or confinement, provide two-way audio-visual
2 communication.

3 (Source: P.A. 101-652, eff. 1-1-23; 102-486, eff. 8-20-21;
4 revised 10-12-21.)

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

6 (Text of Section before amendment by P.A. 101-652)

7 Sec. 107-4. Arrest by peace officer from other
8 jurisdiction.

9 (a) As used in this Section:

10 (1) "State" means any State of the United States and
11 the District of Columbia.

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

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

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

23 (a-3) Any peace officer employed by a law enforcement
24 agency of this State may conduct temporary questioning
25 pursuant to Section 107-14 of this Code and may make arrests in

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

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

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

1 this State.

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

14 (Source: P.A. 102-538, eff. 8-20-21.)

15 (Text of Section after amendment by P.A. 101-652)

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

18 (a) As used in this Section:

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

21 (2) "Peace Officer" means any peace officer or member
22 of any duly organized State, County, or Municipal peace
23 unit, any police force of another State, the United States
24 Department of Defense, or any police force whose members,
25 by statute, are granted and authorized to exercise powers

1 similar to those conferred upon any peace officer employed
2 by a law enforcement agency of this State.

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

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

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

26 (a-7) The law enforcement agency of the county or

1 municipality in which any arrest is made under this Section
2 shall be immediately notified of the arrest.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (d) The warrant of arrest shall:

26 (1) Be in writing;

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

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

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

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

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

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

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

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

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

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

4 (Source: P.A. 101-239, eff. 1-1-20; 101-652.)

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

6 Sec. 109-1. Person arrested; ~~release from law enforcement~~
7 ~~eustody and court appearance; geographical constraints prevent~~
8 ~~in person appearances.~~

9 (a) A person arrested with or without a warrant ~~for an~~
10 ~~offense for which pretrial release may be denied under~~
11 ~~paragraphs (1) through (6) of Section 110-6.1~~ shall be taken
12 without unnecessary delay before the nearest and most
13 accessible judge in that county, except when such county is a
14 participant in a regional jail authority, in which event such
15 person may be taken to the nearest and most accessible judge,
16 irrespective of the county where such judge presides, and a
17 charge shall be filed. Whenever a person arrested either with
18 or without a warrant is required to be taken before a judge, a
19 charge may be filed against such person by way of a two-way
20 closed circuit television system, except that a hearing to
21 deny ~~pretrial release~~ bail to the defendant may not be
22 conducted by way of closed circuit television.

23 ~~(a-1) Law enforcement shall issue a citation in lieu of~~
24 ~~eustodial arrest, upon proper identification, for those~~
25 ~~accused of traffic and Class B and C criminal misdemeanor~~

1 ~~offenses, or of petty and business offenses, who pose no~~
2 ~~obvious threat to the community or any person, or who have no~~
3 ~~obvious medical or mental health issues that pose a risk to~~
4 ~~their own safety. Those released on citation shall be~~
5 ~~scheduled into court within 21 days.~~

6 ~~(a-3) A person arrested with or without a warrant for an~~
7 ~~offense for which pretrial release may not be denied may,~~
8 ~~except as otherwise provided in this Code, be released by the~~
9 ~~officer without appearing before a judge. The releasing~~
10 ~~officer shall issue the person a summons to appear within 21~~
11 ~~days. A presumption in favor of pretrial release shall be~~
12 ~~applied by an arresting officer in the exercise of his or her~~
13 ~~discretion under this Section.~~

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

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

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

25 (2) ~~advise~~ Advise the defendant of his right to
26 counsel and if indigent shall appoint a public defender or

1 licensed attorney at law of this State to represent him in
2 accordance with the provisions of Section 113-3 of this
3 Code;

4 (3) ~~schedule~~ Schedule a preliminary hearing in
5 appropriate cases;

6 (4) ~~admit~~ Admit the defendant to ~~pretrial release~~ bail
7 in accordance with the provisions of Article ~~110/5~~ 110 of
8 this Code, ~~or upon verified petition of the State, proceed~~
9 ~~with the setting of a detention hearing as provided in~~
10 ~~Section 110-6.1; and~~

11 (5) Order the confiscation of the person's passport or
12 impose travel restrictions on a defendant arrested for
13 first degree murder or other violent crime as defined in
14 Section 3 of the Rights of Crime Victims and Witnesses
15 Act, if the judge determines, based on the factors in
16 Section 110-5 of this Code, that this will reasonably
17 ensure the appearance of the defendant and compliance by
18 the defendant with all conditions of release.

19 (c) The court may issue an order of protection in
20 accordance with the provisions of Article 112A of this Code.
21 ~~Crime victims shall be given notice by the State's Attorney's~~
22 ~~office of this hearing as required in paragraph (2) of~~
23 ~~subsection (b) of the Rights of Crime Victims and Witnesses~~
24 ~~Act and shall be informed of their opportunity at this hearing~~
25 ~~to obtain an order of protection under Article 112A of this~~
26 ~~Code.~~

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

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

20 ~~(f) At the hearing at which conditions of pretrial release~~
21 ~~are determined, the person charged shall be present in person~~
22 ~~rather than by video phone or any other form of electronic~~
23 ~~communication, unless the physical health and safety of the~~
24 ~~person would be endangered by appearing in court or the~~
25 ~~accused waives the right to be present in person.~~

26 ~~(g) Defense counsel shall be given adequate opportunity to~~

1 ~~confer with Defendant prior to any hearing in which conditions~~
2 ~~of release or the detention of the Defendant is to be~~
3 ~~considered, with a physical accommodation made to facilitate~~
4 ~~attorney/client consultation.~~

5 (Source: P.A. 99-78, eff. 7-20-15; 99-190, eff. 1-1-16; 100-1,
6 eff. 1-1-18; 101-652.)

7 (725 ILCS 5/109-2) (from Ch. 38, par. 109-2)

8 Sec. 109-2. Person arrested in another county. (a) Any
9 person arrested in a county other than the one in which a
10 warrant for his arrest was issued shall be taken without
11 unnecessary delay before the nearest and most accessible judge
12 in the county where the arrest was made or, if no additional
13 delay is created, before the nearest and most accessible judge
14 in the county from which the warrant was issued. ~~Upon arrival~~
15 ~~in the county in which the warrant was issued, the status of~~
16 ~~the arrested person's release status shall be determined by~~
17 ~~the release revocation process described in Section 110-6. He~~
18 shall be admitted to bail in the amount specified in the
19 warrant or, for offenses other than felonies, in an amount as
20 set by the judge, and such bail shall be conditioned on his
21 appearing in the court issuing the warrant on a certain date.
22 The judge may hold a hearing to determine if the defendant is
23 the same person as named in the warrant.

24 (b) Notwithstanding the provisions of subsection (a), any
25 person arrested in a county other than the one in which a

1 warrant for his arrest was issued, may waive the right to be
2 taken before a judge in the county where the arrest was made.
3 If a person so arrested waives such right, the arresting
4 agency shall surrender such person to a law enforcement agency
5 of the county that issued the warrant without unnecessary
6 delay. The provisions of Section 109-1 shall then apply to the
7 person so arrested.

8 ~~(c) If a defendant is charged with a felony offense, but~~
9 ~~has a warrant in another county, the defendant shall be taken~~
10 ~~to the county that issued the warrant within 72 hours of the~~
11 ~~completion of condition or detention hearing, so that release~~
12 ~~or detention status can be resolved. This provision shall not~~
13 ~~apply to warrants issued outside of Illinois.~~

14 (Source: P.A. 86-298; 101-652.)

15 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

16 Sec. 109-3. Preliminary examination.)

17 (a) The judge shall hold the defendant to answer to the
18 court having jurisdiction of the offense if from the evidence
19 it appears there is probable cause to believe an offense has
20 been committed by the defendant, as provided in Section
21 109-3.1 of this Code, if the offense is a felony.

22 (b) If the defendant waives preliminary examination the
23 judge shall hold him to answer and may, or on the demand of the
24 prosecuting attorney shall, cause the witnesses for the State
25 to be examined. After hearing the testimony if it appears that

1 there is not probable cause to believe the defendant guilty of
2 any offense the judge shall discharge him.

3 (c) During the examination of any witness or when the
4 defendant is making a statement or testifying the judge may
5 and on the request of the defendant or State shall exclude all
6 other witnesses. He may also cause the witnesses to be kept
7 separate and to be prevented from communicating with each
8 other until all are examined.

9 (d) If the defendant is held to answer the judge may
10 require any material witness for the State or defendant to
11 enter into a written undertaking to appear at the trial, and
12 may provide for the forfeiture of a sum certain in the event
13 the witness does not appear at the trial. Any witness who
14 refuses to execute a recognizance may be committed by the
15 judge to the custody of the sheriff until trial or further
16 order of the court having jurisdiction of the cause. Any
17 witness who executes a recognizance and fails to comply with
18 its terms shall, in addition to any forfeiture provided in the
19 recognizance, be subject to the penalty provided in Section
20 32-10 of the Criminal Code of 2012 for violation of ~~the~~
21 ~~conditions of pretrial release~~ bail bond.

22 (e) During preliminary hearing or examination the
23 defendant may move for an order of suppression of evidence
24 pursuant to Section 114-11 or 114-12 of this Act or for other
25 reasons, and may move for dismissal of the charge pursuant to
26 Section 114-1 of this Act or for other reasons.

1 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

2 (725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

3 Sec. 109-3.1. Persons Charged with Felonies. (a) In any
4 case involving a person charged with a felony in this State,
5 alleged to have been committed on or after January 1, 1984, the
6 provisions of this Section shall apply.

7 (b) Every person in custody in this State for the alleged
8 commission of a felony shall receive either a preliminary
9 examination as provided in Section 109-3 or an indictment by
10 Grand Jury as provided in Section 111-2, within 30 days from
11 the date he or she was taken into custody. Every person on
12 ~~pretrial release~~ bail or recognizance for the alleged
13 commission of a felony shall receive either a preliminary
14 examination as provided in Section 109-3 or an indictment by
15 Grand Jury as provided in Section 111-2, within 60 days from
16 the date he or she was arrested.

17 The provisions of this paragraph shall not apply in the
18 following situations:

19 (1) when delay is occasioned by the defendant; or

20 (2) when the defendant has been indicted by the Grand Jury
21 on the felony offense for which he or she was initially taken
22 into custody or on an offense arising from the same
23 transaction or conduct of the defendant that was the basis for
24 the felony offense or offenses initially charged; or

25 (3) when a competency examination is ordered by the court;

1 or

2 (4) when a competency hearing is held; or

3 (5) when an adjudication of incompetency for trial has
4 been made; or

5 (6) when the case has been continued by the court under
6 Section 114-4 of this Code after a determination that the
7 defendant is physically incompetent to stand trial.

8 (c) Delay occasioned by the defendant shall temporarily
9 suspend, for the time of the delay, the period within which the
10 preliminary examination must be held. On the day of expiration
11 of the delay the period in question shall continue at the point
12 at which it was suspended.

13 (Source: P.A. 83-644; 101-652.)

14 (725 ILCS 5/Art. 110 heading)

15 ARTICLE 110. ~~PRETRIAL RELEASE~~ BAIL

16 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

17 Sec. 110-1. Definitions. (a) ~~(Blank)~~. "Security" is that
18 which is required to be pledged to insure the payment of bail.

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

24 (c) The phrase "for which a sentence of imprisonment,

1 without conditional and revocable release, shall be imposed by
2 law as a consequence of conviction" means an offense for which
3 a sentence of imprisonment, without probation, periodic
4 imprisonment or conditional discharge, is required by law upon
5 conviction.

6 (d) ~~(Blank.)~~ "Real and present threat to the physical
7 safety of any person or persons", as used in this Article,
8 includes a threat to the community, person, persons or class
9 of persons.

10 ~~(e) Willful flight means planning or attempting to~~
11 ~~intentionally evade prosecution by concealing oneself. Simple~~
12 ~~past non-appearance in court alone is not evidence of future~~
13 ~~intent to evade prosecution.~~

14 (Source: P.A. 85-892; 101-652.)

15 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

16 Sec. 110-2. Release on own recognizance.

17 ~~(a) It is presumed that a defendant is entitled to release~~
18 ~~on personal recognizance on the condition that the defendant~~
19 ~~attend all required court proceedings and the defendant does~~
20 ~~not commit any criminal offense, and complies with all terms~~
21 ~~of pretrial release, including, but not limited to, orders of~~
22 ~~protection under both Section 112A-4 of this Code and Section~~
23 ~~214 of the Illinois Domestic Violence Act of 1986, all civil no~~
24 ~~contact orders, and all stalking no contact orders.~~

25 ~~(b) Additional conditions of release, including those~~

1 ~~highlighted above, shall be set only when it is determined~~
2 ~~that they are necessary to assure the defendant's appearance~~
3 ~~in court, assure the defendant does not commit any criminal~~
4 ~~offense, and complies with all conditions of pretrial release.~~

5 ~~(c) Detention only shall be imposed when it is determined~~
6 ~~that the defendant poses a specific, real and present threat~~
7 ~~to a person, or has a high likelihood of willful flight. If the~~
8 ~~court deems that the defendant is to be released on personal~~
9 ~~recognizance, the court may require that a written~~
10 ~~admonishment be signed by~~ When from all the circumstances the
11 court is of the opinion that the defendant will appear as
12 required either before or after conviction and the defendant
13 will not pose a danger to any person or the community and that
14 the defendant will comply with all conditions of bond, which
15 shall include the defendant's current address with a written
16 admonishment to the defendant ~~requiring~~ that he or she must
17 comply with the provisions of Section 110-12 of this Code
18 regarding any change in his or her address. ~~The,~~ the defendant
19 may be released on his or her own recognizance ~~upon signature.~~
20 The defendant's address shall at all times remain a matter of
21 public record with the clerk of the court. A failure to appear
22 as required by such recognizance shall constitute an offense
23 subject to the penalty provided in Section 32-10 of the
24 Criminal Code of 2012 for violation of the ~~conditions of~~
25 ~~pretrial release~~ bail bond, and any obligated sum fixed in the
26 recognizance shall be forfeited and collected in accordance

1 with subsection (g) of Section 110-7 of this Code.

2 ~~(d) If, after the procedures set out in Section 110-6.1,~~
3 ~~the court decides to detain the defendant, the Court must make~~
4 ~~a written finding as to why less restrictive conditions would~~
5 ~~not assure safety to the community and assure the defendant's~~
6 ~~appearance in court. At each subsequent appearance of the~~
7 ~~defendant before the Court, the judge must find that continued~~
8 ~~detention or the current set of conditions imposed are~~
9 ~~necessary to avoid the specific, real and present threat to~~
10 ~~any person or of willful flight from prosecution to continue~~
11 ~~detention of the defendant. The court is not required to be~~
12 ~~presented with new information or a change in circumstance to~~
13 ~~consider reconsidering pretrial detention on current~~
14 ~~conditions.~~

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

1 The State may appeal any order permitting release by
2 personal recognizance.

3 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

4 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

5 Sec. 110-3. ~~Options for warrant alternatives~~ Issuance of
6 warrant.

7 ~~(a) Upon failure to comply with any condition of pretrial~~
8 ~~release a bail bond or recognizance the court having~~
9 ~~jurisdiction at the time of such failure may, on its own motion~~
10 ~~or upon motion from the State, issue an order to show cause as~~
11 ~~to why he or she shall not be subject to revocation of pretrial~~
12 ~~release, or for sanctions, as provided in Section 110-6.~~
13 ~~Nothing in this Section prohibits the court from issuing a~~
14 ~~warrant under subsection (c) upon failure to comply with any~~
15 ~~condition of pretrial release or recognizance.~~

16 ~~(b) The order issued by the court shall state the facts~~
17 ~~alleged to constitute the hearing to show cause or otherwise~~
18 ~~why the person is subject to revocation of pretrial release. A~~
19 ~~certified copy of the order shall be served upon the person at~~
20 ~~least 48 hours in advance of the scheduled hearing.~~

21 ~~(c) If the person does not appear at the hearing to show~~
22 ~~cause or absconds, the court may, in addition to any other~~
23 ~~action provided by law, issue a warrant for the arrest of the~~
24 ~~person at liberty on pretrial release bail or his own~~
25 recognizance. The contents of such a warrant shall be the same

1 as required for an arrest warrant issued upon complaint ~~and~~
2 ~~may modify any previously imposed conditions placed upon the~~
3 ~~person, rather than revoking pretrial release or issuing a~~
4 ~~warrant for the person in accordance with the requirements in~~
5 ~~subsections (d) and (e) of Section 110-5.~~ When a defendant is
6 at liberty on ~~pretrial release~~ bail or his own recognizance on
7 a felony charge and fails to appear in court as directed, the
8 court ~~may~~ shall issue a warrant for the arrest of such person
9 ~~after his or her failure to appear at the show for cause~~
10 ~~hearing as provided in this Section.~~ Such warrant shall be
11 noted with a directive to peace officers to arrest the person
12 and hold such person without ~~pretrial release~~ bail and to
13 deliver such person before the court for further proceedings.

14 ~~(d) If the order as described in Subsection B is issued, a~~
15 ~~failure to appear shall not be recorded until the Defendant~~
16 ~~fails to appear at the hearing to show cause. For the purpose~~
17 ~~of any risk assessment or future evaluation of risk of willful~~
18 ~~flight or risk of failure to appear, a non appearance in court~~
19 ~~cured by an appearance at the hearing to show cause shall not~~
20 ~~be considered as evidence of future likelihood appearance in~~
21 ~~court.~~ A defendant who is arrested or surrenders within 30
22 days of the issuance of such warrant shall not be bailable in
23 the case in question unless he shows by the preponderance of
24 the evidence that his failure to appear was not intentional.

25 (Source: P.A. 86-298; 86-984; 86-1028; 101-652.)

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

2 Sec. 110-4. ~~Pretrial release~~ Bailable Offenses.

3 (a) ~~All persons charged with an offense shall be eligible~~
4 ~~for pretrial release before conviction. Pretrial release may~~
5 ~~only be denied when a person is charged with an offense listed~~
6 ~~in Section 110-6.1 or when the defendant has a high likelihood~~
7 ~~of willful flight, and after the court has held a hearing under~~
8 ~~Section 110-6.1. All persons shall be bailable before~~
9 ~~conviction, except the following offenses where the proof is~~
10 ~~evident or the presumption great that the defendant is guilty~~
11 ~~of the offense: capital offenses; offenses for which a~~
12 ~~sentence of life imprisonment may be imposed as a consequence~~
13 ~~of conviction; felony offenses for which a sentence of~~
14 ~~imprisonment, without conditional and revocable release, shall~~
15 ~~be imposed by law as a consequence of conviction, where the~~
16 ~~court after a hearing, determines that the release of the~~
17 ~~defendant would pose a real and present threat to the physical~~
18 ~~safety of any person or persons; stalking or aggravated~~
19 ~~stalking, where the court, after a hearing, determines that~~
20 ~~the release of the defendant would pose a real and present~~
21 ~~threat to the physical safety of the alleged victim of the~~
22 ~~offense and denial of bail is necessary to prevent fulfillment~~
23 ~~of the threat upon which the charge is based; or unlawful use~~
24 ~~of weapons in violation of item (4) of subsection (a) of~~
25 ~~Section 24-1 of the Criminal Code of 1961 or the Criminal Code~~
26 ~~of 2012 when that offense occurred in a school or in any~~

1 conveyance owned, leased, or contracted by a school to
2 transport students to or from school or a school-related
3 activity, or on any public way within 1,000 feet of real
4 property comprising any school, where the court, after a
5 hearing, determines that the release of the defendant would
6 pose a real and present threat to the physical safety of any
7 person and denial of bail is necessary to prevent fulfillment
8 of that threat; or making a terrorist threat in violation of
9 Section 29D-20 of the Criminal Code of 1961 or the Criminal
10 Code of 2012 or an attempt to commit the offense of making a
11 terrorist threat, where the court, after a hearing, determines
12 that the release of the defendant would pose a real and present
13 threat to the physical safety of any person and denial of bail
14 is necessary to prevent fulfillment of that threat.

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

22 (c) Where it is alleged that ~~pretrial~~ bail should be
23 denied to a person upon the grounds that the person presents a
24 real and present threat to the physical safety of any person or
25 persons, the burden of proof of such allegations shall be upon
26 the State.

1 (d) When it is alleged that ~~pretrial~~ bail should be denied
2 to a person charged with stalking or aggravated stalking upon
3 the grounds set forth in Section 110-6.3 of this Code, the
4 burden of proof of those allegations shall be upon the State.

5 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

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

7 (Text of Section before amendment by P.A. 101-652)

8 Sec. 110-5. Determining the amount of bail and conditions
9 of release.

10 (a) In determining the amount of monetary bail or
11 conditions of release, if any, which will reasonably assure
12 the appearance of a defendant as required or the safety of any
13 other person or the community and the likelihood of compliance
14 by the defendant with all the conditions of bail, the court
15 shall, on the basis of available information, take into
16 account such matters as the nature and circumstances of the
17 offense charged, whether the evidence shows that as part of
18 the offense there was a use of violence or threatened use of
19 violence, whether the offense involved corruption of public
20 officials or employees, whether there was physical harm or
21 threats of physical harm to any public official, public
22 employee, judge, prosecutor, juror or witness, senior citizen,
23 child, or person with a disability, whether evidence shows
24 that during the offense or during the arrest the defendant
25 possessed or used a firearm, machine gun, explosive or metal

1 piercing ammunition or explosive bomb device or any military
2 or paramilitary armament, whether the evidence shows that the
3 offense committed was related to or in furtherance of the
4 criminal activities of an organized gang or was motivated by
5 the defendant's membership in or allegiance to an organized
6 gang, the condition of the victim, any written statement
7 submitted by the victim or proffer or representation by the
8 State regarding the impact which the alleged criminal conduct
9 has had on the victim and the victim's concern, if any, with
10 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 or
6 ~~of~~ 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) When a person is charged with a violation of an order
16 of protection under Section 12-3.4 or 12-30 of the Criminal
17 Code of 1961 or the Criminal Code of 2012 or when a person is
18 charged with domestic battery, aggravated domestic battery,
19 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
23 alleged victim or a termination of the relationship
24 between the person and the alleged victim has recently
25 occurred or is pending;

26 (10) whether the person has exhibited obsessive or

1 controlling behaviors toward the alleged victim,
2 including, but not limited to, stalking, surveillance, or
3 isolation of the alleged victim or victim's family member
4 or members;

5 (11) whether the person has expressed suicidal or
6 homicidal ideations;

7 (12) based on any information contained in the
8 complaint and any police reports, affidavits, or other
9 documents accompanying the complaint,

10 the court may, in its discretion, order the respondent to
11 undergo a risk assessment evaluation using a recognized,
12 evidence-based instrument conducted by an Illinois Department
13 of Human Services approved partner abuse intervention program
14 provider, pretrial service, probation, or parole agency. These
15 agencies shall have access to summaries of the defendant's
16 criminal history, which shall not include victim interviews or
17 information, for the risk evaluation. Based on the information
18 collected from the 12 points to be considered at a bail hearing
19 under this subsection (f), the results of any risk evaluation
20 conducted and the other circumstances of the violation, the
21 court may order that the person, as a condition of bail, be
22 placed under electronic surveillance as provided in Section
23 5-8A-7 of the Unified Code of Corrections. Upon making a
24 determination whether or not to order the respondent to
25 undergo a risk assessment evaluation or to be placed under
26 electronic surveillance and risk assessment, the court shall

1 document in the record the court's reasons for making those
2 determinations. The cost of the electronic surveillance and
3 risk assessment shall be paid by, or on behalf, of the
4 defendant. As used in this subsection (f), "intimate partner"
5 means a spouse or a current or former partner in a cohabitation
6 or dating relationship.

7 (Source: P.A. 99-143, eff. 7-27-15; 100-1, eff. 1-1-18;
8 revised 7-12-19.)

9 (Text of Section after amendment by P.A. 101-652)

10 Sec. 110-5. Determining the amount of bail and conditions
11 of release.

12 (a) In determining ~~which~~ the amount of monetary bail or
13 conditions of ~~pretrial~~ release, if any, which will reasonably
14 assure the appearance of a defendant as required or the safety
15 of any other person or the community and the likelihood of
16 compliance by the defendant with all the conditions of
17 ~~pretrial release~~ bail, the court shall, on the basis of
18 available information, take into account such matters as:

19 ~~(1) the nature and circumstances of the offense~~
20 ~~charged;~~

21 ~~(2) the weight of the evidence against the eligible~~
22 ~~defendant, except that the court may consider the~~
23 ~~admissibility of any evidence sought to be excluded;~~

24 ~~(3) the history and characteristics of the eligible~~
25 ~~defendant, including:~~

1 ~~(A) the eligible defendant's character, physical~~
2 ~~and mental condition, family ties, employment,~~
3 ~~financial resources, length of residence in the~~
4 ~~community, community ties, past relating to drug or~~
5 ~~alcohol abuse, conduct, history criminal history, and~~
6 ~~record concerning appearance at court proceedings; and~~

7 ~~(B) whether, at the time of the current offense or~~
8 ~~arrest, the eligible defendant was on probation,~~
9 ~~parole, or on other release pending trial, sentencing,~~
10 ~~appeal, or completion of sentence for an offense under~~
11 ~~federal law, or the law of this or any other state;~~

12 ~~(4) the nature and seriousness of the specific, real~~
13 ~~and present threat to any person that would be posed by the~~
14 ~~eligible defendant's release, if applicable; as required~~
15 ~~under paragraph (7.5) of Section 4 of the Rights of Crime~~
16 ~~Victims and Witnesses Act; and~~

17 ~~(5) the nature and seriousness of the risk of~~
18 ~~obstructing or attempting to obstruct the criminal justice~~
19 ~~process that would be posed by the eligible defendant's~~
20 ~~release, if applicable.~~

21 ~~(b) The court shall impose any conditions that are~~
22 ~~mandatory under Section 110-10. The court may impose any~~
23 ~~conditions that are permissible under Section 110-10., whether~~
24 ~~the evidence shows that as part of the offense there was a use~~
25 ~~of violence or threatened use of violence, whether the offense~~
26 ~~involved corruption of public officials or employees, whether~~

1 there was physical harm or threats of physical harm to any
2 public official, public employee, judge, prosecutor, juror or
3 witness, senior citizen, child, or person with a disability,
4 whether evidence shows that during the offense or during the
5 arrest the defendant possessed or used a firearm, machine gun,
6 explosive or metal piercing ammunition or explosive bomb
7 device or any military or paramilitary armament, whether the
8 evidence shows that the offense committed was related to or in
9 furtherance of the criminal activities of an organized gang or
10 was motivated by the defendant's membership in or allegiance
11 to an organized gang, the condition of the victim, any written
12 statement submitted by the victim or proffer or representation
13 by the State regarding the impact which the alleged criminal
14 conduct has had on the victim and the victim's concern, if any,
15 with further contact with the defendant if released on bail,
16 whether the offense was based on racial, religious, sexual
17 orientation or ethnic hatred, the likelihood of the filing of
18 a greater charge, the likelihood of conviction, the sentence
19 applicable upon conviction, the weight of the evidence against
20 such defendant, whether there exists motivation or ability to
21 flee, whether there is any verification as to prior residence,
22 education, or family ties in the local jurisdiction, in
23 another county, state or foreign country, the defendant's
24 employment, financial resources, character and mental
25 condition, past conduct, prior use of alias names or dates of
26 birth, and length of residence in the community, the consent

1 of the defendant to periodic drug testing in accordance with
2 Section 110-6.5, whether a foreign national defendant is
3 lawfully admitted in the United States of America, whether the
4 government of the foreign national maintains an extradition
5 treaty with the United States by which the foreign government
6 will extradite to the United States its national for a trial
7 for a crime allegedly committed in the United States, whether
8 the defendant is currently subject to deportation or exclusion
9 under the immigration laws of the United States, whether the
10 defendant, although a United States citizen, is considered
11 under the law of any foreign state a national of that state for
12 the purposes of extradition or non-extradition to the United
13 States, the amount of unrecovered proceeds lost as a result of
14 the alleged offense, the source of bail funds tendered or
15 sought to be tendered for bail, whether from the totality of
16 the court's consideration, the loss of funds posted or sought
17 to be posted for bail will not deter the defendant from flight,
18 whether the evidence shows that the defendant is engaged in
19 significant possession, manufacture, or delivery of a
20 controlled substance or cannabis, either individually or in
21 consort with others, whether at the time of the offense
22 charged he or she was on bond or pre-trial release pending
23 trial, probation, periodic imprisonment or conditional
24 discharge pursuant to this Code or the comparable Code of any
25 other state or federal jurisdiction, whether the defendant is
26 on bond or pre-trial release pending the imposition or

1 execution of sentence or appeal of sentence for any offense
2 under the laws of Illinois or any other state or federal
3 jurisdiction, whether the defendant is under parole, aftercare
4 release, mandatory supervised release, or work release from
5 the Illinois Department of Corrections or Illinois Department
6 of Juvenile Justice or any penal institution or corrections
7 department of any state or federal jurisdiction, the
8 defendant's record of convictions, whether the defendant has
9 been convicted of a misdemeanor or ordinance offense in
10 Illinois or similar offense in other state or federal
11 jurisdiction within the 10 years preceding the current charge
12 or convicted of a felony in Illinois, whether the defendant
13 was convicted of an offense in another state or federal
14 jurisdiction that would be a felony if committed in Illinois
15 within the 20 years preceding the current charge or has been
16 convicted of such felony and released from the penitentiary
17 within 20 years preceding the current charge if a penitentiary
18 sentence was imposed in Illinois or other state or federal
19 jurisdiction, the defendant's records of juvenile adjudication
20 of delinquency in any jurisdiction, any record of appearance
21 or failure to appear by the defendant at court proceedings,
22 whether there was flight to avoid arrest or prosecution,
23 whether the defendant escaped or attempted to escape to avoid
24 arrest, whether the defendant refused to identify himself or
25 herself, or whether there was a refusal by the defendant to be
26 fingerprinted as required by law. Information used by the

1 court in its findings or stated in or offered in connection
2 with this Section may be by way of proffer based upon reliable
3 information offered by the State or defendant. All evidence
4 shall be admissible if it is relevant and reliable regardless
5 of whether it would be admissible under the rules of evidence
6 applicable at criminal trials. If the State presents evidence
7 that the offense committed by the defendant was related to or
8 in furtherance of the criminal activities of an organized gang
9 or was motivated by the defendant's membership in or
10 allegiance to an organized gang, and if the court determines
11 that the evidence may be substantiated, the court shall
12 prohibit the defendant from associating with other members of
13 the organized gang as a condition of bail or release. For the
14 purposes of this Section, "organized gang" has the meaning
15 ascribed to it in Section 10 of the Illinois Streetgang
16 Terrorism Omnibus Prevention Act.

17 (a-5) There shall be a presumption that any conditions of
18 release imposed shall be non-monetary in nature and the court
19 shall impose the least restrictive conditions or combination
20 of conditions necessary to reasonably assure the appearance of
21 the defendant for further court proceedings and protect the
22 integrity of the judicial proceedings from a specific threat
23 to a witness or participant. Conditions of release may
24 include, but not be limited to, electronic home monitoring,
25 curfews, drug counseling, stay-away orders, and in-person
26 reporting. The court shall consider the defendant's

1 socio-economic circumstance when setting conditions of release
2 or imposing monetary bail.

3 (b) The amount of bail shall be:

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

12 (2) Not oppressive.

13 (3) Considerate of the financial ability of the
14 accused.

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

1 seized.

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

14 (1) the background, character, reputation, and
15 relationship to the accused of any surety; and

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

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

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

26 Upon setting the hearing, the court shall examine, under

1 oath, any persons who may possess material information.

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

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

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

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

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

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

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

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

11 (3) based on the mental health of the person;

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

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

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

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

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

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

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

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

12 ~~(11.5) any other factors deemed by the court to have a~~
13 ~~reasonable bearing upon the defendant's propensity or~~
14 ~~reputation for violent, abusive or assaultive behavior, or~~
15 ~~lack of that behavior~~

16 (12) based on any information contained in the
17 complaint and any police reports, affidavits, or other
18 documents accompanying the complaint,
19 the court may, in its discretion, order the respondent to
20 undergo a risk assessment evaluation using a recognized,
21 evidence-based instrument conducted by an Illinois Department
22 of Human Services approved partner abuse intervention program
23 provider, pretrial service, probation, or parole agency. These
24 agencies shall have access to summaries of the defendant's
25 criminal history, which shall not include victim interviews or
26 information, for the risk evaluation. Based on the information

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

16 ~~(e) In cases of stalking or aggravated stalking under~~
17 ~~Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the~~
18 ~~court may consider the following additional factors:~~

19 ~~(1) Any evidence of the defendant's prior criminal~~
20 ~~history indicative of violent, abusive or assaultive~~
21 ~~behavior, or lack of that behavior. The evidence may~~
22 ~~include testimony or documents received in juvenile~~
23 ~~proceedings, criminal, quasi-criminal, civil commitment,~~
24 ~~domestic relations or other proceedings;~~

25 ~~(2) Any evidence of the defendant's psychological,~~
26 ~~psychiatric or other similar social history that tends to~~

1 ~~indicate a violent, abusive, or assaultive nature, or lack~~
2 ~~of any such history.~~

3 ~~(3) The nature of the threat which is the basis of the~~
4 ~~charge against the defendant;~~

5 ~~(4) Any statements made by, or attributed to the~~
6 ~~defendant, together with the circumstances surrounding~~
7 ~~them;~~

8 ~~(5) The age and physical condition of any person~~
9 ~~allegedly assaulted by the defendant;~~

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

12 ~~(7) Any other factors deemed by the court to have a~~
13 ~~reasonable bearing upon the defendant's propensity or~~
14 ~~reputation for violent, abusive or assaultive behavior, or~~
15 ~~lack of that behavior.~~

16 ~~(d) The Court may use a regularly validated risk~~
17 ~~assessment tool to aid its determination of appropriate~~
18 ~~conditions of release as provided for in Section 110-6.4. Risk~~
19 ~~assessment tools may not be used as the sole basis to deny~~
20 ~~pretrial release. If a risk assessment tool is used, the~~
21 ~~defendant's counsel shall be provided with the information and~~
22 ~~scoring system of the risk assessment tool used to arrive at~~
23 ~~the determination. The defendant retains the right to~~
24 ~~challenge the validity of a risk assessment tool used by the~~
25 ~~court and to present evidence relevant to the defendant's~~
26 ~~challenge.~~

1 ~~(e) If a person remains in pretrial detention after his or~~
2 ~~her pretrial conditions hearing after having been ordered~~
3 ~~released with pretrial conditions, the court shall hold a~~
4 ~~hearing to determine the reason for continued detention. If~~
5 ~~the reason for continued detention is due to the~~
6 ~~unavailability or the defendant's ineligibility for one or~~
7 ~~more pretrial conditions previously ordered by the court or~~
8 ~~directed by a pretrial services agency, the court shall reopen~~
9 ~~the conditions of release hearing to determine what available~~
10 ~~pretrial conditions exist that will reasonably assure the~~
11 ~~appearance of a defendant as required or the safety of any~~
12 ~~other person and the likelihood of compliance by the defendant~~
13 ~~with all the conditions of pretrial release. The inability of~~
14 ~~Defendant to pay for a condition of release or any other~~
15 ~~ineligibility for a condition of pretrial release shall not be~~
16 ~~used as a justification for the pretrial detention of that~~
17 ~~Defendant.~~

18 ~~(f) Prior to the defendant's first appearance, the Court~~
19 ~~shall appoint the public defender or a licensed attorney at~~
20 ~~law of this State to represent the Defendant for purposes of~~
21 ~~that hearing, unless the defendant has obtained licensed~~
22 ~~counsel for themselves.~~

23 ~~(g) Electronic monitoring, GPS monitoring, or home~~
24 ~~confinement can only be imposed condition of pretrial release~~
25 ~~if a no less restrictive condition of release or combination~~
26 ~~of less restrictive condition of release would reasonably~~

1 ~~ensure the appearance of the defendant for later hearings or~~
2 ~~protect an identifiable person or persons from imminent threat~~
3 ~~of serious physical harm.~~

4 ~~(h) If the court imposes electronic monitoring, GPS~~
5 ~~monitoring, or home confinement the court shall set forth in~~
6 ~~the record the basis for its finding. A defendant shall be~~
7 ~~given custodial credit for each day he or she was subjected to~~
8 ~~that program, at the same rate described in subsection (b) of~~
9 ~~Section 5-4.5-100 of the unified code of correction.~~

10 ~~(i) If electronic monitoring, GPS monitoring, or home~~
11 ~~confinement is imposed, the court shall determine every 60~~
12 ~~days if no less restrictive condition of release or~~
13 ~~combination of less restrictive conditions of release would~~
14 ~~reasonably ensure the appearance, or continued appearance, of~~
15 ~~the defendant for later hearings or protect an identifiable~~
16 ~~person or persons from imminent threat of serious physical~~
17 ~~harm. If the court finds that there are less restrictive~~
18 ~~conditions of release, the court shall order that the~~
19 ~~condition be removed.~~

20 ~~(j) Crime Victims shall be given notice by the State's~~
21 ~~Attorney's office of this hearing as required in paragraph (1)~~
22 ~~of subsection (b) of Section 4.5 of the Rights of Crime Victims~~
23 ~~and Witnesses Act and shall be informed of their opportunity~~
24 ~~at this hearing to obtain an order of protection under Article~~
25 ~~112A of this Code.~~

26 (Source: P.A. 100-1, eff. 1-1-18; 101-652, eff. 1-1-23.)

1 (725 ILCS 5/110-5.2)

2 Sec. 110-5.2. ~~Pretrial release~~ Bail; pregnant pre-trial
3 detainee.

4 (a) It is the policy of this State that a pre-trial
5 detainee shall not be required to deliver a child while in
6 custody absent a finding by the court that continued pre-trial
7 custody is necessary to protect the public or the victim of the
8 offense on which the charge is based.

9 (b) If the court reasonably believes that a pre-trial
10 detainee will give birth while in custody, the court shall
11 order an alternative to custody unless, after a hearing, the
12 court determines:

13 (1) that the release of the pregnant pre-trial
14 detainee would pose a real and present threat to the
15 physical safety of the alleged victim of the offense and
16 continuing custody is necessary to prevent the fulfillment
17 of the threat upon which the charge is based; or

18 (2) that the release of the pregnant pre-trial
19 detainee would pose a real and present threat to the
20 physical safety of any person or persons or the general
21 public.

22 (c) The court may order a pregnant or post-partum detainee
23 to be subject to electronic monitoring as a condition of
24 pre-trial release or order other condition or combination of
25 conditions the court reasonably determines are in the best

1 interest of the detainee and the public.

2 (d) This Section shall be applicable to a pregnant
3 pre-trial detainee in custody on or after the effective date
4 of this amendatory Act of the 100th General Assembly.

5 (Source: P.A. 100-630, eff. 1-1-19; 101-652.)

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

7 Sec. 110-6. ~~Revocation of pretrial release, modification~~
8 ~~of conditions of pretrial release, and sanctions for~~
9 ~~violations of conditions of pretrial release~~ Modification of
10 bail or conditions.

11 (a) ~~When a defendant is granted pretrial release under~~
12 ~~this section, that pretrial release may be revoked only under~~
13 ~~the following conditions:~~

14 ~~(1) if the defendant is charged with a detainable~~
15 ~~felony as defined in 110-6.1, a defendant may be detained~~
16 ~~after the State files a verified petition for such a~~
17 ~~hearing, and gives the defendant notice as prescribed in~~
18 ~~110-6.1; or~~

19 ~~(2) in accordance with subsection (b) of this section.~~

20 ~~(b) Revocation due to a new criminal charge: If an~~
21 ~~individual, while on pretrial release for a Felony or Class A~~
22 ~~misdemeanor under this Section, is charged with a new felony~~
23 ~~or Class A misdemeanor under the Criminal Code of 2012, the~~
24 ~~court may, on its own motion or motion of the state, begin~~
25 ~~proceedings to revoke the individual's' pretrial release.~~

1 ~~(1) When the defendant is charged with a felony or~~
2 ~~class A misdemeanor offense and while free on pretrial~~
3 ~~release bail is charged with a subsequent felony or class~~
4 ~~A misdemeanor offense that is alleged to have occurred~~
5 ~~during the defendant's pretrial release, the state may~~
6 ~~file a verified petition for revocation of pretrial~~
7 ~~release.~~

8 ~~(2) When a defendant on pretrial release is charged~~
9 ~~with a violation of an order of protection issued under~~
10 ~~Section 112A 14 of this Code, or Section 214 of the~~
11 ~~Illinois Domestic Violence Act of 1986 or previously was~~
12 ~~convicted of a violation of an order of protection under~~
13 ~~Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the~~
14 ~~Criminal Code of 2012, and the subject of the order of~~
15 ~~protection is the same person as the victim in the~~
16 ~~underlying matter, the state shall file a verified~~
17 ~~petition for revocation of pretrial release.~~

18 ~~(3) Upon the filing of this petition, the court shall~~
19 ~~order the transfer of the defendant and the application to~~
20 ~~the court before which the previous felony matter is~~
21 ~~pending. The defendant shall be held without bond pending~~
22 ~~transfer to and a hearing before such court. The defendant~~
23 ~~shall be transferred to the court before which the~~
24 ~~previous matter is pending without unnecessary delay. In~~
25 ~~no event shall the time between the filing of the state's~~
26 ~~petition for revocation and the defendant's appearance~~

1 ~~before the court before which the previous matter is~~
2 ~~pending exceed 72 hours.~~

3 ~~(4) The court before which the previous felony matter~~
4 ~~is pending may revoke the defendant's pretrial release~~
5 ~~only if it finds, after considering all relevant~~
6 ~~circumstances including, but not limited to, the nature~~
7 ~~and seriousness of the violation or criminal act alleged,~~
8 ~~by the court finds clear and convincing evidence that no~~
9 ~~condition or combination of conditions of release would~~
10 ~~reasonably assure the appearance of the defendant for~~
11 ~~later hearings or prevent the defendant from being charged~~
12 ~~with a subsequent felony or class A misdemeanor.~~

13 ~~(5) In lieu of revocation, the court may release the~~
14 ~~defendant pre trial, with or without modification of~~
15 ~~conditions of pretrial release.~~

16 ~~(6) If the case that caused the revocation is~~
17 ~~dismissed, the defendant is found not guilty in the case~~
18 ~~causing the revocation, or the defendant completes a~~
19 ~~lawfully imposed sentence on the case causing the~~
20 ~~revocation, the court shall, without unnecessary delay,~~
21 ~~hold a hearing on conditions of release pursuant to~~
22 ~~section 110-5 and release the defendant with or without~~
23 ~~modification of conditions of pretrial release.~~

24 ~~(7) Both the state and the defense may appeal an order~~
25 ~~revoking pretrial release or denying a petition for~~
26 ~~revocation of release.~~

1 ~~(c) Violations other than re-arrest for a felony or class~~
2 ~~A misdemeanor. If a defendant:~~

3 ~~(1) fails to appear in court as required by their~~
4 ~~conditions of release;~~

5 ~~(2) is charged with a class B or C misdemeanor, petty~~
6 ~~offense, traffic offense, or ordinance violation that is~~
7 ~~alleged to have occurred during the defendant's pretrial~~
8 ~~release; or~~

9 ~~(3) violates any other condition of release set by the~~
10 ~~court,~~

11 ~~the court shall follow the procedures set forth in Section~~
12 ~~110-3 to ensure the defendant's appearance in court to address~~
13 ~~the violation.~~

14 ~~(d) When a defendant appears in court for a notice to show~~
15 ~~cause hearing, or after being arrested on a warrant issued~~
16 ~~because of a failure to appear at a notice to show cause~~
17 ~~hearing, or after being arrested for an offense other than a~~
18 ~~felony or class A misdemeanor, the state may file a verified~~
19 ~~petition requesting a hearing for sanctions.~~

20 ~~(e) During the hearing for sanctions, the defendant shall~~
21 ~~be represented by counsel and have an opportunity to be heard~~
22 ~~regarding the violation and evidence in mitigation. The court~~
23 ~~shall only impose sanctions if it finds by clear and~~
24 ~~convincing evidence that:~~

25 ~~1. The defendant committed an act that violated a term~~
26 ~~of their pretrial release;~~

1 ~~2. The defendant had actual knowledge that their~~
2 ~~action would violate a court order;~~

3 ~~3. The violation of the court order was willful; and~~

4 ~~4. The violation was not caused by a lack of access to~~
5 ~~financial monetary resources.~~

6 ~~(f) Sanctions: sanctions for violations of pretrial~~
7 ~~release may include:~~

8 ~~1. A verbal or written admonishment from the court;~~

9 ~~2. Imprisonment in the county jail for a period not~~
10 ~~exceeding 30 days;~~

11 ~~3. A fine of not more than \$200; or~~

12 ~~4. A modification of the defendant's pretrial~~
13 ~~conditions.~~

14 ~~(g) Modification of Pretrial Conditions~~

15 ~~(a) The court may, at any time, after motion by either~~
16 ~~party or on its own motion, remove previously set~~
17 ~~conditions of pretrial release, subject to the provisions~~
18 ~~in section (c). The court may only add or increase~~
19 ~~conditions of pretrial release at a hearing under this~~
20 ~~Section, in a warrant issued under Section 110-3, or upon~~
21 ~~motion from the state.~~

22 ~~(b) Modification of conditions of release regarding~~
23 ~~contact with victims or witnesses. The court shall not~~
24 ~~remove a previously set condition of bond regulating~~
25 ~~contact with a victim or witness in the case, unless the~~
26 ~~subject of the condition has been given notice of the~~

1 ~~hearing as required in paragraph (1) of subsection (b) of~~
2 ~~Section 4.5 of the Rights of Crime Victims and Witnesses~~
3 ~~Act. If the subject of the condition of release is not~~
4 ~~present, the court shall follow the procedures of~~
5 ~~paragraph (10) of subsection (c 1) of the Rights of Crime~~
6 ~~Victims and Witnesses Act.~~

7 ~~(h) Notice to Victims: Crime Victims shall be given notice~~
8 ~~by the State's Attorney's office of all hearings in this~~
9 ~~section as required in paragraph (1) of subsection (b) of~~
10 ~~Section 4.5 of the Rights of Crime Victims and Witnesses Act~~
11 ~~and shall be informed of their opportunity at these hearing to~~
12 ~~obtain an order of protection under Article 112A of this Code.~~
13 Upon verified application by the State or the defendant or on
14 its own motion the court before which the proceeding is
15 pending may increase or reduce the amount of bail or may alter
16 the conditions of the bail bond or grant bail where it has been
17 previously revoked or denied. If bail has been previously
18 revoked pursuant to subsection (f) of this Section or if bail
19 has been denied to the defendant pursuant to subsection (e) of
20 Section 110-6.1 or subsection (e) of Section 110-6.3, the
21 defendant shall be required to present a verified application
22 setting forth in detail any new facts not known or obtainable
23 at the time of the previous revocation or denial of bail
24 proceedings. If the court grants bail where it has been
25 previously revoked or denied, the court shall state on the
26 record of the proceedings the findings of facts and conclusion

1 of law upon which such order is based.

2 (a-5) In addition to any other available motion or
3 procedure under this Code, a person in custody solely for a
4 Category B offense due to an inability to post monetary bail
5 shall be brought before the court at the next available court
6 date or 7 calendar days from the date bail was set, whichever
7 is earlier, for a rehearing on the amount or conditions of bail
8 or release pending further court proceedings. The court may
9 reconsider conditions of release for any other person whose
10 inability to post monetary bail is the sole reason for
11 continued incarceration, including a person in custody for a
12 Category A offense or a Category A offense and a Category B
13 offense. The court may deny the rehearing permitted under this
14 subsection (a-5) if the person has failed to appear as
15 required before the court and is incarcerated based on a
16 warrant for failure to appear on the same original criminal
17 offense.

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

1 of this Section.

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

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

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

1 transfer to and a hearing before such court. At the conclusion
2 of the hearing based on a violation of the conditions of
3 Section 110-10 of this Code or any special conditions of bail
4 as ordered by the court the court may enter an order increasing
5 the amount of bail or alter the conditions of bail as deemed
6 appropriate.

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

26 (1) The court shall hold the defendant without bail

1 pending the hearing on the alleged breach; however, if the
2 defendant is not admitted to bail the hearing shall be
3 commenced within 10 days from the date the defendant is
4 taken into custody or the defendant may not be held any
5 longer without bail, unless delay is occasioned by the
6 defendant. Where defendant occasions the delay, the
7 running of the 10 day period is temporarily suspended and
8 resumes at the termination of the period of delay. Where
9 defendant occasions the delay with 5 or fewer days
10 remaining in the 10 day period, the court may grant a
11 period of up to 5 additional days to the State for good
12 cause shown. The State, however, shall retain the right to
13 proceed to hearing on the alleged violation at any time,
14 upon reasonable notice to the defendant and the court.

15 (2) At a hearing on the alleged violation the State
16 has the burden of going forward and proving the violation
17 by clear and convincing evidence. The evidence shall be
18 presented in open court with the opportunity to testify,
19 to present witnesses in his behalf, and to cross-examine
20 witnesses if any are called by the State, and
21 representation by counsel and if the defendant is indigent
22 to have counsel appointed for him. The rules of evidence
23 applicable in criminal trials in this State shall not
24 govern the admissibility of evidence at such hearing.
25 Information used by the court in its findings or stated in
26 or offered in connection with hearings for increase or

1 revocation of bail may be by way of proffer based upon
2 reliable information offered by the State or defendant.
3 All evidence shall be admissible if it is relevant and
4 reliable regardless of whether it would be admissible
5 under the rules of evidence applicable at criminal trials.
6 A motion by the defendant to suppress evidence or to
7 suppress a confession shall not be entertained at such a
8 hearing. Evidence that proof may have been obtained as a
9 result of an unlawful search and seizure or through
10 improper interrogation is not relevant to this hearing.

11 (3) Upon a finding by the court that the State has
12 established by clear and convincing evidence that the
13 defendant has committed a forcible felony or a Class 2 or
14 greater offense under the Illinois Controlled Substances
15 Act, the Cannabis Control Act, or the Methamphetamine
16 Control and Community Protection Act while admitted to
17 bail, or where the defendant is on bail for a felony
18 domestic battery (enhanced pursuant to subsection (b) of
19 Section 12-3.2 of the Criminal Code of 1961 or the
20 Criminal Code of 2012), aggravated domestic battery,
21 aggravated battery, unlawful restraint, aggravated
22 unlawful restraint or domestic battery in violation of
23 item (1) of subsection (a) of Section 12-3.2 of the
24 Criminal Code of 1961 or the Criminal Code of 2012 against
25 a family or household member as defined in Section 112A-3
26 of this Code and the violation is an offense of domestic

1 battery, against the same victim, the court shall revoke
2 the bail of the defendant and hold the defendant for trial
3 without bail. Neither the finding of the court nor any
4 transcript or other record of the hearing shall be
5 admissible in the State's case in chief, but shall be
6 admissible for impeachment, or as provided in Section
7 115-10.1 of this Code or in a perjury proceeding.

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

19 (5) If the defendant either is arrested on a warrant
20 issued pursuant to this Code or is arrested for an
21 unrelated offense and it is subsequently discovered that
22 the defendant is a subject of another warrant or warrants
23 issued pursuant to this Code, the defendant shall be
24 transferred promptly to the court which issued such
25 warrant. If, however, the defendant appears initially
26 before a court other than the court which issued such

1 warrant, the non-issuing court shall not alter the amount
2 of bail set on such warrant unless the court sets forth on
3 the record of proceedings the conclusions of law and facts
4 which are the basis for such altering of another court's
5 bond. The non-issuing court shall not alter another courts
6 bail set on a warrant unless the interests of justice and
7 public safety are served by such action.

8 (g) The State may appeal any order where the court has
9 increased or reduced the amount of bail or altered the
10 conditions of the bail bond or granted bail where it has
11 previously been revoked.

12 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19;
13 101-652.)

14 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

15 Sec. 110-6.1. Denial of ~~pretrial release~~ bail in
16 non-probationable felony offenses.

17 (a) Upon verified petition by the State, the court shall
18 hold a hearing ~~and may deny~~ to determine whether bail should be
19 denied to a defendant ~~pretrial release only if:~~

20 ~~(1) the defendant~~ who is charged with a ~~forcible~~
21 felony offense for which a sentence of imprisonment,
22 without probation, periodic imprisonment or conditional
23 discharge, is required by law upon conviction, ~~and~~ when it
24 is alleged that the defendant's ~~pretrial release poses a~~
25 ~~specific, real and present threat to any person or the~~

1 ~~community.~~ admission to bail poses a real and present
2 threat to the physical safety of any person or persons .

3 ~~(2) the defendant is charged with stalking or~~
4 ~~aggravated stalking and it is alleged that the defendant's~~
5 ~~pre trial release poses a real and present threat to the~~
6 ~~physical safety of a victim of the alleged offense, and~~
7 ~~denial of release is necessary to prevent fulfillment of~~
8 ~~the threat upon which the charge is based.~~

9 ~~(3) the victim of abuse was a family or household~~
10 ~~member as defined by paragraph (6) of Section 103 of the~~
11 ~~Illinois Domestic Violence Act of 1986, and the person~~
12 ~~charged, at the time of the alleged offense, was subject~~
13 ~~to the terms of an order of protection issued under~~
14 ~~Section 112A-14 of this Code, or Section 214 of the~~
15 ~~Illinois Domestic Violence Act of 1986 or previously was~~
16 ~~convicted of a violation of an order of protection under~~
17 ~~Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the~~
18 ~~Criminal Code of 2012 or a violent crime if the victim was~~
19 ~~a family or household member as defined by paragraph (6)~~
20 ~~of the Illinois Domestic Violence Act of 1986 at the time~~
21 ~~of the offense or a violation of a substantially similar~~
22 ~~municipal ordinance or law of this or any other state or~~
23 ~~the United States if the victim was a family or household~~
24 ~~member as defined by paragraph (6) of Section 103 of the~~
25 ~~Illinois Domestic Violence Act of 1986 at the time of the~~
26 ~~offense, and it is alleged that the defendant's pre trial~~

1 ~~release poses a real and present threat to the physical~~
2 ~~safety of any person or persons;~~

3 ~~(4) the defendant is charged with domestic battery or~~
4 ~~aggravated domestic battery under Section 12-3.2 or 12-3.3~~
5 ~~of the Criminal Code of 2012 and it is alleged that the~~
6 ~~defendant's pretrial release poses a real and present~~
7 ~~threat to the physical safety of any person or persons;~~

8 ~~(5) the defendant is charged with any offense under~~
9 ~~Article 11 of the Criminal Code of 2012, except for~~
10 ~~Sections 11-30, 11-35, 11-40, and 11-45 of the Criminal~~
11 ~~Code of 2012, or similar provisions of the Criminal Code~~
12 ~~of 1961 and it is alleged that the defendant's pretrial~~
13 ~~release poses a real and present threat to the physical~~
14 ~~safety of any person or persons;~~

15 ~~(6) the defendant is charged with any of these~~
16 ~~violations under the Criminal Code of 2012 and it is~~
17 ~~alleged that the defendant's pretrial releases poses a~~
18 ~~real and present threat to the physical safety of any~~
19 ~~specifically identifiable person or persons.~~

20 ~~(A) Section 24-1.2 (aggravated discharge of a~~
21 ~~firearm);~~

22 ~~(B) Section 24-2.5 (aggravated discharge of a~~
23 ~~machine gun or a firearm equipped with a device~~
24 ~~designed or use for silencing the report of a~~
25 ~~firearm);~~

26 ~~(C) Section 24-1.5 (reckless discharge of a~~

1 ~~firearm);~~

2 ~~(D) Section 24-1.7 (armed habitual criminal);~~

3 ~~(E) Section 24-2.2-2 (manufacture, sale or~~
4 ~~transfer of bullets or shells represented to be armor~~
5 ~~piercing bullets, dragon's breath shotgun shells, bolo~~
6 ~~shells or flechette shells);~~

7 ~~(F) Section 24-3 (unlawful sale or delivery of~~
8 ~~firearms);~~

9 ~~(G) Section 24-3.3 (unlawful sale or delivery of~~
10 ~~firearms on the premises of any school);~~

11 ~~(H) Section 24-34 (unlawful sale of firearms by~~
12 ~~liquor license);~~

13 ~~(I) Section 24-3.5 (unlawful purchase of a~~
14 ~~firearm);~~

15 ~~(J) Section 24-3A (gunrunning); or~~

16 ~~(K) Section on 24-3B (firearms trafficking);~~

17 ~~(L) Section 10-9 (b) (involuntary servitude);~~

18 ~~(M) Section 10-9 (c) (involuntary sexual servitude~~
19 ~~of a minor);~~

20 ~~(N) Section 10-9(d) (trafficking in persons);~~

21 ~~(O) Non-probationable violations: (i) (unlawful~~
22 ~~use or possession of weapons by felons or persons in~~
23 ~~the Custody of the Department of Corrections~~
24 ~~facilities (Section 24-1.1), (ii) aggravated unlawful~~
25 ~~use of a weapon (Section 24-1.6, or (iii) aggravated~~
26 ~~possession of a stolen firearm (Section 24-3.9);~~

1 ~~(7) the person has a high likelihood of willful flight~~
2 ~~to avoid prosecution and is charged with:~~

3 ~~(A) Any felony described in Sections (a) (1)~~
4 ~~through (a) (5) of this Section; or~~

5 ~~(B) A felony offense other than a Class 4 offense.~~

6 ~~(b) If the charged offense is a felony, the Court shall~~
7 ~~hold a hearing pursuant to 109-3 of this Code to~~
8 ~~determine whether there is probable cause the~~
9 ~~defendant has committed an offense, unless a grand~~
10 ~~jury has returned a true bill of indictment against~~
11 ~~the defendant. If there is a finding of no probable~~
12 ~~cause, the defendant shall be released. No such~~
13 ~~finding is necessary if the defendant is charged with~~
14 ~~a misdemeanor.~~

15 ~~(c) Timing of petition.~~

16 (1) A petition may be filed without prior notice to
17 the defendant at the first appearance before a judge, or
18 within the 21 calendar days, except as provided in Section
19 110-6, after arrest and release of the defendant upon
20 reasonable notice to defendant; provided that while such
21 petition is pending before the court, the defendant if
22 previously released shall not be detained.

23 ~~(2) Upon filing, the court shall immediately hold~~
24 ~~a hearing on the petition unless a continuance is~~
25 ~~requested. If a continuance is requested, the hearing~~
26 ~~shall be held within 48 hours of the defendant's first~~

1 ~~appearance if the defendant is charged with a Class X,~~
2 ~~Class 1, Class 2, or Class 3 felony, and within 24 hours if~~
3 ~~the defendant is charged with a Class 4 or misdemeanor~~
4 ~~offense. The Court may deny and or grant the request for~~
5 ~~continuance. If the court decides to grant the~~
6 ~~continuance, the Court retains the discretion to detain or~~
7 ~~release the defendant in the time between the filing of~~
8 ~~the petition and the hearing.~~

9 ~~(d) Contents of petition.~~

10 ~~(1) The petition shall be verified by the State and~~
11 ~~shall state the grounds upon which it contends the~~
12 ~~defendant should be denied pretrial release, including the~~
13 ~~identity of the specific person or persons the State~~
14 ~~believes the defendant poses a danger to.~~

15 ~~(2) Only one petition may be filed under this Section.~~

16 ~~(e) Eligibility: All defendants shall be presumed eligible~~
17 ~~for pretrial release, and the State shall bear the burden of~~
18 ~~proving by clear and convincing evidence that: The hearing~~
19 ~~shall be held immediately upon the defendant's appearance~~
20 ~~before the court, unless for good cause shown the defendant or~~
21 ~~the State seeks a continuance. A continuance on motion of the~~
22 ~~defendant may not exceed 5 calendar days, and a continuance on~~
23 ~~the motion of the State may not exceed 3 calendar days. The~~
24 ~~defendant may be held in custody during such continuance.~~

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

1 (1) the proof is evident or the presumption great that
2 the defendant has committed an offense ~~listed in~~
3 ~~paragraphs (1) through (6) of subsection (a)~~ for which a
4 sentence of imprisonment, without probation, periodic
5 imprisonment or conditional discharge, must be imposed by
6 law as a consequence of conviction, and

7 (2) the defendant poses a real and present threat to
8 the physical safety of ~~a specific, identifiable~~ any person
9 or persons, by conduct which may include, but is not
10 limited to, a forcible felony, the obstruction of justice,
11 intimidation, injury, ~~or abuse as defined by paragraph (1)~~
12 ~~of Section 103 of the Illinois Domestic Violence Act of~~
13 ~~1986~~ physical harm, an offense under the Illinois
14 Controlled Substances Act which is a Class X felony, or an
15 offense under the Methamphetamine Control and Community
16 Protection Act which is a Class X felony, and

17 (3) the court finds that no condition or combination
18 of conditions set forth in subsection (b) of Section
19 110-10 of this Article ~~can mitigate the real and present~~
20 ~~threat to the safety of any~~ , can reasonably assure the
21 physical safety of any other person or persons ~~or the~~
22 ~~defendant's willful flight.~~

23 ~~(f)~~ (c) Conduct of the hearings.

24 (1) ~~Prior to the hearing the State shall tender to the~~
25 ~~defendant copies of defendant's criminal history~~
26 ~~available, any written or recorded statements, and the~~

1 ~~substance of any oral statements made by any person, if~~
2 ~~relied upon by the State in its petition, and any police~~
3 ~~reports in the State's Attorney's possession at the time~~
4 ~~of the hearing that are required to be disclosed to the~~
5 ~~defense under Illinois Supreme Court rules. The hearing on~~
6 ~~the defendant's culpability and dangerousness shall be~~
7 ~~conducted in accordance with the following provisions:~~

8 ~~(2) The State or defendant may present evidence at the~~
9 ~~hearing (A) Information used by the court in its findings~~
10 ~~or stated in or offered at such hearing may be by way of~~
11 ~~proffer based upon reliable information offered by the~~
12 ~~State or by defendant.~~

13 ~~(3) The defendant Defendant has the right to be~~
14 ~~represented by counsel, and if he ~~or she~~ is indigent, to~~
15 ~~have counsel appointed for him ~~or her~~. The defendant.~~
16 ~~Defendant shall have the opportunity to testify, to~~
17 ~~present witnesses ~~on~~ in his ~~or her~~ own behalf, and to~~
18 ~~cross-examine ~~any~~ witnesses ~~that~~ if any are called by the~~
19 ~~State.~~

20 ~~(4) If the defense seeks to call the complaining~~
21 ~~witness as a witness in its favor, it shall petition the~~
22 ~~court for permission. The defendant has the right to~~
23 ~~present witnesses in his favor. When the ends of justice~~
24 ~~so require, the court may ~~exercise~~ exercises its~~
25 ~~discretion and compel the appearance of a complaining~~
26 ~~witness. The court shall state on the record reasons for~~

1 granting a defense request to compel the presence of a
2 complaining witness. ~~In making a determination under this~~
3 ~~section, the court shall state on the record the reason~~
4 ~~for granting a defense request to compel the presence of a~~
5 ~~complaining witness, and only grant the request if the~~
6 ~~court finds by clear and convincing evidence that the~~
7 ~~defendant will be materially prejudiced if the complaining~~
8 ~~witness does not appear.~~ Cross-examination of a
9 complaining witness at the pretrial detention hearing for
10 the purpose of impeaching the witness' credibility is
11 insufficient reason to compel the presence of the witness.
12 In deciding whether to compel the appearance of a
13 complaining witness, the court shall be considerate of the
14 emotional and physical well-being of the witness. The
15 pre-trial detention hearing is not to be used for purposes
16 of discovery, and the post arraignment rules of discovery
17 do not apply. The State shall tender to the defendant,
18 prior to the hearing, copies of defendant's criminal
19 history, if any, if available, and any written or recorded
20 statements and the substance of any oral statements made
21 by any person, if relied upon by the State in its petition.

22 ~~(5)~~ The rules concerning the admissibility of evidence
23 in criminal trials do not apply to the presentation and
24 consideration of information at the hearing. At the trial
25 concerning the offense for which the hearing was conducted
26 neither the finding of the court nor any transcript or

1 other record of the hearing shall be admissible in the
2 State's case in chief, but shall be admissible for
3 impeachment, or as provided in Section 115-10.1 of this
4 Code, or in a perjury proceeding.

5 ~~(6) The~~ (B) A motion by the defendant ~~may not move~~ to
6 suppress evidence or to suppress a confession, ~~however,~~
7 ~~evidence shall not be entertained. Evidence~~ that proof ~~of~~
8 ~~the charged crime~~ may have been obtained as the result of
9 an unlawful search ~~or~~ and seizure, ~~or both,~~ or through
10 improper interrogation, ~~is not~~ relevant ~~in assessing the~~
11 ~~weight of the evidence against the defendant~~ to this state
12 of the prosecution.

13 ~~(7) Decisions regarding release, conditions of release~~
14 ~~and detention prior trial should be individualized, and no~~
15 ~~single factor or standard should be used exclusively to~~
16 ~~make a condition or detention decision.~~

17 (2) The facts relied upon by the court to support a
18 finding that the defendant poses a real and present threat
19 to the physical safety of any person or persons shall be
20 supported by clear and convincing evidence presented by
21 the State.

22 ~~(g)~~ (d) Factors to be considered in making a determination
23 of dangerousness. The court may, in determining whether the
24 defendant poses a ~~specific, imminent~~ real and present threat
25 ~~of serious~~ to the physical harm ~~to an identifiable~~ safety of
26 any person or persons, consider but shall not be limited to

1 evidence or testimony concerning:

2 (1) The nature and circumstances of any offense
3 charged, including whether the offense is a crime of
4 violence, involving a weapon, ~~or a sex offense.~~

5 (2) The history and characteristics of the defendant
6 including:

7 (A) Any evidence of the defendant's prior criminal
8 history indicative of violent, abusive or assaultive
9 behavior, or lack of such behavior. Such evidence may
10 include testimony or documents received in juvenile
11 proceedings, criminal, quasi-criminal, civil
12 commitment, domestic relations or other proceedings.

13 (B) Any evidence of the defendant's psychological,
14 psychiatric or other similar social history which
15 tends to indicate a violent, abusive, or assaultive
16 nature, or lack of any such history.

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

20 (4) Any statements made by, or attributed to the
21 defendant, together with the circumstances surrounding
22 them;

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

25 ~~(6) The age and physical condition of any victim or~~
26 ~~complaining witness;~~

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

3 ~~(8)~~ (7) Whether, at the time of the current offense or
4 any other offense or arrest, the defendant was on
5 probation, parole, aftercare release, mandatory supervised
6 release or other release from custody pending trial,
7 sentencing, appeal or completion of sentence for an
8 offense under federal or state law;

9 ~~(9)~~ (8) Any other factors, including those listed in
10 Section 110-5 of this Article deemed by the court to have a
11 reasonable bearing upon the defendant's propensity or
12 reputation for violent, abusive or assaultive behavior, or
13 lack of such behavior.

14 ~~(h)~~ (e) Detention order. The court shall, in any order for
15 detention:

16 (1) briefly summarize the evidence of the defendant's
17 ~~guilt or innocence,~~ culpability and ~~the court's~~ its
18 reasons for concluding that the defendant should be ~~denied~~
19 ~~pretrial release~~ held without bail;

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

23 (3) direct that the defendant be given a reasonable
24 opportunity for private consultation with counsel, and for
25 communication with others of his ~~or her~~ choice by
26 visitation, mail and telephone; and

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

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

14 ~~(j)~~ (g) Rights of the defendant. Any person shall be
15 entitled to appeal any order entered under this Section
16 denying ~~pretrial release~~ bail to the defendant.

17 ~~(k) Appeal.~~ (h) The State may appeal any order entered
18 under this Section denying any motion for denial of ~~pretrial~~
19 ~~release~~ bail.

20 ~~(l) Presumption of innocence.~~ (i) Nothing in this Section
21 shall be construed as modifying or limiting in any way the
22 defendant's presumption of innocence in further criminal
23 proceedings.

24 ~~(m) Victim notice.~~

25 ~~(1) Crime Victims shall be given notice by the State's~~
26 ~~Attorney's office of this hearing as required in paragraph~~

1 ~~(1) of subsection (b) of Section 4.5 of the Rights of Crime~~
2 ~~Victims and Witnesses Act and shall be informed of their~~
3 ~~opportunity at this hearing to obtain an order of~~
4 ~~protection under Article 112A of this Code.~~

5 (Source: P.A. 98-558, eff. 1-1-14; 101-652.)

6 (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

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

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

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

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

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

25 (Source: P.A. 96-1200, eff. 7-22-10; 101-652.)

1 (725 ILCS 5/110-6.4)

2 Sec. 110-6.4. Statewide risk-assessment tool. The Supreme
3 Court may establish a statewide risk-assessment tool to be
4 used in proceedings to assist the court in establishing
5 ~~conditions of pretrial release~~ bail for a defendant by
6 assessing the defendant's likelihood of appearing at future
7 court proceedings or determining if the defendant poses a real
8 and present threat to the physical safety of any person or
9 persons. The Supreme Court shall consider establishing a
10 risk-assessment tool that does not discriminate on the basis
11 of race, gender, educational level, socio-economic status, or
12 neighborhood. If a risk-assessment tool is utilized within a
13 circuit that does not require a personal interview to be
14 completed, the Chief Judge of the circuit or the director of
15 the pretrial services agency may exempt the requirement under
16 Section 9 and subsection (a) of Section 7 of the Pretrial
17 Services Act.

18 For the purpose of this Section, "risk-assessment tool"
19 means an empirically validated, evidence-based screening
20 instrument that demonstrates reduced instances of a
21 defendant's failure to appear for further court proceedings or
22 prevents future criminal activity.

23 (Source: P.A. 100-1, eff. 1-1-18; 100-863, eff. 8-14-18;
24 101-652.)

1 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

2 Sec. 110-10. Conditions of ~~pretrial release~~ bail bond.

3 (a) If a person is released prior to conviction, either
4 upon payment of bail security or on his or her own
5 recognizance, the conditions of ~~pretrial release~~ the bail bond
6 shall be that he or she will:

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

10 (2) Submit himself or herself to the orders and
11 process of the court;

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

14 (4) Not violate any criminal statute of any
15 jurisdiction;

16 (5) At a time and place designated by the court,
17 surrender all firearms in his or her possession to a law
18 enforcement officer designated by the court to take
19 custody of and impound the firearms and physically
20 surrender his or her Firearm Owner's Identification Card
21 to the clerk of the circuit court when the offense the
22 person has been charged with is a forcible felony,
23 stalking, aggravated stalking, domestic battery, any
24 violation of the Illinois Controlled Substances Act, the
25 Methamphetamine Control and Community Protection Act, or
26 the Cannabis Control Act that is classified as a Class 2 or

1 greater felony, or any felony violation of Article 24 of
2 the Criminal Code of 1961 or the Criminal Code of 2012; the
3 court may, however, forgo the imposition of this condition
4 when the circumstances of the case clearly do not warrant
5 it or when its imposition would be impractical; if the
6 Firearm Owner's Identification Card is confiscated, the
7 clerk of the circuit court shall mail the confiscated card
8 to the Illinois State Police; all legally possessed
9 firearms shall be returned to the person upon the charges
10 being dismissed, or if the person is found not guilty,
11 unless the finding of not guilty is by reason of insanity;
12 and

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

22 Psychological evaluations ordered pursuant to this Section
23 shall be completed promptly and made available to the State,
24 the defendant, and the court. As a further condition of
25 ~~pretrial release~~ bail under these circumstances, the court
26 shall order the defendant to refrain from entering upon the

1 property of the school, including any conveyance owned,
2 leased, or contracted by a school to transport students to or
3 from school or a school-related activity, or on any public way
4 within 1,000 feet of real property comprising any school. Upon
5 receipt of the psychological evaluation, either the State or
6 the defendant may request a change in the conditions of
7 ~~pretrial release~~ bail, pursuant to Section 110-6 of this Code.
8 The court may change the conditions of ~~pretrial release~~ bail
9 to include a requirement that the defendant follow the
10 recommendations of the psychological evaluation, including
11 undergoing psychiatric treatment. The conclusions of the
12 psychological evaluation and any statements elicited from the
13 defendant during its administration are not admissible as
14 evidence of guilt during the course of any trial on the charged
15 offense, unless the defendant places his or her mental
16 competency in issue.

17 (b) The court may impose other conditions, such as the
18 following, if the court finds that such conditions are
19 reasonably necessary to assure the defendant's appearance in
20 court, protect the public from the defendant, or prevent the
21 defendant's unlawful interference with the orderly
22 administration of justice:

23 ~~(0.05) Not depart this State without leave of the~~
24 ~~court;~~

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

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

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

5 (4) Refrain from going to certain described
6 geographical areas or premises;

7 (5) Refrain from engaging in certain activities or
8 indulging in intoxicating liquors or in certain drugs;

9 (6) Undergo treatment for drug addiction or
10 alcoholism;

11 (7) Undergo medical or psychiatric treatment;

12 (8) Work or pursue a course of study or vocational
13 training;

14 (9) Attend or reside in a facility designated by the
15 court;

16 (10) Support his or her dependents;

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

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

22 (13) Remain in the custody of such designated person
23 or organization agreeing to supervise his release. Such
24 third party custodian shall be responsible for notifying
25 the court if the defendant fails to observe the conditions
26 of release which the custodian has agreed to monitor, and

1 shall be subject to contempt of court for failure so to
2 notify the court;

3 (14) Be placed under direct supervision of the
4 Pretrial Services Agency, Probation Department or Court
5 Services Department in a pretrial bond home supervision
6 capacity with or without the use of an approved electronic
7 monitoring device subject to Article 8A of Chapter V of
8 the Unified Code of Corrections;

9 (14.1) The court ~~may~~ shall impose upon a defendant who
10 is charged with any alcohol, cannabis, methamphetamine, or
11 controlled substance violation and is placed under direct
12 supervision of the Pretrial Services Agency, Probation
13 Department or Court Services Department in a pretrial bond
14 home supervision capacity with the use of an approved
15 monitoring device, as a condition of such ~~pretrial~~
16 ~~monitoring~~ bail bond, a fee that represents costs
17 incidental to the electronic monitoring for each day of
18 such ~~pretrial~~ bail supervision ordered by the court,
19 unless after determining the inability of the defendant to
20 pay the fee, the court assesses a lesser fee or no fee as
21 the case may be. The fee shall be collected by the clerk of
22 the circuit court, except as provided in an administrative
23 order of the Chief Judge of the circuit court. The clerk of
24 the circuit court shall pay all monies collected from this
25 fee to the county treasurer for deposit in the substance
26 abuse services fund under Section 5-1086.1 of the Counties

1 Code, except as provided in an administrative order of the
2 Chief Judge of the circuit court.

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

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

16 (14.2) The court ~~may~~ shall impose upon all defendants,
17 including those defendants subject to paragraph (14.1)
18 above, placed under direct supervision of the Pretrial
19 Services Agency, Probation Department or Court Services
20 Department in a pretrial bond home supervision capacity
21 with the use of an approved monitoring device, as a
22 condition of such ~~release~~ bail bond, a fee which shall
23 represent costs incidental to such electronic monitoring
24 for each day of such bail supervision ordered by the
25 court, unless after determining the inability of the
26 defendant to pay the fee, the court assesses a lesser fee

1 or no fee as the case may be. The fee shall be collected by
2 the clerk of the circuit court, except as provided in an
3 administrative order of the Chief Judge of the circuit
4 court. The clerk of the circuit court shall pay all monies
5 collected from this fee to the county treasurer who shall
6 use the monies collected to defray the costs of
7 corrections. The county treasurer shall deposit the fee
8 collected in the county working cash fund under Section
9 6-27001 or Section 6-29002 of the Counties Code, as the
10 case may be, except as provided in an administrative order
11 of the Chief Judge of the circuit court.

12 The Chief Judge of the circuit court of the county may
13 by administrative order establish a program for electronic
14 monitoring of offenders with regard to drug-related and
15 alcohol-related offenses, in which a vendor supplies and
16 monitors the operation of the electronic monitoring
17 device, and collects the fees on behalf of the county. The
18 program shall include provisions for indigent offenders
19 and the collection of unpaid fees. The program shall not
20 unduly burden the offender and shall be subject to review
21 by the Chief Judge.

22 The Chief Judge of the circuit court may suspend any
23 additional charges or fees for late payment, interest, or
24 damage to any device;

25 (14.3) The Chief Judge of the Judicial Circuit may
26 establish reasonable fees to be paid by a person receiving

1 pretrial services while under supervision of a pretrial
2 services agency, probation department, or court services
3 department. Reasonable fees may be charged for pretrial
4 services including, but not limited to, pretrial
5 supervision, diversion programs, electronic monitoring,
6 victim impact services, drug and alcohol testing, DNA
7 testing, GPS electronic monitoring, assessments and
8 evaluations related to domestic violence and other
9 victims, and victim mediation services. The person
10 receiving pretrial services may be ordered to pay all
11 costs incidental to pretrial services in accordance with
12 his or her ability to pay those costs;

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

24 (15) Comply with the terms and conditions of an order
25 of protection issued by the court under the Illinois
26 Domestic Violence Act of 1986 or an order of protection

1 issued by the court of another state, tribe, or United
2 States territory;

3 (16) ~~(Blank); and~~ Under Section 110-6.5 comply with
4 the conditions of the drug testing program; and

5 (17) Such other reasonable conditions as the court may
6 impose.

7 (c) When a person is charged with an offense under Section
8 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
9 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, involving a victim who is a minor under
11 18 years of age living in the same household with the defendant
12 at the time of the offense, in granting bail or releasing the
13 defendant on his own recognizance, the judge shall impose
14 conditions to restrict the defendant's access to the victim
15 which may include, but are not limited to conditions that he
16 will:

17 1. Vacate the household.

18 2. Make payment of temporary support to his
19 dependents.

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

22 (d) When a person is charged with a criminal offense and
23 the victim is a family or household member as defined in
24 Article 112A, conditions shall be imposed at the time of the
25 defendant's release on bond that restrict the defendant's
26 access to the victim. Unless provided otherwise by the court,

1 the restrictions shall include requirements that the defendant
2 do the following:

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

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

9 (e) Local law enforcement agencies shall develop
10 standardized ~~pretrial release~~ bond forms for use in cases
11 involving family or household members as defined in Article
12 112A, including specific conditions of ~~pretrial release~~ bond
13 as provided in subsection (d). Failure of any law enforcement
14 department to develop or use those forms shall in no way limit
15 the applicability and enforcement of subsections (d) and (f).

16 (f) If the defendant is ~~released~~ admitted to bail after
17 conviction ~~following appeal or other post conviction~~
18 ~~proceeding,~~ the conditions of the ~~pretrial release~~ bail bond
19 shall be that he will, in addition to the conditions set forth
20 in subsections (a) and (b) hereof:

21 (1) Duly prosecute his appeal;

22 (2) Appear at such time and place as the court may
23 direct;

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

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

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

4 (g) Upon a finding of guilty for any felony offense, the
5 defendant shall physically surrender, at a time and place
6 designated by the court, any and all firearms in his or her
7 possession and his or her Firearm Owner's Identification Card
8 as a condition of ~~being released~~ remaining on bond pending
9 sentencing.

10 (h) In the event the defendant is ~~denied pretrial release~~
11 unable to post bond, the court may impose a no contact
12 provision with the victim or other interested party that shall
13 be enforced while the defendant remains in custody.

14 (Source: P.A. 101-138, eff. 1-1-20; 101-652.)

15 (725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

16 Sec. 110-11. ~~Pretrial release~~ Bail on a new trial. If the
17 judgment of conviction is reversed and the cause remanded for
18 a new trial the trial court may order that the ~~conditions of~~
19 ~~pretrial release~~ bail stand pending such trial, or ~~modify the~~
20 ~~conditions of pretrial release~~ reduce or increase bail.

21 (Source: Laws 1963, p. 2836; P.A. 101-652.)

22 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

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

24 A defendant who has been admitted to ~~pretrial release~~ bail

1 shall file a written notice with the clerk of the court before
2 which the proceeding is pending of any change in his or her
3 address within 24 hours after such change, except that a
4 defendant who has been admitted to ~~pretrial release~~ bail for a
5 forcible felony as defined in Section 2-8 of the Criminal Code
6 of 2012 shall file a written notice with the clerk of the court
7 before which the proceeding is pending and the clerk shall
8 immediately deliver a time stamped copy of the written notice
9 to the State's Attorney charged with the prosecution within 24
10 hours prior to such change. The address of a defendant who has
11 been admitted to ~~pretrial release~~ bail shall at all times
12 remain a matter of public record with the clerk of the court.

13 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

14 (725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

15 Sec. 111-2. Commencement of prosecutions.

16 (a) All prosecutions of felonies shall be by information
17 or by indictment. No prosecution may be pursued by information
18 unless a preliminary hearing has been held or waived in
19 accordance with Section 109-3 and at that hearing probable
20 cause to believe the defendant committed an offense was found,
21 and the provisions of Section 109-3.1 of this Code have been
22 complied with.

23 (b) All other prosecutions may be by indictment,
24 information or complaint.

25 (c) Upon the filing of an information or indictment in

1 open court charging the defendant with the commission of a sex
2 offense defined in any Section of Article 11 of the Criminal
3 Code of 1961 or the Criminal Code of 2012, and a minor as
4 defined in Section 1-3 of the Juvenile Court Act of 1987 is
5 alleged to be the victim of the commission of the acts of the
6 defendant in the commission of such offense, the court may
7 appoint a guardian ad litem for the minor as provided in
8 Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile Court Act of
9 1987.

10 (d) Upon the filing of an information or indictment in
11 open court, the court shall immediately issue a warrant for
12 the arrest of each person charged with an offense directed to a
13 peace officer or some other person specifically named
14 commanding him to arrest such person.

15 (e) When the offense is ~~eligible for pretrial release~~
16 bailable, the judge shall endorse on the warrant the
17 ~~conditions of pretrial release~~ amount of bail required by the
18 order of the court, and if the court orders the process
19 returnable forthwith, the warrant shall require that the
20 accused be arrested and brought immediately into court.

21 (f) Where the prosecution of a felony is by information or
22 complaint after preliminary hearing, or after a waiver of
23 preliminary hearing in accordance with paragraph (a) of this
24 Section, such prosecution may be for all offenses, arising
25 from the same transaction or conduct of a defendant even
26 though the complaint or complaints filed at the preliminary

1 hearing charged only one or some of the offenses arising from
2 that transaction or conduct.

3 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

4 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

5 (Text of Section before amendment by P.A. 101-652)

6 Sec. 112A-23. Enforcement of protective orders.

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

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

14 (i) remedies described in paragraph ~~paragraphs~~
15 (1), (2), (3), (14), or (14.5) of subsection (b) of
16 Section 112A-14 of this Code,

17 (ii) a remedy, which is substantially similar to
18 the remedies authorized under paragraph ~~paragraphs~~
19 (1), (2), (3), (14), or (14.5) of subsection (b) of
20 Section 214 of the Illinois Domestic Violence Act of
21 1986, in a valid order of protection, which is
22 authorized under the laws of another state, tribe, or
23 United States territory, or

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

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

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

7 (2) The respondent commits the crime of child
8 abduction pursuant to Section 10-5 of the Criminal Code of
9 1961 or the Criminal Code of 2012, by having knowingly
10 violated:

11 (i) remedies described in paragraph ~~paragraphs~~
12 (5), (6), or (8) of subsection (b) of Section 112A-14
13 of this Code, or

14 (ii) a remedy, which is substantially similar to
15 the remedies authorized under paragraph ~~paragraphs~~
16 (1), (5), (6), or (8) of subsection (b) of Section 214
17 of the Illinois Domestic Violence Act of 1986, in a
18 valid domestic violence order of protection, which is
19 authorized under the laws of another state, tribe, or
20 United States territory.

21 (3) The respondent commits the crime of violation of a
22 civil no contact order when the respondent violates
23 Section 12-3.8 of the Criminal Code of 2012. Prosecution
24 for a violation of a civil no contact order shall not bar
25 concurrent prosecution for any other crime, including any
26 crime that may have been committed at the time of the

1 violation of the civil no contact order.

2 (4) The respondent commits the crime of violation of a
3 stalking no contact order when the respondent violates
4 Section 12-3.9 of the Criminal Code of 2012. Prosecution
5 for a violation of a stalking no contact order shall not
6 bar concurrent prosecution for any other crime, including
7 any crime that may have been committed at the time of the
8 violation of the stalking no contact order.

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

22 (1) In a contempt proceeding where the petition for a
23 rule to show cause sets forth facts evidencing an
24 immediate danger that the respondent will flee the
25 jurisdiction, conceal a child, or inflict physical abuse
26 on the petitioner or minor children or on dependent adults

1 in petitioner's care, the court may order the attachment
2 of the respondent without prior service of the rule to
3 show cause or the petition for a rule to show cause. Bond
4 shall be set unless specifically denied in writing.

5 (2) A petition for a rule to show cause for violation
6 of a protective order shall be treated as an expedited
7 proceeding.

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

18 (d) Actual knowledge. A protective order may be enforced
19 pursuant to this Section if the respondent violates the order
20 after the respondent has actual knowledge of its contents as
21 shown through one of the following means:

22 (1) (Blank).

23 (2) (Blank).

24 (3) By service of a protective order under subsection
25 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

26 (4) By other means demonstrating actual knowledge of

1 the contents of the order.

2 (e) The enforcement of a protective order in civil or
3 criminal court shall not be affected by either of the
4 following:

5 (1) The existence of a separate, correlative order
6 entered under Section 112A-15 of this Code.

7 (2) Any finding or order entered in a conjoined
8 criminal proceeding.

9 (e-5) If a civil no contact order entered under subsection
10 (6) of Section 112A-20 of the Code of Criminal Procedure of
11 1963 conflicts with an order issued pursuant to the Juvenile
12 Court Act of 1987 or the Illinois Marriage and Dissolution of
13 Marriage Act, the conflicting order issued under subsection
14 (6) of Section 112A-20 of the Code of Criminal Procedure of
15 1963 shall be void.

16 (f) Circumstances. The court, when determining whether or
17 not a violation of a protective order has occurred, shall not
18 require physical manifestations of abuse on the person of the
19 victim.

20 (g) Penalties.

21 (1) Except as provided in paragraph (3) of this
22 subsection (g), where the court finds the commission of a
23 crime or contempt of court under subsection ~~subsections~~
24 (a) or (b) of this Section, the penalty shall be the
25 penalty that generally applies in such criminal or
26 contempt proceedings, and may include one or more of the

1 following: incarceration, payment of restitution, a fine,
2 payment of attorneys' fees and costs, or community
3 service.

4 (2) The court shall hear and take into account
5 evidence of any factors in aggravation or mitigation
6 before deciding an appropriate penalty under paragraph (1)
7 of this subsection (g).

8 (3) To the extent permitted by law, the court is
9 encouraged to:

10 (i) increase the penalty for the knowing violation
11 of any protective order over any penalty previously
12 imposed by any court for respondent's violation of any
13 protective order or penal statute involving petitioner
14 as victim and respondent as defendant;

15 (ii) impose a minimum penalty of 24 hours
16 imprisonment for respondent's first violation of any
17 protective order; and

18 (iii) impose a minimum penalty of 48 hours
19 imprisonment for respondent's second or subsequent
20 violation of a protective order

21 unless the court explicitly finds that an increased
22 penalty or that period of imprisonment would be manifestly
23 unjust.

24 (4) In addition to any other penalties imposed for a
25 violation of a protective order, a criminal court may
26 consider evidence of any violations of a protective order:

1 (i) to increase, revoke, or modify the bail bond
2 on an underlying criminal charge pursuant to Section
3 110-6 of this Code;

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

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

10 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21.)

11 (Text of Section after amendment by P.A. 101-652)

12 Sec. 112A-23. Enforcement of protective orders.

13 (a) When violation is crime. A violation of any protective
14 order, whether issued in a civil, quasi-criminal proceeding,
15 shall be enforced by a criminal court when:

16 (1) The respondent commits the crime of violation of a
17 domestic violence order of protection pursuant to Section
18 12-3.4 or 12-30 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, by having knowingly violated:

20 (i) remedies described in paragraph ~~paragraphs~~
21 (1), (2), (3), (14), or (14.5) of subsection (b) of
22 Section 112A-14 of this Code,

23 (ii) a remedy, which is substantially similar to
24 the remedies authorized under paragraph ~~paragraphs~~
25 (1), (2), (3), (14), or (14.5) of subsection (b) of

1 Section 214 of the Illinois Domestic Violence Act of
2 1986, in a valid order of protection, which is
3 authorized under the laws of another state, tribe, or
4 United States territory, ~~or~~

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

8 Prosecution for a violation of a domestic violence
9 order of protection shall not bar concurrent prosecution
10 for any other crime, including any crime that may have
11 been committed at the time of the violation of the
12 domestic violence order of protection; or

13 (2) The respondent commits the crime of child
14 abduction pursuant to Section 10-5 of the Criminal Code of
15 1961 or the Criminal Code of 2012, by having knowingly
16 violated:

17 (i) remedies described in paragraph ~~paragraphs~~
18 (5), (6), or (8) of subsection (b) of Section 112A-14
19 of this Code, or

20 (ii) a remedy, which is substantially similar to
21 the remedies authorized under paragraph ~~paragraphs~~
22 (1), (5), (6), or (8) of subsection (b) of Section 214
23 of the Illinois Domestic Violence Act of 1986, in a
24 valid domestic violence order of protection, which is
25 authorized under the laws of another state, tribe, or
26 United States territory.

1 (3) The respondent commits the crime of violation of a
2 civil no contact order when the respondent violates
3 Section 12-3.8 of the Criminal Code of 2012. Prosecution
4 for a violation of a civil no contact order shall not bar
5 concurrent prosecution for any other crime, including any
6 crime that may have been committed at the time of the
7 violation of the civil no contact order.

8 (4) The respondent commits the crime of violation of a
9 stalking no contact order when the respondent violates
10 Section 12-3.9 of the Criminal Code of 2012. Prosecution
11 for a violation of a stalking no contact order shall not
12 bar concurrent prosecution for any other crime, including
13 any crime that may have been committed at the time of the
14 violation of the stalking no contact order.

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

11 (2) A petition for a rule to show cause for violation
12 of a protective order shall be treated as an expedited
13 proceeding.

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

24 (d) Actual knowledge. A protective order may be enforced
25 pursuant to this Section if the respondent violates the order
26 after the respondent has actual knowledge of its contents as

1 shown through one of the following means:

2 (1) (Blank).

3 (2) (Blank).

4 (3) By service of a protective order under subsection
5 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

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

8 (e) The enforcement of a protective order in civil or
9 criminal court shall not be affected by either of the
10 following:

11 (1) The existence of a separate, correlative order
12 entered under Section 112A-15 of this Code.

13 (2) Any finding or order entered in a conjoined
14 criminal proceeding.

15 (e-5) If a civil no contact order entered under subsection
16 (6) of Section 112A-20 of the Code of Criminal Procedure of
17 1963 conflicts with an order issued pursuant to the Juvenile
18 Court Act of 1987 or the Illinois Marriage and Dissolution of
19 Marriage Act, the conflicting order issued under subsection
20 (6) of Section 112A-20 of the Code of Criminal Procedure of
21 1963 shall be void.

22 (f) Circumstances. The court, when determining whether or
23 not a violation of a protective order has occurred, shall not
24 require physical manifestations of abuse on the person of the
25 victim.

26 (g) Penalties.

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

10 (2) The court shall hear and take into account
11 evidence of any factors in aggravation or mitigation
12 before deciding an appropriate penalty under paragraph (1)
13 of this subsection (g).

14 (3) To the extent permitted by law, the court is
15 encouraged to:

16 (i) increase the penalty for the knowing violation
17 of any protective order over any penalty previously
18 imposed by any court for respondent's violation of any
19 protective order or penal statute involving petitioner
20 as victim and respondent as defendant;

21 (ii) impose a minimum penalty of 24 hours
22 imprisonment for respondent's first violation of any
23 protective order; and

24 (iii) impose a minimum penalty of 48 hours
25 imprisonment for respondent's second or subsequent
26 violation of a protective order

1 unless the court explicitly finds that an increased
2 penalty or that period of imprisonment would be manifestly
3 unjust.

4 (4) In addition to any other penalties imposed for a
5 violation of a protective order, a criminal court may
6 consider evidence of any violations of a protective order:

7 (i) to increase, revoke, or modify the ~~conditions~~
8 ~~of pretrial release~~ bail bond on an underlying
9 criminal charge pursuant to Section 110-6 of this
10 Code;

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

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

17 (Source: P.A. 101-652, eff. 1-1-23; 102-184, eff. 1-1-22;
18 102-558, eff. 8-20-21; revised 10-12-21.)

19 (725 ILCS 5/114-1) (from Ch. 38, par. 114-1)
20 Sec. 114-1. Motion to dismiss charge.

21 (a) Upon the written motion of the defendant made prior to
22 trial before or after a plea has been entered the court may
23 dismiss the indictment, information or complaint upon any of
24 the following grounds:

25 (1) The defendant has not been placed on trial in

1 compliance with Section 103-5 of this Code.

2 (2) The prosecution of the offense is barred by
3 Sections 3-3 through 3-8 of the Criminal Code of 2012.

4 (3) The defendant has received immunity from
5 prosecution for the offense charged.

6 (4) The indictment was returned by a Grand Jury which
7 was improperly selected and which results in substantial
8 injustice to the defendant.

9 (5) The indictment was returned by a Grand Jury which
10 acted contrary to Article 112 of this Code and which
11 results in substantial injustice to the defendant.

12 (6) The court in which the charge has been filed does
13 not have jurisdiction.

14 (7) The county is an improper place of trial.

15 (8) The charge does not state an offense.

16 (9) The indictment is based solely upon the testimony
17 of an incompetent witness.

18 (10) The defendant is misnamed in the charge and the
19 misnomer results in substantial injustice to the
20 defendant.

21 (11) The requirements of Section 109-3.1 have not been
22 complied with.

23 (b) The court shall require any motion to dismiss to be
24 filed within a reasonable time after the defendant has been
25 arraigned. Any motion not filed within such time or an
26 extension thereof shall not be considered by the court and the

1 grounds therefor, except as to subsections (a)(6) and (a)(8)
2 of this Section, are waived.

3 (c) If the motion presents only an issue of law the court
4 shall determine it without the necessity of further pleadings.
5 If the motion alleges facts not of record in the case the State
6 shall file an answer admitting or denying each of the factual
7 allegations of the motion.

8 (d) When an issue of fact is presented by a motion to
9 dismiss and the answer of the State the court shall conduct a
10 hearing and determine the issues.

11 (d-5) When a defendant seeks dismissal of the charge upon
12 the ground set forth in subsection (a)(7) of this Section, the
13 defendant shall make a prima facie showing that the county is
14 an improper place of trial. Upon such showing, the State shall
15 have the burden of proving, by a preponderance of the
16 evidence, that the county is the proper place of trial.

17 (d-6) When a defendant seeks dismissal of the charge upon
18 the grounds set forth in subsection (a)(2) of this Section,
19 the prosecution shall have the burden of proving, by a
20 preponderance of the evidence, that the prosecution of the
21 offense is not barred by Sections 3-3 through 3-8 of the
22 Criminal Code of 2012.

23 (e) Dismissal of the charge upon the grounds set forth in
24 subsections (a)(4) through (a)(11) of this Section shall not
25 prevent the return of a new indictment or the filing of a new
26 charge, and upon such dismissal the court may order that the

1 defendant be held in custody or, if the defendant had been
2 previously released on ~~pretrial release~~ bail, that the
3 ~~pretrial release~~ bail be continued for a specified time
4 pending the return of a new indictment or the filing of a new
5 charge.

6 (f) If the court determines that the motion to dismiss
7 based upon the grounds set forth in subsections (a)(6) and
8 (a)(7) is well founded it may, instead of dismissal, order the
9 cause transferred to a court of competent jurisdiction or to a
10 proper place of trial.

11 (Source: P.A. 100-434, eff. 1-1-18; 101-652.)

12 (725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

13 Sec. 115-4.1. Absence of defendant.

14 (a) When a defendant after arrest and an initial court
15 appearance for a non-capital felony or a misdemeanor, fails to
16 appear for trial, at the request of the State and after the
17 State has affirmatively proven through substantial evidence
18 that the defendant is willfully avoiding trial, the court may
19 commence trial in the absence of the defendant. Absence of a
20 defendant as specified in this Section shall not be a bar to
21 indictment of a defendant, return of information against a
22 defendant, or arraignment of a defendant for the charge for
23 which ~~pretrial release~~ bail has been granted. If a defendant
24 fails to appear at arraignment, the court may enter a plea of
25 "not guilty" on his behalf. If a defendant absents himself

1 before trial on a capital felony, trial may proceed as
2 specified in this Section provided that the State certifies
3 that it will not seek a death sentence following conviction.
4 Trial in the defendant's absence shall be by jury unless the
5 defendant had previously waived trial by jury. The absent
6 defendant must be represented by retained or appointed
7 counsel. The court, at the conclusion of all of the
8 proceedings, may order the clerk of the circuit court to pay
9 counsel such sum as the court deems reasonable, from any bond
10 monies which were posted by the defendant with the clerk,
11 after the clerk has first deducted all court costs. If trial
12 had previously commenced in the presence of the defendant and
13 the defendant willfully absents himself for two successive
14 court days, the court shall proceed to trial. All procedural
15 rights guaranteed by the United States Constitution,
16 Constitution of the State of Illinois, statutes of the State
17 of Illinois, and rules of court shall apply to the proceedings
18 the same as if the defendant were present in court and had not
19 either ~~had his or her pretrial release revoked~~ forfeited his
20 bail bond or escaped from custody. The court may set the case
21 for a trial which may be conducted under this Section despite
22 the failure of the defendant to appear at the hearing at which
23 the trial date is set. When such trial date is set the clerk
24 shall send to the defendant, by certified mail at his last
25 known address indicated on his bond slip, notice of the new
26 date which has been set for trial. Such notification shall be

1 required when the defendant was not personally present in open
2 court at the time when the case was set for trial.

3 (b) The absence of a defendant from a trial conducted
4 pursuant to this Section does not operate as a bar to
5 concluding the trial, to a judgment of conviction resulting
6 therefrom, or to a final disposition of the trial in favor of
7 the defendant.

8 (c) Upon a verdict of not guilty, the court shall enter
9 judgment for the defendant. Upon a verdict of guilty, the
10 court shall set a date for the hearing of post-trial motions
11 and shall hear such motion in the absence of the defendant. If
12 post-trial motions are denied, the court shall proceed to
13 conduct a sentencing hearing and to impose a sentence upon the
14 defendant.

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

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

1 and the State may present evidence.

2 (f) If the court grants only the defendant's request for a
3 new sentencing hearing, then a new sentencing hearing shall be
4 held in accordance with the provisions of the Unified Code of
5 Corrections. At any such hearing, both the defendant and the
6 State may offer evidence of the defendant's conduct during his
7 period of absence from the court. The court may impose any
8 sentence authorized by the Unified Code of Corrections and is
9 not in any way limited or restricted by any sentence
10 previously imposed.

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

16 (Source: P.A. 90-787, eff. 8-14-98; 101-652.)

17 (725 ILCS 5/122-6) (from Ch. 38, par. 122-6)

18 Sec. 122-6. Disposition in trial court.

19 The court may receive proof by affidavits, depositions,
20 oral testimony, or other evidence. In its discretion the court
21 may order the petitioner brought before the court for the
22 hearing. If the court finds in favor of the petitioner, it
23 shall enter an appropriate order with respect to the judgment
24 or sentence in the former proceedings and such supplementary
25 orders as to rearraignment, retrial, custody, ~~conditions of~~

1 ~~pretrial release~~ bail or discharge as may be necessary and
2 proper.

3 (Source: Laws 1963, p. 2836; P.A. 101-652.)

4 (725 ILCS 5/110-1.5 rep.)

5 Section 225. The Code of Criminal Procedure of 1963 is
6 amended by repealing Section 110-1.5.

7 Section 230. The Code of Criminal Procedure of 1963 is
8 amended by changing the heading of Article 110 by changing
9 Sections 103-2, 103-3, and 108-8 as follows:

10 (725 ILCS 5/103-2) (from Ch. 38, par. 103-2)

11 Sec. 103-2. Treatment while in custody.

12 (a) On being taken into custody every person shall have
13 the right to remain silent.

14 (b) No unlawful means of any kind shall be used to obtain a
15 statement, admission or confession from any person in custody.

16 (c) Persons in custody shall be treated humanely and
17 provided with proper food, shelter and, if required, medical
18 treatment ~~without unreasonable delay if the need for the~~
19 ~~treatment is apparent.~~

20 (Source: Laws 1963, p. 2836; P.A. 101-652.)

21 (725 ILCS 5/103-3) (from Ch. 38, par. 103-3)

22 (Text of Section before amendment by P.A. 101-652)

1 Sec. 103-3. Right to communicate with attorney and family;
2 transfers.

3 (a) Persons who are arrested shall have the right to
4 communicate with an attorney of their choice and a member of
5 their family by making a reasonable number of telephone calls
6 or in any other reasonable manner. Such communication shall be
7 permitted within a reasonable time after arrival at the first
8 place of custody.

9 (b) In the event the accused is transferred to a new place
10 of custody his right to communicate with an attorney and a
11 member of his family is renewed.

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

13 (Text of Section after amendment by P.A. 101-652)

14 Sec. 103-3. Right to communicate with attorney and family;
15 transfers.

16 (a) ~~(Blank)~~. Persons who are arrested shall have the right
17 to communicate with an attorney of their choice and a member of
18 their family by making a reasonable number of telephone calls
19 or in any other reasonable manner. Such communication shall be
20 permitted within a reasonable time after arrival at the first
21 place of custody.

22 ~~(a-5) Persons who are in police custody have the right to~~
23 ~~communicate free of charge with an attorney of their choice~~
24 ~~and members of their family as soon as possible upon being~~
25 ~~taken into police custody, but no later than three hours after~~

1 ~~arrival at the first place of custody. Persons in police~~
2 ~~eustody must be given:~~

3 ~~(1) access to use a telephone via a land line or~~
4 ~~cellular phone to make three phone calls; and~~

5 ~~(2) the ability to retrieve phone numbers contained in~~
6 ~~his or her contact list on his or her cellular phone prior~~
7 ~~to the phone being placed into inventory.~~

8 ~~(a 10) In accordance with Section 103-7, at every facility~~
9 ~~where a person is in police custody a sign containing, at~~
10 ~~minimum, the following information in bold block type must be~~
11 ~~posted in a conspicuous place:~~

12 ~~(1) a short statement notifying persons who are in~~
13 ~~police custody of their right to have access to a phone~~
14 ~~within three hours after being taken into police custody;~~
15 ~~and~~

16 ~~(2) persons who are in police custody have the right~~
17 ~~to make three phone calls within three hours after being~~
18 ~~taken into custody, at no charge.~~

19 ~~(a 15) In addition to the information listed in subsection~~
20 ~~(a-10), if the place of custody is located in a jurisdiction~~
21 ~~where the court has appointed the public defender or other~~
22 ~~attorney to represent persons who are in police custody, the~~
23 ~~telephone number to the public defender or appointed~~
24 ~~attorney's office must also be displayed. The telephone call~~
25 ~~to the public defender or other attorney must not be~~
26 ~~monitored, eavesdropped upon, or recorded.~~

1 (b) ~~(Blank)~~. In the event the accused is transferred to a
2 new place of custody his right to communicate with an attorney
3 and a member of his family is renewed.

4 ~~(c) In the event a person who is in police custody is~~
5 ~~transferred to a new place of custody, his or her right to make~~
6 ~~telephone calls under this Section within three hours after~~
7 ~~arrival is renewed.~~

8 ~~(d) In this Section "custody" means the restriction of a~~
9 ~~person's freedom of movement by a law enforcement officer's~~
10 ~~exercise of his or her lawful authority.~~

11 ~~(e) The three hours requirement shall not apply while the~~
12 ~~person in police custody is asleep, unconscious, or otherwise~~
13 ~~incapacitated.~~

14 ~~(f) Nothing in this Section shall interfere with a~~
15 ~~person's rights or override procedures required in the Bill of~~
16 ~~Rights of the Illinois and US Constitutions, including but not~~
17 ~~limited to Fourth Amendment search and seizure rights, Fifth~~
18 ~~Amendment due process rights and rights to be free from~~
19 ~~self incrimination and Sixth Amendment right to counsel.~~

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

21 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

22 (Text of Section before amendment by P.A. 101-652)

23 Sec. 108-8. Use of force in execution of search warrant.

24 (a) All necessary and reasonable force may be used to
25 effect an entry into any building or property or part thereof

1 to execute a search warrant.

2 (b) The court issuing a warrant may authorize the officer
3 executing the warrant to make entry without first knocking and
4 announcing his or her office if it finds, based upon a showing
5 of specific facts, the existence of the following exigent
6 circumstances:

7 (1) That the officer reasonably believes that if
8 notice were given a weapon would be used:

9 (i) against the officer executing the search
10 warrant; or

11 (ii) against another person.

12 (2) That if notice were given there is an imminent
13 "danger" that evidence will be destroyed.

14 (Source: P.A. 92-502, eff. 12-19-01.)

15 (Text of Section after amendment by P.A. 101-652)

16 Sec. 108-8. Use of force in execution of search warrant.

17 (a) All necessary and reasonable force may be used to
18 effect an entry into any building or property or part thereof
19 to execute a search warrant.

20 (b) The court issuing a warrant may authorize the officer
21 executing the warrant to make entry without first knocking and
22 announcing his or her office if it finds, based upon a showing
23 of specific facts, the existence of the following exigent
24 circumstances:

25 (1) That the officer reasonably believes that if

1 notice were given a weapon would be used:

2 (i) against the officer executing the search
3 warrant; or

4 (ii) against another person.

5 (2) That if notice were given there is an imminent
6 "danger" that evidence will be destroyed.

7 ~~(c) Prior to the issuing of a warrant under subsection~~
8 ~~(b), the officer must attest that:~~

9 ~~(1) prior to entering the location described in the~~
10 ~~search warrant, a supervising officer will ensure that~~
11 ~~each participating member is assigned a body worn camera~~
12 ~~and is following policies and procedures in accordance~~
13 ~~with Section 10-20 of the Law Enforcement Officer Worn~~
14 ~~Body Camera Act; provided that the law enforcement agency~~
15 ~~has implemented body worn camera in accordance with~~
16 ~~Section 10-15 of the Law Enforcement Officer Worn Body~~
17 ~~Camera Act. If a law enforcement agency has not~~
18 ~~implemented a body camera in accordance with Section 10-15~~
19 ~~of the Law Enforcement Officer Worn Body Camera Act, the~~
20 ~~officer must attest that the interaction authorized by the~~
21 ~~warrant is otherwise recorded;~~

22 ~~(2) steps were taken in planning the search to ensure~~
23 ~~accuracy and plan for children or other vulnerable people~~
24 ~~on-site; and~~

25 ~~(3) if an officer becomes aware the search warrant was~~
26 ~~executed at an address, unit, or apartment different from~~

1 ~~the location listed on the search warrant, that member~~
2 ~~will immediately notify a supervisor who will ensure an~~
3 ~~internal investigation ensues.~~

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

5 Section 235. The Code of Criminal Procedure of 1963 is
6 amended by reenacting Sections 110-6.3, 110-6.5, 110-7, 110-8,
7 110-9, 110-13, 110-14, 110-15, 110-16, 110-17, and 110-18 as
8 follows:

9 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

10 Sec. 110-6.3. Denial of bail in stalking and aggravated
11 stalking offenses.

12 (a) Upon verified petition by the State, the court shall
13 hold a hearing to determine whether bail should be denied to a
14 defendant who is charged with stalking or aggravated stalking,
15 when it is alleged that the defendant's admission to bail
16 poses a real and present threat to the physical safety of the
17 alleged victim of the offense, and denial of release on bail or
18 personal recognizance is necessary to prevent fulfillment of
19 the threat upon which the charge is based.

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

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

3 (2) The hearing shall be held immediately upon the
4 defendant's appearance before the court, unless for good
5 cause shown the defendant or the State seeks a
6 continuance. A continuance on motion of the defendant may
7 not exceed 5 calendar days, and the defendant may be held
8 in custody during the continuance. A continuance on the
9 motion of the State may not exceed 3 calendar days;
10 however, the defendant may be held in custody during the
11 continuance under this provision if the defendant has been
12 previously found to have violated an order of protection
13 or has been previously convicted of, or granted court
14 supervision for, any of the offenses set forth in Sections
15 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-2,
16 12-3.05, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-7.3, 12-7.4,
17 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code
18 of 1961 or the Criminal Code of 2012, against the same
19 person as the alleged victim of the stalking or aggravated
20 stalking offense.

21 (b) The court may deny bail to the defendant when, after
22 the hearing, it is determined that:

23 (1) the proof is evident or the presumption great that
24 the defendant has committed the offense of stalking or
25 aggravated stalking; and

26 (2) the defendant poses a real and present threat to

1 the physical safety of the alleged victim of the offense;
2 and

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

6 (4) the court finds that no condition or combination
7 of conditions set forth in subsection (b) of Section
8 110-10 of this Code, including mental health treatment at
9 a community mental health center, hospital, or facility of
10 the Department of Human Services, can reasonably assure
11 the physical safety of the alleged victim of the offense.

12 (c) Conduct of the hearings.

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

16 (A) Information used by the court in its findings
17 or stated in or offered at the hearing may be by way of
18 proffer based upon reliable information offered by the
19 State or by defendant. Defendant has the right to be
20 represented by counsel, and if he is indigent, to have
21 counsel appointed for him. Defendant shall have the
22 opportunity to testify, to present witnesses in his
23 own behalf, and to cross-examine witnesses if any are
24 called by the State. The defendant has the right to
25 present witnesses in his favor. When the ends of
26 justice so require, the court may exercise its

1 discretion and compel the appearance of a complaining
2 witness. The court shall state on the record reasons
3 for granting a defense request to compel the presence
4 of a complaining witness. Cross-examination of a
5 complaining witness at the pretrial detention hearing
6 for the purpose of impeaching the witness' credibility
7 is insufficient reason to compel the presence of the
8 witness. In deciding whether to compel the appearance
9 of a complaining witness, the court shall be
10 considerate of the emotional and physical well-being
11 of the witness. The pretrial detention hearing is not
12 to be used for the purposes of discovery, and the post
13 arraignment rules of discovery do not apply. The State
14 shall tender to the defendant, prior to the hearing,
15 copies of defendant's criminal history, if any, if
16 available, and any written or recorded statements and
17 the substance of any oral statements made by any
18 person, if relied upon by the State. The rules
19 concerning the admissibility of evidence in criminal
20 trials do not apply to the presentation and
21 consideration of information at the hearing. At the
22 trial concerning the offense for which the hearing was
23 conducted neither the finding of the court nor any
24 transcript or other record of the hearing shall be
25 admissible in the State's case in chief, but shall be
26 admissible for impeachment, or as provided in Section

1 115-10.1 of this Code, or in a perjury proceeding.

2 (B) A motion by the defendant to suppress evidence
3 or to suppress a confession shall not be entertained.
4 Evidence that proof may have been obtained as the
5 result of an unlawful search and seizure or through
6 improper interrogation is not relevant to this state
7 of the prosecution.

8 (2) The facts relied upon by the court to support a
9 finding that:

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

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

16 shall be supported by clear and convincing evidence
17 presented by the State.

18 (d) Factors to be considered in making a determination of
19 the threat to the alleged victim of the offense. The court may,
20 in determining whether the defendant poses, at the time of the
21 hearing, a real and present threat to the physical safety of
22 the alleged victim of the offense, consider but shall not be
23 limited to evidence or testimony concerning:

24 (1) The nature and circumstances of the offense
25 charged;

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 that behavior. The 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 that tends
10 to indicate a violent, abusive, or assaultive nature,
11 or lack of any such history.

12 (3) The nature of the threat which is the basis of the
13 charge against the defendant;

14 (4) Any statements made by, or attributed to the
15 defendant, together with the circumstances surrounding
16 them;

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

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

21 (7) Whether, at the time of the current offense or any
22 other offense or arrest, the defendant was on probation,
23 parole, aftercare release, mandatory supervised release or
24 other release from custody pending trial, sentencing,
25 appeal or completion of sentence for an offense under
26 federal or state law;

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

6 (e) The court shall, in any order denying bail to a person
7 charged with stalking or aggravated stalking:

8 (1) briefly summarize the evidence of the defendant's
9 culpability and its reasons for concluding that the
10 defendant should be held without bail;

11 (2) direct that the defendant be committed to the
12 custody of the sheriff for confinement in the county jail
13 pending trial;

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

18 (4) direct that the sheriff deliver the defendant as
19 required for appearances in connection with court
20 proceedings.

21 (f) If the court enters an order for the detention of the
22 defendant under subsection (e) of this Section, the defendant
23 shall be brought to trial on the offense for which he is
24 detained within 90 days after the date on which the order for
25 detention was entered. If the defendant is not brought to
26 trial within the 90 day period required by this subsection

1 (f), he shall not be held longer without bail. In computing the
2 90 day period, the court shall omit any period of delay
3 resulting from a continuance granted at the request of the
4 defendant. The court shall immediately notify the alleged
5 victim of the offense that the defendant has been admitted to
6 bail under this subsection.

7 (g) Any person shall be entitled to appeal any order
8 entered under this Section denying bail to the defendant.

9 (h) The State may appeal any order entered under this
10 Section denying any motion for denial of bail.

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

14 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
15 98-558, eff. 1-1-14; 101-652, eff. 7-1-21.)

16 (725 ILCS 5/110-6.5)

17 Sec. 110-6.5. Drug testing program. The Chief Judge of the
18 circuit may establish a drug testing program as provided by
19 this Section in any county in the circuit if the county board
20 has approved the establishment of the program and the county
21 probation department or pretrial services agency has consented
22 to administer it. The drug testing program shall be conducted
23 under the following provisions:

24 (a) The court, in the case of a defendant charged with a
25 felony offense or any offense involving the possession or

1 delivery of cannabis or a controlled substance, shall:

2 (1) not consider the release of the defendant on his
3 or her own recognizance, unless the defendant consents to
4 periodic drug testing during the period of release on his
5 or her own recognizance, in accordance with this Section;

6 (2) consider the consent of the defendant to periodic
7 drug testing during the period of release on bail in
8 accordance with this Section as a favorable factor for the
9 defendant in determining the amount of bail, the
10 conditions of release or in considering the defendant's
11 motion to reduce the amount of bail.

12 (b) The drug testing shall be conducted by the pretrial
13 services agency or under the direction of the probation
14 department when a pretrial services agency does not exist in
15 accordance with this Section.

16 (c) A defendant who consents to periodic drug testing as
17 set forth in this Section shall sign an agreement with the
18 court that, during the period of release, the defendant shall
19 refrain from using illegal drugs and that the defendant will
20 comply with the conditions of the testing program. The
21 agreement shall be on a form prescribed by the court and shall
22 be executed at the time of the bail hearing. This agreement
23 shall be made a specific condition of bail.

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

26 (1) The testing shall be done by urinalysis for the

1 detection of phencyclidine, heroin, cocaine, methadone and
2 amphetamines.

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

5 (3) Samples shall be collected and tested with due
6 regard for the privacy of the individual being tested and
7 in a manner reasonably calculated to prevent substitutions
8 or interference with the collection or testing of reliable
9 samples.

10 (4) Sample collection shall be documented, and the
11 documentation procedures shall include:

12 (i) Labeling of samples so as to reasonably
13 preclude the probability of erroneous identification
14 of test results; and

15 (ii) An opportunity for the defendant to provide
16 information on the identification of prescription or
17 nonprescription drugs used in connection with a
18 medical condition.

19 (5) Sample collection, storage, and transportation to
20 the place of testing shall be performed so as to
21 reasonably preclude the probability of sample
22 contamination or adulteration.

23 (6) Sample testing shall conform to scientifically
24 accepted analytical methods and procedures. Testing shall
25 include verification or confirmation of any positive test
26 result by a reliable analytical method before the result

1 of any test may be used as a basis for any action by the
2 court.

3 (e) The initial sample shall be collected before the
4 defendant's release on bail. Thereafter, the defendant shall
5 report to the pretrial services agency or probation department
6 as required by the agency or department. The pretrial services
7 agency or probation department shall immediately notify the
8 court of any defendant who fails to report for testing.

9 (f) After the initial test, a subsequent confirmed
10 positive test result indicative of continued drug use shall
11 result in the following:

12 (1) Upon the first confirmed positive test result, the
13 pretrial services agency or probation department, shall
14 place the defendant on a more frequent testing schedule
15 and shall warn the defendant of the consequences of
16 continued drug use.

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

21 (g) The court shall, upon motion of the State or upon its
22 own motion, conduct a hearing in connection with any defendant
23 who fails to appear for testing, fails to cooperate with the
24 persons conducting the testing program, attempts to submit a
25 sample not his or her own or has had a confirmed positive test
26 result indicative of continued drug use for the second or

1 subsequent time after the initial test. The hearing shall be
2 conducted in accordance with the procedures of Section 110-6.

3 Upon a finding by the court that the State has established
4 by clear and convincing evidence that the defendant has
5 violated the drug testing conditions of bail, the court may
6 consider any of the following sanctions:

7 (1) increase the amount of the defendant's bail or
8 conditions of release;

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

10 (3) revoke the defendant's bail; or

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

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

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

18 (Source: P.A. 88-677, eff. 12-15-94; 101-652, eff. 7-1-21.)

19 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

20 Sec. 110-7. Deposit of bail security.

21 (a) The person for whom bail has been set shall execute the
22 bail bond and deposit with the clerk of the court before which
23 the proceeding is pending a sum of money equal to 10% of the
24 bail, but in no event shall such deposit be less than \$25. The
25 clerk of the court shall provide a space on each form for a

1 person other than the accused who has provided the money for
2 the posting of bail to so indicate and a space signed by an
3 accused who has executed the bail bond indicating whether a
4 person other than the accused has provided the money for the
5 posting of bail. The form shall also include a written notice
6 to such person who has provided the defendant with the money
7 for the posting of bail indicating that the bail may be used to
8 pay costs, attorney's fees, fines, or other purposes
9 authorized by the court and if the defendant fails to comply
10 with the conditions of the bail bond, the court shall enter an
11 order declaring the bail to be forfeited. The written notice
12 must be: (1) distinguishable from the surrounding text; (2) in
13 bold type or underscored; and (3) in a type size at least 2
14 points larger than the surrounding type. When a person for
15 whom bail has been set is charged with an offense under the
16 Illinois Controlled Substances Act or the Methamphetamine
17 Control and Community Protection Act which is a Class X
18 felony, or making a terrorist threat in violation of Section
19 29D-20 of the Criminal Code of 1961 or the Criminal Code of
20 2012 or an attempt to commit the offense of making a terrorist
21 threat, the court may require the defendant to deposit a sum
22 equal to 100% of the bail. Where any person is charged with a
23 forcible felony while free on bail and is the subject of
24 proceedings under Section 109-3 of this Code the judge
25 conducting the preliminary examination may also conduct a
26 hearing upon the application of the State pursuant to the

1 provisions of Section 110-6 of this Code to increase or revoke
2 the bail for that person's prior alleged offense.

3 (b) Upon depositing this sum and any bond fee authorized
4 by law, the person shall be released from custody subject to
5 the conditions of the bail bond.

6 (c) Once bail has been given and a charge is pending or is
7 thereafter filed in or transferred to a court of competent
8 jurisdiction the latter court shall continue the original bail
9 in that court subject to the provisions of Section 110-6 of
10 this Code.

11 (d) After conviction the court may order that the original
12 bail stand as bail pending appeal or deny, increase or reduce
13 bail subject to the provisions of Section 110-6.2.

14 (e) After the entry of an order by the trial court allowing
15 or denying bail pending appeal either party may apply to the
16 reviewing court having jurisdiction or to a justice thereof
17 sitting in vacation for an order increasing or decreasing the
18 amount of bail or allowing or denying bail pending appeal
19 subject to the provisions of Section 110-6.2.

20 (f) When the conditions of the bail bond have been
21 performed and the accused has been discharged from all
22 obligations in the cause the clerk of the court shall return to
23 the accused or to the defendant's designee by an assignment
24 executed at the time the bail amount is deposited, unless the
25 court orders otherwise, 90% of the sum which had been
26 deposited and shall retain as bail bond costs 10% of the amount

1 deposited. However, in no event shall the amount retained by
2 the clerk as bail bond costs be less than \$5. Notwithstanding
3 the foregoing, in counties with a population of 3,000,000 or
4 more, in no event shall the amount retained by the clerk as
5 bail bond costs exceed \$100. Bail bond deposited by or on
6 behalf of a defendant in one case may be used, in the court's
7 discretion, to satisfy financial obligations of that same
8 defendant incurred in a different case due to a fine, court
9 costs, restitution or fees of the defendant's attorney of
10 record. In counties with a population of 3,000,000 or more,
11 the court shall not order bail bond deposited by or on behalf
12 of a defendant in one case to be used to satisfy financial
13 obligations of that same defendant in a different case until
14 the bail bond is first used to satisfy court costs and
15 attorney's fees in the case in which the bail bond has been
16 deposited and any other unpaid child support obligations are
17 satisfied. In counties with a population of less than
18 3,000,000, the court shall not order bail bond deposited by or
19 on behalf of a defendant in one case to be used to satisfy
20 financial obligations of that same defendant in a different
21 case until the bail bond is first used to satisfy court costs
22 in the case in which the bail bond has been deposited.

23 At the request of the defendant the court may order such
24 90% of defendant's bail deposit, or whatever amount is
25 repayable to defendant from such deposit, to be paid to
26 defendant's attorney of record.

1 (g) If the accused does not comply with the conditions of
2 the bail bond the court having jurisdiction shall enter an
3 order declaring the bail to be forfeited. Notice of such order
4 of forfeiture shall be mailed forthwith to the accused at his
5 last known address. If the accused does not appear and
6 surrender to the court having jurisdiction within 30 days from
7 the date of the forfeiture or within such period satisfy the
8 court that appearance and surrender by the accused is
9 impossible and without his fault the court shall enter
10 judgment for the State if the charge for which the bond was
11 given was a felony or misdemeanor, or if the charge was
12 quasi-criminal or traffic, judgment for the political
13 subdivision of the State which prosecuted the case, against
14 the accused for the amount of the bail and costs of the court
15 proceedings; however, in counties with a population of less
16 than 3,000,000, instead of the court entering a judgment for
17 the full amount of the bond the court may, in its discretion,
18 enter judgment for the cash deposit on the bond, less costs,
19 retain the deposit for further disposition or, if a cash bond
20 was posted for failure to appear in a matter involving
21 enforcement of child support or maintenance, the amount of the
22 cash deposit on the bond, less outstanding costs, may be
23 awarded to the person or entity to whom the child support or
24 maintenance is due. The deposit made in accordance with
25 paragraph (a) shall be applied to the payment of costs. If
26 judgment is entered and any amount of such deposit remains

1 after the payment of costs it shall be applied to payment of
2 the judgment and transferred to the treasury of the municipal
3 corporation wherein the bond was taken if the offense was a
4 violation of any penal ordinance of a political subdivision of
5 this State, or to the treasury of the county wherein the bond
6 was taken if the offense was a violation of any penal statute
7 of this State. The balance of the judgment may be enforced and
8 collected in the same manner as a judgment entered in a civil
9 action.

10 (h) After a judgment for a fine and court costs or either
11 is entered in the prosecution of a cause in which a deposit had
12 been made in accordance with paragraph (a) the balance of such
13 deposit, after deduction of bail bond costs, shall be applied
14 to the payment of the judgment.

15 (i) When a court appearance is required for an alleged
16 violation of the Criminal Code of 1961, the Criminal Code of
17 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish
18 and Aquatic Life Code, the Child Passenger Protection Act, or
19 a comparable offense of a unit of local government as
20 specified in Supreme Court Rule 551, and if the accused does
21 not appear in court on the date set for appearance or any date
22 to which the case may be continued and the court issues an
23 arrest warrant for the accused, based upon his or her failure
24 to appear when having so previously been ordered to appear by
25 the court, the accused upon his or her admission to bail shall
26 be assessed by the court a fee of \$75. Payment of the fee shall

1 be a condition of release unless otherwise ordered by the
2 court. The fee shall be in addition to any bail that the
3 accused is required to deposit for the offense for which the
4 accused has been charged and may not be used for the payment of
5 court costs or fines assessed for the offense. The clerk of the
6 court shall remit \$70 of the fee assessed to the arresting
7 agency who brings the offender in on the arrest warrant. If the
8 Department of State Police is the arresting agency, \$70 of the
9 fee assessed shall be remitted by the clerk of the court to the
10 State Treasurer within one month after receipt for deposit
11 into the State Police Operations Assistance Fund. The clerk of
12 the court shall remit \$5 of the fee assessed to the Circuit
13 Court Clerk Operation and Administrative Fund as provided in
14 Section 27.3d of the Clerks of Courts Act.

15 (Source: P.A. 99-412, eff. 1-1-16; 101-652, eff. 7-1-21.)

16 (725 ILCS 5/110-8) (from Ch. 38, par. 110-8)

17 Sec. 110-8. Cash, stocks, bonds and real estate as
18 security for bail.

19 (a) In lieu of the bail deposit provided for in Section
20 110-7 of this Code any person for whom bail has been set may
21 execute the bail bond with or without sureties which bond may
22 be secured:

23 (1) By a deposit, with the clerk of the court, of an amount
24 equal to the required bail, of cash, or stocks and bonds in
25 which trustees are authorized to invest trust funds under the

1 laws of this State; or

2 (2) By real estate situated in this State with
3 unencumbered equity not exempt owned by the accused or
4 sureties worth double the amount of bail set in the bond.

5 (b) If the bail bond is secured by stocks and bonds the
6 accused or sureties shall file with the bond a sworn schedule
7 which shall be approved by the court and shall contain:

8 (1) A list of the stocks and bonds deposited
9 describing each in sufficient detail that it may be
10 identified;

11 (2) The market value of each stock and bond;

12 (3) The total market value of the stocks and bonds
13 listed;

14 (4) A statement that the affiant is the sole owner of
15 the stocks and bonds listed and they are not exempt from
16 the enforcement of a judgment thereon;

17 (5) A statement that such stocks and bonds have not
18 previously been used or accepted as bail in this State
19 during the 12 months preceding the date of the bail bond;
20 and

21 (6) A statement that such stocks and bonds are
22 security for the appearance of the accused in accordance
23 with the conditions of the bail bond.

24 (c) If the bail bond is secured by real estate the accused
25 or sureties shall file with the bond a sworn schedule which
26 shall contain:

- 1 (1) A legal description of the real estate;
- 2 (2) A description of any and all encumbrances on the
3 real estate including the amount of each and the holder
4 thereof;
- 5 (3) The market value of the unencumbered equity owned
6 by the affiant;
- 7 (4) A statement that the affiant is the sole owner of
8 such unencumbered equity and that it is not exempt from
9 the enforcement of a judgment thereon;
- 10 (5) A statement that the real estate has not
11 previously been used or accepted as bail in this State
12 during the 12 months preceding the date of the bail bond;
13 and
- 14 (6) A statement that the real estate is security for
15 the appearance of the accused in accordance with the
16 conditions of the bail bond.
- 17 (d) The sworn schedule shall constitute a material part of
18 the bail bond. The affiant commits perjury if in the sworn
19 schedule he makes a false statement which he does not believe
20 to be true. He shall be prosecuted and punished accordingly,
21 or, he may be punished for contempt.
- 22 (e) A certified copy of the bail bond and schedule of real
23 estate shall be filed immediately in the office of the
24 registrar of titles or recorder of the county in which the real
25 estate is situated and the State shall have a lien on such real
26 estate from the time such copies are filed in the office of the

1 registrar of titles or recorder. The registrar of titles or
2 recorder shall enter, index and record (or register as the
3 case may be) such bail bonds and schedules without requiring
4 any advance fee, which fee shall be taxed as costs in the
5 proceeding and paid out of such costs when collected.

6 (f) When the conditions of the bail bond have been
7 performed and the accused has been discharged from his
8 obligations in the cause, the clerk of the court shall return
9 to him or his sureties the deposit of any cash, stocks or
10 bonds. If the bail bond has been secured by real estate the
11 clerk of the court shall forthwith notify in writing the
12 registrar of titles or recorder and the lien of the bail bond
13 on the real estate shall be discharged.

14 (g) If the accused does not comply with the conditions of
15 the bail bond the court having jurisdiction shall enter an
16 order declaring the bail to be forfeited. Notice of such order
17 of forfeiture shall be mailed forthwith by the clerk of the
18 court to the accused and his sureties at their last known
19 address. If the accused does not appear and surrender to the
20 court having jurisdiction within 30 days from the date of the
21 forfeiture or within such period satisfy the court that
22 appearance and surrender by the accused is impossible and
23 without his fault the court shall enter judgment for the State
24 against the accused and his sureties for the amount of the bail
25 and costs of the proceedings; however, in counties with a
26 population of less than 3,000,000, if the defendant has posted

1 a cash bond, instead of the court entering a judgment for the
2 full amount of the bond the court may, in its discretion, enter
3 judgment for the cash deposit on the bond, less costs, retain
4 the deposit for further disposition or, if a cash bond was
5 posted for failure to appear in a matter involving enforcement
6 of child support or maintenance, the amount of the cash
7 deposit on the bond, less outstanding costs, may be awarded to
8 the person or entity to whom the child support or maintenance
9 is due.

10 (h) When judgment is entered in favor of the State on any
11 bail bond given for a felony or misdemeanor, or judgement for a
12 political subdivision of the state on any bail bond given for a
13 quasi-criminal or traffic offense, the State's Attorney or
14 political subdivision's attorney shall forthwith obtain a
15 certified copy of the judgment and deliver same to the sheriff
16 to be enforced by levy on the stocks or bonds deposited with
17 the clerk of the court and the real estate described in the
18 bail bond schedule. Any cash forfeited under subsection (g) of
19 this Section shall be used to satisfy the judgment and costs
20 and, without necessity of levy, ordered paid into the treasury
21 of the municipal corporation wherein the bail bond was taken
22 if the offense was a violation of any penal ordinance of a
23 political subdivision of this State, or into the treasury of
24 the county wherein the bail bond was taken if the offense was a
25 violation of any penal statute of this State, or to the person
26 or entity to whom child support or maintenance is owed if the

1 bond was taken for failure to appear in a matter involving
2 child support or maintenance. The stocks, bonds and real
3 estate shall be sold in the same manner as in sales for the
4 enforcement of a judgment in civil actions and the proceeds of
5 such sale shall be used to satisfy all court costs, prior
6 encumbrances, if any, and from the balance a sufficient amount
7 to satisfy the judgment shall be paid into the treasury of the
8 municipal corporation wherein the bail bond was taken if the
9 offense was a violation of any penal ordinance of a political
10 subdivision of this State, or into the treasury of the county
11 wherein the bail bond was taken if the offense was a violation
12 of any penal statute of this State. The balance shall be
13 returned to the owner. The real estate so sold may be redeemed
14 in the same manner as real estate may be redeemed after
15 judicial sales or sales for the enforcement of judgments in
16 civil actions.

17 (i) No stocks, bonds or real estate may be used or accepted
18 as bail bond security in this State more than once in any 12
19 month period.

20 (Source: P.A. 89-469, eff. 1-1-97; 101-652, eff. 7-1-21.)

21 (725 ILCS 5/110-9) (from Ch. 38, par. 110-9)

22 Sec. 110-9. Taking of bail by peace officer. When bail has
23 been set by a judicial officer for a particular offense or
24 offender any sheriff or other peace officer may take bail in
25 accordance with the provisions of Section 110-7 or 110-8 of

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

13 (Source: P.A. 99-618, eff. 1-1-17; 101-652, eff. 7-1-21.)

14 (725 ILCS 5/110-13) (from Ch. 38, par. 110-13)

15 Sec. 110-13. Persons prohibited from furnishing bail
16 security. No attorney at law practicing in this State and no
17 official authorized to admit another to bail or to accept bail
18 shall furnish any part of any security for bail in any criminal
19 action or any proceeding nor shall any such person act as
20 surety for any accused admitted to bail.

21 (Source: Laws 1963, p. 2836; 101-652, eff. 7-1-21.)

22 (725 ILCS 5/110-14) (from Ch. 38, par. 110-14)

23 Sec. 110-14. Credit for incarceration onailable offense;
24 credit against monetary bail for certain offenses.

1 (a) Any person incarcerated on a bailable offense who does
2 not supply bail and against whom a fine is levied on conviction
3 of the offense shall be allowed a credit of \$30 for each day so
4 incarcerated upon application of the defendant. However, in no
5 case shall the amount so allowed or credited exceed the amount
6 of the fine.

7 (b) Subsection (a) does not apply to a person incarcerated
8 for sexual assault as defined in paragraph (1) of subsection
9 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

10 (c) A person subject to bail on a Category B offense shall
11 have \$30 deducted from his or her 10% cash bond amount every
12 day the person is incarcerated. The sheriff shall calculate
13 and apply this \$30 per day reduction and send notice to the
14 circuit clerk if a defendant's 10% cash bond amount is reduced
15 to \$0, at which point the defendant shall be released upon his
16 or her own recognizance.

17 (d) The court may deny the incarceration credit in
18 subsection (c) of this Section if the person has failed to
19 appear as required before the court and is incarcerated based
20 on a warrant for failure to appear on the same original
21 criminal offense.

22 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19;
23 101-408, eff. 1-1-20; 101-652, eff. 7-1-21.)

24 (725 ILCS 5/110-15) (from Ch. 38, par. 110-15)

25 Sec. 110-15. Applicability of provisions for giving and

1 taking bail. The provisions of Sections 110-7 and 110-8 of
2 this Code are exclusive of other provisions of law for the
3 giving, taking, or enforcement of bail. In all cases where a
4 person is admitted to bail the provisions of Sections 110-7
5 and 110-8 of this Code shall be applicable.

6 However, the Supreme Court may, by rule or order,
7 prescribe a uniform schedule of amounts of bail in all but
8 felony offenses. The uniform schedule shall not require a
9 person cited for violating the Illinois Vehicle Code or a
10 similar provision of a local ordinance for which a violation
11 is a petty offense as defined by Section 5-1-17 of the Unified
12 Code of Corrections, excluding business offenses as defined by
13 Section 5-1-2 of the Unified Code of Corrections or a
14 violation of Section 15-111 or subsection (d) of Section 3-401
15 of the Illinois Vehicle Code, to post bond to secure bail for
16 his or her release. Such uniform schedule may provide that the
17 cash deposit provisions of Section 110-7 shall not apply to
18 bail amounts established for alleged violations punishable by
19 fine alone, and the schedule may further provide that in
20 specified traffic cases a valid Illinois chauffeur's or
21 operator's license must be deposited, in addition to 10% of
22 the amount of the bail specified in the schedule.

23 (Source: P.A. 98-870, eff. 1-1-15; 98-1134, eff. 1-1-15;
24 101-652, eff. 7-1-21.)

25 (725 ILCS 5/110-16) (from Ch. 38, par. 110-16)

1 Sec. 110-16. Bail bond-forfeiture in same case or absents
2 self during trial-not bailable. If a person admitted to bail
3 on a felony charge forfeits his bond and fails to appear in
4 court during the 30 days immediately after such forfeiture, on
5 being taken into custody thereafter he shall not be bailable
6 in the case in question, unless the court finds that his
7 absence was not for the purpose of obstructing justice or
8 avoiding prosecution.

9 (Source: P.A. 77-1447; 101-652, eff. 7-1-21.)

10 (725 ILCS 5/110-17) (from Ch. 38, par. 110-17)

11 Sec. 110-17. Unclaimed bail deposits. Any sum of money
12 deposited by any person to secure his or her release from
13 custody which remains unclaimed by the person entitled to its
14 return for 3 years after the conditions of the bail bond have
15 been performed and the accused has been discharged from all
16 obligations in the cause shall be presumed to be abandoned and
17 subject to disposition under the Revised Uniform Unclaimed
18 Property Act.

19 (Source: P.A. 100-22, eff. 1-1-18; 100-929, eff. 1-1-19;
20 101-81, eff. 7-12-19; 101-652, eff. 7-1-21.)

21 (725 ILCS 5/110-18) (from Ch. 38, par. 110-18)

22 Sec. 110-18. Reimbursement. The sheriff of each county
23 shall certify to the treasurer of each county the number of
24 days that persons had been detained in the custody of the

1 sheriff without a bond being set as a result of an order
2 entered pursuant to Section 110-6.1 of this Code. The county
3 treasurer shall, no later than January 1, annually certify to
4 the Supreme Court the number of days that persons had been
5 detained without bond during the twelve-month period ending
6 November 30. The Supreme Court shall reimburse, from funds
7 appropriated to it by the General Assembly for such purposes,
8 the treasurer of each county an amount of money for deposit in
9 the county general revenue fund at a rate of \$50 per day for
10 each day that persons were detained in custody without bail as
11 a result of an order entered pursuant to Section 110-6.1 of
12 this Code.

13 (Source: P.A. 85-892; 101-652, eff. 7-1-21.)

14 Section 240. The Rights of Crime Victims and Witnesses Act
15 is amended by changing Sections 4 and 4.5 as follows:

16 (725 ILCS 120/4) (from Ch. 38, par. 1404)

17 Sec. 4. Rights of crime victims.

18 (a) Crime victims shall have the following rights:

19 (1) The right to be treated with fairness and respect
20 for their dignity and privacy and to be free from
21 harassment, intimidation, and abuse throughout the
22 criminal justice process.

23 (1.5) The right to notice and to a hearing before a
24 court ruling on a request for access to any of the victim's

1 records, information, or communications which are
2 privileged or confidential by law.

3 (2) The right to timely notification of all court
4 proceedings.

5 (3) The right to communicate with the prosecution.

6 (4) The right to be heard at any post-arraignment
7 court proceeding in which a right of the victim is at issue
8 and any court proceeding involving a post-arraignment
9 release decision, plea, or sentencing.

10 (5) The right to be notified of the conviction, the
11 sentence, the imprisonment and the release of the accused.

12 (6) The right to the timely disposition of the case
13 following the arrest of the accused.

14 (7) The right to be reasonably protected from the
15 accused through the criminal justice process.

16 (7.5) The right to have the safety of the victim and
17 the victim's family considered in denying or fixing the
18 amount of bail, determining whether to release the
19 defendant, and setting conditions of release after arrest
20 and conviction.

21 (8) The right to be present at the trial and all other
22 court proceedings on the same basis as the accused, unless
23 the victim is to testify and the court determines that the
24 victim's testimony would be materially affected if the
25 victim hears other testimony at the trial.

26 (9) The right to have present at all court

1 proceedings, including proceedings under the Juvenile
2 Court Act of 1987, subject to the rules of evidence, an
3 advocate and other support person of the victim's choice.

4 (10) The right to restitution.

5 (b) Any law enforcement agency that investigates an
6 offense committed in this State shall provide a crime victim
7 with a written statement and explanation of the rights of
8 crime victims under this amendatory Act of the 99th General
9 Assembly within 48 hours of law enforcement's initial contact
10 with a victim. The statement shall include information about
11 crime victim compensation, including how to contact the Office
12 of the Illinois Attorney General to file a claim, and
13 appropriate referrals to local and State programs that provide
14 victim services. The content of the statement shall be
15 provided to law enforcement by the Attorney General. Law
16 enforcement shall also provide a crime victim with a sign-off
17 sheet that the victim shall sign and date as an
18 acknowledgement that he or she has been furnished with
19 information and an explanation of the rights of crime victims
20 and compensation set forth in this Act.

21 (b-5) Upon the request of the victim, the law enforcement
22 agency having jurisdiction shall provide a free copy of the
23 police report concerning the victim's incident, as soon as
24 practicable, but in no event later than 5 business days from
25 the request.

26 (c) The Clerk of the Circuit Court shall post the rights of

1 crime victims set forth in Article I, Section 8.1(a) of the
2 Illinois Constitution and subsection (a) of this Section
3 within 3 feet of the door to any courtroom where criminal
4 proceedings are conducted. The clerk may also post the rights
5 in other locations in the courthouse.

6 (d) At any point, the victim has the right to retain a
7 victim's attorney who may be present during all stages of any
8 interview, investigation, or other interaction with
9 representatives of the criminal justice system. Treatment of
10 the victim should not be affected or altered in any way as a
11 result of the victim's decision to exercise this right.

12 (Source: P.A. 99-413, eff. 8-20-15; 100-1087, eff. 1-1-19;
13 101-652.)

14 (725 ILCS 120/4.5)

15 (Text of Section before amendment by P.A. 101-652)

16 Sec. 4.5. Procedures to implement the rights of crime
17 victims. To afford crime victims their rights, law
18 enforcement, prosecutors, judges, and corrections will provide
19 information, as appropriate, of the following procedures:

20 (a) At the request of the crime victim, law enforcement
21 authorities investigating the case shall provide notice of the
22 status of the investigation, except where the State's Attorney
23 determines that disclosure of such information would
24 unreasonably interfere with the investigation, until such time
25 as the alleged assailant is apprehended or the investigation

1 is closed.

2 (a-5) When law enforcement authorities reopen a closed
3 case to resume investigating, they shall provide notice of the
4 reopening of the case, except where the State's Attorney
5 determines that disclosure of such information would
6 unreasonably interfere with the investigation.

7 (b) The office of the State's Attorney:

8 (1) shall provide notice of the filing of an
9 information, the return of an indictment, or the filing of
10 a petition to adjudicate a minor as a delinquent for a
11 violent crime;

12 (2) shall provide timely notice of the date, time, and
13 place of court proceedings; of any change in the date,
14 time, and place of court proceedings; and of any
15 cancellation of court proceedings. Notice shall be
16 provided in sufficient time, wherever possible, for the
17 victim to make arrangements to attend or to prevent an
18 unnecessary appearance at court proceedings;

19 (3) or victim advocate personnel shall provide
20 information of social services and financial assistance
21 available for victims of crime, including information of
22 how to apply for these services and assistance;

23 (3.5) or victim advocate personnel shall provide
24 information about available victim services, including
25 referrals to programs, counselors, and agencies that
26 assist a victim to deal with trauma, loss, and grief;

1 (4) shall assist in having any stolen or other
2 personal property held by law enforcement authorities for
3 evidentiary or other purposes returned as expeditiously as
4 possible, pursuant to the procedures set out in Section
5 115-9 of the Code of Criminal Procedure of 1963;

6 (5) or victim advocate personnel shall provide
7 appropriate employer intercession services to ensure that
8 employers of victims will cooperate with the criminal
9 justice system in order to minimize an employee's loss of
10 pay and other benefits resulting from court appearances;

11 (6) shall provide, whenever possible, a secure waiting
12 area during court proceedings that does not require
13 victims to be in close proximity to defendants or
14 juveniles accused of a violent crime, and their families
15 and friends;

16 (7) shall provide notice to the crime victim of the
17 right to have a translator present at all court
18 proceedings and, in compliance with the federal Americans
19 with Disabilities Act of 1990, the right to communications
20 access through a sign language interpreter or by other
21 means;

22 (8) (blank);

23 (8.5) shall inform the victim of the right to be
24 present at all court proceedings, unless the victim is to
25 testify and the court determines that the victim's
26 testimony would be materially affected if the victim hears

1 other testimony at trial;

2 (9) shall inform the victim of the right to have
3 present at all court proceedings, subject to the rules of
4 evidence and confidentiality, an advocate and other
5 support person of the victim's choice;

6 (9.3) shall inform the victim of the right to retain
7 an attorney, at the victim's own expense, who, upon
8 written notice filed with the clerk of the court and
9 State's Attorney, is to receive copies of all notices,
10 motions, and court orders filed thereafter in the case, in
11 the same manner as if the victim were a named party in the
12 case;

13 (9.5) shall inform the victim of (A) the victim's
14 right under Section 6 of this Act to make a statement at
15 the sentencing hearing; (B) the right of the victim's
16 spouse, guardian, parent, grandparent, and other immediate
17 family and household members under Section 6 of this Act
18 to present a statement at sentencing; and (C) if a
19 presentence report is to be prepared, the right of the
20 victim's spouse, guardian, parent, grandparent, and other
21 immediate family and household members to submit
22 information to the preparer of the presentence report
23 about the effect the offense has had on the victim and the
24 person;

25 (10) at the sentencing shall make a good faith attempt
26 to explain the minimum amount of time during which the

1 defendant may actually be physically imprisoned. The
2 Office of the State's Attorney shall further notify the
3 crime victim of the right to request from the Prisoner
4 Review Board or Department of Juvenile Justice information
5 concerning the release of the defendant;

6 (11) shall request restitution at sentencing and as
7 part of a plea agreement if the victim requests
8 restitution;

9 (12) shall, upon the court entering a verdict of not
10 guilty by reason of insanity, inform the victim of the
11 notification services available from the Department of
12 Human Services, including the statewide telephone number,
13 under subparagraph (d) (2) of this Section;

14 (13) shall provide notice within a reasonable time
15 after receipt of notice from the custodian, of the release
16 of the defendant on bail or personal recognizance or the
17 release from detention of a minor who 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; and

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 (c) The court shall ensure that the rights of the victim
5 are afforded.

6 (c-5) The following procedures shall be followed to afford
7 victims the rights guaranteed by Article I, Section 8.1 of the
8 Illinois Constitution:

9 (1) Written notice. A victim may complete a written
10 notice of intent to assert rights on a form prepared by the
11 Office of the Attorney General and provided to the victim
12 by the State's Attorney. The victim may at any time
13 provide a revised written notice to the State's Attorney.
14 The State's Attorney shall file the written notice with
15 the court. At the beginning of any court proceeding in
16 which the right of a victim may be at issue, the court and
17 prosecutor shall review the written notice to determine
18 whether the victim has asserted the right that may be at
19 issue.

20 (2) Victim's retained attorney. A victim's attorney
21 shall file an entry of appearance limited to assertion of
22 the victim's rights. Upon the filing of the entry of
23 appearance and service on the State's Attorney and the
24 defendant, the attorney is to receive copies of all
25 notices, motions and court orders filed thereafter in the
26 case.

1 (3) Standing. The victim has standing to assert the
2 rights enumerated in subsection (a) of Article I, Section
3 8.1 of the Illinois Constitution and the statutory rights
4 under Section 4 of this Act in any court exercising
5 jurisdiction over the criminal case. The prosecuting
6 attorney, a victim, or the victim's retained attorney may
7 assert the victim's rights. The defendant in the criminal
8 case has no standing to assert a right of the victim in any
9 court proceeding, including on appeal.

10 (4) Assertion of and enforcement of rights.

11 (A) The prosecuting attorney shall assert a
12 victim's right or request enforcement of a right by
13 filing a motion or by orally asserting the right or
14 requesting enforcement in open court in the criminal
15 case outside the presence of the jury. The prosecuting
16 attorney shall consult with the victim and the
17 victim's attorney regarding the assertion or
18 enforcement of a right. If the prosecuting attorney
19 decides not to assert or enforce a victim's right, the
20 prosecuting attorney shall notify the victim or the
21 victim's attorney in sufficient time to allow the
22 victim or the victim's attorney to assert the right or
23 to seek enforcement of a right.

24 (B) If the prosecuting attorney elects not to
25 assert a victim's right or to seek enforcement of a
26 right, the victim or the victim's attorney may assert

1 the victim's right or request enforcement of a right
2 by filing a motion or by orally asserting the right or
3 requesting enforcement in open court in the criminal
4 case outside the presence of the jury.

5 (C) If the prosecuting attorney asserts a victim's
6 right or seeks enforcement of a right, and the court
7 denies the assertion of the right or denies the
8 request for enforcement of a right, the victim or
9 victim's attorney may file a motion to assert the
10 victim's right or to request enforcement of the right
11 within 10 days of the court's ruling. The motion need
12 not demonstrate the grounds for a motion for
13 reconsideration. The court shall rule on the merits of
14 the motion.

15 (D) The court shall take up and decide any motion
16 or request asserting or seeking enforcement of a
17 victim's right without delay, unless a specific time
18 period is specified by law or court rule. The reasons
19 for any decision denying the motion or request shall
20 be clearly stated on the record.

21 (5) Violation of rights and remedies.

22 (A) If the court determines that a victim's right
23 has been violated, the court shall determine the
24 appropriate remedy for the violation of the victim's
25 right by hearing from the victim and the parties,
26 considering all factors relevant to the issue, and

1 then awarding appropriate relief to the victim.

2 (A-5) Consideration of an issue of a substantive
3 nature or an issue that implicates the constitutional
4 or statutory right of a victim at a court proceeding
5 labeled as a status hearing shall constitute a per se
6 violation of a victim's right.

7 (B) The appropriate remedy shall include only
8 actions necessary to provide the victim the right to
9 which the victim was entitled and may include
10 reopening previously held proceedings; however, in no
11 event shall the court vacate a conviction. Any remedy
12 shall be tailored to provide the victim an appropriate
13 remedy without violating any constitutional right of
14 the defendant. In no event shall the appropriate
15 remedy be a new trial, damages, or costs.

16 (6) Right to be heard. Whenever a victim has the right
17 to be heard, the court shall allow the victim to exercise
18 the right in any reasonable manner the victim chooses.

19 (7) Right to attend trial. A party must file a written
20 motion to exclude a victim from trial at least 60 days
21 prior to the date set for trial. The motion must state with
22 specificity the reason exclusion is necessary to protect a
23 constitutional right of the party, and must contain an
24 offer of proof. The court shall rule on the motion within
25 30 days. If the motion is granted, the court shall set
26 forth on the record the facts that support its finding

1 that the victim's testimony will be materially affected if
2 the victim hears other testimony at trial.

3 (8) Right to have advocate and support person present
4 at court proceedings.

5 (A) A party who intends to call an advocate as a
6 witness at trial must seek permission of the court
7 before the subpoena is issued. The party must file a
8 written motion at least 90 days before trial that sets
9 forth specifically the issues on which the advocate's
10 testimony is sought and an offer of proof regarding
11 (i) the content of the anticipated testimony of the
12 advocate; and (ii) the relevance, admissibility, and
13 materiality of the anticipated testimony. The court
14 shall consider the motion and make findings within 30
15 days of the filing of the motion. If the court finds by
16 a preponderance of the evidence that: (i) the
17 anticipated testimony is not protected by an absolute
18 privilege; and (ii) the anticipated testimony contains
19 relevant, admissible, and material evidence that is
20 not available through other witnesses or evidence, the
21 court shall issue a subpoena requiring the advocate to
22 appear to testify at an in camera hearing. The
23 prosecuting attorney and the victim shall have 15 days
24 to seek appellate review before the advocate is
25 required to testify at an ex parte in camera
26 proceeding.

1 The prosecuting attorney, the victim, and the
2 advocate's attorney shall be allowed to be present at
3 the ex parte in camera proceeding. If, after
4 conducting the ex parte in camera hearing, the court
5 determines that due process requires any testimony
6 regarding confidential or privileged information or
7 communications, the court shall provide to the
8 prosecuting attorney, the victim, and the advocate's
9 attorney a written memorandum on the substance of the
10 advocate's testimony. The prosecuting attorney, the
11 victim, and the advocate's attorney shall have 15 days
12 to seek appellate review before a subpoena may be
13 issued for the advocate to testify at trial. The
14 presence of the prosecuting attorney at the ex parte
15 in camera proceeding does not make the substance of
16 the advocate's testimony that the court has ruled
17 inadmissible subject to discovery.

18 (B) If a victim has asserted the right to have a
19 support person present at the court proceedings, the
20 victim shall provide the name of the person the victim
21 has chosen to be the victim's support person to the
22 prosecuting attorney, within 60 days of trial. The
23 prosecuting attorney shall provide the name to the
24 defendant. If the defendant intends to call the
25 support person as a witness at trial, the defendant
26 must seek permission of the court before a subpoena is

1 issued. The defendant must file a written motion at
2 least 45 days prior to trial that sets forth
3 specifically the issues on which the support person
4 will testify and an offer of proof regarding: (i) the
5 content of the anticipated testimony of the support
6 person; and (ii) the relevance, admissibility, and
7 materiality of the anticipated testimony.

8 If the prosecuting attorney intends to call the
9 support person as a witness during the State's
10 case-in-chief, the prosecuting attorney shall inform
11 the court of this intent in the response to the
12 defendant's written motion. The victim may choose a
13 different person to be the victim's support person.
14 The court may allow the defendant to inquire about
15 matters outside the scope of the direct examination
16 during cross-examination. If the court allows the
17 defendant to do so, the support person shall be
18 allowed to remain in the courtroom after the support
19 person has testified. A defendant who fails to
20 question the support person about matters outside the
21 scope of direct examination during the State's
22 case-in-chief waives the right to challenge the
23 presence of the support person on appeal. The court
24 shall allow the support person to testify if called as
25 a witness in the defendant's case-in-chief or the
26 State's rebuttal.

1 If the court does not allow the defendant to
2 inquire about matters outside the scope of the direct
3 examination, the support person shall be allowed to
4 remain in the courtroom after the support person has
5 been called by the defendant or the defendant has
6 rested. The court shall allow the support person to
7 testify in the State's rebuttal.

8 If the prosecuting attorney does not intend to
9 call the support person in the State's case-in-chief,
10 the court shall verify with the support person whether
11 the support person, if called as a witness, would
12 testify as set forth in the offer of proof. If the
13 court finds that the support person would testify as
14 set forth in the offer of proof, the court shall rule
15 on the relevance, materiality, and admissibility of
16 the anticipated testimony. If the court rules the
17 anticipated testimony is admissible, the court shall
18 issue the subpoena. The support person may remain in
19 the courtroom after the support person testifies and
20 shall be allowed to testify in rebuttal.

21 If the court excludes the victim's support person
22 during the State's case-in-chief, the victim shall be
23 allowed to choose another support person to be present
24 in court.

25 If the victim fails to designate a support person
26 within 60 days of trial and the defendant has

1 subpoenaed the support person to testify at trial, the
2 court may exclude the support person from the trial
3 until the support person testifies. If the court
4 excludes the support person the victim may choose
5 another person as a support person.

6 (9) Right to notice and hearing before disclosure of
7 confidential or privileged information or records. A
8 defendant who seeks to subpoena records of or concerning
9 the victim that are confidential or privileged by law must
10 seek permission of the court before the subpoena is
11 issued. The defendant must file a written motion and an
12 offer of proof regarding the relevance, admissibility and
13 materiality of the records. If the court finds by a
14 preponderance of the evidence that: (A) the records are
15 not protected by an absolute privilege and (B) the records
16 contain relevant, admissible, and material evidence that
17 is not available through other witnesses or evidence, the
18 court shall issue a subpoena requiring a sealed copy of
19 the records be delivered to the court to be reviewed in
20 camera. If, after conducting an in camera review of the
21 records, the court determines that due process requires
22 disclosure of any portion of the records, the court shall
23 provide copies of what it intends to disclose to the
24 prosecuting attorney and the victim. The prosecuting
25 attorney and the victim shall have 30 days to seek
26 appellate review before the records are disclosed to the

1 defendant. The disclosure of copies of any portion of the
2 records to the prosecuting attorney does not make the
3 records subject to discovery.

4 (10) Right to notice of court proceedings. If the
5 victim is not present at a court proceeding in which a
6 right of the victim is at issue, the court shall ask the
7 prosecuting attorney whether the victim was notified of
8 the time, place, and purpose of the court proceeding and
9 that the victim had a right to be heard at the court
10 proceeding. If the court determines that timely notice was
11 not given or that the victim was not adequately informed
12 of the nature of the court proceeding, the court shall not
13 rule on any substantive issues, accept a plea, or impose a
14 sentence and shall continue the hearing for the time
15 necessary to notify the victim of the time, place and
16 nature of the court proceeding. The time between court
17 proceedings shall not be attributable to the State under
18 Section 103-5 of the Code of Criminal Procedure of 1963.

19 (11) Right to timely disposition of the case. A victim
20 has the right to timely disposition of the case so as to
21 minimize the stress, cost, and inconvenience resulting
22 from the victim's involvement in the case. Before ruling
23 on a motion to continue trial or other court proceeding,
24 the court shall inquire into the circumstances for the
25 request for the delay and, if the victim has provided
26 written notice of the assertion of the right to a timely

1 disposition, and whether the victim objects to the delay.
2 If the victim objects, the prosecutor shall inform the
3 court of the victim's objections. If the prosecutor has
4 not conferred with the victim about the continuance, the
5 prosecutor shall inform the court of the attempts to
6 confer. If the court finds the attempts of the prosecutor
7 to confer with the victim were inadequate to protect the
8 victim's right to be heard, the court shall give the
9 prosecutor at least 3 but not more than 5 business days to
10 confer with the victim. In ruling on a motion to continue,
11 the court shall consider the reasons for the requested
12 continuance, the number and length of continuances that
13 have been granted, the victim's objections and procedures
14 to avoid further delays. If a continuance is granted over
15 the victim's objection, the court shall specify on the
16 record the reasons for the continuance and the procedures
17 that have been or will be taken to avoid further delays.

18 (12) Right to Restitution.

19 (A) If the victim has asserted the right to
20 restitution and the amount of restitution is known at
21 the time of sentencing, the court shall enter the
22 judgment of restitution at the time of sentencing.

23 (B) If the victim has asserted the right to
24 restitution and the amount of restitution is not known
25 at the time of sentencing, the prosecutor shall,
26 within 5 days after sentencing, notify the victim what

1 information and documentation related to restitution
2 is needed and that the information and documentation
3 must be provided to the prosecutor within 45 days
4 after sentencing. Failure to timely provide
5 information and documentation related to restitution
6 shall be deemed a waiver of the right to restitution.
7 The prosecutor shall file and serve within 60 days
8 after sentencing a proposed judgment for restitution
9 and a notice that includes information concerning the
10 identity of any victims or other persons seeking
11 restitution, whether any victim or other person
12 expressly declines restitution, the nature and amount
13 of any damages together with any supporting
14 documentation, a restitution amount recommendation,
15 and the names of any co-defendants and their case
16 numbers. Within 30 days after receipt of the proposed
17 judgment for restitution, the defendant shall file any
18 objection to the proposed judgment, a statement of
19 grounds for the objection, and a financial statement.
20 If the defendant does not file an objection, the court
21 may enter the judgment for restitution without further
22 proceedings. If the defendant files an objection and
23 either party requests a hearing, the court shall
24 schedule a hearing.

25 (13) Access to presentence reports.

26 (A) The victim may request a copy of the

1 presentence report prepared under the Unified Code of
2 Corrections from the State's Attorney. The State's
3 Attorney shall redact the following information before
4 providing a copy of the report:

5 (i) the defendant's mental history and
6 condition;

7 (ii) any evaluation prepared under subsection
8 (b) or (b-5) of Section 5-3-2; and

9 (iii) the name, address, phone number, and
10 other personal information about any other victim.

11 (B) The State's Attorney or the defendant may
12 request the court redact other information in the
13 report that may endanger the safety of any person.

14 (C) The State's Attorney may orally disclose to
15 the victim any of the information that has been
16 redacted if there is a reasonable likelihood that the
17 information will be stated in court at the sentencing.

18 (D) The State's Attorney must advise the victim
19 that the victim must maintain the confidentiality of
20 the report and other information. Any dissemination of
21 the report or information that was not stated at a
22 court proceeding constitutes indirect criminal
23 contempt of court.

24 (14) Appellate relief. If the trial court denies the
25 relief requested, the victim, the victim's attorney, or
26 the prosecuting attorney may file an appeal within 30 days

1 of the trial court's ruling. The trial or appellate court
2 may stay the court proceedings if the court finds that a
3 stay would not violate a constitutional right of the
4 defendant. If the appellate court denies the relief
5 sought, the reasons for the denial shall be clearly stated
6 in a written opinion. In any appeal in a criminal case, the
7 State may assert as error the court's denial of any crime
8 victim's right in the proceeding to which the appeal
9 relates.

10 (15) Limitation on appellate relief. In no case shall
11 an appellate court provide a new trial to remedy the
12 violation of a victim's right.

13 (16) The right to be reasonably protected from the
14 accused throughout the criminal justice process and the
15 right to have the safety of the victim and the victim's
16 family considered in denying or fixing the amount of bail,
17 determining whether to release the defendant, and setting
18 conditions of release after arrest and conviction. A
19 victim of domestic violence, a sexual offense, or stalking
20 may request the entry of a protective order under Article
21 112A of the Code of Criminal Procedure of 1963.

22 (d) Procedures after the imposition of sentence.

23 (1) The Prisoner Review Board shall inform a victim or
24 any other concerned citizen, upon written request, of the
25 prisoner's release on parole, mandatory supervised
26 release, electronic detention, work release, international

1 transfer or exchange, or by the custodian, other than the
2 Department of Juvenile Justice, of the discharge of any
3 individual who was adjudicated a delinquent for a crime
4 from State custody and by the sheriff of the appropriate
5 county of any such person's final discharge from county
6 custody. The Prisoner Review Board, upon written request,
7 shall provide to a victim or any other concerned citizen a
8 recent photograph of any person convicted of a felony,
9 upon his or her release from custody. The Prisoner Review
10 Board, upon written request, shall inform a victim or any
11 other concerned citizen when feasible at least 7 days
12 prior to the prisoner's release on furlough of the times
13 and dates of such furlough. Upon written request by the
14 victim or any other concerned citizen, the State's
15 Attorney shall notify the person once of the times and
16 dates of release of a prisoner sentenced to periodic
17 imprisonment. Notification shall be based on the most
18 recent information as to victim's or other concerned
19 citizen's residence or other location available to the
20 notifying authority.

21 (2) When the defendant has been committed to the
22 Department of Human Services pursuant to Section 5-2-4 or
23 any other provision of the Unified Code of Corrections,
24 the victim may request to be notified by the releasing
25 authority of the approval by the court of an on-grounds
26 pass, a supervised off-grounds pass, an unsupervised

1 off-grounds pass, or conditional release; the release on
2 an off-grounds pass; the return from an off-grounds pass;
3 transfer to another facility; conditional release; escape;
4 death; or final discharge from State custody. The
5 Department of Human Services shall establish and maintain
6 a statewide telephone number to be used by victims to make
7 notification requests under these provisions and shall
8 publicize this telephone number on its website and to the
9 State's Attorney of each county.

10 (3) In the event of an escape from State custody, the
11 Department of Corrections or the Department of Juvenile
12 Justice immediately shall notify the Prisoner Review Board
13 of the escape and the Prisoner Review Board shall notify
14 the victim. The notification shall be based upon the most
15 recent information as to the victim's residence or other
16 location available to the Board. When no such information
17 is available, the Board shall make all reasonable efforts
18 to obtain the information and make the notification. When
19 the escapee is apprehended, the Department of Corrections
20 or the Department of Juvenile Justice immediately shall
21 notify the Prisoner Review Board and the Board shall
22 notify the victim.

23 (4) The victim of the crime for which the prisoner has
24 been sentenced has the right to register with the Prisoner
25 Review Board's victim registry. Victims registered with
26 the Board shall receive reasonable written notice not less

1 than 30 days prior to the parole hearing or target
2 aftercare release date. The victim has the right to submit
3 a victim statement for consideration by the Prisoner
4 Review Board or the Department of Juvenile Justice in
5 writing, on film, videotape, or other electronic means, or
6 in the form of a recording prior to the parole hearing or
7 target aftercare release date, or in person at the parole
8 hearing or aftercare release protest hearing, or by
9 calling the toll-free number established in subsection (f)
10 of this Section. The victim shall be notified within 7
11 days after the prisoner has been granted parole or
12 aftercare release and shall be informed of the right to
13 inspect the registry of parole decisions, established
14 under subsection (g) of Section 3-3-5 of the Unified Code
15 of Corrections. The provisions of this paragraph (4) are
16 subject to the Open Parole Hearings Act. Victim statements
17 provided to the Board shall be confidential and
18 privileged, including any statements received prior to
19 January 1, 2020 (the effective date of Public Act
20 101-288), except if the statement was an oral statement
21 made by the victim at a hearing open to the public.

22 (4-1) The crime victim has the right to submit a
23 victim statement for consideration by the Prisoner Review
24 Board or the Department of Juvenile Justice prior to or at
25 a hearing to determine the conditions of mandatory
26 supervised release of a person sentenced to a determinate

1 sentence or at a hearing on revocation of mandatory
2 supervised release of a person sentenced to a determinate
3 sentence. A victim statement may be submitted in writing,
4 on film, videotape, or other electronic means, or in the
5 form of a recording, or orally at a hearing, or by calling
6 the toll-free number established in subsection (f) of this
7 Section. Victim statements provided to the Board shall be
8 confidential and privileged, including any statements
9 received prior to January 1, 2020 (the effective date of
10 Public Act 101-288), 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), except if the
25 statement was an oral statement made by the victim at a
26 hearing open to the public.

1 (5) If a statement is presented under Section 6, the
2 Prisoner Review Board or Department of Juvenile Justice
3 shall inform the victim of any order of discharge pursuant
4 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
5 Corrections.

6 (6) At the written or oral request of the victim of the
7 crime for which the prisoner was sentenced or the State's
8 Attorney of the county where the person seeking parole or
9 aftercare release was prosecuted, the Prisoner Review
10 Board or Department of Juvenile Justice shall notify the
11 victim and the State's Attorney of the county where the
12 person seeking parole or aftercare release was prosecuted
13 of the death of the prisoner if the prisoner died while on
14 parole or aftercare release or mandatory supervised
15 release.

16 (7) When a defendant who has been committed to the
17 Department of Corrections, the Department of Juvenile
18 Justice, or the Department of Human Services is released
19 or discharged and subsequently committed to the Department
20 of Human Services as a sexually violent person and the
21 victim had requested to be notified by the releasing
22 authority of the defendant's discharge, conditional
23 release, death, or escape from State custody, the
24 releasing authority shall provide to the Department of
25 Human Services such information that would allow the
26 Department of Human Services to contact the victim.

1 (8) When a defendant has been convicted of a sex
2 offense as defined in Section 2 of the Sex Offender
3 Registration Act and has been sentenced to the Department
4 of Corrections or the Department of Juvenile Justice, the
5 Prisoner Review Board or the Department of Juvenile
6 Justice shall notify the victim of the sex offense of the
7 prisoner's eligibility for release on parole, aftercare
8 release, mandatory supervised release, electronic
9 detention, work release, international transfer or
10 exchange, or by the custodian of the discharge of any
11 individual who was adjudicated a delinquent for a sex
12 offense from State custody and by the sheriff of the
13 appropriate county of any such person's final discharge
14 from county custody. The notification shall be made to the
15 victim at least 30 days, whenever possible, before release
16 of the sex offender.

17 (e) The officials named in this Section may satisfy some
18 or all of their obligations to provide notices and other
19 information through participation in a statewide victim and
20 witness notification system established by the Attorney
21 General under Section 8.5 of this Act.

22 (f) The Prisoner Review Board shall establish a toll-free
23 number that may be accessed by the crime victim to present a
24 victim statement to the Board in accordance with paragraphs
25 (4), (4-1), and (4-2) of subsection (d).

26 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;

1 102-22, eff. 6-25-21; 102-558, eff. 8-20-21.)

2 (Text of Section after 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,

1 time, and place of court proceedings; and of any
2 cancellation of court proceedings. Notice shall be
3 provided in sufficient time, wherever possible, for the
4 victim to make arrangements to attend or to prevent an
5 unnecessary appearance at court proceedings;

6 (3) or victim advocate personnel shall provide
7 information of social services and financial assistance
8 available for victims of crime, including information of
9 how to apply for these services and assistance;

10 (3.5) or victim advocate personnel shall provide
11 information about available victim services, including
12 referrals to programs, counselors, and agencies that
13 assist a victim to deal with trauma, loss, and grief;

14 (4) shall assist in having any stolen or other
15 personal property held by law enforcement authorities for
16 evidentiary or other purposes returned as expeditiously as
17 possible, pursuant to the procedures set out in Section
18 115-9 of the Code of Criminal Procedure of 1963;

19 (5) or victim advocate personnel shall provide
20 appropriate employer intercession services to ensure that
21 employers of victims will cooperate with the criminal
22 justice system in order to minimize an employee's loss of
23 pay and other benefits resulting from court appearances;

24 (6) shall provide, whenever possible, a secure waiting
25 area during court proceedings that does not require
26 victims to be in close proximity to defendants or

1 juveniles accused of a violent crime, and their families
2 and friends;

3 (7) shall provide notice to the crime victim of the
4 right to have a translator present at all court
5 proceedings and, in compliance with the federal Americans
6 with Disabilities Act of 1990, the right to communications
7 access through a sign language interpreter or by other
8 means;

9 (8) (blank);

10 (8.5) shall inform the victim of the right to be
11 present at all court proceedings, unless the victim is to
12 testify and the court determines that the victim's
13 testimony would be materially affected if the victim hears
14 other testimony at trial;

15 (9) shall inform the victim of the right to have
16 present at all court proceedings, subject to the rules of
17 evidence and confidentiality, an advocate and other
18 support person of the victim's choice;

19 (9.3) shall inform the victim of the right to retain
20 an attorney, at the victim's own expense, who, upon
21 written notice filed with the clerk of the court and
22 State's Attorney, is to receive copies of all notices,
23 motions, and court orders filed thereafter in the case, in
24 the same manner as if the victim were a named party in the
25 case;

26 (9.5) shall inform the victim of (A) the victim's

1 right under Section 6 of this Act to make a statement at
2 the sentencing hearing; (B) the right of the victim's
3 spouse, guardian, parent, grandparent, and other immediate
4 family and household members under Section 6 of this Act
5 to present a statement at sentencing; and (C) if a
6 presentence report is to be prepared, the right of the
7 victim's spouse, guardian, parent, grandparent, and other
8 immediate family and household members to submit
9 information to the preparer of the presentence report
10 about the effect the offense has had on the victim and the
11 person;

12 (10) at the sentencing shall make a good faith attempt
13 to explain the minimum amount of time during which the
14 defendant may actually be physically imprisoned. The
15 Office of the State's Attorney shall further notify the
16 crime victim of the right to request from the Prisoner
17 Review Board or Department of Juvenile Justice information
18 concerning the release of the defendant;

19 (11) shall request restitution at sentencing and as
20 part of a plea agreement if the victim requests
21 restitution;

22 (12) shall, upon the court entering a verdict of not
23 guilty by reason of insanity, inform the victim of the
24 notification services available from the Department of
25 Human Services, including the statewide telephone number,
26 under subparagraph (d) (2) of this Section;

1 (13) shall provide notice within a reasonable time
2 after receipt of notice from the custodian, of the release
3 of the defendant on ~~pretrial release~~ bail or personal
4 recognizance or the release from detention of a minor who
5 has been detained;

6 (14) shall explain in nontechnical language the
7 details of any plea or verdict of a defendant, or any
8 adjudication of a juvenile as a delinquent;

9 (15) shall make all reasonable efforts to consult with
10 the crime victim before the Office of the State's Attorney
11 makes an offer of a plea bargain to the defendant or enters
12 into negotiations with the defendant concerning a possible
13 plea agreement, and shall consider the written statement,
14 if prepared prior to entering into a plea agreement. The
15 right to consult with the prosecutor does not include the
16 right to veto a plea agreement or to insist the case go to
17 trial. If the State's Attorney has not consulted with the
18 victim prior to making an offer or entering into plea
19 negotiations with the defendant, the Office of the State's
20 Attorney shall notify the victim of the offer or the
21 negotiations within 2 business days and confer with the
22 victim;

23 (16) shall provide notice of the ultimate disposition
24 of the cases arising from an indictment or an information,
25 or a petition to have a juvenile adjudicated as a
26 delinquent for a violent crime;

1 (17) shall provide notice of any appeal taken by the
2 defendant and information on how to contact the
3 appropriate agency handling the appeal, and how to request
4 notice of any hearing, oral argument, or decision of an
5 appellate court;

6 (18) shall provide timely notice of any request for
7 post-conviction review filed by the defendant under
8 Article 122 of the Code of Criminal Procedure of 1963, and
9 of the date, time and place of any hearing concerning the
10 petition. Whenever possible, notice of the hearing shall
11 be given within 48 hours of the court's scheduling of the
12 hearing;

13 (19) shall forward a copy of any statement presented
14 under Section 6 to the Prisoner Review Board or Department
15 of Juvenile Justice to be considered in making a
16 determination under Section 3-2.5-85 or subsection (b) of
17 Section 3-3-8 of the Unified Code of Corrections;

18 (20) shall, within a reasonable time, offer to meet
19 with the crime victim regarding the decision of the
20 State's Attorney not to charge an offense, and shall meet
21 with the victim, if the victim agrees. The victim has a
22 right to have an attorney, advocate, and other support
23 person of the victim's choice attend this meeting with the
24 victim; and

25 (21) shall give the crime victim timely notice of any
26 decision not to pursue charges and consider the safety of

1 the victim when deciding how to give such notice.

2 (c) The court shall ensure that the rights of the victim
3 are afforded.

4 (c-5) The following procedures shall be followed to afford
5 victims the rights guaranteed by Article I, Section 8.1 of the
6 Illinois Constitution:

7 (1) Written notice. A victim may complete a written
8 notice of intent to assert rights on a form prepared by the
9 Office of the Attorney General and provided to the victim
10 by the State's Attorney. The victim may at any time
11 provide a revised written notice to the State's Attorney.
12 The State's Attorney shall file the written notice with
13 the court. At the beginning of any court proceeding in
14 which the right of a victim may be at issue, the court and
15 prosecutor shall review the written notice to determine
16 whether the victim has asserted the right that may be at
17 issue.

18 (2) Victim's retained attorney. A victim's attorney
19 shall file an entry of appearance limited to assertion of
20 the victim's rights. Upon the filing of the entry of
21 appearance and service on the State's Attorney and the
22 defendant, the attorney is to receive copies of all
23 notices, motions and court orders filed thereafter in the
24 case.

25 (3) Standing. The victim has standing to assert the
26 rights enumerated in subsection (a) of Article I, Section

1 8.1 of the Illinois Constitution and the statutory rights
2 under Section 4 of this Act in any court exercising
3 jurisdiction over the criminal case. The prosecuting
4 attorney, a victim, or the victim's retained attorney may
5 assert the victim's rights. The defendant in the criminal
6 case has no standing to assert a right of the victim in any
7 court proceeding, including on appeal.

8 (4) Assertion of and enforcement of rights.

9 (A) The prosecuting attorney shall assert a
10 victim's right or request enforcement of a right by
11 filing a motion or by orally asserting the right or
12 requesting enforcement in open court in the criminal
13 case outside the presence of the jury. The prosecuting
14 attorney shall consult with the victim and the
15 victim's attorney regarding the assertion or
16 enforcement of a right. If the prosecuting attorney
17 decides not to assert or enforce a victim's right, the
18 prosecuting attorney shall notify the victim or the
19 victim's attorney in sufficient time to allow the
20 victim or the victim's attorney to assert the right or
21 to seek enforcement of a right.

22 (B) If the prosecuting attorney elects not to
23 assert a victim's right or to seek enforcement of a
24 right, the victim or the victim's attorney may assert
25 the victim's right or request enforcement of a right
26 by filing a motion or by orally asserting the right or

1 requesting enforcement in open court in the criminal
2 case outside the presence of the jury.

3 (C) If the prosecuting attorney asserts a victim's
4 right or seeks enforcement of a right, unless the
5 prosecuting attorney objects or the trial court does
6 not allow it, the victim or the victim's attorney may
7 be heard regarding the prosecuting attorney's motion
8 or may file a simultaneous motion to assert or request
9 enforcement of the victim's right. If the victim or
10 the victim's attorney was not allowed to be heard at
11 the hearing regarding the prosecuting attorney's
12 motion, and the court denies the prosecuting
13 attorney's assertion of the right or denies the
14 request for enforcement of a right, the victim or
15 victim's attorney may file a motion to assert the
16 victim's right or to request enforcement of the right
17 within 10 days of the court's ruling. The motion need
18 not demonstrate the grounds for a motion for
19 reconsideration. The court shall rule on the merits of
20 the motion.

21 (D) The court shall take up and decide any motion
22 or request asserting or seeking enforcement of a
23 victim's right without delay, unless a specific time
24 period is specified by law or court rule. The reasons
25 for any decision denying the motion or request shall
26 be clearly stated on the record.

1 (E) No later than January 1, 2023, the Office of
2 the Attorney General shall:

3 (i) designate an administrative authority
4 within the Office of the Attorney General to
5 receive and investigate complaints relating to the
6 provision or violation of the rights of a crime
7 victim as described in Article I, Section 8.1 of
8 the Illinois Constitution and in this Act;

9 (ii) create and administer a course of
10 training for employees and offices of the State of
11 Illinois that fail to comply with provisions of
12 Illinois law pertaining to the treatment of crime
13 victims as described in Article I, Section 8.1 of
14 the Illinois Constitution and in this Act as
15 required by the court under Section 5 of this Act;
16 and

17 (iii) have the authority to make
18 recommendations to employees and offices of the
19 State of Illinois to respond more effectively to
20 the needs of crime victims, including regarding
21 the violation of the rights of a crime victim.

22 (F) Crime victims' rights may also be asserted by
23 filing a complaint for mandamus, injunctive, or
24 declaratory relief in the jurisdiction in which the
25 victim's right is being violated or where the crime is
26 being prosecuted. For complaints or motions filed by

1 or on behalf of the victim, the clerk of court shall
2 waive filing fees that would otherwise be owed by the
3 victim for any court filing with the purpose of
4 enforcing crime victims' rights. If the court denies
5 the relief sought by the victim, the reasons for the
6 denial shall be clearly stated on the record in the
7 transcript of the proceedings, in a written opinion,
8 or in the docket entry, and the victim may appeal the
9 circuit court's decision to the appellate court. The
10 court shall issue prompt rulings regarding victims'
11 rights. Proceedings seeking to enforce victims' rights
12 shall not be stayed or subject to unreasonable delay
13 via continuances.

14 (5) Violation of rights and remedies.

15 (A) If the court determines that a victim's right
16 has been violated, the court shall determine the
17 appropriate remedy for the violation of the victim's
18 right by hearing from the victim and the parties,
19 considering all factors relevant to the issue, and
20 then awarding appropriate relief to the victim.

21 (A-5) Consideration of an issue of a substantive
22 nature or an issue that implicates the constitutional
23 or statutory right of a victim at a court proceeding
24 labeled as a status hearing shall constitute a per se
25 violation of a victim's right.

26 (B) The appropriate remedy shall include only

1 actions necessary to provide the victim the right to
2 which the victim was entitled. Remedies may include,
3 but are not limited to: injunctive relief requiring
4 the victim's right to be afforded; declaratory
5 judgment recognizing or clarifying the victim's
6 rights; a writ of mandamus; and may include reopening
7 previously held proceedings; however, in no event
8 shall the court vacate a conviction. Any remedy shall
9 be tailored to provide the victim an appropriate
10 remedy without violating any constitutional right of
11 the defendant. In no event shall the appropriate
12 remedy to the victim be a new trial or damages.

13 The court shall impose a mandatory training course
14 provided by the Attorney General for the employee under
15 item (ii) of subparagraph (E) of paragraph (4), which must
16 be successfully completed within 6 months of the entry of
17 the court order.

18 This paragraph (5) takes effect January 2, 2023.

19 (6) Right to be heard. Whenever a victim has the right
20 to be heard, the court shall allow the victim to exercise
21 the right in any reasonable manner the victim chooses.

22 (7) Right to attend trial. A party must file a written
23 motion to exclude a victim from trial at least 60 days
24 prior to the date set for trial. The motion must state with
25 specificity the reason exclusion is necessary to protect a
26 constitutional right of the party, and must contain an

1 offer of proof. The court shall rule on the motion within
2 30 days. If the motion is granted, the court shall set
3 forth on the record the facts that support its finding
4 that the victim's testimony will be materially affected if
5 the victim hears other testimony at trial.

6 (8) Right to have advocate and support person present
7 at court proceedings.

8 (A) A party who intends to call an advocate as a
9 witness at trial must seek permission of the court
10 before the subpoena is issued. The party must file a
11 written motion at least 90 days before trial that sets
12 forth specifically the issues on which the advocate's
13 testimony is sought and an offer of proof regarding
14 (i) the content of the anticipated testimony of the
15 advocate; and (ii) the relevance, admissibility, and
16 materiality of the anticipated testimony. The court
17 shall consider the motion and make findings within 30
18 days of the filing of the motion. If the court finds by
19 a preponderance of the evidence that: (i) the
20 anticipated testimony is not protected by an absolute
21 privilege; and (ii) the anticipated testimony contains
22 relevant, admissible, and material evidence that is
23 not available through other witnesses or evidence, the
24 court shall issue a subpoena requiring the advocate to
25 appear to testify at an in camera hearing. The
26 prosecuting attorney and the victim shall have 15 days

1 to seek appellate review before the advocate is
2 required to testify at an ex parte in camera
3 proceeding.

4 The prosecuting attorney, the victim, and the
5 advocate's attorney shall be allowed to be present at
6 the ex parte in camera proceeding. If, after
7 conducting the ex parte in camera hearing, the court
8 determines that due process requires any testimony
9 regarding confidential or privileged information or
10 communications, the court shall provide to the
11 prosecuting attorney, the victim, and the advocate's
12 attorney a written memorandum on the substance of the
13 advocate's testimony. The prosecuting attorney, the
14 victim, and the advocate's attorney shall have 15 days
15 to seek appellate review before a subpoena may be
16 issued for the advocate to testify at trial. The
17 presence of the prosecuting attorney at the ex parte
18 in camera proceeding does not make the substance of
19 the advocate's testimony that the court has ruled
20 inadmissible subject to discovery.

21 (B) If a victim has asserted the right to have a
22 support person present at the court proceedings, the
23 victim shall provide the name of the person the victim
24 has chosen to be the victim's support person to the
25 prosecuting attorney, within 60 days of trial. The
26 prosecuting attorney shall provide the name to the

1 defendant. If the defendant intends to call the
2 support person as a witness at trial, the defendant
3 must seek permission of the court before a subpoena is
4 issued. The defendant must file a written motion at
5 least 45 days prior to trial that sets forth
6 specifically the issues on which the support person
7 will testify and an offer of proof regarding: (i) the
8 content of the anticipated testimony of the support
9 person; and (ii) the relevance, admissibility, and
10 materiality of the anticipated testimony.

11 If the prosecuting attorney intends to call the
12 support person as a witness during the State's
13 case-in-chief, the prosecuting attorney shall inform
14 the court of this intent in the response to the
15 defendant's written motion. The victim may choose a
16 different person to be the victim's support person.
17 The court may allow the defendant to inquire about
18 matters outside the scope of the direct examination
19 during cross-examination. If the court allows the
20 defendant to do so, the support person shall be
21 allowed to remain in the courtroom after the support
22 person has testified. A defendant who fails to
23 question the support person about matters outside the
24 scope of direct examination during the State's
25 case-in-chief waives the right to challenge the
26 presence of the support person on appeal. The court

1 shall allow the support person to testify if called as
2 a witness in the defendant's case-in-chief or the
3 State's rebuttal.

4 If the court does not allow the defendant to
5 inquire about matters outside the scope of the direct
6 examination, the support person shall be allowed to
7 remain in the courtroom after the support person has
8 been called by the defendant or the defendant has
9 rested. The court shall allow the support person to
10 testify in the State's rebuttal.

11 If the prosecuting attorney does not intend to
12 call the support person in the State's case-in-chief,
13 the court shall verify with the support person whether
14 the support person, if called as a witness, would
15 testify as set forth in the offer of proof. If the
16 court finds that the support person would testify as
17 set forth in the offer of proof, the court shall rule
18 on the relevance, materiality, and admissibility of
19 the anticipated testimony. If the court rules the
20 anticipated testimony is admissible, the court shall
21 issue the subpoena. The support person may remain in
22 the courtroom after the support person testifies and
23 shall be allowed to testify in rebuttal.

24 If the court excludes the victim's support person
25 during the State's case-in-chief, the victim shall be
26 allowed to choose another support person to be present

1 in court.

2 If the victim fails to designate a support person
3 within 60 days of trial and the defendant has
4 subpoenaed the support person to testify at trial, the
5 court may exclude the support person from the trial
6 until the support person testifies. If the court
7 excludes the support person the victim may choose
8 another person as a support person.

9 (9) Right to notice and hearing before disclosure of
10 confidential or privileged information or records.

11 (A) A defendant who seeks to subpoena testimony or
12 records of or concerning the victim that are
13 confidential or privileged by law must seek permission
14 of the court before the subpoena is issued. The
15 defendant must file a written motion and an offer of
16 proof regarding the relevance, admissibility and
17 materiality of the testimony or records. If the court
18 finds by a preponderance of the evidence that:

19 (i) the testimony or records are not protected
20 by an absolute privilege and

21 (ii) the testimony or records contain
22 relevant, admissible, and material evidence that
23 is not available through other witnesses or
24 evidence, the court shall issue a subpoena
25 requiring the witness to appear in camera or a
26 sealed copy of the records be delivered to the

1 court to be reviewed in camera. If, after
2 conducting an in camera review of the witness
3 statement or records, the court determines that
4 due process requires disclosure of any potential
5 testimony or any portion of the records, the court
6 shall provide copies of the records that it
7 intends to disclose to the prosecuting attorney
8 and the victim. The prosecuting attorney and the
9 victim shall have 30 days to seek appellate review
10 before the records are disclosed to the defendant,
11 used in any court proceeding, or disclosed to
12 anyone or in any way that would subject the
13 testimony or records to public review. The
14 disclosure of copies of any portion of the
15 testimony or records to the prosecuting attorney
16 under this Section does not make the records
17 subject to discovery or required to be provided to
18 the defendant.

19 (B) A prosecuting attorney who seeks to subpoena
20 information or records concerning the victim that are
21 confidential or privileged by law must first request
22 the written consent of the crime victim. If the victim
23 does not provide such written consent, including where
24 necessary the appropriate signed document required for
25 waiving privilege, the prosecuting attorney must serve
26 the subpoena at least 21 days prior to the date a

1 response or appearance is required to allow the
2 subject of the subpoena time to file a motion to quash
3 or request a hearing. The prosecuting attorney must
4 also send a written notice to the victim at least 21
5 days prior to the response date to allow the victim to
6 file a motion or request a hearing. The notice to the
7 victim shall inform the victim (i) that a subpoena has
8 been issued for confidential information or records
9 concerning the victim, (ii) that the victim has the
10 right to request a hearing prior to the response date
11 of the subpoena, and (iii) how to request the hearing.
12 The notice to the victim shall also include a copy of
13 the subpoena. If requested, a hearing regarding the
14 subpoena shall occur before information or records are
15 provided to the prosecuting attorney.

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 101-288)~~
6 this amendatory Act of the 101st General Assembly, except
7 if the statement was an oral statement made by the victim
8 at a hearing open to the public.

9 (4-1) The crime victim has the right to submit a
10 victim statement for consideration by the Prisoner Review
11 Board or the Department of Juvenile Justice prior to or at
12 a hearing to determine the conditions of mandatory
13 supervised release of a person sentenced to a determinate
14 sentence or at a hearing on revocation of mandatory
15 supervised release of a person sentenced to a determinate
16 sentence. A victim statement may be submitted in writing,
17 on film, videotape, or other electronic means, or in the
18 form of a recording, or orally at a hearing, or by calling
19 the toll-free number established in subsection (f) of this
20 Section. Victim statements provided to the Board shall be
21 confidential and privileged, including any statements
22 received prior to ~~January 1, 2020 (the effective date of~~
23 ~~Public Act 101-288)~~ this amendatory Act of the 101st
24 General Assembly, except if the statement was an oral
25 statement made by the victim at a hearing open to the
26 public.

1 (4-2) The crime victim has the right to submit a
2 victim statement to the Prisoner Review Board for
3 consideration at an executive clemency hearing as provided
4 in Section 3-3-13 of the Unified Code of Corrections. A
5 victim statement may be submitted in writing, on film,
6 videotape, or other electronic means, or in the form of a
7 recording prior to a hearing, or orally at a hearing, or by
8 calling the toll-free number established in subsection (f)
9 of this Section. Victim statements provided to the Board
10 shall be confidential and privileged, including any
11 statements received prior to ~~January 1, 2020~~ (the
12 effective date of ~~Public Act 101-288~~) this amendatory Act
13 of the 101st General Assembly, except if the statement was
14 an oral statement made by the victim at a hearing open to
15 the public.

16 (5) If a statement is presented under Section 6, the
17 Prisoner Review Board or Department of Juvenile Justice
18 shall inform the victim of any order of discharge pursuant
19 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
20 Corrections.

21 (6) At the written or oral request of the victim of the
22 crime for which the prisoner was sentenced or the State's
23 Attorney of the county where the person seeking parole or
24 aftercare release was prosecuted, the Prisoner Review
25 Board or Department of Juvenile Justice shall notify the
26 victim and the State's Attorney of the county where the

1 person seeking parole or aftercare release was prosecuted
2 of the death of the prisoner if the prisoner died while on
3 parole or aftercare release or mandatory supervised
4 release.

5 (7) When a defendant who has been committed to the
6 Department of Corrections, the Department of Juvenile
7 Justice, or the Department of Human Services is released
8 or discharged and subsequently committed to the Department
9 of Human Services as a sexually violent person and the
10 victim had requested to be notified by the releasing
11 authority of the defendant's discharge, conditional
12 release, death, or escape from State custody, the
13 releasing authority shall provide to the Department of
14 Human Services such information that would allow the
15 Department of Human Services to contact the victim.

16 (8) When a defendant has been convicted of a sex
17 offense as defined in Section 2 of the Sex Offender
18 Registration Act and has been sentenced to the Department
19 of Corrections or the Department of Juvenile Justice, the
20 Prisoner Review Board or the Department of Juvenile
21 Justice shall notify the victim of the sex offense of the
22 prisoner's eligibility for release on parole, aftercare
23 release, mandatory supervised release, electronic
24 detention, work release, international transfer or
25 exchange, or by the custodian of the discharge of any
26 individual who was adjudicated a delinquent for a sex

1 offense from State custody and by the sheriff of the
2 appropriate county of any such person's final discharge
3 from county custody. The notification shall be made to the
4 victim at least 30 days, whenever possible, before release
5 of the sex offender.

6 (e) The officials named in this Section may satisfy some
7 or all of their obligations to provide notices and other
8 information through participation in a statewide victim and
9 witness notification system established by the Attorney
10 General under Section 8.5 of this Act.

11 (f) The Prisoner Review Board shall establish a toll-free
12 number that may be accessed by the crime victim to present a
13 victim statement to the Board in accordance with paragraphs
14 (4), (4-1), and (4-2) of subsection (d).

15 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;
16 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.
17 8-20-21.)

18 Section 245. The Pretrial Services Act is amended by
19 changing Sections 11, 20, 22, and 34 as follows:

20 (725 ILCS 185/11) (from Ch. 38, par. 311)

21 Sec. 11. No person shall be interviewed by a pretrial
22 services agency unless he or she has first been apprised of the
23 identity and purpose of the interviewer, the scope of the
24 interview, the right to secure legal advice, and the right to

1 refuse cooperation. Inquiry of the defendant shall carefully
2 exclude questions concerning the details of the current
3 charge. Statements made by the defendant during the interview,
4 or evidence derived therefrom, are admissible in evidence only
5 when the court is considering the imposition of pretrial or
6 posttrial conditions to bail or recognizance, or when
7 considering the modification of a prior release order.

8 (Source: P.A. 84-1449; 101-652.)

9 (725 ILCS 185/20) (from Ch. 38, par. 320)

10 Sec. 20. In preparing and presenting its written reports
11 under Sections 17 and 19, pretrial services agencies shall in
12 appropriate cases include specific recommendations for the
13 setting ~~the conditions~~ , increase, or decrease of ~~pretrial~~
14 ~~release~~ bail; the release of the interviewee on his own
15 recognizance in sums certain; and the imposition of pretrial
16 conditions ~~of pretrial release~~ to bail or recognizance
17 designed to minimize the risks of nonappearance, the
18 commission of new offenses while awaiting trial, and other
19 potential interference with the orderly administration of
20 justice. In establishing objective internal criteria of any
21 such recommendation policies, the agency may utilize so-called
22 "point scales" for evaluating the aforementioned risks, but no
23 interviewee shall be considered as ineligible for particular
24 agency recommendations by sole reference to such procedures.

25 (Source: P.A. 91-357, eff. 7-29-99; 101-652.)

1 (725 ILCS 185/22) (from Ch. 38, par. 322)

2 Sec. 22. If so ordered by the court, the pretrial services
3 agency shall prepare and submit for the court's approval and
4 signature a uniform release order on the uniform form
5 established by the Supreme Court in all cases where an
6 interviewee may be released from custody under conditions
7 contained in an agency report. Such conditions shall become
8 part of the conditions of ~~pretrial release~~ the bail bond. A
9 copy of the uniform release order shall be provided to the
10 defendant and defendant's attorney of record, and the
11 prosecutor.

12 (Source: P.A. 84-1449; 101-652.)

13 (725 ILCS 185/34)

14 Sec. 34. Probation and court services departments
15 considered pretrial services agencies. For the purposes of
16 administering the provisions of Public Act 95-773, known as
17 the Cindy Bischof Law, all probation and court services
18 departments are to be considered pretrial services agencies
19 under this Act and under the ~~pretrial release~~ bail bond
20 provisions of the Code of Criminal Procedure of 1963.

21 (Source: P.A. 96-341, eff. 8-11-09; 101-652.)

22 Section 250. The Quasi-criminal and Misdemeanor Bail Act
23 is amended by changing the title of the Act and Sections 0.01,

1 1, 2, 3, and 5 as follows:

2 (725 ILCS 195/Act title)

3 An Act to authorize designated officers to let persons
4 charged with quasi-criminal offenses and misdemeanors to
5 ~~pretrial release~~ bail and to accept and receipt for fines on
6 pleas of guilty in minor offenses, in accordance with
7 schedules established by rule of court.

8 (725 ILCS 195/0.01) (from Ch. 16, par. 80)

9 Sec. 0.01. Short title. This Act may be cited as the
10 Quasi-criminal and Misdemeanor ~~Pretrial Release~~ Bail Act.

11 (Source: P.A. 86-1324; 101-652.)

12 (725 ILCS 195/1) (from Ch. 16, par. 81)

13 Sec. 1. Whenever in any circuit there shall be in force a
14 rule or order of the Supreme Court establishing a uniform ~~form~~
15 schedule prescribing the ~~conditions of pretrial release~~
16 amounts of bail for specified conservation cases, traffic
17 cases, quasi-criminal offenses and misdemeanors, any general
18 superintendent, chief, captain, lieutenant, or sergeant of
19 police, or other police officer, the sheriff, the circuit
20 clerk, and any deputy sheriff or deputy circuit clerk
21 designated by the Circuit Court for the purpose, are
22 authorized to let to ~~pretrial release~~ bail any person charged
23 with a quasi-criminal offense or misdemeanor and to accept and

1 receipt for bonds or cash bail in accordance with regulations
2 established by rule or order of the Supreme Court. Unless
3 otherwise provided by Supreme Court Rule, no such bail may be
4 posted or accepted in any place other than a police station,
5 sheriff's office or jail, or other county, municipal or other
6 building housing governmental units, or a division
7 headquarters building of the Illinois State Police. Bonds and
8 cash so received shall be delivered to the office of the
9 circuit clerk or that of his designated deputy as provided by
10 regulation. Such cash and securities so received shall be
11 delivered to the office of such clerk or deputy clerk within at
12 least 48 hours of receipt or within the time set for the
13 accused's appearance in court whichever is earliest.

14 In all cases where a person is admitted to bail under a
15 uniform schedule prescribing the amount of bail for specified
16 conservation cases, traffic cases, quasi-criminal offenses and
17 misdemeanors the provisions of Section 110-15 of the "Code of
18 Criminal Procedure of 1963", approved August 14, 1963, as
19 amended by the 75th General Assembly shall be applicable.

20 (Source: P.A. 80-897; 101-652.)

21 (725 ILCS 195/2) (from Ch. 16, par. 82)

22 Sec. 2. The conditions of the ~~pretrial release~~ bail bond
23 or deposit of cash bail shall be that the accused will appear
24 to answer the charge in court at a time and place specified in
25 the ~~pretrial release form~~ bond and thereafter as ordered by

1 the court until discharged on final order of the court and to
2 submit himself to the orders and process of the court. The
3 accused shall be furnished with an official receipt on a form
4 prescribed by rule of court for any cash or other security
5 deposited, and shall receive a copy of the ~~pretrial release~~
6 ~~form~~ bond specifying the time and place of his court
7 appearance.

8 Upon performance of the conditions of the ~~pretrial release~~
9 bond, the ~~pretrial release form~~ bond shall be null and void and
10 ~~the accused shall be released from the conditions of pretrial~~
11 ~~release~~ any cash bail or other security shall be returned to
12 the accused.

13 (Source: Laws 1963, p. 2652; P.A. 101-652.)

14 (725 ILCS 195/3) (from Ch. 16, par. 83)

15 Sec. 3. In lieu of ~~complying with the conditions of~~
16 ~~pretrial release~~ making bond or depositing cash bail as
17 provided in this Act or the deposit of other security
18 authorized by law, any accused person has the right to be
19 brought without unnecessary delay before the nearest or most
20 accessible judge of the circuit to be dealt with according to
21 law.

22 (Source: P.A. 77-1248; 101-652.)

23 (725 ILCS 195/5) (from Ch. 16, par. 85)

24 Sec. 5. Any person authorized to accept ~~pretrial release~~

1 bail or pleas of guilty by this Act who violates any provision
2 of this Act is guilty of a Class B misdemeanor.

3 (Source: P.A. 77-2319; 101-652.)

4 Section 255. The Unified Code of Corrections is amended by
5 changing Sections 5-3-2, 5-5-3.2, 5-6-4, 5-6-4.1, 5-8A-7, and
6 8-2-1 as follows:

7 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

8 (Text of Section before amendment by P.A. 101-652)

9 Sec. 5-3-2. Presentence report.

10 (a) In felony cases, the presentence report shall set
11 forth:

12 (1) the defendant's history of delinquency or
13 criminality, physical and mental history and condition,
14 family situation and background, economic status,
15 education, occupation and personal habits;

16 (2) information about special resources within the
17 community which might be available to assist the
18 defendant's rehabilitation, including treatment centers,
19 residential facilities, vocational training services,
20 correctional manpower programs, employment opportunities,
21 special educational programs, alcohol and drug abuse
22 programming, psychiatric and marriage counseling, and
23 other programs and facilities which could aid the
24 defendant's successful reintegration into society;

1 (3) the effect the offense committed has had upon the
2 victim or victims thereof, and any compensatory benefit
3 that various sentencing alternatives would confer on such
4 victim or victims;

5 (3.5) information provided by the victim's spouse,
6 guardian, parent, grandparent, and other immediate family
7 and household members about the effect the offense
8 committed has had on the victim and on the person
9 providing the information; if the victim's spouse,
10 guardian, parent, grandparent, or other immediate family
11 or household member has provided a written statement, the
12 statement shall be attached to the report;

13 (4) information concerning the defendant's status
14 since arrest, including his record if released on his own
15 recognizance, or the defendant's achievement record if
16 released on a conditional pre-trial supervision program;

17 (5) when appropriate, a plan, based upon the personal,
18 economic and social adjustment needs of the defendant,
19 utilizing public and private community resources as an
20 alternative to institutional sentencing;

21 (6) any other matters that the investigatory officer
22 deems relevant or the court directs to be included;

23 (7) information concerning the defendant's eligibility
24 for a sentence to a county impact incarceration program
25 under Section 5-8-1.2 of this Code; and

26 (8) information concerning the defendant's eligibility

1 for a sentence to an impact incarceration program
2 administered by the Department under Section 5-8-1.1.

3 (b) The investigation shall include a physical and mental
4 examination of the defendant when so ordered by the court. If
5 the court determines that such an examination should be made,
6 it shall issue an order that the defendant submit to
7 examination at such time and place as designated by the court
8 and that such examination be conducted by a physician,
9 psychologist or psychiatrist designated by the court. Such an
10 examination may be conducted in a court clinic if so ordered by
11 the court. The cost of such examination shall be paid by the
12 county in which the trial is held.

13 (b-5) In cases involving felony sex offenses in which the
14 offender is being considered for probation only or any felony
15 offense that is sexually motivated as defined in the Sex
16 Offender Management Board Act in which the offender is being
17 considered for probation only, the investigation shall include
18 a sex offender evaluation by an evaluator approved by the
19 Board and conducted in conformance with the standards
20 developed under the Sex Offender Management Board Act. In
21 cases in which the offender is being considered for any
22 mandatory prison sentence, the investigation shall not include
23 a sex offender evaluation.

24 (c) In misdemeanor, business offense or petty offense
25 cases, except as specified in subsection (d) of this Section,
26 when a presentence report has been ordered by the court, such

1 presentence report shall contain information on the
2 defendant's history of delinquency or criminality and shall
3 further contain only those matters listed in any of paragraphs
4 (1) through (6) of subsection (a) or in subsection (b) of this
5 Section as are specified by the court in its order for the
6 report.

7 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or
8 12-30 of the Criminal Code of 1961 or the Criminal Code of
9 2012, the presentence report shall set forth information about
10 alcohol, drug abuse, psychiatric, and marriage counseling or
11 other treatment programs and facilities, information on the
12 defendant's history of delinquency or criminality, and shall
13 contain those additional matters listed in any of paragraphs
14 (1) through (6) of subsection (a) or in subsection (b) of this
15 Section as are specified by the court.

16 (e) Nothing in this Section shall cause the defendant to
17 be held without bail or to have his bail revoked for the
18 purpose of preparing the presentence report or making an
19 examination.

20 (Source: P.A. 101-105, eff. 1-1-20; 102-558, eff. 8-20-21.)

21 (Text of Section after amendment by P.A. 101-652)

22 Sec. 5-3-2. Presentence report.

23 (a) In felony cases, the presentence report shall set
24 forth:

25 (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 ~~pretrial release~~ bail or to have his ~~pretrial~~
4 ~~release~~ bail revoked for the purpose of preparing the
5 presentence report or making an examination.

6 (Source: P.A. 101-105, eff. 1-1-20; 101-652, eff. 1-1-23;
7 102-558, eff. 8-20-21.)

8 (730 ILCS 5/5-5-3.2)

9 (Text of Section before amendment by P.A. 101-652)

10 Sec. 5-5-3.2. Factors in aggravation and extended-term
11 sentencing.

12 (a) The following factors shall be accorded weight in
13 favor of imposing a term of imprisonment or may be considered
14 by the court as reasons to impose a more severe sentence under
15 Section 5-8-1 or Article 4.5 of Chapter V:

16 (1) the defendant's conduct caused or threatened
17 serious harm;

18 (2) the defendant received compensation for committing
19 the offense;

20 (3) the defendant has a history of prior delinquency
21 or criminal activity;

22 (4) the defendant, by the duties of his office or by
23 his position, was obliged to prevent the particular
24 offense committed or to bring the offenders committing it
25 to justice;

1 (5) the defendant held public office at the time of
2 the offense, and the offense related to the conduct of
3 that office;

4 (6) the defendant utilized his professional reputation
5 or position in the community to commit the offense, or to
6 afford him an easier means of committing it;

7 (7) the sentence is necessary to deter others from
8 committing the same crime;

9 (8) the defendant committed the offense against a
10 person 60 years of age or older or such person's property;

11 (9) the defendant committed the offense against a
12 person who has a physical disability or such person's
13 property;

14 (10) by reason of another individual's actual or
15 perceived race, color, creed, religion, ancestry, gender,
16 sexual orientation, physical or mental disability, or
17 national origin, the defendant committed the offense
18 against (i) the person or property of that individual;
19 (ii) the person or property of a person who has an
20 association with, is married to, or has a friendship with
21 the other individual; or (iii) the person or property of a
22 relative (by blood or marriage) of a person described in
23 clause (i) or (ii). For the purposes of this Section,
24 "sexual orientation" has the meaning ascribed to it in
25 paragraph (O-1) of Section 1-103 of the Illinois Human
26 Rights Act;

1 (11) the offense took place in a place of worship or on
2 the grounds of a place of worship, immediately prior to,
3 during or immediately following worship services. For
4 purposes of this subparagraph, "place of worship" shall
5 mean any church, synagogue or other building, structure or
6 place used primarily for religious worship;

7 (12) the defendant was convicted of a felony committed
8 while he was released on bail or his own recognizance
9 pending trial for a prior felony and was convicted of such
10 prior felony, or the defendant was convicted of a felony
11 committed while he was serving a period of probation,
12 conditional discharge, or mandatory supervised release
13 under subsection (d) of Section 5-8-1 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. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
21 101-417, eff. 1-1-20; 102-558, eff. 8-20-21.)

22 (Text of Section after amendment by P.A. 101-652)

23 Sec. 5-5-3.2. Factors in aggravation and extended-term
24 sentencing.

25 (a) The following factors shall be accorded weight in

1 favor of imposing a term of imprisonment or may be considered
2 by the court as reasons to impose a more severe sentence under
3 Section 5-8-1 or Article 4.5 of Chapter V:

4 (1) the defendant's conduct caused or threatened
5 serious harm;

6 (2) the defendant received compensation for committing
7 the offense;

8 (3) the defendant has a history of prior delinquency
9 or criminal activity;

10 (4) the defendant, by the duties of his office or by
11 his position, was obliged to prevent the particular
12 offense committed or to bring the offenders committing it
13 to justice;

14 (5) the defendant held public office at the time of
15 the offense, and the offense related to the conduct of
16 that office;

17 (6) the defendant utilized his professional reputation
18 or position in the community to commit the offense, or to
19 afford him an easier means of committing it;

20 (7) the sentence is necessary to deter others from
21 committing the same crime;

22 (8) the defendant committed the offense against a
23 person 60 years of age or older or such person's property;

24 (9) the defendant committed the offense against a
25 person who has a physical disability or such person's
26 property;

1 (10) by reason of another individual's actual or
2 perceived race, color, creed, religion, ancestry, gender,
3 sexual orientation, physical or mental disability, or
4 national origin, the defendant committed the offense
5 against (i) the person or property of that individual;
6 (ii) the person or property of a person who has an
7 association with, is married to, or has a friendship with
8 the other individual; or (iii) the person or property of a
9 relative (by blood or marriage) of a person described in
10 clause (i) or (ii). For the purposes of this Section,
11 "sexual orientation" has the meaning ascribed to it in
12 paragraph (0-1) of Section 1-103 of the Illinois Human
13 Rights Act;

14 (11) the offense took place in a place of worship or on
15 the grounds of a place of worship, immediately prior to,
16 during or immediately following worship services. For
17 purposes of this subparagraph, "place of worship" shall
18 mean any church, synagogue or other building, structure or
19 place used primarily for religious worship;

20 (12) the defendant was convicted of a felony committed
21 while he was ~~on pretrial release~~ released on bail or his
22 own recognizance pending trial for a prior felony and was
23 convicted of such prior felony, or the defendant was
24 convicted of a felony committed while he was serving a
25 period of probation, conditional discharge, or mandatory
26 supervised release under subsection (d) of Section 5-8-1

1 for a prior felony;

2 (13) the defendant committed or attempted to commit a
3 felony while he was wearing a bulletproof vest. For the
4 purposes of this paragraph (13), a bulletproof vest is any
5 device which is designed for the purpose of protecting the
6 wearer from bullets, shot or other lethal projectiles;

7 (14) the defendant held a position of trust or
8 supervision such as, but not limited to, family member as
9 defined in Section 11-0.1 of the Criminal Code of 2012,
10 teacher, scout leader, baby sitter, or day care worker, in
11 relation to a victim under 18 years of age, and the
12 defendant committed an offense in violation of Section
13 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
14 11-14.4 except for an offense that involves keeping a
15 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
16 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
17 or 12-16 of the Criminal Code of 1961 or the Criminal Code
18 of 2012 against that victim;

19 (15) the defendant committed an offense related to the
20 activities of an organized gang. For the purposes of this
21 factor, "organized gang" has the meaning ascribed to it in
22 Section 10 of the Streetgang Terrorism Omnibus Prevention
23 Act;

24 (16) the defendant committed an offense in violation
25 of one of the following Sections while in a school,
26 regardless of the time of day or time of year; on any

1 conveyance owned, leased, or contracted by a school to
2 transport students to or from school or a school related
3 activity; on the real property of a school; or on a public
4 way within 1,000 feet of the real property comprising any
5 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
6 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
7 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
8 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
9 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
10 for subdivision (a) (4) or (g) (1), of the Criminal Code of
11 1961 or the Criminal Code of 2012;

12 (16.5) the defendant committed an offense in violation
13 of one of the following Sections while in a day care
14 center, regardless of the time of day or time of year; on
15 the real property of a day care center, regardless of the
16 time of day or time of year; or on a public way within
17 1,000 feet of the real property comprising any day care
18 center, regardless of the time of day or time of year:
19 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
20 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
21 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
22 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
23 18-2, or 33A-2, or Section 12-3.05 except for subdivision
24 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
25 Criminal Code of 2012;

26 (17) the defendant committed the offense by reason of

1 any person's activity as a community policing volunteer or
2 to prevent any person from engaging in activity as a
3 community policing volunteer. For the purpose of this
4 Section, "community policing volunteer" has the meaning
5 ascribed to it in Section 2-3.5 of the Criminal Code of
6 2012;

7 (18) the defendant committed the offense in a nursing
8 home or on the real property comprising a nursing home.
9 For the purposes of this paragraph (18), "nursing home"
10 means a skilled nursing or intermediate long term care
11 facility that is subject to license by the Illinois
12 Department of Public Health under the Nursing Home Care
13 Act, the Specialized Mental Health Rehabilitation Act of
14 2013, the ID/DD Community Care Act, or the MC/DD Act;

15 (19) the defendant was a federally licensed firearm
16 dealer and was previously convicted of a violation of
17 subsection (a) of Section 3 of the Firearm Owners
18 Identification Card Act and has now committed either a
19 felony violation of the Firearm Owners Identification Card
20 Act or an act of armed violence while armed with a firearm;

21 (20) the defendant (i) committed the offense of
22 reckless homicide under Section 9-3 of the Criminal Code
23 of 1961 or the Criminal Code of 2012 or the offense of
24 driving under the influence of alcohol, other drug or
25 drugs, intoxicating compound or compounds or any
26 combination thereof under Section 11-501 of the Illinois

1 Vehicle Code or a similar provision of a local ordinance
2 and (ii) was operating a motor vehicle in excess of 20
3 miles per hour over the posted speed limit as provided in
4 Article VI of Chapter 11 of the Illinois Vehicle Code;

5 (21) the defendant (i) committed the offense of
6 reckless driving or aggravated reckless driving under
7 Section 11-503 of the Illinois Vehicle Code and (ii) was
8 operating a motor vehicle in excess of 20 miles per hour
9 over the posted speed limit as provided in Article VI of
10 Chapter 11 of the Illinois Vehicle Code;

11 (22) the defendant committed the offense against a
12 person that the defendant knew, or reasonably should have
13 known, was a member of the Armed Forces of the United
14 States serving on active duty. For purposes of this clause
15 (22), the term "Armed Forces" means any of the Armed
16 Forces of the United States, including a member of any
17 reserve component thereof or National Guard unit called to
18 active duty;

19 (23) the defendant committed the offense against a
20 person who was elderly or infirm or who was a person with a
21 disability by taking advantage of a family or fiduciary
22 relationship with the elderly or infirm person or person
23 with a disability;

24 (24) the defendant committed any offense under Section
25 11-20.1 of the Criminal Code of 1961 or the Criminal Code
26 of 2012 and possessed 100 or more images;

1 (25) the defendant committed the offense while the
2 defendant or the victim was in a train, bus, or other
3 vehicle used for public transportation;

4 (26) the defendant committed the offense of child
5 pornography or aggravated child pornography, specifically
6 including paragraph (1), (2), (3), (4), (5), or (7) of
7 subsection (a) of Section 11-20.1 of the Criminal Code of
8 1961 or the Criminal Code of 2012 where a child engaged in,
9 solicited for, depicted in, or posed in any act of sexual
10 penetration or bound, fettered, or subject to sadistic,
11 masochistic, or sadomasochistic abuse in a sexual context
12 and specifically including paragraph (1), (2), (3), (4),
13 (5), or (7) of subsection (a) of Section 11-20.1B or
14 Section 11-20.3 of the Criminal Code of 1961 where a child
15 engaged in, solicited for, depicted in, or posed in any
16 act of sexual penetration or bound, fettered, or subject
17 to sadistic, masochistic, or sadomasochistic abuse in a
18 sexual context;

19 (27) the defendant committed the offense of first
20 degree murder, assault, aggravated assault, battery,
21 aggravated battery, robbery, armed robbery, or aggravated
22 robbery against a person who was a veteran and the
23 defendant knew, or reasonably should have known, that the
24 person was a veteran performing duties as a representative
25 of a veterans' organization. For the purposes of this
26 paragraph (27), "veteran" means an Illinois resident who

1 has served as a member of the United States Armed Forces, a
2 member of the Illinois National Guard, or a member of the
3 United States Reserve Forces; and "veterans' organization"
4 means an organization comprised of members of which
5 substantially all are individuals who are veterans or
6 spouses, widows, or widowers of veterans, the primary
7 purpose of which is to promote the welfare of its members
8 and to provide assistance to the general public in such a
9 way as to confer a public benefit;

10 (28) the defendant committed the offense of assault,
11 aggravated assault, battery, aggravated battery, robbery,
12 armed robbery, or aggravated robbery against a person that
13 the defendant knew or reasonably should have known was a
14 letter carrier or postal worker while that person was
15 performing his or her duties delivering mail for the
16 United States Postal Service;

17 (29) the defendant committed the offense of criminal
18 sexual assault, aggravated criminal sexual assault,
19 criminal sexual abuse, or aggravated criminal sexual abuse
20 against a victim with an intellectual disability, and the
21 defendant holds a position of trust, authority, or
22 supervision in relation to the victim;

23 (30) the defendant committed the offense of promoting
24 juvenile prostitution, patronizing a prostitute, or
25 patronizing a minor engaged in prostitution and at the
26 time of the commission of the offense knew that the

1 prostitute or minor engaged in prostitution was in the
2 custody or guardianship of the Department of Children and
3 Family Services;

4 (31) the defendant (i) committed the offense of
5 driving while under the influence of alcohol, other drug
6 or drugs, intoxicating compound or compounds or any
7 combination thereof in violation of Section 11-501 of the
8 Illinois Vehicle Code or a similar provision of a local
9 ordinance and (ii) the defendant during the commission of
10 the offense was driving his or her vehicle upon a roadway
11 designated for one-way traffic in the opposite direction
12 of the direction indicated by official traffic control
13 devices;

14 (32) the defendant committed the offense of reckless
15 homicide while committing a violation of Section 11-907 of
16 the Illinois Vehicle Code;

17 (33) the defendant was found guilty of an
18 administrative infraction related to an act or acts of
19 public indecency or sexual misconduct in the penal
20 institution. In this paragraph (33), "penal institution"
21 has the same meaning as in Section 2-14 of the Criminal
22 Code of 2012; or

23 (34) the defendant committed the offense of leaving
24 the scene of an accident in violation of subsection (b) of
25 Section 11-401 of the Illinois Vehicle Code and the
26 accident resulted in the death of a person and at the time

1 of the offense, the defendant was: (i) driving under the
2 influence of alcohol, other drug or drugs, intoxicating
3 compound or compounds or any combination thereof as
4 defined by Section 11-501 of the Illinois Vehicle Code; or
5 (ii) operating the motor vehicle while using an electronic
6 communication device as defined in Section 12-610.2 of the
7 Illinois Vehicle Code.

8 For the purposes of this Section:

9 "School" is defined as a public or private elementary or
10 secondary school, community college, college, or university.

11 "Day care center" means a public or private State
12 certified and licensed day care center as defined in Section
13 2.09 of the Child Care Act of 1969 that displays a sign in
14 plain view stating that the property is a day care center.

15 "Intellectual disability" means significantly subaverage
16 intellectual functioning which exists concurrently with
17 impairment in adaptive behavior.

18 "Public transportation" means the transportation or
19 conveyance of persons by means available to the general
20 public, and includes paratransit services.

21 "Traffic control devices" means all signs, signals,
22 markings, and devices that conform to the Illinois Manual on
23 Uniform Traffic Control Devices, placed or erected by
24 authority of a public body or official having jurisdiction,
25 for the purpose of regulating, warning, or guiding traffic.

26 (b) The following factors, related to all felonies, may be

1 considered by the court as reasons to impose an extended term
2 sentence under Section 5-8-2 upon any offender:

3 (1) When a defendant is convicted of any felony, after
4 having been previously convicted in Illinois or any other
5 jurisdiction of the same or similar class felony or
6 greater class felony, when such conviction has occurred
7 within 10 years after the previous conviction, excluding
8 time spent in custody, and such charges are separately
9 brought and tried and arise out of different series of
10 acts; or

11 (2) When a defendant is convicted of any felony and
12 the court finds that the offense was accompanied by
13 exceptionally brutal or heinous behavior indicative of
14 wanton cruelty; or

15 (3) When a defendant is convicted of any felony
16 committed against:

17 (i) a person under 12 years of age at the time of
18 the offense or such person's property;

19 (ii) a person 60 years of age or older at the time
20 of the offense or such person's property; or

21 (iii) a person who had a physical disability at
22 the time of the offense or such person's property; or

23 (4) When a defendant is convicted of any felony and
24 the offense involved any of the following types of
25 specific misconduct committed as part of a ceremony, rite,
26 initiation, observance, performance, practice or activity

1 of any actual or ostensible religious, fraternal, or
2 social group:

3 (i) the brutalizing or torturing of humans or
4 animals;

5 (ii) the theft of human corpses;

6 (iii) the kidnapping of humans;

7 (iv) the desecration of any cemetery, religious,
8 fraternal, business, governmental, educational, or
9 other building or property; or

10 (v) ritualized abuse of a child; or

11 (5) When a defendant is convicted of a felony other
12 than conspiracy and the court finds that the felony was
13 committed under an agreement with 2 or more other persons
14 to commit that offense and the defendant, with respect to
15 the other individuals, occupied a position of organizer,
16 supervisor, financier, or any other position of management
17 or leadership, and the court further finds that the felony
18 committed was related to or in furtherance of the criminal
19 activities of an organized gang or was motivated by the
20 defendant's leadership in an organized gang; or

21 (6) When a defendant is convicted of an offense
22 committed while using a firearm with a laser sight
23 attached to it. For purposes of this paragraph, "laser
24 sight" has the meaning ascribed to it in Section 26-7 of
25 the Criminal Code of 2012; or

26 (7) When a defendant who was at least 17 years of age

1 at the time of the commission of the offense is convicted
2 of a felony and has been previously adjudicated a
3 delinquent minor under the Juvenile Court Act of 1987 for
4 an act that if committed by an adult would be a Class X or
5 Class 1 felony when the conviction has occurred within 10
6 years after the previous adjudication, excluding time
7 spent in custody; or

8 (8) When a defendant commits any felony and the
9 defendant used, possessed, exercised control over, or
10 otherwise directed an animal to assault a law enforcement
11 officer engaged in the execution of his or her official
12 duties or in furtherance of the criminal activities of an
13 organized gang in which the defendant is engaged; or

14 (9) When a defendant commits any felony and the
15 defendant knowingly video or audio records the offense
16 with the intent to disseminate the recording.

17 (c) The following factors may be considered by the court
18 as reasons to impose an extended term sentence under Section
19 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
20 offenses:

21 (1) When a defendant is convicted of first degree
22 murder, after having been previously convicted in Illinois
23 of any offense listed under paragraph (c)(2) of Section
24 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
25 occurred within 10 years after the previous conviction,
26 excluding time spent in custody, and the charges are

1 separately brought and tried and arise out of different
2 series of acts.

3 (1.5) When a defendant is convicted of first degree
4 murder, after having been previously convicted of domestic
5 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
6 (720 ILCS 5/12-3.3) committed on the same victim or after
7 having been previously convicted of violation of an order
8 of protection (720 ILCS 5/12-30) in which the same victim
9 was the protected person.

10 (2) When a defendant is convicted of voluntary
11 manslaughter, second degree murder, involuntary
12 manslaughter, or reckless homicide in which the defendant
13 has been convicted of causing the death of more than one
14 individual.

15 (3) When a defendant is convicted of aggravated
16 criminal sexual assault or criminal sexual assault, when
17 there is a finding that aggravated criminal sexual assault
18 or criminal sexual assault was also committed on the same
19 victim by one or more other individuals, and the defendant
20 voluntarily participated in the crime with the knowledge
21 of the participation of the others in the crime, and the
22 commission of the crime was part of a single course of
23 conduct during which there was no substantial change in
24 the nature of the criminal objective.

25 (4) If the victim was under 18 years of age at the time
26 of the commission of the offense, when a defendant is

1 convicted of aggravated criminal sexual assault or
2 predatory criminal sexual assault of a child under
3 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
4 of Section 12-14.1 of the Criminal Code of 1961 or the
5 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

6 (5) When a defendant is convicted of a felony
7 violation of Section 24-1 of the Criminal Code of 1961 or
8 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
9 finding that the defendant is a member of an organized
10 gang.

11 (6) When a defendant was convicted of unlawful use of
12 weapons under Section 24-1 of the Criminal Code of 1961 or
13 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
14 a weapon that is not readily distinguishable as one of the
15 weapons enumerated in Section 24-1 of the Criminal Code of
16 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

17 (7) When a defendant is convicted of an offense
18 involving the illegal manufacture of a controlled
19 substance under Section 401 of the Illinois Controlled
20 Substances Act (720 ILCS 570/401), the illegal manufacture
21 of methamphetamine under Section 25 of the Methamphetamine
22 Control and Community Protection Act (720 ILCS 646/25), or
23 the illegal possession of explosives and an emergency
24 response officer in the performance of his or her duties
25 is killed or injured at the scene of the offense while
26 responding to the emergency caused by the commission of

1 the offense. In this paragraph, "emergency" means a
2 situation in which a person's life, health, or safety is
3 in jeopardy; and "emergency response officer" means a
4 peace officer, community policing volunteer, fireman,
5 emergency medical technician-ambulance, emergency medical
6 technician-intermediate, emergency medical
7 technician-paramedic, ambulance driver, other medical
8 assistance or first aid personnel, or hospital emergency
9 room personnel.

10 (8) When the defendant is convicted of attempted mob
11 action, solicitation to commit mob action, or conspiracy
12 to commit mob action under Section 8-1, 8-2, or 8-4 of the
13 Criminal Code of 2012, where the criminal object is a
14 violation of Section 25-1 of the Criminal Code of 2012,
15 and an electronic communication is used in the commission
16 of the offense. For the purposes of this paragraph (8),
17 "electronic communication" shall have the meaning provided
18 in Section 26.5-0.1 of the Criminal Code of 2012.

19 (d) For the purposes of this Section, "organized gang" has
20 the meaning ascribed to it in Section 10 of the Illinois
21 Streetgang Terrorism Omnibus Prevention Act.

22 (e) The court may impose an extended term sentence under
23 Article 4.5 of Chapter V upon an offender who has been
24 convicted of a felony violation of Section 11-1.20, 11-1.30,
25 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
26 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012

1 when the victim of the offense is under 18 years of age at the
2 time of the commission of the offense and, during the
3 commission of the offense, the victim was under the influence
4 of alcohol, regardless of whether or not the alcohol was
5 supplied by the offender; and the offender, at the time of the
6 commission of the offense, knew or should have known that the
7 victim had consumed alcohol.

8 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;
9 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; 101-652, eff.
10 1-1-23; 102-558, eff. 8-20-21.)

11 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

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

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

19 (1) in the case of probation violations, order the
20 issuance of a notice to the offender to be present by the
21 County Probation Department or such other agency
22 designated by the court to handle probation matters; and
23 in the case of conditional discharge or supervision
24 violations, such notice to the offender shall be issued by
25 the Circuit Court Clerk; and in the case of a violation of

1 a sentence of county impact incarceration, such notice
2 shall be issued by the Sheriff;

3 (2) order a summons to the offender to be present for
4 hearing; or

5 (3) order a warrant for the offender's arrest where
6 there is danger of his fleeing the jurisdiction or causing
7 serious harm to others or when the offender fails to
8 answer a summons or notice from the clerk of the court or
9 Sheriff.

10 Personal service of the petition for violation of
11 probation or the issuance of such warrant, summons or notice
12 shall toll the period of probation, conditional discharge,
13 supervision, or sentence of county impact incarceration until
14 the final determination of the charge, and the term of
15 probation, conditional discharge, supervision, or sentence of
16 county impact incarceration shall not run until the hearing
17 and disposition of the petition for violation.

18 (b) The court shall conduct a hearing of the alleged
19 violation. The court shall admit the offender to ~~pretrial~~
20 ~~release~~ bail pending the hearing unless the alleged violation
21 is itself a criminal offense in which case the offender shall
22 be admitted to ~~pretrial-release~~ bail on such terms as are
23 provided in the Code of Criminal Procedure of 1963, as
24 amended. In any case where an offender remains incarcerated
25 only as a result of his alleged violation of the court's
26 earlier order of probation, supervision, conditional

1 discharge, or county impact incarceration such hearing shall
2 be held within 14 days of the onset of said incarceration,
3 unless the alleged violation is the commission of another
4 offense by the offender during the period of probation,
5 supervision or conditional discharge in which case such
6 hearing shall be held within the time limits described in
7 Section 103-5 of the Code of Criminal Procedure of 1963, as
8 amended.

9 (c) The State has the burden of going forward with the
10 evidence and proving the violation by the preponderance of the
11 evidence. The evidence shall be presented in open court with
12 the right of confrontation, cross-examination, and
13 representation by counsel.

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

19 (e) If the court finds that the offender has violated a
20 condition at any time prior to the expiration or termination
21 of the period, it may continue him on the existing sentence,
22 with or without modifying or enlarging the conditions, or may
23 impose any other sentence that was available under Article 4.5
24 of Chapter V of this Code or Section 11-501 of the Illinois
25 Vehicle Code at the time of initial sentencing. If the court
26 finds that the person has failed to successfully complete his

1 or her sentence to a county impact incarceration program, the
2 court may impose any other sentence that was available under
3 Article 4.5 of Chapter V of this Code or Section 11-501 of the
4 Illinois Vehicle Code at the time of initial sentencing,
5 except for a sentence of probation or conditional discharge.
6 If the court finds that the offender has violated paragraph
7 (8.6) of subsection (a) of Section 5-6-3, the court shall
8 revoke the probation of the offender. If the court finds that
9 the offender has violated subsection (o) of Section 5-6-3.1,
10 the court shall revoke the supervision of the offender.

11 (f) The conditions of probation, of conditional discharge,
12 of supervision, or of a sentence of county impact
13 incarceration may be modified by the court on motion of the
14 supervising agency or on its own motion or at the request of
15 the offender after notice and a hearing.

16 (g) A judgment revoking supervision, probation,
17 conditional discharge, or a sentence of county impact
18 incarceration is a final appealable order.

19 (h) Resentencing after revocation of probation,
20 conditional discharge, supervision, or a sentence of county
21 impact incarceration shall be under Article 4. The term on
22 probation, conditional discharge or supervision shall not be
23 credited by the court against a sentence of imprisonment or
24 periodic imprisonment unless the court orders otherwise. The
25 amount of credit to be applied against a sentence of
26 imprisonment or periodic imprisonment when the defendant

1 served a term or partial term of periodic imprisonment shall
2 be calculated upon the basis of the actual days spent in
3 confinement rather than the duration of the term.

4 (i) Instead of filing a violation of probation,
5 conditional discharge, supervision, or a sentence of county
6 impact incarceration, an agent or employee of the supervising
7 agency with the concurrence of his or her supervisor may serve
8 on the defendant a Notice of Intermediate Sanctions. The
9 Notice shall contain the technical violation or violations
10 involved, the date or dates of the violation or violations,
11 and the intermediate sanctions to be imposed. Upon receipt of
12 the Notice, the defendant shall immediately accept or reject
13 the intermediate sanctions. If the sanctions are accepted,
14 they shall be imposed immediately. If the intermediate
15 sanctions are rejected or the defendant does not respond to
16 the Notice, a violation of probation, conditional discharge,
17 supervision, or a sentence of county impact incarceration
18 shall be immediately filed with the court. The State's
19 Attorney and the sentencing court shall be notified of the
20 Notice of Sanctions. Upon successful completion of the
21 intermediate sanctions, a court may not revoke probation,
22 conditional discharge, supervision, or a sentence of county
23 impact incarceration or impose additional sanctions for the
24 same violation. A notice of intermediate sanctions may not be
25 issued for any violation of probation, conditional discharge,
26 supervision, or a sentence of county impact incarceration

1 which could warrant an additional, separate felony charge. The
2 intermediate sanctions shall include a term of home detention
3 as provided in Article 8A of Chapter V of this Code for
4 multiple or repeat violations of the terms and conditions of a
5 sentence of probation, conditional discharge, or supervision.

6 (j) When an offender is re-sentenced after revocation of
7 probation that was imposed in combination with a sentence of
8 imprisonment for the same offense, the aggregate of the
9 sentences may not exceed the maximum term authorized under
10 Article 4.5 of Chapter V.

11 (k) (1) On and after the effective date of this amendatory
12 Act of the 101st General Assembly, this subsection (k) shall
13 apply to arrest warrants in Cook County only. An arrest
14 warrant issued under paragraph (3) of subsection (a) when the
15 underlying conviction is for the offense of theft, retail
16 theft, or possession of a controlled substance shall remain
17 active for a period not to exceed 10 years from the date the
18 warrant was issued unless a motion to extend the warrant is
19 filed by the office of the State's Attorney or by, or on behalf
20 of, the agency supervising the wanted person. A motion to
21 extend the warrant shall be filed within one year before the
22 warrant expiration date and notice shall be provided to the
23 office of the sheriff.

24 (2) If a motion to extend a warrant issued under paragraph
25 (3) of subsection (a) is not filed, the warrant shall be
26 quashed and recalled as a matter of law under paragraph (1) of

1 this subsection (k) and the wanted person's period of
2 probation, conditional discharge, or supervision shall
3 terminate unsatisfactorily as a matter of law.

4 (Source: P.A. 101-406, eff. 1-1-20; 101-652.)

5 (730 ILCS 5/5-6-4.1) (from Ch. 38, par. 1005-6-4.1)

6 Sec. 5-6-4.1. Violation, Modification or Revocation of
7 Conditional Discharge or Supervision - Hearing.)

8 (a) In cases where a defendant was placed upon supervision
9 or conditional discharge for the commission of a petty
10 offense, upon the oral or written motion of the State, or on
11 the court's own motion, which charges that a violation of a
12 condition of that conditional discharge or supervision has
13 occurred, the court may:

14 (1) Conduct a hearing instanter if the offender is
15 present in court;

16 (2) Order the issuance by the court clerk of a notice
17 to the offender to be present for a hearing for violation;

18 (3) Order summons to the offender to be present; or

19 (4) Order a warrant for the offender's arrest.

20 The oral motion, if the defendant is present, or the
21 issuance of such warrant, summons or notice shall toll the
22 period of conditional discharge or supervision until the final
23 determination of the charge, and the term of conditional
24 discharge or supervision shall not run until the hearing and
25 disposition of the petition for violation.

1 (b) The Court shall admit the offender to ~~pretrial release~~
2 bail pending the hearing.

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

8 (d) Conditional discharge or supervision shall not be
9 revoked for failure to comply with the conditions of the
10 discharge or supervision which imposed financial obligations
11 upon the offender unless such failure is due to his wilful
12 refusal to pay.

13 (e) If the court finds that the offender has violated a
14 condition at any time prior to the expiration or termination
15 of the period, it may continue him on the existing sentence or
16 supervision with or without modifying or enlarging the
17 conditions, or may impose any other sentence that was
18 available under Article 4.5 of Chapter V of this Code or
19 Section 11-501 of the Illinois Vehicle Code at the time of
20 initial sentencing.

21 (f) The conditions of conditional discharge and of
22 supervision may be modified by the court on motion of the
23 probation officer or on its own motion or at the request of the
24 offender after notice to the defendant and a hearing.

25 (g) A judgment revoking supervision is a final appealable
26 order.

1 (h) Resentencing after revocation of conditional discharge
2 or of supervision shall be under Article 4. Time served on
3 conditional discharge or supervision shall be credited by the
4 court against a sentence of imprisonment or periodic
5 imprisonment unless the court orders otherwise.

6 (Source: P.A. 95-1052, eff. 7-1-09; 101-652.)

7 (730 ILCS 5/5-8A-7)

8 Sec. 5-8A-7. Domestic violence surveillance program. If
9 the Prisoner Review Board, Department of Corrections,
10 Department of Juvenile Justice, or court (the supervising
11 authority) orders electronic surveillance as a condition of
12 parole, aftercare release, mandatory supervised release, early
13 release, probation, or conditional discharge for a violation
14 of an order of protection or as a condition of ~~pretrial release~~
15 bail for a person charged with a violation of an order of
16 protection, the supervising authority shall use the best
17 available global positioning technology to track domestic
18 violence offenders. Best available technology must have
19 real-time and interactive capabilities that facilitate the
20 following objectives: (1) immediate notification to the
21 supervising authority of a breach of a court ordered exclusion
22 zone; (2) notification of the breach to the offender; and (3)
23 communication between the supervising authority, law
24 enforcement, and the victim, regarding the breach. The
25 supervising authority may also require that the electronic

1 surveillance ordered under this Section monitor the
2 consumption of alcohol or drugs.

3 (Source: P.A. 99-628, eff. 1-1-17; 99-797, eff. 8-12-16;
4 100-201, eff. 8-18-17; 101-652.)

5 (730 ILCS 5/8-2-1) (from Ch. 38, par. 1008-2-1)

6 Sec. 8-2-1. Saving Clause.

7 The repeal of Acts or parts of Acts enumerated in Section
8 8-5-1 does not: (1) affect any offense committed, act done,
9 prosecution pending, penalty, punishment or forfeiture
10 incurred, or rights, powers or remedies accrued under any law
11 in effect immediately prior to the effective date of this
12 Code; (2) impair, avoid, or affect any grant or conveyance
13 made or right acquired or cause of action then existing under
14 any such repealed Act or amendment thereto; (3) affect or
15 impair the validity of any ~~pretrial-release~~ bail or other bond
16 or other obligation issued or sold and constituting a valid
17 obligation of the issuing authority immediately prior to the
18 effective date of this Code; (4) the validity of any contract;
19 or (5) the validity of any tax levied under any law in effect
20 prior to the effective date of this Code. The repeal of any
21 validating Act or part thereof shall not avoid the effect of
22 the validation. No Act repealed by Section 8-5-1 shall repeal
23 any Act or part thereof which embraces the same or a similar
24 subject matter as the Act repealed.

25 (Source: P.A. 78-255; 101-652.)

1 Section 260. The Unified Code of Corrections is amended by
2 changing Sections 3-6-3, 5-4-1, 5-4.5-95, 5-4.5-100, 5-8-1,
3 5-8-6, 5-8A-2, 5-8A-4, and 5-8A-4.1 as follows:

4 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)
5 Sec. 3-6-3. Rules and regulations for sentence credit.

6 (a) (1) The Department of Corrections shall prescribe rules
7 and regulations for awarding and revoking sentence credit for
8 persons committed to the Department which shall be subject to
9 review by the Prisoner Review Board.

10 (1.5) As otherwise provided by law, sentence credit may be
11 awarded for the following:

12 (A) successful completion of programming while in
13 custody of the Department or while in custody prior to
14 sentencing;

15 (B) compliance with the rules and regulations of the
16 Department; or

17 (C) service to the institution, service to a
18 community, or service to the State.

19 (2) Except as provided in paragraph (4.7) of this
20 subsection (a), the rules and regulations on sentence credit
21 shall provide, with respect to offenses listed in clause (i),
22 (ii), or (iii) of this paragraph (2) committed on or after June
23 19, 1998 or with respect to the offense listed in clause (iv)
24 of this paragraph (2) committed on or after June 23, 2005 (the

1 effective date of Public Act 94-71) or with respect to offense
2 listed in clause (vi) committed on or after June 1, 2008 (the
3 effective date of Public Act 95-625) or with respect to the
4 offense of being an armed habitual criminal committed on or
5 after August 2, 2005 (the effective date of Public Act 94-398)
6 or with respect to the offenses listed in clause (v) of this
7 paragraph (2) committed on or after August 13, 2007 (the
8 effective date of Public Act 95-134) or with respect to the
9 offense of aggravated domestic battery committed on or after
10 July 23, 2010 (the effective date of Public Act 96-1224) or
11 with respect to the offense of attempt to commit terrorism
12 committed on or after January 1, 2013 (the effective date of
13 Public Act 97-990), the following:

14 (i) that a prisoner who is serving a term of
15 imprisonment for first degree murder or for the offense of
16 terrorism shall receive no sentence credit and shall serve
17 the entire sentence imposed by the court;

18 (ii) that a prisoner serving a sentence for attempt to
19 commit terrorism, attempt to commit first degree murder,
20 solicitation of murder, solicitation of murder for hire,
21 intentional homicide of an unborn child, predatory
22 criminal sexual assault of a child, aggravated criminal
23 sexual assault, criminal sexual assault, aggravated
24 kidnapping, aggravated battery with a firearm as described
25 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),
26 or (e) (4) of Section 12-3.05, heinous battery as described

1 in Section 12-4.1 or subdivision (a)(2) of Section
2 12-3.05, being an armed habitual criminal, aggravated
3 battery of a senior citizen as described in Section 12-4.6
4 or subdivision (a)(4) of Section 12-3.05, or aggravated
5 battery of a child as described in Section 12-4.3 or
6 subdivision (b)(1) of Section 12-3.05 shall receive no
7 more than 4.5 days of sentence credit for each month of his
8 or her sentence of imprisonment;

9 (iii) that a prisoner serving a sentence for home
10 invasion, armed robbery, aggravated vehicular hijacking,
11 aggravated discharge of a firearm, or armed violence with
12 a category I weapon or category II weapon, when the court
13 has made and entered a finding, pursuant to subsection
14 (c-1) of Section 5-4-1 of this Code, that the conduct
15 leading to conviction for the enumerated offense resulted
16 in great bodily harm to a victim, shall receive no more
17 than 4.5 days of sentence credit for each month of his or
18 her sentence of imprisonment;

19 (iv) that a prisoner serving a sentence for aggravated
20 discharge of a firearm, whether or not the conduct leading
21 to conviction for the offense resulted in great bodily
22 harm to the victim, shall receive no more than 4.5 days of
23 sentence credit for each month of his or her sentence of
24 imprisonment;

25 (v) that a person serving a sentence for gunrunning,
26 narcotics racketeering, controlled substance trafficking,

1 methamphetamine trafficking, drug-induced homicide,
2 aggravated methamphetamine-related child endangerment,
3 money laundering pursuant to clause (c) (4) or (5) of
4 Section 29B-1 of the Criminal Code of 1961 or the Criminal
5 Code of 2012, or a Class X felony conviction for delivery
6 of a controlled substance, possession of a controlled
7 substance with intent to manufacture or deliver,
8 calculated criminal drug conspiracy, criminal drug
9 conspiracy, street gang criminal drug conspiracy,
10 participation in methamphetamine manufacturing,
11 aggravated participation in methamphetamine
12 manufacturing, delivery of methamphetamine, possession
13 with intent to deliver methamphetamine, aggravated
14 delivery of methamphetamine, aggravated possession with
15 intent to deliver methamphetamine, methamphetamine
16 conspiracy when the substance containing the controlled
17 substance or methamphetamine is 100 grams or more shall
18 receive no more than 7.5 days sentence credit for each
19 month of his or her sentence of imprisonment;

20 (vi) that a prisoner serving a sentence for a second
21 or subsequent offense of luring a minor shall receive no
22 more than 4.5 days of sentence credit for each month of his
23 or her sentence of imprisonment; and

24 (vii) that a prisoner serving a sentence for
25 aggravated domestic battery shall receive no more than 4.5
26 days of sentence credit for each month of his or her

1 sentence of imprisonment.

2 (2.1) For all offenses, other than those enumerated in
3 subdivision (a)(2)(i), (ii), or (iii) committed on or after
4 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
5 June 23, 2005 (the effective date of Public Act 94-71) or
6 subdivision (a)(2)(v) committed on or after August 13, 2007
7 (the effective date of Public Act 95-134) or subdivision
8 (a)(2)(vi) committed on or after June 1, 2008 (the effective
9 date of Public Act 95-625) or subdivision (a)(2)(vii)
10 committed on or after July 23, 2010 (the effective date of
11 Public Act 96-1224), and other than the offense of aggravated
12 driving under the influence of alcohol, other drug or drugs,
13 or intoxicating compound or compounds, or any combination
14 thereof as defined in subparagraph (F) of paragraph (1) of
15 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
16 and other than the offense of aggravated driving under the
17 influence of alcohol, other drug or drugs, or intoxicating
18 compound or compounds, or any combination thereof as defined
19 in subparagraph (C) of paragraph (1) of subsection (d) of
20 Section 11-501 of the Illinois Vehicle Code committed on or
21 after January 1, 2011 (the effective date of Public Act
22 96-1230), the rules and regulations shall provide that a
23 prisoner who is serving a term of imprisonment shall receive
24 one day of sentence credit for each day of his or her sentence
25 of imprisonment or recommitment under Section 3-3-9. Each day
26 of sentence credit shall reduce by one day the prisoner's

1 period of imprisonment or recommitment under Section 3-3-9.

2 (2.2) A prisoner serving a term of natural life
3 imprisonment or a prisoner who has been sentenced to death
4 shall receive no sentence credit.

5 (2.3) Except as provided in paragraph (4.7) of this
6 subsection (a), the rules and regulations on sentence credit
7 shall provide that a prisoner who is serving a sentence for
8 aggravated driving under the influence of alcohol, other drug
9 or drugs, or intoxicating compound or compounds, or any
10 combination thereof as defined in subparagraph (F) of
11 paragraph (1) of subsection (d) of Section 11-501 of the
12 Illinois Vehicle Code, shall receive no more than 4.5 days of
13 sentence credit for each month of his or her sentence of
14 imprisonment.

15 (2.4) Except as provided in paragraph (4.7) of this
16 subsection (a), the rules and regulations on sentence credit
17 shall provide with respect to the offenses of aggravated
18 battery with a machine gun or a firearm equipped with any
19 device or attachment designed or used for silencing the report
20 of a firearm or aggravated discharge of a machine gun or a
21 firearm equipped with any device or attachment designed or
22 used for silencing the report of a firearm, committed on or
23 after July 15, 1999 (the effective date of Public Act 91-121),
24 that a prisoner serving a sentence for any of these offenses
25 shall receive no more than 4.5 days of sentence credit for each
26 month of his or her sentence of imprisonment.

1 (2.5) Except as provided in paragraph (4.7) of this
2 subsection (a), the rules and regulations on sentence credit
3 shall provide that a prisoner who is serving a sentence for
4 aggravated arson committed on or after July 27, 2001 (the
5 effective date of Public Act 92-176) shall receive no more
6 than 4.5 days of sentence credit for each month of his or her
7 sentence of imprisonment.

8 (2.6) Except as provided in paragraph (4.7) of this
9 subsection (a), the rules and regulations on sentence credit
10 shall provide that a prisoner who is serving a sentence for
11 aggravated driving under the influence of alcohol, other drug
12 or drugs, or intoxicating compound or compounds or any
13 combination thereof as defined in subparagraph (C) of
14 paragraph (1) of subsection (d) of Section 11-501 of the
15 Illinois Vehicle Code committed on or after January 1, 2011
16 (the effective date of Public Act 96-1230) shall receive no
17 more than 4.5 days of sentence credit for each month of his or
18 her sentence of imprisonment.

19 (3) In addition to the sentence credits earned under
20 paragraphs (2.1), (4), (4.1), ~~(4.2)~~, and (4.7) of this
21 subsection (a), the rules and regulations shall also provide
22 that the Director may award up to 180 days of earned sentence
23 credit ~~for prisoners serving a sentence of incarceration of~~
24 ~~less than 5 years, and up to 365 days of earned sentence credit~~
25 ~~for prisoners serving a sentence of 5 years or longer. The~~
26 ~~Director may grant this credit~~ for good conduct in specific

1 instances as the Director deems proper. The good conduct may
2 include, but is not limited to, compliance with the rules and
3 regulations of the Department, service to the Department,
4 service to a community, or service to the State.

5 Eligible inmates for an award of earned sentence credit
6 under this paragraph (3) may be selected to receive the credit
7 at the Director's or his or her designee's sole discretion.
8 Eligibility for the additional earned sentence credit under
9 this paragraph (3) ~~may~~ shall be based on, but is not limited
10 to, ~~participation in programming offered by the Department as~~
11 ~~appropriate for the prisoner based on~~ the results of any
12 available risk/needs assessment or other relevant assessments
13 or evaluations administered by the Department using a
14 validated instrument, the circumstances of the crime,
15 ~~demonstrated commitment to rehabilitation by a~~ any prisoner
16 with a history of conviction for a forcible felony enumerated
17 in Section 2-8 of the Criminal Code of 2012, the inmate's
18 behavior and ~~improvements in~~ disciplinary history while
19 incarcerated, and the inmate's commitment to rehabilitation,
20 including participation in programming offered by the
21 Department.

22 The Director shall not award sentence credit under this
23 paragraph (3) to an inmate unless the inmate has served a
24 minimum of 60 days of the sentence; except nothing in this
25 paragraph shall be construed to permit the Director to extend
26 an inmate's sentence beyond that which was imposed by the

1 court. Prior to awarding credit under this paragraph (3), the
2 Director shall make a written determination that the inmate:

3 (A) is eligible for the earned sentence credit;

4 (B) has served a minimum of 60 days, or as close to 60
5 days as the sentence will allow;

6 (B-1) has received a risk/needs assessment or other
7 relevant evaluation or assessment administered by the
8 Department using a validated instrument; and

9 (C) has met the eligibility criteria established by
10 rule for earned sentence credit.

11 The Director shall determine the form and content of the
12 written determination required in this subsection.

13 (3.5) The Department shall provide annual written reports
14 to the Governor and the General Assembly on the award of earned
15 sentence credit no later than February 1 of each year. The
16 Department must publish both reports on its website within 48
17 hours of transmitting the reports to the Governor and the
18 General Assembly. The reports must include:

19 (A) the number of inmates awarded earned sentence
20 credit;

21 (B) the average amount of earned sentence credit
22 awarded;

23 (C) the holding offenses of inmates awarded earned
24 sentence credit; and

25 (D) the number of earned sentence credit revocations.

26 (4) (A) Except as provided in paragraph (4.7) of this

1 subsection (a), the rules and regulations shall also provide
2 that ~~any prisoner who~~ the sentence credit accumulated and
3 retained under paragraph (2.1) of subsection (a) of this
4 Section by any inmate during specific periods of time in which
5 such inmate is engaged full-time in substance abuse programs,
6 correctional industry assignments, educational programs,
7 ~~work release programs or activities in accordance with Article~~
8 ~~13 of Chapter III of this Code,~~ behavior modification
9 programs, life skills courses, or re-entry planning provided
10 by the Department under this paragraph (4) and satisfactorily
11 completes the assigned program as determined by the standards
12 of the Department, shall receive ~~one day of sentence credit~~
13 ~~for each day in which that prisoner is engaged in the~~
14 ~~activities described in this paragraph~~ be multiplied by a
15 factor of 1.25 for program participation before August 11,
16 1993 and 1.50 for program participation on or after that date.
17 The rules and regulations shall also provide that sentence
18 credit, subject to the same offense limits and multiplier
19 provided in this paragraph, may be provided to an inmate who
20 was held in pre-trial detention prior to his or her current
21 commitment to the Department of Corrections and successfully
22 completed a full-time, 60-day or longer substance abuse
23 program, educational program, behavior modification program,
24 life skills course, or re-entry planning provided by the
25 county department of corrections or county jail. Calculation
26 of this county program credit shall be done at sentencing as

1 provided in Section 5-4.5-100 of this Code and shall be
2 included in the sentencing order. ~~The rules and regulations~~
3 ~~shall also provide that sentence credit may be provided to an~~
4 ~~inmate who is in compliance with programming requirements in~~
5 ~~an adult transition center.~~ However, no inmate shall be
6 eligible for the additional sentence credit under this
7 paragraph (4) or (4.1) of this subsection (a) while assigned
8 to a boot camp or electronic detention.

9 (B) The Department shall award sentence credit under this
10 paragraph (4) accumulated prior to ~~January 1, 2020~~ (the
11 effective date of ~~Public Act 101-440~~) this amendatory Act of
12 the 101st General Assembly in an amount specified in
13 subparagraph (C) of this paragraph (4) to an inmate serving a
14 sentence for an offense committed prior to June 19, 1998, if
15 the Department determines that the inmate is entitled to this
16 sentence credit, based upon:

17 (i) documentation provided by the Department that the
18 inmate engaged in any full-time substance abuse programs,
19 correctional industry assignments, educational programs,
20 behavior modification programs, life skills courses, or
21 re-entry planning provided by the Department under this
22 paragraph (4) and satisfactorily completed the assigned
23 program as determined by the standards of the Department
24 during the inmate's current term of incarceration; or

25 (ii) the inmate's own testimony in the form of an
26 affidavit or documentation, or a third party's

1 documentation or testimony in the form of an affidavit
2 that the inmate likely engaged in any full-time substance
3 abuse programs, correctional industry assignments,
4 educational programs, behavior modification programs, life
5 skills courses, or re-entry planning provided by the
6 Department under paragraph (4) and satisfactorily
7 completed the assigned program as determined by the
8 standards of the Department during the inmate's current
9 term of incarceration.

10 (C) If the inmate can provide documentation that he or she
11 is entitled to sentence credit under subparagraph (B) in
12 excess of 45 days of participation in those programs, the
13 inmate shall receive 90 days of sentence credit. If the inmate
14 cannot provide documentation of more than 45 days of
15 participation in those programs, the inmate shall receive 45
16 days of sentence credit. In the event of a disagreement
17 between the Department and the inmate as to the amount of
18 credit accumulated under subparagraph (B), if the Department
19 provides documented proof of a lesser amount of days of
20 participation in those programs, that proof shall control. If
21 the Department provides no documentary proof, the inmate's
22 proof as set forth in clause (ii) of subparagraph (B) shall
23 control as to the amount of sentence credit provided.

24 (D) If the inmate has been convicted of a sex offense as
25 defined in Section 2 of the Sex Offender Registration Act,
26 sentencing credits under subparagraph (B) of this paragraph

1 (4) shall be awarded by the Department only if the conditions
2 set forth in paragraph (4.6) of subsection (a) are satisfied.
3 No inmate serving a term of natural life imprisonment shall
4 receive sentence credit under subparagraph (B) of this
5 paragraph (4).

6 Educational, vocational, substance abuse, behavior
7 modification programs, life skills courses, re-entry planning,
8 and correctional industry programs under which sentence credit
9 may be earned under this paragraph (4) and paragraph (4.1) of
10 this subsection (a) shall be evaluated by the Department on
11 the basis of documented standards. The Department shall report
12 the results of these evaluations to the Governor and the
13 General Assembly by September 30th of each year. The reports
14 shall include data relating to the recidivism rate among
15 program participants.

16 Availability of these programs shall be subject to the
17 limits of fiscal resources appropriated by the General
18 Assembly for these purposes. Eligible inmates who are denied
19 immediate admission shall be placed on a waiting list under
20 criteria established by the Department. ~~The rules and~~
21 ~~regulations shall provide that a prisoner who has been placed~~
22 ~~on a waiting list but is transferred for non-disciplinary~~
23 ~~reasons before beginning a program shall receive priority~~
24 ~~placement on the waitlist for appropriate programs at the new~~
25 ~~facility.~~ The inability of any inmate to become engaged in any
26 such programs by reason of insufficient program resources or

1 for any other reason established under the rules and
2 regulations of the Department shall not be deemed a cause of
3 action under which the Department or any employee or agent of
4 the Department shall be liable for damages to the inmate. ~~The~~
5 ~~rules and regulations shall provide that a prisoner who begins~~
6 ~~an educational, vocational, substance abuse, work release~~
7 ~~programs or activities in accordance with Article 13 of~~
8 ~~Chapter III of this Code, behavior modification program, life~~
9 ~~skills course, re entry planning, or correctional industry~~
10 ~~programs but is unable to complete the program due to illness,~~
11 ~~disability, transfer, lockdown, or another reason outside of~~
12 ~~the prisoner's control shall receive prorated sentence credits~~
13 ~~for the days in which the prisoner did participate.~~

14 (4.1) Except as provided in paragraph (4.7) of this
15 subsection (a), the rules and regulations shall also provide
16 that an additional 90 days of sentence credit shall be awarded
17 to any prisoner who passes high school equivalency testing
18 while the prisoner is committed to the Department of
19 Corrections. The sentence credit awarded under this paragraph
20 (4.1) shall be in addition to, and shall not affect, the award
21 of sentence credit under any other paragraph of this Section,
22 but shall also be pursuant to the guidelines and restrictions
23 set forth in paragraph (4) of subsection (a) of this Section.
24 The sentence credit provided for in this paragraph shall be
25 available only to those prisoners who have not previously
26 earned a high school diploma or a high school equivalency

1 certificate. If, after an award of the high school equivalency
2 testing sentence credit has been made, the Department
3 determines that the prisoner was not eligible, then the award
4 shall be revoked. The Department may also award 90 days of
5 sentence credit to any committed person who passed high school
6 equivalency testing while he or she was held in pre-trial
7 detention prior to the current commitment to the Department of
8 Corrections. ~~Except as provided in paragraph (4.7) of this~~
9 ~~subsection (a), the rules and regulations shall provide that~~
10 ~~an additional 120 days of sentence credit shall be awarded to~~
11 ~~any prisoner who obtains an associate degree while the~~
12 ~~prisoner is committed to the Department of Corrections,~~
13 ~~regardless of the date that the associate degree was obtained,~~
14 ~~including if prior to July 1, 2021 (the effective date of~~
15 ~~Public Act 101-652). The sentence credit awarded under this~~
16 ~~paragraph (4.1) shall be in addition to, and shall not affect,~~
17 ~~the award of sentence credit under any other paragraph of this~~
18 ~~Section, but shall also be under the guidelines and~~
19 ~~restrictions set forth in paragraph (4) of subsection (a) of~~
20 ~~this Section. The sentence credit provided for in this~~
21 ~~paragraph (4.1) shall be available only to those prisoners who~~
22 ~~have not previously earned an associate degree prior to the~~
23 ~~current commitment to the Department of Corrections. If, after~~
24 ~~an award of the associate degree sentence credit has been made~~
25 ~~and the Department determines that the prisoner was not~~
26 ~~eligible, then the award shall be revoked. The Department may~~

1 ~~also award 120 days of sentence credit to any committed person~~
2 ~~who earned an associate degree while he or she was held in~~
3 ~~pre-trial detention prior to the current commitment to the~~
4 ~~Department of Corrections.~~

5 Except as provided in paragraph (4.7) of this subsection
6 (a), the rules and regulations shall provide that an
7 additional 180 days of sentence credit shall be awarded to any
8 prisoner who obtains a bachelor's degree while the prisoner is
9 committed to the Department of Corrections. The sentence
10 credit awarded under this paragraph (4.1) shall be in addition
11 to, and shall not affect, the award of sentence credit under
12 any other paragraph of this Section, but shall also be under
13 the guidelines and restrictions set forth in paragraph (4) of
14 this subsection (a). The sentence credit provided for in this
15 paragraph shall be available only to those prisoners who have
16 not earned a bachelor's degree prior to the current commitment
17 to the Department of Corrections. If, after an award of the
18 bachelor's degree sentence credit has been made, the
19 Department determines that the prisoner was not eligible, then
20 the award shall be revoked. The Department may also award 180
21 days of sentence credit to any committed person who earned a
22 bachelor's degree while he or she was held in pre-trial
23 detention prior to the current commitment to the Department of
24 Corrections.

25 Except as provided in paragraph (4.7) of this subsection
26 (a), the rules and regulations shall provide that an

1 additional 180 days of sentence credit shall be awarded to any
2 prisoner who obtains a master's or professional degree while
3 the prisoner is committed to the Department of Corrections.
4 The sentence credit awarded under this paragraph (4.1) shall
5 be in addition to, and shall not affect, the award of sentence
6 credit under any other paragraph of this Section, but shall
7 also be under the guidelines and restrictions set forth in
8 paragraph (4) of this subsection (a). The sentence credit
9 provided for in this paragraph shall be available only to
10 those prisoners who have not previously earned a master's or
11 professional degree prior to the current commitment to the
12 Department of Corrections. If, after an award of the master's
13 or professional degree sentence credit has been made, the
14 Department determines that the prisoner was not eligible, then
15 the award shall be revoked. The Department may also award 180
16 days of sentence credit to any committed person who earned a
17 master's or professional degree while he or she was held in
18 pre-trial detention prior to the current commitment to the
19 Department of Corrections.

20 ~~(4.2) The rules and regulations shall also provide that~~
21 ~~any prisoner engaged in self-improvement programs, volunteer~~
22 ~~work, or work assignments that are not otherwise eligible~~
23 ~~activities under paragraph (4), shall receive up to 0.5 days~~
24 ~~of sentence credit for each day in which the prisoner is~~
25 ~~engaged in activities described in this paragraph.~~

26 (4.5) The rules and regulations on sentence credit shall

1 also provide that when the court's sentencing order recommends
2 a prisoner for substance abuse treatment and the crime was
3 committed on or after September 1, 2003 (the effective date of
4 Public Act 93-354), the prisoner shall receive no sentence
5 credit awarded under clause (3) of this subsection (a) unless
6 he or she participates in and completes a substance abuse
7 treatment program. The Director may waive the requirement to
8 participate in or complete a substance abuse treatment program
9 in specific instances if the prisoner is not a good candidate
10 for a substance abuse treatment program for medical,
11 programming, or operational reasons. Availability of substance
12 abuse treatment shall be subject to the limits of fiscal
13 resources appropriated by the General Assembly for these
14 purposes. If treatment is not available and the requirement to
15 participate and complete the treatment has not been waived by
16 the Director, the prisoner shall be placed on a waiting list
17 under criteria established by the Department. The Director may
18 allow a prisoner placed on a waiting list to participate in and
19 complete a substance abuse education class or attend substance
20 abuse self-help meetings in lieu of a substance abuse
21 treatment program. A prisoner on a waiting list who is not
22 placed in a substance abuse program prior to release may be
23 eligible for a waiver and receive sentence credit under clause
24 (3) of this subsection (a) at the discretion of the Director.

25 (4.6) The rules and regulations on sentence credit shall
26 also provide that a prisoner who has been convicted of a sex

1 offense as defined in Section 2 of the Sex Offender
2 Registration Act shall receive no sentence credit unless he or
3 she either has successfully completed or is participating in
4 sex offender treatment as defined by the Sex Offender
5 Management Board. However, prisoners who are waiting to
6 receive treatment, but who are unable to do so due solely to
7 the lack of resources on the part of the Department, may, at
8 the Director's sole discretion, be awarded sentence credit at
9 a rate as the Director shall determine.

10 (4.7) On or after ~~January 1, 2018~~ (the effective date of
11 ~~Public Act 100-3~~) this amendatory Act of the 100th General
12 Assembly, sentence credit under paragraph (3), (4), or (4.1)
13 of this subsection (a) may be awarded to a prisoner who is
14 serving a sentence for an offense described in paragraph (2),
15 (2.3), (2.4), (2.5), or (2.6) for credit earned on or after
16 ~~January 1, 2018~~ (the effective date of ~~Public Act 100-3~~) this
17 amendatory Act of the 100th General Assembly; provided, the
18 award of the credits under this paragraph (4.7) shall not
19 reduce the sentence of the prisoner to less than the following
20 amounts:

21 (i) 85% of his or her sentence if the prisoner is
22 required to serve 85% of his or her sentence; or

23 (ii) 60% of his or her sentence if the prisoner is
24 required to serve 75% of his or her sentence, except if the
25 prisoner is serving a sentence for gunrunning his or her
26 sentence shall not be reduced to less than 75%.

1 (iii) 100% of his or her sentence if the prisoner is
2 required to serve 100% of his or her sentence.

3 (5) Whenever the Department is to release any inmate
4 earlier than it otherwise would because of a grant of earned
5 sentence credit under paragraph (3) of subsection (a) of this
6 Section given at any time during the term, the Department
7 shall give reasonable notice of the impending release not less
8 than 14 days prior to the date of the release to the State's
9 Attorney of the county where the prosecution of the inmate
10 took place, and if applicable, the State's Attorney of the
11 county into which the inmate will be released. The Department
12 must also make identification information and a recent photo
13 of the inmate being released accessible on the Internet by
14 means of a hyperlink labeled "Community Notification of Inmate
15 Early Release" on the Department's World Wide Web homepage.
16 The identification information shall include the inmate's:
17 name, any known alias, date of birth, physical
18 characteristics, commitment offense, and county where
19 conviction was imposed. The identification information shall
20 be placed on the website within 3 days of the inmate's release
21 and the information may not be removed until either:
22 completion of the first year of mandatory supervised release
23 or return of the inmate to custody of the Department.

24 (b) Whenever a person is or has been committed under
25 several convictions, with separate sentences, the sentences
26 shall be construed under Section 5-8-4 in granting and

1 forfeiting of sentence credit.

2 (c) ~~(1)~~ The Department shall prescribe rules and
3 regulations for revoking sentence credit, including revoking
4 sentence credit awarded under paragraph (3) of subsection (a)
5 of this Section. ~~The Department shall prescribe rules and~~
6 ~~regulations establishing and requiring the use of a sanctions~~
7 ~~matrix for revoking sentence credit.~~ The Department shall
8 prescribe rules and regulations for suspending or reducing the
9 rate of accumulation of sentence credit for specific rule
10 violations, during imprisonment. These rules and regulations
11 shall provide that no inmate may be penalized more than one
12 year of sentence credit for any one infraction.

13 ~~(2)~~ When the Department seeks to revoke, suspend, or
14 reduce the rate of accumulation of any sentence credits for an
15 alleged infraction of its rules, it shall bring charges
16 therefor against the prisoner sought to be so deprived of
17 sentence credits before the Prisoner Review Board as provided
18 in subparagraph (a)(4) of Section 3-3-2 of this Code, if the
19 amount of credit at issue exceeds 30 days, ~~whether from one~~
20 ~~infraction or cumulatively from multiple infractions arising~~
21 ~~out of a single event,~~ or when, during any 12 month ~~12-month~~
22 period, the cumulative amount of credit revoked exceeds 30
23 days except where the infraction is committed or discovered
24 within 60 days of scheduled release. In those cases, the
25 Department of Corrections may revoke up to 30 days of sentence
26 credit. The Board may subsequently approve the revocation of

1 additional sentence credit, if the Department seeks to revoke
2 sentence credit in excess of 30 days. However, the Board shall
3 not be empowered to review the Department's decision with
4 respect to the loss of 30 days of sentence credit within any
5 calendar year for any prisoner or to increase any penalty
6 beyond the length requested by the Department.

7 ~~(3)~~ The Director of the Department of Corrections, in
8 appropriate cases, may restore up to 30 days of sentence
9 credits which have been revoked, suspended, or reduced. ~~The~~
10 ~~Department shall prescribe rules and regulations governing the~~
11 ~~restoration of sentence credits. These rules and regulations~~
12 ~~shall provide for the automatic restoration of sentence~~
13 ~~credits following a period in which the prisoner maintains a~~
14 ~~record without a disciplinary violation. Any restoration of~~
15 ~~sentence credits in excess of 30 days shall be subject to~~
16 ~~review by the Prisoner Review Board. However, the Board may~~
17 ~~not restore sentence credit in excess of the amount requested~~
18 ~~by the Director.~~

19 Nothing contained in this Section shall prohibit the
20 Prisoner Review Board from ordering, pursuant to Section
21 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
22 sentence imposed by the court that was not served due to the
23 accumulation of sentence credit.

24 (d) If a lawsuit is filed by a prisoner in an Illinois or
25 federal court against the State, the Department of
26 Corrections, or the Prisoner Review Board, or against any of

1 their officers or employees, and the court makes a specific
2 finding that a pleading, motion, or other paper filed by the
3 prisoner is frivolous, the Department of Corrections shall
4 conduct a hearing to revoke up to 180 days of sentence credit
5 by bringing charges against the prisoner sought to be deprived
6 of the sentence credits before the Prisoner Review Board as
7 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
8 If the prisoner has not accumulated 180 days of sentence
9 credit at the time of the finding, then the Prisoner Review
10 Board may revoke all sentence credit accumulated by the
11 prisoner.

12 For purposes of this subsection (d):

13 (1) "Frivolous" means that a pleading, motion, or
14 other filing which purports to be a legal document filed
15 by a prisoner in his or her lawsuit meets any or all of the
16 following criteria:

17 (A) it lacks an arguable basis either in law or in
18 fact;

19 (B) it is being presented for any improper
20 purpose, such as to harass or to cause unnecessary
21 delay or needless increase in the cost of litigation;

22 (C) the claims, defenses, and other legal
23 contentions therein are not warranted by existing law
24 or by a nonfrivolous argument for the extension,
25 modification, or reversal of existing law or the
26 establishment of new law;

1 (D) the allegations and other factual contentions
2 do not have evidentiary support or, if specifically so
3 identified, are not likely to have evidentiary support
4 after a reasonable opportunity for further
5 investigation or discovery; or

6 (E) the denials of factual contentions are not
7 warranted on the evidence, or if specifically so
8 identified, are not reasonably based on a lack of
9 information or belief.

10 (2) "Lawsuit" means a motion pursuant to Section 116-3
11 of the Code of Criminal Procedure of 1963, a habeas corpus
12 action under Article X of the Code of Civil Procedure or
13 under federal law (28 U.S.C. 2254), a petition for claim
14 under the Court of Claims Act, an action under the federal
15 Civil Rights Act (42 U.S.C. 1983), or a second or
16 subsequent petition for post-conviction relief under
17 Article 122 of the Code of Criminal Procedure of 1963
18 whether filed with or without leave of court or a second or
19 subsequent petition for relief from judgment under Section
20 2-1401 of the Code of Civil Procedure.

21 (e) Nothing in Public Act 90-592 or 90-593 affects the
22 validity of Public Act 89-404.

23 (f) Whenever the Department is to release any inmate who
24 has been convicted of a violation of an order of protection
25 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
26 the Criminal Code of 2012, earlier than it otherwise would

1 because of a grant of sentence credit, the Department, as a
2 condition of release, shall require that the person, upon
3 release, be placed under electronic surveillance as provided
4 in Section 5-8A-7 of this Code.

5 (Source: P.A. 101-440, eff. 1-1-20; 101-652, eff. 7-1-21;
6 102-28, eff. 6-25-21; 102-558, eff. 8-20-21.)

7 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

8 Sec. 5-4-1. Sentencing hearing.

9 (a) Except when the death penalty is sought under hearing
10 procedures otherwise specified, after a determination of
11 guilt, a hearing shall be held to impose the sentence.
12 However, prior to the imposition of sentence on an individual
13 being sentenced for an offense based upon a charge for a
14 violation of Section 11-501 of the Illinois Vehicle Code or a
15 similar provision of a local ordinance, the individual must
16 undergo a professional evaluation to determine if an alcohol
17 or other drug abuse problem exists and the extent of such a
18 problem. Programs conducting these evaluations shall be
19 licensed by the Department of Human Services. However, if the
20 individual is not a resident of Illinois, the court may, in its
21 discretion, accept an evaluation from a program in the state
22 of such individual's residence. The court shall make a
23 specific finding about whether the defendant is eligible for
24 participation in a Department impact incarceration program as
25 provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an

1 explanation as to why a sentence to impact incarceration is
2 not an appropriate sentence. The court may in its sentencing
3 order recommend a defendant for placement in a Department of
4 Corrections substance abuse treatment program as provided in
5 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
6 upon the defendant being accepted in a program by the
7 Department of Corrections. At the hearing the court shall:

8 (1) consider the evidence, if any, received upon the
9 trial;

10 (2) consider any presentence reports;

11 (3) consider the financial impact of incarceration
12 based on the financial impact statement filed with the
13 clerk of the court by the Department of Corrections;

14 (4) consider evidence and information offered by the
15 parties in aggravation and mitigation;

16 (4.5) consider substance abuse treatment, eligibility
17 screening, and an assessment, if any, of the defendant by
18 an agent designated by the State of Illinois to provide
19 assessment services for the Illinois courts;

20 (5) hear arguments as to sentencing alternatives;

21 (6) afford the defendant the opportunity to make a
22 statement in his own behalf;

23 (7) afford the victim of a violent crime or a
24 violation of Section 11-501 of the Illinois Vehicle Code,
25 or a similar provision of a local ordinance, the
26 opportunity to present an oral or written statement, as

1 guaranteed by Article I, Section 8.1 of the Illinois
2 Constitution and provided in Section 6 of the Rights of
3 Crime Victims and Witnesses Act. The court shall allow a
4 victim to make an oral statement if the victim is present
5 in the courtroom and requests to make an oral or written
6 statement. An oral or written statement includes the
7 victim or a representative of the victim reading the
8 written statement. The court may allow persons impacted by
9 the crime who are not victims under subsection (a) of
10 Section 3 of the Rights of Crime Victims and Witnesses Act
11 to present an oral or written statement. A victim and any
12 person making an oral statement shall not be put under
13 oath or subject to cross-examination. All statements
14 offered under this paragraph (7) shall become part of the
15 record of the court. In this paragraph (7), "victim of a
16 violent crime" means a person who is a victim of a violent
17 crime for which the defendant has been convicted after a
18 bench or jury trial or a person who is the victim of a
19 violent crime with which the defendant was charged and the
20 defendant has been convicted under a plea agreement of a
21 crime that is not a violent crime as defined in subsection
22 (c) of 3 of the Rights of Crime Victims and Witnesses Act;

23 (7.5) afford a qualified person affected by: (i) a
24 violation of Section 405, 405.1, 405.2, or 407 of the
25 Illinois Controlled Substances Act or a violation of
26 Section 55 or Section 65 of the Methamphetamine Control

1 and Community Protection Act; or (ii) a Class 4 felony
2 violation of Section 11-14, 11-14.3 except as described in
3 subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18,
4 11-18.1, or 11-19 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, committed by the defendant the
6 opportunity to make a statement concerning the impact on
7 the qualified person and to offer evidence in aggravation
8 or mitigation; provided that the statement and evidence
9 offered in aggravation or mitigation shall first be
10 prepared in writing in conjunction with the State's
11 Attorney before it may be presented orally at the hearing.
12 Sworn testimony offered by the qualified person is subject
13 to the defendant's right to cross-examine. All statements
14 and evidence offered under this paragraph (7.5) shall
15 become part of the record of the court. In this paragraph
16 (7.5), "qualified person" means any person who: (i) lived
17 or worked within the territorial jurisdiction where the
18 offense took place when the offense took place; or (ii) is
19 familiar with various public places within the territorial
20 jurisdiction where the offense took place when the offense
21 took place. "Qualified person" includes any peace officer
22 or any member of any duly organized State, county, or
23 municipal peace officer unit assigned to the territorial
24 jurisdiction where the offense took place when the offense
25 took place;

26 (8) in cases of reckless homicide afford the victim's

1 spouse, guardians, parents or other immediate family
2 members an opportunity to make oral statements;

3 (9) in cases involving a felony sex offense as defined
4 under the Sex Offender Management Board Act, consider the
5 results of the sex offender evaluation conducted pursuant
6 to Section 5-3-2 of this Act; and

7 (10) make a finding of whether a motor vehicle was
8 used in the commission of the offense for which the
9 defendant is being sentenced.

10 (b) All sentences shall be imposed by the judge based upon
11 his independent assessment of the elements specified above and
12 any agreement as to sentence reached by the parties. The judge
13 who presided at the trial or the judge who accepted the plea of
14 guilty shall impose the sentence unless he is no longer
15 sitting as a judge in that court. Where the judge does not
16 impose sentence at the same time on all defendants who are
17 convicted as a result of being involved in the same offense,
18 the defendant or the State's Attorney may advise the
19 sentencing court of the disposition of any other defendants
20 who have been sentenced.

21 (b-1) In imposing a sentence of imprisonment or periodic
22 imprisonment for a Class 3 or Class 4 felony for which a
23 sentence of probation or conditional discharge is an available
24 sentence, if the defendant has no prior sentence of probation
25 or conditional discharge and no prior conviction for a violent
26 crime, the defendant shall not be sentenced to imprisonment

1 before review and consideration of a presentence report and
2 determination and explanation of why the particular evidence,
3 information, factor in aggravation, factual finding, or other
4 reasons support a sentencing determination that one or more of
5 the factors under subsection (a) of Section 5-6-1 of this Code
6 apply and that probation or conditional discharge is not an
7 appropriate sentence.

8 (c) In imposing a sentence for a violent crime or for an
9 offense of operating or being in physical control of a vehicle
10 while under the influence of alcohol, any other drug or any
11 combination thereof, or a similar provision of a local
12 ordinance, when such offense resulted in the personal injury
13 to someone other than the defendant, the trial judge shall
14 specify on the record the particular evidence, information,
15 factors in mitigation and aggravation or other reasons that
16 led to his sentencing determination. The full verbatim record
17 of the sentencing hearing shall be filed with the clerk of the
18 court and shall be a public record.

19 (c-1) In imposing a sentence for the offense of aggravated
20 kidnapping for ransom, home invasion, armed robbery,
21 aggravated vehicular hijacking, aggravated discharge of a
22 firearm, or armed violence with a category I weapon or
23 category II weapon, the trial judge shall make a finding as to
24 whether the conduct leading to conviction for the offense
25 resulted in great bodily harm to a victim, and shall enter that
26 finding and the basis for that finding in the record.

1 (c-2) If the defendant is sentenced to prison, other than
2 when a sentence of natural life imprisonment or a sentence of
3 death is imposed, at the time the sentence is imposed the judge
4 shall state on the record in open court the approximate period
5 of time the defendant will serve in custody according to the
6 then current statutory rules and regulations for sentence
7 credit found in Section 3-6-3 and other related provisions of
8 this Code. This statement is intended solely to inform the
9 public, has no legal effect on the defendant's actual release,
10 and may not be relied on by the defendant on appeal.

11 The judge's statement, to be given after pronouncing the
12 sentence, other than when the sentence is imposed for one of
13 the offenses enumerated in paragraph (a) (4) of Section 3-6-3,
14 shall include the following:

15 "The purpose of this statement is to inform the public of
16 the actual period of time this defendant is likely to spend in
17 prison as a result of this sentence. The actual period of
18 prison time served is determined by the statutes of Illinois
19 as applied to this sentence by the Illinois Department of
20 Corrections and the Illinois Prisoner Review Board. In this
21 case, assuming the defendant receives all of his or her
22 sentence credit, the period of estimated actual custody is ...
23 years and ... months, less up to 180 days additional earned
24 sentence credit. If the defendant, because of his or her own
25 misconduct or failure to comply with the institutional
26 regulations, does not receive those credits, the actual time

1 served in prison will be longer. The defendant may also
2 receive an additional one-half day sentence credit for each
3 day of participation in vocational, industry, substance abuse,
4 and educational programs as provided for by Illinois statute."

5 When the sentence is imposed for one of the offenses
6 enumerated in paragraph (a)(2) of Section 3-6-3, other than
7 first degree murder, and the offense was committed on or after
8 June 19, 1998, and when the sentence is imposed for reckless
9 homicide as defined in subsection (e) of Section 9-3 of the
10 Criminal Code of 1961 or the Criminal Code of 2012 if the
11 offense was committed on or after January 1, 1999, and when the
12 sentence is imposed for aggravated driving under the influence
13 of alcohol, other drug or drugs, or intoxicating compound or
14 compounds, or any combination thereof as defined in
15 subparagraph (F) of paragraph (1) of subsection (d) of Section
16 11-501 of the Illinois Vehicle Code, and when the sentence is
17 imposed for aggravated arson if the offense was committed on
18 or after July 27, 2001 (the effective date of Public Act
19 92-176), and when the sentence is imposed for aggravated
20 driving under the influence of alcohol, other drug or drugs,
21 or intoxicating compound or compounds, or any combination
22 thereof as defined in subparagraph (C) of paragraph (1) of
23 subsection (d) of Section 11-501 of the Illinois Vehicle Code
24 committed on or after January 1, 2011 (the effective date of
25 Public Act 96-1230), the judge's statement, to be given after
26 pronouncing the sentence, 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, the defendant is entitled to no more than 4 1/2 days of
8 sentence credit for each month of his or her sentence of
9 imprisonment. Therefore, this defendant will serve at least
10 85% of his or her sentence. Assuming the defendant receives 4
11 1/2 days credit for each month of his or her sentence, the
12 period of estimated actual custody is ... years and ...
13 months. If the defendant, because of his or her own misconduct
14 or failure to comply with the institutional regulations
15 receives lesser credit, the actual time served in prison will
16 be longer."

17 When a sentence of imprisonment is imposed for first
18 degree murder and the offense was committed on or after June
19 19, 1998, the judge's statement, to be given after pronouncing
20 the sentence, shall include the following:

21 "The purpose of this statement is to inform the public of
22 the actual period of time this defendant is likely to spend in
23 prison as a result of this sentence. The actual period of
24 prison time served is determined by the statutes of Illinois
25 as applied to this sentence by the Illinois Department of
26 Corrections and the Illinois Prisoner Review Board. In this

1 case, the defendant is not entitled to sentence credit.
2 Therefore, this defendant will serve 100% of his or her
3 sentence."

4 When the sentencing order recommends placement in a
5 substance abuse program for any offense that results in
6 incarceration in a Department of Corrections facility and the
7 crime was committed on or after September 1, 2003 (the
8 effective date of Public Act 93-354), the judge's statement,
9 in addition to any other judge's statement required under this
10 Section, to be given after pronouncing the sentence, shall
11 include the following:

12 "The purpose of this statement is to inform the public of
13 the actual period of time this defendant is likely to spend in
14 prison as a result of this sentence. The actual period of
15 prison time served is determined by the statutes of Illinois
16 as applied to this sentence by the Illinois Department of
17 Corrections and the Illinois Prisoner Review Board. In this
18 case, the defendant shall receive no earned sentence credit
19 under clause (3) of subsection (a) of Section 3-6-3 until he or
20 she participates in and completes a substance abuse treatment
21 program or receives a waiver from the Director of Corrections
22 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

23 (c-4) Before the sentencing hearing and as part of the
24 presentence investigation under Section 5-3-1, the court shall
25 inquire of the defendant whether the defendant is currently
26 serving in or is a veteran of the Armed Forces of the United

1 States. If the defendant is currently serving in the Armed
2 Forces of the United States or is a veteran of the Armed Forces
3 of the United States and has been diagnosed as having a mental
4 illness by a qualified psychiatrist or clinical psychologist
5 or physician, the court may:

6 (1) order that the officer preparing the presentence
7 report consult with the United States Department of
8 Veterans Affairs, Illinois Department of Veterans'
9 Affairs, or another agency or person with suitable
10 knowledge or experience for the purpose of providing the
11 court with information regarding treatment options
12 available to the defendant, including federal, State, and
13 local programming; and

14 (2) consider the treatment recommendations of any
15 diagnosing or treating mental health professionals
16 together with the treatment options available to the
17 defendant in imposing sentence.

18 For the purposes of this subsection (c-4), "qualified
19 psychiatrist" means a reputable physician licensed in Illinois
20 to practice medicine in all its branches, who has specialized
21 in the diagnosis and treatment of mental and nervous disorders
22 for a period of not less than 5 years.

23 (c-6) In imposing a sentence, the trial judge shall
24 specify, on the record, the particular evidence and other
25 reasons which led to his or her determination that a motor
26 vehicle was used in the commission of the offense.

1 ~~(c-7) In imposing a sentence for a Class 3 or 4 felony,~~
2 ~~other than a violent crime as defined in Section 3 of the~~
3 ~~Rights of Crime Victims and Witnesses Act, the court shall~~
4 ~~determine and indicate in the sentencing order whether the~~
5 ~~defendant has 4 or more or fewer than 4 months remaining on his~~
6 ~~or her sentence accounting for time served.~~

7 (d) When the defendant is committed to the Department of
8 Corrections, the State's Attorney shall and counsel for the
9 defendant may file a statement with the clerk of the court to
10 be transmitted to the department, agency or institution to
11 which the defendant is committed to furnish such department,
12 agency or institution with the facts and circumstances of the
13 offense for which the person was committed together with all
14 other factual information accessible to them in regard to the
15 person prior to his commitment relative to his habits,
16 associates, disposition and reputation and any other facts and
17 circumstances which may aid such department, agency or
18 institution during its custody of such person. The clerk shall
19 within 10 days after receiving any such statements transmit a
20 copy to such department, agency or institution and a copy to
21 the other party, provided, however, that this shall not be
22 cause for delay in conveying the person to the department,
23 agency or institution to which he has been committed.

24 (e) The clerk of the court shall transmit to the
25 department, agency or institution, if any, to which the
26 defendant is committed, the following:

- 1 (1) the sentence imposed;
- 2 (2) any statement by the court of the basis for
3 imposing the sentence;
- 4 (3) any presentence reports;
- 5 (3.5) any sex offender evaluations;
- 6 (3.6) any substance abuse treatment eligibility
7 screening and assessment of the defendant by an agent
8 designated by the State of Illinois to provide assessment
9 services for the Illinois courts;
- 10 (4) the number of days, if any, which the defendant
11 has been in custody and for which he is entitled to credit
12 against the sentence, which information shall be provided
13 to the clerk by the sheriff;
- 14 (4.1) any finding of great bodily harm made by the
15 court with respect to an offense enumerated in subsection
16 (c-1);
- 17 (5) all statements filed under subsection (d) of this
18 Section;
- 19 (6) any medical or mental health records or summaries
20 of the defendant;
- 21 (7) the municipality where the arrest of the offender
22 or the commission of the offense has occurred, where such
23 municipality has a population of more than 25,000 persons;
- 24 (8) all statements made and evidence offered under
25 paragraph (7) of subsection (a) of this Section; and
- 26 (9) all additional matters which the court directs the

1 clerk to transmit.

2 (f) In cases in which the court finds that a motor vehicle
3 was used in the commission of the offense for which the
4 defendant is being sentenced, the clerk of the court shall,
5 within 5 days thereafter, forward a report of such conviction
6 to the Secretary of State.

7 (Source: P.A. 100-961, eff. 1-1-19; 101-81, eff. 7-12-19;
8 101-105, eff. 1-1-20; 101-652.)

9 (730 ILCS 5/5-4.5-95)

10 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

11 (a) HABITUAL CRIMINALS.

12 (1) Every person who has been twice convicted in any
13 state or federal court of an offense that contains the
14 same elements as an offense now (the date of the offense
15 committed after the 2 prior convictions) classified in
16 Illinois as a Class X felony, criminal sexual assault,
17 aggravated kidnapping, or first degree murder, and who is
18 thereafter convicted of a Class X felony, criminal sexual
19 assault, or first degree murder, committed after the 2
20 prior convictions, shall be adjudged an habitual criminal.

21 (2) The 2 prior convictions need not have been for the
22 same offense.

23 (3) Any convictions that result from or are connected
24 with the same transaction, or result from offenses
25 committed at the same time, shall be counted for the

1 purposes of this Section as one conviction.

2 (4) This Section does not apply unless each of the
3 following requirements are satisfied:

4 (A) The third offense was committed after July 3,
5 1980.

6 (B) The third offense was committed within 20
7 years of the date that judgment was entered on the
8 first conviction; provided, however, that time spent
9 in custody shall not be counted.

10 (C) The third offense was committed after
11 conviction on the second offense.

12 (D) The second offense was committed after
13 conviction on the first offense.

14 ~~(E) The first offense was committed when the~~
15 ~~person was 21 years of age or older.~~

16 (5) Anyone who, having attained the age of 18 at the
17 time of the third offense, is adjudged an habitual
18 criminal shall be sentenced to a term of natural life
19 imprisonment.

20 (6) A prior conviction shall not be alleged in the
21 indictment, and no evidence or other disclosure of that
22 conviction shall be presented to the court or the jury
23 during the trial of an offense set forth in this Section
24 unless otherwise permitted by the issues properly raised
25 in that trial. After a plea or verdict or finding of guilty
26 and before sentence is imposed, the prosecutor may file

1 with the court a verified written statement signed by the
2 State's Attorney concerning any former conviction of an
3 offense set forth in this Section rendered against the
4 defendant. The court shall then cause the defendant to be
5 brought before it; shall inform the defendant of the
6 allegations of the statement so filed, and of his or her
7 right to a hearing before the court on the issue of that
8 former conviction and of his or her right to counsel at
9 that hearing; and unless the defendant admits such
10 conviction, shall hear and determine the issue, and shall
11 make a written finding thereon. If a sentence has
12 previously been imposed, the court may vacate that
13 sentence and impose a new sentence in accordance with this
14 Section.

15 (7) A duly authenticated copy of the record of any
16 alleged former conviction of an offense set forth in this
17 Section shall be prima facie evidence of that former
18 conviction; and a duly authenticated copy of the record of
19 the defendant's final release or discharge from probation
20 granted, or from sentence and parole supervision (if any)
21 imposed pursuant to that former conviction, shall be prima
22 facie evidence of that release or discharge.

23 (8) Any claim that a previous conviction offered by
24 the prosecution is not a former conviction of an offense
25 set forth in this Section because of the existence of any
26 exceptions described in this Section, is waived unless

1 duly raised at the hearing on that conviction, or unless
2 the prosecution's proof shows the existence of the
3 exceptions described in this Section.

4 (9) If the person so convicted shows to the
5 satisfaction of the court before whom that conviction was
6 had that he or she was released from imprisonment, upon
7 either of the sentences upon a pardon granted for the
8 reason that he or she was innocent, that conviction and
9 sentence shall not be considered under this Section.

10 (b) When a defendant, over the age of 21 years, is
11 convicted of a Class 1 or Class 2 ~~forcible~~ felony, except for
12 an offense listed in subsection (c) of this Section, after
13 having twice been convicted in any state or federal court of an
14 offense that contains the same elements as an offense now (the
15 date the Class 1 or Class 2 ~~forcible~~ felony was committed)
16 classified in Illinois as a Class 2 or greater Class ~~forcible~~
17 felony, except for an offense listed in subsection (c) of this
18 Section, and those charges are separately brought and tried
19 and arise out of different series of acts, that defendant
20 shall be sentenced as a Class X offender. This subsection does
21 not apply unless:

22 (1) the first ~~forcible~~ felony was committed after
23 February 1, 1978 (the effective date of Public Act
24 80-1099);

25 (2) the second ~~forcible~~ felony was committed after
26 conviction on the first; and

1 (3) the third ~~forcible~~ felony was committed after
2 conviction on the second; ~~and~~

3 ~~(4) the first offense was committed when the person~~
4 ~~was 21 years of age or older.~~

5 (c) ~~(Blank)~~. Subsection (b) of this Section does not apply
6 to Class 1 or Class 2 felony convictions for a violation of
7 Section 16-1 of the Criminal Code of 2012.

8 A person sentenced as a Class X offender under this
9 subsection (b) is not eligible to apply for treatment as a
10 condition of probation as provided by Section 40-10 of the
11 Substance Use Disorder Act (20 ILCS 301/40-10).

12 (Source: P.A. 99-69, eff. 1-1-16; 100-3, eff. 1-1-18; 100-759,
13 eff. 1-1-19; 101-652.)

14 (730 ILCS 5/5-4.5-100)

15 Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

16 (a) COMMENCEMENT. A sentence of imprisonment shall
17 commence on the date on which the offender is received by the
18 Department or the institution at which the sentence is to be
19 served.

20 (b) CREDIT; TIME IN CUSTODY; SAME CHARGE. Except as set
21 forth in subsection (e), the offender shall be given credit on
22 the determinate sentence or maximum term and the minimum
23 period of imprisonment for the number of days spent in custody
24 as a result of the offense for which the sentence was imposed.
25 The Department shall calculate the credit at the rate

1 specified in Section 3-6-3 (730 ILCS 5/3-6-3). ~~The~~ Except when
2 prohibited by subsection (d), the trial court shall give
3 credit to the defendant for time spent in home detention on the
4 same sentencing terms as incarceration as provided in Section
5 5-8A-3 (730 ILCS 5/5-8A-3). ~~Home detention for purposes of~~
6 ~~credit includes restrictions on liberty such as curfews~~
7 ~~restricting movement for 12 hours or more per day and~~
8 ~~electronic monitoring that restricts travel or movement.~~
9 ~~Electronic monitoring is not required for home detention to be~~
10 ~~considered custodial for purposes of sentencing credit.~~ The
11 trial court may give credit to the defendant for the number of
12 days spent confined for psychiatric or substance abuse
13 treatment prior to judgment, if the court finds that the
14 detention or confinement was custodial.

15 (c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender
16 arrested on one charge and prosecuted on another charge for
17 conduct that occurred prior to his or her arrest shall be given
18 credit on the determinate sentence or maximum term and the
19 minimum term of imprisonment for time spent in custody under
20 the former charge not credited against another sentence.

21 (c-5) CREDIT; PROGRAMMING. The trial court shall give the
22 defendant credit for successfully completing county
23 programming while in custody prior to imposition of sentence
24 at the rate specified in Section 3-6-3 (730 ILCS 5/3-6-3). For
25 the purposes of this subsection, "custody" includes time spent
26 in home detention.

1 (d) ~~(Blank)~~. NO CREDIT; SOME HOME DETENTION. An offender
2 sentenced to a term of imprisonment for an offense listed in
3 paragraph (2) of subsection (c) of Section 5-5-3 (730 ILCS
4 5/5-5-3) or in paragraph (3) of subsection (c-1) of Section
5 11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501) shall
6 not receive credit for time spent in home detention prior to
7 judgment.

8 (e) NO CREDIT; REVOCATION OF PAROLE, MANDATORY SUPERVISED
9 RELEASE, OR PROBATION. An offender charged with the commission
10 of an offense committed while on parole, mandatory supervised
11 release, or probation shall not be given credit for time spent
12 in custody under subsection (b) for that offense for any time
13 spent in custody as a result of a revocation of parole,
14 mandatory supervised release, or probation where such
15 revocation is based on a sentence imposed for a previous
16 conviction, regardless of the facts upon which the revocation
17 of parole, mandatory supervised release, or probation is
18 based, unless both the State and the defendant agree that the
19 time served for a violation of mandatory supervised release,
20 parole, or probation shall be credited towards the sentence
21 for the current offense.

22 (Source: P.A. 96-1000, eff. 7-2-10; 97-697, eff. 6-22-12;
23 101-652.)

24 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

25 Sec. 5-8-1. Natural life imprisonment; enhancements for

1 use of a firearm; mandatory supervised release terms.

2 (a) Except as otherwise provided in the statute defining
3 the offense or in Article 4.5 of Chapter V, a sentence of
4 imprisonment for a felony shall be a determinate sentence set
5 by the court under this Section, subject to Section 5-4.5-115
6 of this Code, according to the following limitations:

7 (1) for first degree murder,

8 (a) (blank),

9 (b) if a trier of fact finds beyond a reasonable
10 doubt that the murder was accompanied by exceptionally
11 brutal or heinous behavior indicative of wanton
12 cruelty or, except as set forth in subsection
13 (a) (1) (c) of this Section, that any of the aggravating
14 factors listed in subsection (b) or (b-5) of Section
15 9-1 of the Criminal Code of 1961 or the Criminal Code
16 of 2012 are present, the court may sentence the
17 defendant, subject to Section 5-4.5-105, to a term of
18 natural life imprisonment, or

19 (c) the court shall sentence the defendant to a
20 term of natural life imprisonment if the defendant, at
21 the time of the commission of the murder, had attained
22 the age of 18, and:

23 (i) has previously been convicted of first
24 degree murder under any state or federal law, or

25 (ii) is found guilty of murdering more than
26 one victim, or

1 (iii) is found guilty of murdering a peace
2 officer, fireman, or emergency management worker
3 when the peace officer, fireman, or emergency
4 management worker was killed in the course of
5 performing his official duties, or to prevent the
6 peace officer or fireman from performing his
7 official duties, or in retaliation for the peace
8 officer, fireman, or emergency management worker
9 from performing his official duties, and the
10 defendant knew or should have known that the
11 murdered individual was a peace officer, fireman,
12 or emergency management worker, or

13 (iv) is found guilty of murdering an employee
14 of an institution or facility of the Department of
15 Corrections, or any similar local correctional
16 agency, when the employee was killed in the course
17 of performing his official duties, or to prevent
18 the employee from performing his official duties,
19 or in retaliation for the employee performing his
20 official duties, or

21 (v) is found guilty of murdering an emergency
22 medical technician - ambulance, emergency medical
23 technician - intermediate, emergency medical
24 technician - paramedic, ambulance driver or other
25 medical assistance or first aid person while
26 employed by a municipality or other governmental

1 unit when the person was killed in the course of
2 performing official duties or to prevent the
3 person from performing official duties or in
4 retaliation for performing official duties and the
5 defendant knew or should have known that the
6 murdered individual was an emergency medical
7 technician - ambulance, emergency medical
8 technician - intermediate, emergency medical
9 technician - paramedic, ambulance driver, or other
10 medical assistant or first aid personnel, or

11 (vi) (blank), or

12 (vii) is found guilty of first degree murder
13 and the murder was committed by reason of any
14 person's activity as a community policing
15 volunteer or to prevent any person from engaging
16 in activity as a community policing volunteer. For
17 the purpose of this Section, "community policing
18 volunteer" has the meaning ascribed to it in
19 Section 2-3.5 of the Criminal Code of 2012.

20 For purposes of clause (v), "emergency medical
21 technician - ambulance", "emergency medical technician
22 - intermediate", "emergency medical technician -
23 paramedic", have the meanings ascribed to them in the
24 Emergency Medical Services (EMS) Systems Act.

25 (d) (i) if the person committed the offense while
26 armed with a firearm, 15 years shall be added to

1 the term of imprisonment imposed by the court;

2 (ii) if, during the commission of the offense, the
3 person personally discharged a firearm, 20 years shall
4 be added to the term of imprisonment imposed by the
5 court;

6 (iii) if, during the commission of the offense,
7 the person personally discharged a firearm that
8 proximately caused great bodily harm, permanent
9 disability, permanent disfigurement, or death to
10 another person, 25 years or up to a term of natural
11 life shall be added to the term of imprisonment
12 imposed by the court.

13 (2) (blank);

14 (2.5) for a person who has attained the age of 18 years
15 at the time of the commission of the offense and who is
16 convicted under the circumstances described in subdivision
17 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
18 subsection (b) of Section 12-13, subdivision (d)(2) of
19 Section 11-1.30 or paragraph (2) of subsection (d) of
20 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
21 paragraph (1.2) of subsection (b) of Section 12-14.1,
22 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
23 subsection (b) of Section 12-14.1 of the Criminal Code of
24 1961 or the Criminal Code of 2012, the sentence shall be a
25 term of natural life imprisonment.

26 (b) (Blank).

1 (c) (Blank).

2 (d) Subject to earlier termination under Section 3-3-8,
3 the parole or mandatory supervised release term shall be
4 written as part of the sentencing order and shall be as
5 follows:

6 (1) for first degree murder ~~or for the offenses of~~
7 ~~predatory criminal sexual assault of a child, aggravated~~
8 ~~criminal sexual assault, and criminal sexual assault if~~
9 ~~committed on or before December 12, 2005~~ or a Class X
10 felony except for the offenses of predatory criminal
11 sexual assault of a child, aggravated criminal sexual
12 assault, and criminal sexual assault if committed on or
13 after the effective date of this amendatory Act of the
14 94th General Assembly and except for the offense of
15 aggravated child pornography under Section 11-20.1B,
16 11-20.3, or 11-20.1 with sentencing under subsection (c-5)
17 of Section 11-20.1 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, if committed on or after January 1,
19 2009, 3 years;

20 ~~(1.5) except as provided in paragraph (7) of this~~
21 ~~subsection (d), for a Class X felony except for the~~
22 ~~offenses of predatory criminal sexual assault of a child,~~
23 ~~aggravated criminal sexual assault, and criminal sexual~~
24 ~~assault if committed on or after December 13, 2005 (the~~
25 ~~effective date of Public Act 94-715) and except for the~~
26 ~~offense of aggravated child pornography under Section~~

1 ~~11-20.1B., 11-20.3, or 11-20.1 with sentencing under~~
2 ~~subsection (c-5) of Section 11-20.1 of the Criminal Code~~
3 ~~of 1961 or the Criminal Code of 2012, if committed on or~~
4 ~~after January 1, 2009, 18 months;~~

5 (2) ~~except as provided in paragraph (7) of this~~
6 ~~subsection (d),~~ for a Class 1 felony or a Class 2 felony
7 except for the offense of criminal sexual assault if
8 committed on or after ~~December 13, 2005~~ (the effective
9 date of ~~Public Act 94-715~~) this amendatory Act of the 94th
10 General Assembly and except for the offenses of
11 manufacture and dissemination of child pornography under
12 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
13 Criminal Code of 1961 or the Criminal Code of 2012, if
14 committed on or after January 1, 2009, ~~12 months~~ 2 years;

15 (3) ~~except as provided in paragraph (4), (6), or (7)~~
16 ~~of this subsection (d), a mandatory supervised release~~
17 ~~term shall not be imposed for a Class 3 felony or a Class 4~~
18 ~~felony, unless:~~

19 ~~(A) the Prisoner Review Board, based on a~~
20 ~~validated risk and needs assessment, determines it is~~
21 ~~necessary for an offender to serve a mandatory~~
22 ~~supervised release term;~~

23 ~~(B) if the Prisoner Review Board determines a~~
24 ~~mandatory supervised release term is necessary~~
25 ~~pursuant to subparagraph (A) of this paragraph (3),~~
26 ~~the Prisoner Review Board shall specify the maximum~~

1 ~~number of months of mandatory supervised release the~~
2 ~~offender may serve, limited to a term of: (i) 12 months~~
3 ~~for a Class 3 felony; and (ii) 12 months for a Class 4~~
4 ~~felony~~ for a Class 3 felony or a Class 4 felony, 1
5 year;

6 (4) for defendants who commit the offense of predatory
7 criminal sexual assault of a child, aggravated criminal
8 sexual assault, or criminal sexual assault, on or after
9 December 13, 2005 (the effective date of Public Act
10 94-715) ~~this amendatory Act of the 94th General Assembly,~~
11 or who commit the offense of aggravated child pornography
12 under Section 11-20.1B, 11-20.3, or 11-20.1 with
13 sentencing under subsection (c-5) of Section 11-20.1 of
14 the Criminal Code of 1961 or the Criminal Code of 2012,
15 manufacture of child pornography, or dissemination of
16 child pornography after January 1, 2009, the term of
17 mandatory supervised release shall range from a minimum of
18 3 years to a maximum of the natural life of the defendant;

19 (5) if the victim is under 18 years of age, for a
20 second or subsequent offense of aggravated criminal sexual
21 abuse or felony criminal sexual abuse, 4 years, at least
22 the first 2 years of which the defendant shall serve in an
23 electronic monitoring or home detention program under
24 Article 8A of Chapter V of this Code;

25 (6) for a felony domestic battery, aggravated domestic
26 battery, stalking, aggravated stalking, and a felony

1 violation of an order of protection, 4 years~~+~~.

2 ~~(7) for any felony described in paragraph (a)(2)(ii),~~
3 ~~(a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),~~
4 ~~(a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section~~
5 ~~3-6-3 of the Unified Code of Corrections requiring an~~
6 ~~inmate to serve a minimum of 85% of their court imposed~~
7 ~~sentence, except for the offenses of predatory criminal~~
8 ~~sexual assault of a child, aggravated criminal sexual~~
9 ~~assault, and criminal sexual assault if committed on or~~
10 ~~after December 13, 2005 (the effective date of Public Act~~
11 ~~94-715) and except for the offense of aggravated child~~
12 ~~pornography under Section 11-20.1B., 11-20.3, or 11-20.1~~
13 ~~with sentencing under subsection (c-5) of Section 11-20.1~~
14 ~~of the Criminal Code of 1961 or the Criminal Code of 2012,~~
15 ~~if committed on or after January 1, 2009 and except as~~
16 ~~provided in paragraph (4) or paragraph (6) of this~~
17 ~~subsection (d), the term of mandatory supervised release~~
18 ~~shall be as follows:~~

19 ~~(A) Class X felony, 3 years;~~

20 ~~(B) Class 1 or Class 2 felonies, 2 years;~~

21 ~~(C) Class 3 or Class 4 felonies, 1 year.~~

22 (e) (Blank).

23 (f) (Blank).

24 (g) Notwithstanding any other provisions of this Act and
25 of Public Act 101-652: (i) the provisions of paragraph (3) of
26 subsection (d) are effective on January 1, 2022 and shall

1 apply to all individuals convicted on or after the effective
2 date of paragraph (3) of subsection (d); and (ii) the
3 provisions of paragraphs (1.5) and (2) of subsection (d) are
4 effective on July 1, 2021 and shall apply to all individuals
5 convicted on or after the effective date of paragraphs (1.5)
6 and (2) of subsection (d).

7 (Source: P.A. 101-288, eff. 1-1-20; 101-652, eff. 7-1-21;
8 102-28, eff. 6-25-21; revised 8-2-21.)

9 (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

10 Sec. 5-8-6. Place of confinement.

11 (a) ~~Except as otherwise provided in this subsection (a),~~
12 ~~offenders~~ Offenders sentenced to a term of imprisonment for a
13 felony shall be committed to the penitentiary system of the
14 Department of Corrections. However, such sentence shall not
15 limit the powers of the Department of Children and Family
16 Services in relation to any child under the age of one year in
17 the sole custody of a person so sentenced, nor in relation to
18 any child delivered by a female so sentenced while she is so
19 confined as a consequence of such sentence. ~~Except as~~
20 ~~otherwise provided in this subsection (a),~~ a A person
21 sentenced for a felony may be assigned by the Department of
22 Corrections to any of its institutions, facilities or
23 programs. ~~An offender sentenced to a term of imprisonment for~~
24 ~~a Class 3 or 4 felony, other than a violent crime as defined in~~
25 ~~Section 3 of the Rights of Crime Victims and Witnesses Act, in~~

1 ~~which the sentencing order indicates that the offender has~~
2 ~~less than 4 months remaining on his or her sentence accounting~~
3 ~~for time served may not be confined in the penitentiary system~~
4 ~~of the Department of Corrections but may be assigned to~~
5 ~~electronic home detention under Article 8A of this Chapter V,~~
6 ~~an adult transition center, or another facility or program~~
7 ~~within the Department of Corrections.~~

8 (b) Offenders sentenced to a term of imprisonment for less
9 than one year shall be committed to the custody of the sheriff.
10 A person committed to the Department of Corrections, prior to
11 July 14, 1983, for less than one year may be assigned by the
12 Department to any of its institutions, facilities or programs.

13 (c) All offenders under 18 years of age when sentenced to
14 imprisonment shall be committed to the Department of Juvenile
15 Justice and the court in its order of commitment shall set a
16 definite term. The provisions of Section 3-3-3 shall be a part
17 of such commitment as fully as though written in the order of
18 commitment. The place of confinement for sentences imposed
19 before the effective date of this amendatory Act of the 99th
20 General Assembly are not affected or abated by this amendatory
21 Act of the 99th General Assembly.

22 (d) No defendant shall be committed to the Department of
23 Corrections for the recovery of a fine or costs.

24 (e) When a court sentences a defendant to a term of
25 imprisonment concurrent with a previous and unexpired sentence
26 of imprisonment imposed by any district court of the United

1 States, it may commit the offender to the custody of the
2 Attorney General of the United States. The Attorney General of
3 the United States, or the authorized representative of the
4 Attorney General of the United States, shall be furnished with
5 the warrant of commitment from the court imposing sentence,
6 which warrant of commitment shall provide that, when the
7 offender is released from federal confinement, whether by
8 parole or by termination of sentence, the offender shall be
9 transferred by the Sheriff of the committing county to the
10 Department of Corrections. The court shall cause the
11 Department to be notified of such sentence at the time of
12 commitment and to be provided with copies of all records
13 regarding the sentence.

14 (Source: P.A. 99-628, eff. 1-1-17; 101-652.)

15 (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

16 Sec. 5-8A-2. Definitions. As used in this Article:

17 (A) "Approved electronic monitoring device" means a device
18 approved by the supervising authority which is primarily
19 intended to record or transmit information as to the
20 defendant's presence or nonpresence in the home, consumption
21 of alcohol, consumption of drugs, location as determined
22 through GPS, cellular triangulation, Wi-Fi, or other
23 electronic means.

24 An approved electronic monitoring device may record or
25 transmit: oral or wire communications or an auditory sound;

1 visual images; or information regarding the offender's
2 activities while inside the offender's home. These devices are
3 subject to the required consent as set forth in Section 5-8A-5
4 of this Article.

5 An approved electronic monitoring device may be used to
6 record a conversation between the participant and the
7 monitoring device, or the participant and the person
8 supervising the participant solely for the purpose of
9 identification and not for the purpose of eavesdropping or
10 conducting any other illegally intrusive monitoring.

11 (A-10) "Department" means the Department of Corrections or
12 the Department of Juvenile Justice.

13 (A-20) "Electronic monitoring" means the monitoring of an
14 inmate, person, or offender with an electronic device both
15 within and outside of their home under the terms and
16 conditions established by the supervising authority.

17 (B) "Excluded offenses" means first degree murder, escape,
18 predatory criminal sexual assault of a child, aggravated
19 criminal sexual assault, criminal sexual assault, aggravated
20 battery with a firearm as described in Section 12-4.2 or
21 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of Section
22 12-3.05, bringing or possessing a firearm, ammunition or
23 explosive in a penal institution, any "Super-X" drug offense
24 or calculated criminal drug conspiracy or streetgang criminal
25 drug conspiracy, or any predecessor or successor offenses with
26 the same or substantially the same elements, or any inchoate

1 offenses relating to the foregoing offenses.

2 (B-10) "GPS" means a device or system which utilizes the
3 Global Positioning Satellite system for determining the
4 location of a person, inmate or offender.

5 (C) "Home detention" means the confinement of a person
6 convicted or charged with an offense to his or her place of
7 residence under the terms and conditions established by the
8 supervising authority. ~~Confinement need not be 24 hours per~~
9 ~~day to qualify as home detention, and significant restrictions~~
10 ~~on liberty such as 7pm to 7am curfews shall qualify. Home~~
11 ~~confinement may or may not be accompanied by electronic~~
12 ~~monitoring, and electronic monitoring is not required for~~
13 ~~purposes of sentencing credit.~~

14 (D) "Participant" means an inmate or offender placed into
15 an electronic monitoring program.

16 (E) "Supervising authority" means the Department of
17 Corrections, the Department of Juvenile Justice, probation
18 department, ~~a Chief Judge's office, pretrial services division~~
19 ~~or department,~~ sheriff, superintendent of municipal house of
20 corrections or any other officer or agency charged with
21 authorizing and supervising electronic monitoring and home
22 detention.

23 (F) "Super-X drug offense" means a violation of Section
24 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D);
25 Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B),
26 (C), or (D) of the Illinois Controlled Substances Act.

1 (G) "Wi-Fi" or "WiFi" means a device or system which
2 utilizes a wireless local area network for determining the
3 location of a person, inmate or offender.

4 (Source: P.A. 99-797, eff. 8-12-16; 101-652.)

5 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

6 Sec. 5-8A-4. Program description. The supervising
7 authority may promulgate rules that prescribe reasonable
8 guidelines under which an electronic monitoring and home
9 detention program shall operate. When using electronic
10 monitoring for home detention these rules ~~may~~ shall include,
11 but not be limited to,l the following:

12 (A) The participant ~~may be instructed to~~ shall remain
13 within the interior premises or within the property
14 boundaries of his or her residence at all times during the
15 hours designated by the supervising authority. Such
16 instances of approved absences from the home ~~shall~~ may
17 include,l but are not limited to,l the following:

18 (1) working or employment approved by the court or
19 traveling to or from approved employment;

20 (2) unemployed and seeking employment approved for
21 the participant by the court;

22 (3) undergoing medical, psychiatric, mental health
23 treatment, counseling, or other treatment programs
24 approved for the participant by the court;

25 (4) attending an educational institution or a

1 program approved for the participant by the court;

2 (5) attending a regularly scheduled religious
3 service at a place of worship;

4 (6) participating in community work release or
5 community service programs approved for the
6 participant by the supervising authority; ~~or~~

7 (7) for another compelling reason consistent with
8 the public interest, as approved by the supervising
9 authority; or.

10 ~~(8) purchasing groceries, food, or other basic~~
11 ~~necessities.~~

12 ~~(A-1) At a minimum, any person ordered to pretrial~~
13 ~~home confinement with or without electronic monitoring~~
14 ~~must be provided with movement spread out over no fewer~~
15 ~~than two days per week, to participate in basic activities~~
16 ~~such as those listed in paragraph (A).~~

17 (B) The participant shall admit any person or agent
18 designated by the supervising authority into his or her
19 residence at any time for purposes of verifying the
20 participant's compliance with the conditions of his or her
21 detention.

22 (C) The participant shall make the necessary
23 arrangements to allow for any person or agent designated
24 by the supervising authority to visit the participant's
25 place of education or employment at any time, based upon
26 the approval of the educational institution employer or

1 both, for the purpose of verifying the participant's
2 compliance with the conditions of his or her detention.

3 (D) The participant shall acknowledge and participate
4 with the approved electronic monitoring device as
5 designated by the supervising authority at any time for
6 the purpose of verifying the participant's compliance with
7 the conditions of his or her detention.

8 (E) The participant shall maintain the following:

9 (1) ~~access to~~ a working telephone in the
10 participant's home;

11 (2) a monitoring device in the participant's home,
12 or on the participant's person, or both; and

13 (3) a monitoring device in the participant's home
14 and on the participant's person in the absence of a
15 telephone.

16 (F) The participant shall obtain approval from the
17 supervising authority before the participant changes
18 residence or the schedule described in subsection (A) of
19 this Section. ~~Such approval shall not be unreasonably~~
20 ~~withheld.~~

21 (G) The participant shall not commit another crime
22 during the period of home detention ordered by the Court.

23 (H) Notice to the participant that violation of the
24 order for home detention may subject the participant to
25 prosecution for the crime of escape as described in
26 Section 5-8A-4.1.

1 (I) The participant shall abide by other conditions as
2 set by the supervising authority.

3 (J) This Section takes effect January 1, 2022.
4 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
5 revised 8-3-21.)

6 (730 ILCS 5/5-8A-4.1)

7 Sec. 5-8A-4.1. Escape; failure to comply with a condition
8 of the electronic monitoring or home detention program.

9 (a) A person charged with or convicted of a felony, or
10 charged with or adjudicated delinquent for an act which, if
11 committed by an adult, would constitute a felony,
12 conditionally released from the supervising authority through
13 an electronic monitoring or home detention program, who
14 knowingly violates a condition of the electronic monitoring or
15 home detention program ~~and remains in violation for at least~~
16 ~~48 hours~~ is guilty of a Class 3 felony.

17 (b) A person charged with or convicted of a misdemeanor,
18 or charged with or adjudicated delinquent for an act which, if
19 committed by an adult, would constitute a misdemeanor,
20 conditionally released from the supervising authority through
21 an electronic monitoring or home detention program, who
22 knowingly violates a condition of the electronic monitoring or
23 home detention program ~~and remains in violation for at least~~
24 ~~48 hours~~ is guilty of a Class B misdemeanor.

25 (c) A person who violates this Section while armed with a

1 dangerous weapon is guilty of a Class 1 felony.

2 (Source: P.A. 99-797, eff. 8-12-16; 100-431, eff. 8-25-17;
3 101-652.)

4 (730 ILCS 5/5-6-3.8 rep.)

5 Section 265. The Unified Code of Corrections is amended by
6 repealing Section 5-6-3.8.

7 Section 270. The Probation and Probation Officers Act is
8 amended by changing Section 18 as follows:

9 (730 ILCS 110/18)

10 Sec. 18. Probation and court services departments
11 considered pretrial services agencies. For the purposes of
12 administering the provisions of Public Act 95-773, known as
13 the Cindy Bischof Law, all probation and court services
14 departments are to be considered pretrial services agencies
15 under the Pretrial Services Act and under the ~~pretrial release~~
16 bail bond provisions of the Code of Criminal Procedure of
17 1963.

18 (Source: P.A. 96-341, eff. 8-11-09; 101-652.)

19 Section 275. The County Jail Act is amended by changing
20 Section 5 as follows:

21 (730 ILCS 125/5) (from Ch. 75, par. 105)

1 Sec. 5. Costs of maintaining prisoners.

2 (a) Except as provided in subsections (b) and (c), all
3 costs of maintaining persons committed for violations of
4 Illinois law, shall be the responsibility of the county.
5 Except as provided in subsection (b), all costs of maintaining
6 persons committed under any ordinance or resolution of a unit
7 of local government, including medical costs, is the
8 responsibility of the unit of local government enacting the
9 ordinance or resolution, and arresting the person.

10 (b) If a person who is serving a term of mandatory
11 supervised release for a felony is incarcerated in a county
12 jail, the Illinois Department of Corrections shall pay the
13 county in which that jail is located one-half of the cost of
14 incarceration, as calculated by the Governor's Office of
15 Management and Budget and the county's chief financial
16 officer, for each day that the person remains in the county
17 jail after notice of the incarceration is given to the
18 Illinois Department of Corrections by the county, provided
19 that (i) the Illinois Department of Corrections has issued a
20 warrant for an alleged violation of mandatory supervised
21 release by the person; (ii) if the person is incarcerated on a
22 new charge, unrelated to the offense for which he or she is on
23 mandatory supervised release, there has been a court hearing
24 at which ~~the conditions of pretrial release have~~ bail has been
25 set on the new charge; (iii) the county has notified the
26 Illinois Department of Corrections that the person is

1 incarcerated in the county jail, which notice shall not be
2 given until the bail hearing has concluded, if the person is
3 incarcerated on a new charge; and (iv) the person remains
4 incarcerated in the county jail for more than 48 hours after
5 the notice has been given to the Department of Corrections by
6 the county. Calculation of the per diem cost shall be agreed
7 upon prior to the passage of the annual State budget.

8 (c) If a person who is serving a term of mandatory
9 supervised release is incarcerated in a county jail, following
10 an arrest on a warrant issued by the Illinois Department of
11 Corrections, solely for violation of a condition of mandatory
12 supervised release and not on any new charges for a new
13 offense, then the Illinois Department of Corrections shall pay
14 the medical costs incurred by the county in securing treatment
15 for that person, for any injury or condition other than one
16 arising out of or in conjunction with the arrest of the person
17 or resulting from the conduct of county personnel, while he or
18 she remains in the county jail on the warrant issued by the
19 Illinois Department of Corrections.

20 (Source: P.A. 94-678, eff. 1-1-06; 94-1094, eff. 1-26-07;
21 101-652.)

22 Section 280. The County Jail Good Behavior Allowance Act
23 is amended by changing Section 3 as follows:

24 (730 ILCS 130/3) (from Ch. 75, par. 32)

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

23 Such good behavior allowance shall be cumulative and
24 awarded as provided in this Section.

25 The good behavior allowance rate shall be cumulative and
26 awarded on the following basis:

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

18 If consecutive sentences are served and the time served
19 amounts to a total of one year or more, the good behavior
20 allowance shall be calculated on a continuous basis throughout
21 the entire time served beginning on the first date of sentence
22 or incarceration, as the case may be.

23 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13;
24 101-652.)

25 Section 285. The Veterans and Servicemembers Court

1 Treatment Act is amended by changing Section 20 as follows:

2 (730 ILCS 167/20)

3 Sec. 20. Eligibility. Veterans and Servicemembers are
4 eligible for Veterans and Servicemembers Courts, provided the
5 following:

6 (a) A defendant, who is eligible for probation based on
7 the nature of the crime convicted of and in consideration of
8 his or her criminal background, if any, may be admitted into a
9 Veterans and Servicemembers Court program before adjudication
10 only upon the agreement of the defendant and with the approval
11 of the Court. A defendant may be admitted into a Veterans and
12 Servicemembers Court program post-adjudication only with the
13 approval of the court.

14 (b) A defendant shall be excluded from Veterans and
15 Servicemembers Court program if any of one of the following
16 applies:

17 (1) The crime is a crime of violence as set forth in
18 clause (3) of this subsection (b).

19 (2) The defendant does not demonstrate a willingness
20 to participate in a treatment program.

21 (3) The defendant has been convicted of a crime of
22 violence within the past 10 years excluding incarceration
23 time, including first degree murder, second degree murder,
24 predatory criminal sexual assault of a child, aggravated
25 criminal sexual assault, criminal sexual assault, armed

1 robbery, aggravated arson, arson, aggravated kidnapping
2 and kidnapping, aggravated battery resulting in great
3 bodily harm or permanent disability, stalking, aggravated
4 stalking, or any offense involving the discharge of a
5 firearm.

6 (4) (Blank).

7 (5) ~~(Blank)~~. The crime for which the defendant has
8 been convicted is non-probationable.

9 (6) The sentence imposed on the defendant, whether the
10 result of a plea or a finding of guilt, renders the
11 defendant ineligible for probation.

12 (Source: P.A. 99-480, eff. 9-9-15; 100-426, eff. 1-1-18;
13 101-652.)

14 Section 290. The Mental Health Court Treatment Act is
15 amended by changing Section 20 as follows:

16 (730 ILCS 168/20)

17 Sec. 20. Eligibility.

18 (a) A defendant, who is eligible for probation based on
19 the nature of the crime convicted of and in consideration of
20 his or her criminal background, if any, may be admitted into a
21 mental health court program only upon the agreement of the
22 defendant and with the approval of the court.

23 (b) A defendant shall be excluded from a mental health
24 court program if any one of the following applies:

1 (1) The crime is a crime of violence as set forth in
2 clause (3) of this subsection (b).

3 (2) The defendant does not demonstrate a willingness
4 to participate in a treatment program.

5 (3) The defendant has been convicted of a crime of
6 violence within the past 10 years excluding incarceration
7 time. As used in this paragraph (3), "crime of violence"
8 means: first degree murder, second degree murder,
9 predatory criminal sexual assault of a child, aggravated
10 criminal sexual assault, criminal sexual assault, armed
11 robbery, aggravated arson, arson, aggravated kidnapping,
12 kidnapping, aggravated battery resulting in great bodily
13 harm or permanent disability, stalking, aggravated
14 stalking, or any offense involving the discharge of a
15 firearm.

16 (4) (Blank).

17 (5) ~~(Blank)~~. The crime for which the defendant has
18 been convicted is non-probationable.

19 (6) The sentence imposed on the defendant, whether the
20 result of a plea or a finding of guilt, renders the
21 defendant ineligible for probation.

22 (c) A defendant charged with prostitution under Section
23 11-14 of the Criminal Code of 2012 may be admitted into a
24 mental health court program, if available in the jurisdiction
25 and provided that the requirements in subsections (a) and (b)
26 are satisfied. Mental health court programs may include

1 specialized service programs specifically designed to address
2 the trauma associated with prostitution and human trafficking,
3 and may offer those specialized services to defendants
4 admitted to the mental health court program. Judicial circuits
5 establishing these specialized programs shall partner with
6 prostitution and human trafficking advocates, survivors, and
7 service providers in the development of the programs.

8 (Source: P.A. 100-426, eff. 1-1-18; 101-652.)

9 Section 295. The Code of Civil Procedure is amended by
10 changing Sections 10-106, 10-125, 10-127, 10-135, 10-136, and
11 21-103 as follows:

12 (735 ILCS 5/10-106) (from Ch. 110, par. 10-106)

13 Sec. 10-106. Grant of relief - Penalty. Unless it shall
14 appear from the complaint itself, or from the documents
15 thereto annexed, that the party can neither be discharged,
16 admitted to ~~pretrial release~~ bail nor otherwise relieved, the
17 court shall forthwith award relief by habeas corpus. Any judge
18 empowered to grant relief by habeas corpus who shall corruptly
19 refuse to grant the relief when legally applied for in a case
20 where it may lawfully be granted, or who shall for the purpose
21 of oppression unreasonably delay the granting of such relief
22 shall, for every such offense, forfeit to the prisoner or
23 party affected a sum not exceeding \$1,000.

24 (Source: P.A. 83-707; 101-652.)

1 (735 ILCS 5/10-125) (from Ch. 110, par. 10-125)

2 Sec. 10-125. New commitment. In all cases where the
3 imprisonment is for a criminal, or supposed criminal matter,
4 if it appears to the court that there is sufficient legal cause
5 for the commitment of the prisoner, although such commitment
6 may have been informally made, or without due authority, or
7 the process may have been executed by a person not duly
8 authorized, the court shall make a new commitment in proper
9 form, and direct it to the proper officer, or admit the party
10 to ~~pretrial release~~ bail if the case is ~~eligible for pretrial~~
11 ~~release~~ bailable. The court shall also, when necessary, take
12 the recognizance of all material witnesses against the
13 prisoner, as in other cases. The recognizances shall be in the
14 form provided by law, and returned as other recognizances. If
15 any judge shall neglect or refuse to bind any such prisoner or
16 witness by recognizance, or to return a recognizance when
17 taken as hereinabove stated, he or she shall be guilty of a
18 Class A misdemeanor in office, and be proceeded against
19 accordingly.

20 (Source: P.A. 82-280; 101-652.)

21 (735 ILCS 5/10-127) (from Ch. 110, par. 10-127)

22 Sec. 10-127. Grant of habeas corpus. It is not lawful for
23 any court, on a second order of habeas corpus obtained by such
24 prisoner, to discharge the prisoner, if he or she is clearly

1 and specifically charged in the warrant of commitment with a
2 criminal offense; but the court shall, on the return of such
3 second order, have power only to admit such prisoner to
4 ~~pretrial release~~ bail where the offense is ~~eligible for~~
5 ~~pretrial release~~ bailable by law, or remand him or her to
6 prison where the offense is not ~~eligible for pretrial release~~
7 bailable, or being ~~eligible for pretrial release~~ bailable,
8 where such prisoner fails to ~~comply with the terms of pretrial~~
9 ~~release~~ give the bail required.

10 (Source: P.A. 82-280; 101-652.)

11 (735 ILCS 5/10-135) (from Ch. 110, par. 10-135)

12 Sec. 10-135. Habeas corpus to testify. The several courts
13 having authority to grant relief by habeas corpus, may enter
14 orders, when necessary, to bring before them any prisoner to
15 testify, or to be surrendered in discharge of ~~pretrial release~~
16 bail, or for trial upon any criminal charge lawfully pending
17 in the same court or to testify in a criminal proceeding in
18 another state as provided for by Section 2 of the "Uniform Act
19 to secure the attendance of witnesses from within or without a
20 state in criminal proceedings", approved July 23, 1959, as
21 heretofore or hereafter amended; and the order may be directed
22 to any county in the State, and there be served and returned by
23 any officer to whom it is directed.

24 (Source: P.A. 82-280; 101-652.)

1 (735 ILCS 5/10-136) (from Ch. 110, par. 10-136)

2 Sec. 10-136. Prisoner remanded or punished. After a
3 prisoner has given his or her testimony, or been surrendered,
4 or his or her ~~pretrial release~~ bail discharged, or he or she
5 has been tried for the crime with which he or she is charged,
6 he or she shall be returned to the jail or other place of
7 confinement from which he or she was taken for that purpose. If
8 such prisoner is convicted of a crime punishable with death or
9 imprisonment in the penitentiary, he or she may be punished
10 accordingly; but in any case where the prisoner has been taken
11 from the penitentiary, and his or her punishment is by
12 imprisonment, the time of such imprisonment shall not commence
13 to run until the expiration of the time of service under any
14 former sentence.

15 (Source: P.A. 82-280; 101-652.)

16 (735 ILCS 5/21-103)

17 (Text of Section before amendment by P.A. 101-652)

18 Sec. 21-103. Notice by publication.

19 (a) Previous notice shall be given of the intended
20 application by publishing a notice thereof in some newspaper
21 published in the municipality in which the person resides if
22 the municipality is in a county with a population under
23 2,000,000, or if the person does not reside in a municipality
24 in a county with a population under 2,000,000, or if no
25 newspaper is published in the municipality or if the person

1 resides in a county with a population of 2,000,000 or more,
2 then in some newspaper published in the county where the
3 person resides, or if no newspaper is published in that
4 county, then in some convenient newspaper published in this
5 State. The notice shall be inserted for 3 consecutive weeks
6 after filing, the first insertion to be at least 6 weeks before
7 the return day upon which the petition is to be heard, and
8 shall be signed by the petitioner or, in case of a minor, the
9 minor's parent or guardian, and shall set forth the return day
10 of court on which the petition is to be heard and the name
11 sought to be assumed.

12 (b) The publication requirement of subsection (a) shall
13 not be required in any application for a change of name
14 involving a minor if, before making judgment under this
15 Article, reasonable notice and opportunity to be heard is
16 given to any parent whose parental rights have not been
17 previously terminated and to any person who has physical
18 custody of the child. If any of these persons are outside this
19 State, notice and opportunity to be heard shall be given under
20 Section 21-104.

21 (b-3) The publication requirement of subsection (a) shall
22 not be required in any application for a change of name
23 involving a person who has received a judgment for dissolution
24 of marriage or declaration of invalidity of marriage and
25 wishes to change his or her name to resume the use of his or
26 her former or maiden name.

1 (b-5) Upon motion, the court may issue an order directing
2 that the notice and publication requirement be waived for a
3 change of name involving a person who files with the court a
4 written declaration that the person believes that publishing
5 notice of the name change would put the person at risk of
6 physical harm or discrimination. The person must provide
7 evidence to support the claim that publishing notice of the
8 name change would put the person at risk of physical harm or
9 discrimination.

10 (c) The Director of the Illinois State Police or his or her
11 designee may apply to the circuit court for an order directing
12 that the notice and publication requirements of this Section
13 be waived if the Director or his or her designee certifies that
14 the name change being sought is intended to protect a witness
15 during and following a criminal investigation or proceeding.

16 (c-1) The court may enter a written order waiving the
17 publication requirement of subsection (a) if:

18 (i) the petitioner is 18 years of age or older; and

19 (ii) concurrent with the petition, the petitioner
20 files with the court a statement, verified under oath as
21 provided under Section 1-109 of this Code, attesting that
22 the petitioner is or has been a person protected under the
23 Illinois Domestic Violence Act of 1986, the Stalking No
24 Contact Order Act, the Civil No Contact Order Act, Article
25 112A of the Code of Criminal Procedure of 1963, a
26 condition of bail under subsections (b) through (d) of

1 Section 110-10 of the Code of Criminal Procedure of 1963,
2 or a similar provision of a law in another state or
3 jurisdiction.

4 The petitioner may attach to the statement any supporting
5 documents, including relevant court orders.

6 (c-2) If the petitioner files a statement attesting that
7 disclosure of the petitioner's address would put the
8 petitioner or any member of the petitioner's family or
9 household at risk or reveal the confidential address of a
10 shelter for domestic violence victims, that address may be
11 omitted from all documents filed with the court, and the
12 petitioner may designate an alternative address for service.

13 (c-3) Court administrators may allow domestic abuse
14 advocates, rape crisis advocates, and victim advocates to
15 assist petitioners in the preparation of name changes under
16 subsection (c-1).

17 (c-4) If the publication requirements of subsection (a)
18 have been waived, the circuit court shall enter an order
19 impounding the case.

20 (d) The maximum rate charged for publication of a notice
21 under this Section may not exceed the lowest classified rate
22 paid by commercial users for comparable space in the newspaper
23 in which the notice appears and shall include all cash
24 discounts, multiple insertion discounts, and similar benefits
25 extended to the newspaper's regular customers.

26 (Source: P.A. 101-81, eff. 7-12-19; 101-203, eff. 1-1-20;

1 102-538, eff. 8-20-21.)

2 (Text of Section after amendment by P.A. 101-652)

3 Sec. 21-103. Notice by publication.

4 (a) Previous notice shall be given of the intended
5 application by publishing a notice thereof in some newspaper
6 published in the municipality in which the person resides if
7 the municipality is in a county with a population under
8 2,000,000, or if the person does not reside in a municipality
9 in a county with a population under 2,000,000, or if no
10 newspaper is published in the municipality or if the person
11 resides in a county with a population of 2,000,000 or more,
12 then in some newspaper published in the county where the
13 person resides, or if no newspaper is published in that
14 county, then in some convenient newspaper published in this
15 State. The notice shall be inserted for 3 consecutive weeks
16 after filing, the first insertion to be at least 6 weeks before
17 the return day upon which the petition is to be heard, and
18 shall be signed by the petitioner or, in case of a minor, the
19 minor's parent or guardian, and shall set forth the return day
20 of court on which the petition is to be heard and the name
21 sought to be assumed.

22 (b) The publication requirement of subsection (a) shall
23 not be required in any application for a change of name
24 involving a minor if, before making judgment under this
25 Article, reasonable notice and opportunity to be heard is

1 given to any parent whose parental rights have not been
2 previously terminated and to any person who has physical
3 custody of the child. If any of these persons are outside this
4 State, notice and opportunity to be heard shall be given under
5 Section 21-104.

6 (b-3) The publication requirement of subsection (a) shall
7 not be required in any application for a change of name
8 involving a person who has received a judgment for dissolution
9 of marriage or declaration of invalidity of marriage and
10 wishes to change his or her name to resume the use of his or
11 her former or maiden name.

12 (b-5) Upon motion, the court may issue an order directing
13 that the notice and publication requirement be waived for a
14 change of name involving a person who files with the court a
15 written declaration that the person believes that publishing
16 notice of the name change would put the person at risk of
17 physical harm or discrimination. The person must provide
18 evidence to support the claim that publishing notice of the
19 name change would put the person at risk of physical harm or
20 discrimination.

21 (c) The Director of the Illinois State Police or his or her
22 designee may apply to the circuit court for an order directing
23 that the notice and publication requirements of this Section
24 be waived if the Director or his or her designee certifies that
25 the name change being sought is intended to protect a witness
26 during and following a criminal investigation or proceeding.

1 (c-1) The court may enter a written order waiving the
2 publication requirement of subsection (a) if:

3 (i) the petitioner is 18 years of age or older; and

4 (ii) concurrent with the petition, the petitioner
5 files with the court a statement, verified under oath as
6 provided under Section 1-109 of this Code, attesting that
7 the petitioner is or has been a person protected under the
8 Illinois Domestic Violence Act of 1986, the Stalking No
9 Contact Order Act, the Civil No Contact Order Act, Article
10 112A of the Code of Criminal Procedure of 1963, a
11 condition of ~~pretrial release~~ bail under subsections (b)
12 through (d) of Section 110-10 of the Code of Criminal
13 Procedure of 1963, or a similar provision of a law in
14 another state or jurisdiction.

15 The petitioner may attach to the statement any supporting
16 documents, including relevant court orders.

17 (c-2) If the petitioner files a statement attesting that
18 disclosure of the petitioner's address would put the
19 petitioner or any member of the petitioner's family or
20 household at risk or reveal the confidential address of a
21 shelter for domestic violence victims, that address may be
22 omitted from all documents filed with the court, and the
23 petitioner may designate an alternative address for service.

24 (c-3) Court administrators may allow domestic abuse
25 advocates, rape crisis advocates, and victim advocates to
26 assist petitioners in the preparation of name changes under

1 subsection (c-1).

2 (c-4) If the publication requirements of subsection (a)
3 have been waived, the circuit court shall enter an order
4 impounding the case.

5 (d) The maximum rate charged for publication of a notice
6 under this Section may not exceed the lowest classified rate
7 paid by commercial users for comparable space in the newspaper
8 in which the notice appears and shall include all cash
9 discounts, multiple insertion discounts, and similar benefits
10 extended to the newspaper's regular customers.

11 (Source: P.A. 101-81, eff. 7-12-19; 101-203, eff. 1-1-20;
12 101-652, eff. 1-1-23; 102-538, eff. 8-20-21; revised
13 10-12-21.)

14 Section 300. The Civil No Contact Order Act is amended by
15 changing Section 220 as follows:

16 (740 ILCS 22/220)

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

18 (a) Nothing in this Act shall preclude any Illinois court
19 from enforcing a valid protective order issued in another
20 state.

21 (b) Illinois courts may enforce civil no contact orders
22 through both criminal proceedings and civil contempt
23 proceedings, unless the action which is second in time is
24 barred by collateral estoppel or the constitutional

1 prohibition against double jeopardy.

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

6 (b-2) The court may hold the parents, guardian, or legal
7 custodian of a minor respondent in civil or criminal contempt
8 for a violation of any provision of any order entered under
9 this Act for conduct of the minor respondent in violation of
10 this Act if the parents, guardian, or legal custodian
11 directed, encouraged, or assisted the respondent minor in such
12 conduct.

13 (c) Criminal prosecution. A violation of any civil no
14 contact order, whether issued in a civil or criminal
15 proceeding, shall be enforced by a criminal court when the
16 respondent commits the crime of violation of a civil no
17 contact order pursuant to Section 219 by having knowingly
18 violated:

19 (1) remedies described in Section 213 and included in
20 a civil no contact order; or

21 (2) a provision of an order, which is substantially
22 similar to provisions of Section 213, in a valid civil no
23 contact order which is authorized under the laws of
24 another state, tribe, or United States territory.

25 Prosecution for a violation of a civil no contact order
26 shall not bar a concurrent prosecution for any other crime,

1 including any crime that may have been committed at the time of
2 the violation of the civil no contact order.

3 (d) Contempt of court. A violation of any valid Illinois
4 civil no contact order, whether issued in a civil or criminal
5 proceeding, may be enforced through civil or criminal contempt
6 procedures, as appropriate, by any court with jurisdiction,
7 regardless of where the act or acts which violated the civil no
8 contact order were committed, to the extent consistent with
9 the venue provisions of this Act.

10 (1) In a contempt proceeding where the petition for a
11 rule to show cause or petition for adjudication of
12 criminal contempt sets forth facts evidencing an immediate
13 danger that the respondent will flee the jurisdiction or
14 inflict physical abuse on the petitioner or minor children
15 or on dependent adults in the petitioner's care, the court
16 may order the attachment of the respondent without prior
17 service of the petition for a rule to show cause, the rule
18 to show cause, the petition for adjudication of criminal
19 contempt or the adjudication of criminal contempt.
20 ~~Conditions of release~~ Bond shall be set unless
21 specifically denied in writing.

22 (2) A petition for a rule to show cause or a petition
23 for adjudication of criminal contempt for violation of a
24 civil no contact order shall be treated as an expedited
25 proceeding.

26 (e) Actual knowledge. A civil no contact order may be

1 enforced pursuant to this Section if the respondent violates
2 the order after the respondent has actual knowledge of its
3 contents as shown through one of the following means:

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

5 (2) by notice under Section 218;

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

8 (4) by other means demonstrating actual knowledge of
9 the contents of the order.

10 (f) The enforcement of a civil no contact order in civil or
11 criminal court shall not be affected by either of the
12 following:

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

15 (2) any finding or order entered in a conjoined
16 criminal proceeding.

17 (g) Circumstances. The court, when determining whether or
18 not a violation of a civil no contact order has occurred, shall
19 not require physical manifestations of abuse on the person of
20 the victim.

21 (h) Penalties.

22 (1) Except as provided in paragraph (3) of this
23 subsection, where the court finds the commission of a
24 crime or contempt of court under subsection (a) or (b) of
25 this Section, the penalty shall be the penalty that
26 generally applies in such criminal or contempt

1 proceedings, and may include one or more of the following:
2 incarceration, payment of restitution, a fine, payment of
3 attorneys' fees and costs, or community service.

4 (2) The court shall hear and take into account
5 evidence of any factors in aggravation or mitigation
6 before deciding an appropriate penalty under paragraph (1)
7 of this subsection.

8 (3) To the extent permitted by law, the court is
9 encouraged to:

10 (i) increase the penalty for the knowing violation
11 of any civil no contact order over any penalty
12 previously imposed by any court for respondent's
13 violation of any civil no contact order or penal
14 statute involving petitioner as victim and respondent
15 as defendant;

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

19 (iii) impose a minimum penalty of 48 hours
20 imprisonment for respondent's second or subsequent
21 violation of a civil no contact order unless the court
22 explicitly finds that an increased penalty or that
23 period of imprisonment would be manifestly unjust.

24 (4) In addition to any other penalties imposed for a
25 violation of a civil no contact order, a criminal court
26 may consider evidence of any previous violations of a

1 civil no contact 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 the Code
5 of Criminal Procedure of 1963;

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; or

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. 96-311, eff. 1-1-10; 97-294, eff. 1-1-12;
13 101-652.)

14 Section 305. The Illinois Domestic Violence Act of 1986 is
15 amended by changing Sections 223 and 301 as follows:

16 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

17 Sec. 223. Enforcement of orders of protection.

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

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

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

4 (ii) a remedy, which is substantially similar to
5 the remedies authorized under paragraphs (1), (2),
6 (3), (14), and (14.5) of subsection (b) of Section 214
7 of this Act, in a valid order of protection which is
8 authorized under the laws of another state, tribe, or
9 United States territory; or

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

13 Prosecution for a violation of an order of protection
14 shall not bar concurrent prosecution for any other crime,
15 including any crime that may have been committed at the
16 time of the violation of the order of protection; or

17 (2) The respondent commits the crime of child
18 abduction pursuant to Section 10-5 of the Criminal Code of
19 1961 or the Criminal Code of 2012, by having knowingly
20 violated:

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

23 (ii) a remedy, which is substantially similar to
24 the remedies authorized under paragraphs (5), (6), or
25 (8) of subsection (b) of Section 214 of this Act, in a
26 valid order of protection which is authorized under

1 the laws of another state, tribe, or United States
2 territory.

3 (b) When violation is contempt of court. A violation of
4 any valid Illinois order of protection, whether issued in a
5 civil or criminal proceeding, may be enforced through civil or
6 criminal contempt procedures, as appropriate, by any court
7 with jurisdiction, regardless where the act or acts which
8 violated the order of protection were committed, to the extent
9 consistent with the venue provisions of this Act. Nothing in
10 this Act shall preclude any Illinois court from enforcing any
11 valid order of protection issued in another state. Illinois
12 courts may enforce orders of protection through both criminal
13 prosecution and contempt proceedings, unless the action which
14 is second in time is barred by collateral estoppel or the
15 constitutional prohibition against double jeopardy.

16 (1) In a contempt proceeding where the petition for a
17 rule to show cause sets forth facts evidencing an
18 immediate danger that the respondent will flee the
19 jurisdiction, conceal a child, or inflict physical abuse
20 on the petitioner or minor children or on dependent adults
21 in petitioner's care, the court may order the attachment
22 of the respondent without prior service of the rule to
23 show cause or the petition for a rule to show cause.
24 ~~Conditions of release~~ Bond shall be set unless
25 specifically denied in writing.

26 (2) A petition for a rule to show cause for violation

1 of an order of protection shall be treated as an expedited
2 proceeding.

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

7 (b-2) The court may hold the parents, guardian, or legal
8 custodian of a minor respondent in civil or criminal contempt
9 for a violation of any provision of any order entered under
10 this Act for conduct of the minor respondent in violation of
11 this Act if the parents, guardian, or legal custodian
12 directed, encouraged, or assisted the respondent minor in such
13 conduct.

14 (c) Violation of custody or support orders or temporary or
15 final judgments allocating parental responsibilities. A
16 violation of remedies described in paragraphs (5), (6), (8),
17 or (9) of subsection (b) of Section 214 of this Act may be
18 enforced by any remedy provided by Section 607.5 of the
19 Illinois Marriage and Dissolution of Marriage Act. The court
20 may enforce any order for support issued under paragraph (12)
21 of subsection (b) of Section 214 in the manner provided for
22 under Parts V and VII of the Illinois Marriage and Dissolution
23 of Marriage Act.

24 (d) Actual knowledge. An order of protection may be
25 enforced pursuant to this Section if the respondent violates
26 the order after the respondent has actual knowledge of its

1 contents as shown through one of the following means:

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

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

4 (3) By service of an order of protection under Section
5 222.

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

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

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

13 (2) Any finding or order entered in a conjoined
14 criminal proceeding.

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

19 (g) Penalties.

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

1 attorneys' fees and costs, or community service.

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

6 (3) To the extent permitted by law, the court is
7 encouraged to:

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

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

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

19 unless the court explicitly finds that an increased
20 penalty or that period of imprisonment would be manifestly
21 unjust.

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

26 (i) to increase, revoke or modify the ~~conditions~~

1 ~~of pretrial release~~ bail bond on an underlying
2 criminal charge pursuant to Section 110-6 of the Code
3 of Criminal Procedure of 1963;

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

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

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

16 (Source: P.A. 99-90, eff. 1-1-16; 101-652.)

17 (750 ILCS 60/301) (from Ch. 40, par. 2313-1)

18 (Text of Section before amendment by P.A. 101-652)

19 Sec. 301. Arrest without warrant.

20 (a) Any law enforcement officer may make an arrest without
21 warrant if the officer has probable cause to believe that the
22 person has committed or is committing any crime, including but
23 not limited to violation of an order of protection, under
24 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, even if the crime was not committed in

1 the presence of the officer.

2 (b) The law enforcement officer may verify the existence
3 of an order of protection by telephone or radio communication
4 with his or her law enforcement agency or by referring to the
5 copy of the order, or order of protection described on a Hope
6 Card under Section 219.5, provided by the petitioner or
7 respondent.

8 (c) Any law enforcement officer may make an arrest without
9 warrant if the officer has reasonable grounds to believe a
10 defendant at liberty under the provisions of subdivision
11 (d)(1) or (d)(2) of Section 110-10 of the Code of Criminal
12 Procedure of 1963 has violated a condition of his or her bail
13 bond or recognizance.

14 (Source: P.A. 102-481, eff. 1-1-22.)

15 (Text of Section after amendment by P.A. 101-652)

16 Sec. 301. Arrest without warrant.

17 (a) Any law enforcement officer may make an arrest without
18 warrant if the officer has probable cause to believe that the
19 person has committed or is committing any crime, including but
20 not limited to violation of an order of protection, under
21 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, even if the crime was not committed in
23 the presence of the officer.

24 (b) The law enforcement officer may verify the existence
25 of an order of protection by telephone or radio communication

1 with his or her law enforcement agency or by referring to the
2 copy of the order, or order of protection described on a Hope
3 Card under Section 219.5, provided by the petitioner or
4 respondent.

5 (c) Any law enforcement officer may make an arrest without
6 warrant if the officer has reasonable grounds to believe a
7 defendant at liberty under the provisions of subdivision
8 (d) (1) or (d) (2) of Section 110-10 of the Code of Criminal
9 Procedure of 1963 has violated a condition of his or her
10 ~~pretrial release~~ bail bond or recognizance.

11 (Source: P.A. 101-652, eff. 1-1-23; 102-481, eff. 1-1-22;
12 revised 10-14-21.)

13 Section 310. The Industrial and Linen Supplies Marking Law
14 is amended by changing Section 11 as follows:

15 (765 ILCS 1045/11) (from Ch. 140, par. 111)

16 Sec. 11. Search warrant.

17 Whenever the registrant, or officer, or authorized agent
18 of any firm, partnership or corporation which is a registrant
19 under this Act, takes an oath before any circuit court, that he
20 has reason to believe that any supplies are being unlawfully
21 used, sold, or secreted in any place, the court shall issue a
22 search warrant to any police officer authorizing such officer
23 to search the premises wherein it is alleged such articles may
24 be found and take into custody any person in whose possession

1 the articles are found. Any person so seized shall be taken
2 without unnecessary delay before the court issuing the search
3 warrant. The court is empowered to impose ~~conditions of~~
4 ~~pretrial release~~ bail on any such person to compel his
5 attendance at any continued hearing.

6 (Source: P.A. 77-1273; 101-652.)

7 Section 315. The Illinois Torture Inquiry and Relief
8 Commission Act is amended by changing Section 50 as follows:

9 (775 ILCS 40/50)

10 Sec. 50. Post-commission judicial review.

11 (a) If the Commission concludes there is sufficient
12 evidence of torture to merit judicial review, the Chair of the
13 Commission shall request the Chief Judge of the Circuit Court
14 of Cook County for assignment to a trial judge for
15 consideration. The court may receive proof by affidavits,
16 depositions, oral testimony, or other evidence. In its
17 discretion the court may order the petitioner brought before
18 the court for the hearing. Notwithstanding the status of any
19 other postconviction proceedings relating to the petitioner,
20 if the court finds in favor of the petitioner, it shall enter
21 an appropriate order with respect to the judgment or sentence
22 in the former proceedings and such supplementary orders as to
23 rearraignment, retrial, custody, ~~pretrial release~~ bail or
24 discharge, or for such relief as may be granted under a

1 petition for a certificate of innocence, as may be necessary
2 and proper.

3 (b) The State's Attorney, or the State's Attorney's
4 designee, shall represent the State at the hearing before the
5 assigned judge.

6 (Source: P.A. 96-223, eff. 8-10-09; 101-652.)

7 Section 320. The Unemployment Insurance Act is amended by
8 changing Section 602 as follows:

9 (820 ILCS 405/602) (from Ch. 48, par. 432)

10 Sec. 602. Discharge for misconduct - Felony.

11 A. An individual shall be ineligible for benefits for the
12 week in which he has been discharged for misconduct connected
13 with his work and, thereafter, until he has become reemployed
14 and has had earnings equal to or in excess of his current
15 weekly benefit amount in each of four calendar weeks which are
16 either for services in employment, or have been or will be
17 reported pursuant to the provisions of the Federal Insurance
18 Contributions Act by each employing unit for which such
19 services are performed and which submits a statement
20 certifying to that fact. The requalification requirements of
21 the preceding sentence shall be deemed to have been satisfied,
22 as of the date of reinstatement, if, subsequent to his
23 discharge by an employing unit for misconduct connected with
24 his work, such individual is reinstated by such employing

1 unit. For purposes of this subsection, the term "misconduct"
2 means the deliberate and willful violation of a reasonable
3 rule or policy of the employing unit, governing the
4 individual's behavior in performance of his work, provided
5 such violation has harmed the employing unit or other
6 employees or has been repeated by the individual despite a
7 warning or other explicit instruction from the employing unit.
8 The previous definition notwithstanding, "misconduct" shall
9 include any of the following work-related circumstances:

10 1. Falsification of an employment application, or any
11 other documentation provided to the employer, to obtain
12 employment through subterfuge.

13 2. Failure to maintain licenses, registrations, and
14 certifications reasonably required by the employer, or
15 those that the individual is required to possess by law,
16 to perform his or her regular job duties, unless the
17 failure is not within the control of the individual.

18 3. Knowing, repeated violation of the attendance
19 policies of the employer that are in compliance with State
20 and federal law following a written warning for an
21 attendance violation, unless the individual can
22 demonstrate that he or she has made a reasonable effort to
23 remedy the reason or reasons for the violations or that
24 the reason or reasons for the violations were out of the
25 individual's control. Attendance policies of the employer
26 shall be reasonable and provided to the individual in

1 writing, electronically, or via posting in the workplace.

2 4. Damaging the employer's property through conduct
3 that is grossly negligent.

4 5. Refusal to obey an employer's reasonable and lawful
5 instruction, unless the refusal is due to the lack of
6 ability, skills, or training for the individual required
7 to obey the instruction or the instruction would result in
8 an unsafe act.

9 6. Consuming alcohol or illegal or non-prescribed
10 prescription drugs, or using an impairing substance in an
11 off-label manner, on the employer's premises during
12 working hours in violation of the employer's policies.

13 7. Reporting to work under the influence of alcohol,
14 illegal or non-prescribed prescription drugs, or an
15 impairing substance used in an off-label manner in
16 violation of the employer's policies, unless the
17 individual is compelled to report to work by the employer
18 outside of scheduled and on-call working hours and informs
19 the employer that he or she is under the influence of
20 alcohol, illegal or non-prescribed prescription drugs, or
21 an impairing substance used in an off-label manner in
22 violation of the employer's policies.

23 8. Grossly negligent conduct endangering the safety of
24 the individual or co-workers.

25 For purposes of paragraphs 4 and 8, conduct is "grossly
26 negligent" when the individual is, or reasonably should be,

1 aware of a substantial risk that the conduct will result in the
2 harm sought to be prevented and the conduct constitutes a
3 substantial deviation from the standard of care a reasonable
4 person would exercise in the situation.

5 Nothing in paragraph 6 or 7 prohibits the lawful use of
6 over-the-counter drug products as defined in Section 206 of
7 the Illinois Controlled Substances Act, provided that the
8 medication does not affect the safe performance of the
9 employee's work duties.

10 B. Notwithstanding any other provision of this Act, no
11 benefit rights shall accrue to any individual based upon wages
12 from any employer for service rendered prior to the day upon
13 which such individual was discharged because of the commission
14 of a felony in connection with his work, or because of theft in
15 connection with his work, for which the employer was in no way
16 responsible; provided, that the employer notified the Director
17 of such possible ineligibility within the time limits
18 specified by regulations of the Director, and that the
19 individual has admitted his commission of the felony or theft
20 to a representative of the Director, or has signed a written
21 admission of such act and such written admission has been
22 presented to a representative of the Director, or such act has
23 resulted in a conviction or order of supervision by a court of
24 competent jurisdiction; and provided further, that if by
25 reason of such act, he is in legal custody, held on ~~pretrial~~
26 ~~release~~ bail or is a fugitive from justice, the determination

1 of his benefit rights shall be held in abeyance pending the
2 result of any legal proceedings arising therefrom.

3 (Source: P.A. 99-488, eff. 1-3-16; 101-652.)

4 (730 ILCS 5/3-6-7.1 rep.)

5 (730 ILCS 5/3-6-7.2 rep.)

6 (730 ILCS 5/3-6-7.3 rep.)

7 (730 ILCS 5/3-6-7.4 rep.)

8 Section 325. The Unified Code of Corrections is amended by
9 repealing Sections 3-6-7.1, 3-6-7.2, 3-6-7.3, and 3-6-7.4.

10 (730 ILCS 125/17.6 rep.)

11 (730 ILCS 125/17.7 rep.)

12 (730 ILCS 125/17.8 rep.)

13 (730 ILCS 125/17.9 rep.)

14 Section 330. The County Jail Act is amended by repealing
15 Sections 17.6, 17.7, 17.8, and 17.9.

16 Section 335. The Unified Code of Corrections is amended by
17 changing Section 5-4-1 as follows:

18 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

19 Sec. 5-4-1. Sentencing hearing.

20 (a) Except when the death penalty is sought under hearing
21 procedures otherwise specified, after a determination of
22 guilt, a hearing shall be held to impose the sentence.

1 However, prior to the imposition of sentence on an individual
2 being sentenced for an offense based upon a charge for a
3 violation of Section 11-501 of the Illinois Vehicle Code or a
4 similar provision of a local ordinance, the individual must
5 undergo a professional evaluation to determine if an alcohol
6 or other drug abuse problem exists and the extent of such a
7 problem. Programs conducting these evaluations shall be
8 licensed by the Department of Human Services. However, if the
9 individual is not a resident of Illinois, the court may, in its
10 discretion, accept an evaluation from a program in the state
11 of such individual's residence. The court may in its
12 sentencing order approve an eligible defendant for placement
13 in a Department of Corrections impact incarceration program as
14 provided in Section 5-8-1.1 or 5-8-1.3. The court may in its
15 sentencing order recommend a defendant for placement in a
16 Department of Corrections substance abuse treatment program as
17 provided in paragraph (a) of subsection (1) of Section 3-2-2
18 conditioned upon the defendant being accepted in a program by
19 the 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-1.5) Notwithstanding any other provision of law to the~~
14 ~~contrary, in imposing a sentence for an offense that requires~~
15 ~~a mandatory minimum sentence of imprisonment, the court may~~
16 ~~instead sentence the offender to probation, conditional~~
17 ~~discharge, or a lesser term of imprisonment it deems~~
18 ~~appropriate if: (1) the offense involves the use or possession~~
19 ~~of drugs, retail theft, or driving on a revoked license due to~~
20 ~~unpaid financial obligations; (2) the court finds that the~~
21 ~~defendant does not pose a risk to public safety; and (3) the~~
22 ~~interest of justice requires imposing a term of probation,~~
23 ~~conditional discharge, or a lesser term of imprisonment. The~~
24 ~~court must state on the record its reasons for imposing~~
25 ~~probation, conditional discharge, or a lesser term of~~
26 ~~imprisonment.~~

1 (c-2) If the defendant is sentenced to prison, other than
2 when a sentence of natural life imprisonment or a sentence of
3 death is imposed, at the time the sentence is imposed the judge
4 shall state on the record in open court the approximate period
5 of time the defendant will serve in custody according to the
6 then current statutory rules and regulations for sentence
7 credit found in Section 3-6-3 and other related provisions of
8 this Code. This statement is intended solely to inform the
9 public, has no legal effect on the defendant's actual release,
10 and may not be relied on by the defendant on appeal.

11 The judge's statement, to be given after pronouncing the
12 sentence, other than when the sentence is imposed for one of
13 the offenses enumerated in paragraph (a) (4) of Section 3-6-3,
14 shall include the following:

15 "The purpose of this statement is to inform the public of
16 the actual period of time this defendant is likely to spend in
17 prison as a result of this sentence. The actual period of
18 prison time served is determined by the statutes of Illinois
19 as applied to this sentence by the Illinois Department of
20 Corrections and the Illinois Prisoner Review Board. In this
21 case, assuming the defendant receives all of his or her
22 sentence credit, the period of estimated actual custody is ...
23 years and ... months, less up to 180 days additional earned
24 sentence credit. If the defendant, because of his or her own
25 misconduct or failure to comply with the institutional
26 regulations, does not receive those credits, the actual time

1 served in prison will be longer. The defendant may also
2 receive an additional one-half day sentence credit for each
3 day of participation in vocational, industry, substance abuse,
4 and educational programs as provided for by Illinois statute."

5 When the sentence is imposed for one of the offenses
6 enumerated in paragraph (a)(2) of Section 3-6-3, other than
7 first degree murder, and the offense was committed on or after
8 June 19, 1998, and when the sentence is imposed for reckless
9 homicide as defined in subsection (e) of Section 9-3 of the
10 Criminal Code of 1961 or the Criminal Code of 2012 if the
11 offense was committed on or after January 1, 1999, and when the
12 sentence is imposed for aggravated driving under the influence
13 of alcohol, other drug or drugs, or intoxicating compound or
14 compounds, or any combination thereof as defined in
15 subparagraph (F) of paragraph (1) of subsection (d) of Section
16 11-501 of the Illinois Vehicle Code, and when the sentence is
17 imposed for aggravated arson if the offense was committed on
18 or after July 27, 2001 (the effective date of Public Act
19 92-176), and when the sentence is imposed for aggravated
20 driving under the influence of alcohol, other drug or drugs,
21 or intoxicating compound or compounds, or any combination
22 thereof as defined in subparagraph (C) of paragraph (1) of
23 subsection (d) of Section 11-501 of the Illinois Vehicle Code
24 committed on or after January 1, 2011 (the effective date of
25 Public Act 96-1230), the judge's statement, to be given after
26 pronouncing the sentence, 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, the defendant is entitled to no more than 4 1/2 days of
8 sentence credit for each month of his or her sentence of
9 imprisonment. Therefore, this defendant will serve at least
10 85% of his or her sentence. Assuming the defendant receives 4
11 1/2 days credit for each month of his or her sentence, the
12 period of estimated actual custody is ... years and ...
13 months. If the defendant, because of his or her own misconduct
14 or failure to comply with the institutional regulations
15 receives lesser credit, the actual time served in prison will
16 be longer."

17 When a sentence of imprisonment is imposed for first
18 degree murder and the offense was committed on or after June
19 19, 1998, the judge's statement, to be given after pronouncing
20 the sentence, shall include the following:

21 "The purpose of this statement is to inform the public of
22 the actual period of time this defendant is likely to spend in
23 prison as a result of this sentence. The actual period of
24 prison time served is determined by the statutes of Illinois
25 as applied to this sentence by the Illinois Department of
26 Corrections and the Illinois Prisoner Review Board. In this

1 case, the defendant is not entitled to sentence credit.
2 Therefore, this defendant will serve 100% of his or her
3 sentence."

4 When the sentencing order recommends placement in a
5 substance abuse program for any offense that results in
6 incarceration in a Department of Corrections facility and the
7 crime was committed on or after September 1, 2003 (the
8 effective date of Public Act 93-354), the judge's statement,
9 in addition to any other judge's statement required under this
10 Section, to be given after pronouncing the sentence, shall
11 include the following:

12 "The purpose of this statement is to inform the public of
13 the actual period of time this defendant is likely to spend in
14 prison as a result of this sentence. The actual period of
15 prison time served is determined by the statutes of Illinois
16 as applied to this sentence by the Illinois Department of
17 Corrections and the Illinois Prisoner Review Board. In this
18 case, the defendant shall receive no earned sentence credit
19 under clause (3) of subsection (a) of Section 3-6-3 until he or
20 she participates in and completes a substance abuse treatment
21 program or receives a waiver from the Director of Corrections
22 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

23 (c-4) Before the sentencing hearing and as part of the
24 presentence investigation under Section 5-3-1, the court shall
25 inquire of the defendant whether the defendant is currently
26 serving in or is a veteran of the Armed Forces of the United

1 States. If the defendant is currently serving in the Armed
2 Forces of the United States or is a veteran of the Armed Forces
3 of the United States and has been diagnosed as having a mental
4 illness by a qualified psychiatrist or clinical psychologist
5 or physician, the court may:

6 (1) order that the officer preparing the presentence
7 report consult with the United States Department of
8 Veterans Affairs, Illinois Department of Veterans'
9 Affairs, or another agency or person with suitable
10 knowledge or experience for the purpose of providing the
11 court with information regarding treatment options
12 available to the defendant, including federal, State, and
13 local programming; and

14 (2) consider the treatment recommendations of any
15 diagnosing or treating mental health professionals
16 together with the treatment options available to the
17 defendant in imposing sentence.

18 For the purposes of this subsection (c-4), "qualified
19 psychiatrist" means a reputable physician licensed in Illinois
20 to practice medicine in all its branches, who has specialized
21 in the diagnosis and treatment of mental and nervous disorders
22 for a period of not less than 5 years.

23 (c-6) In imposing a sentence, the trial judge shall
24 specify, on the record, the particular evidence and other
25 reasons which led to his or her determination that a motor
26 vehicle was used in the commission of the offense.

1 (d) When the defendant is committed to the Department of
2 Corrections, the State's Attorney shall and counsel for the
3 defendant may file a statement with the clerk of the court to
4 be transmitted to the department, agency or institution to
5 which the defendant is committed to furnish such department,
6 agency or institution with the facts and circumstances of the
7 offense for which the person was committed together with all
8 other factual information accessible to them in regard to the
9 person prior to his commitment relative to his habits,
10 associates, disposition and reputation and any other facts and
11 circumstances which may aid such department, agency or
12 institution during its custody of such person. The clerk shall
13 within 10 days after receiving any such statements transmit a
14 copy to such department, agency or institution and a copy to
15 the other party, provided, however, that this shall not be
16 cause for delay in conveying the person to the department,
17 agency or institution to which he has been committed.

18 (e) The clerk of the court shall transmit to the
19 department, agency or institution, if any, to which the
20 defendant is committed, the following:

21 (1) the sentence imposed;

22 (2) any statement by the court of the basis for
23 imposing the sentence;

24 (3) any presentence reports;

25 (3.5) any sex offender evaluations;

26 (3.6) any substance abuse treatment eligibility

1 screening and assessment of the defendant by an agent
2 designated by the State of Illinois to provide assessment
3 services for the Illinois courts;

4 (4) the number of days, if any, which the defendant
5 has been in custody and for which he is entitled to credit
6 against the sentence, which information shall be provided
7 to the clerk by the sheriff;

8 (4.1) any finding of great bodily harm made by the
9 court with respect to an offense enumerated in subsection
10 (c-1);

11 (5) all statements filed under subsection (d) of this
12 Section;

13 (6) any medical or mental health records or summaries
14 of the defendant;

15 (7) the municipality where the arrest of the offender
16 or the commission of the offense has occurred, where such
17 municipality has a population of more than 25,000 persons;

18 (8) all statements made and evidence offered under
19 paragraph (7) of subsection (a) of this Section; and

20 (9) all additional matters which the court directs the
21 clerk to transmit.

22 (f) In cases in which the court finds that a motor vehicle
23 was used in the commission of the offense for which the
24 defendant is being sentenced, the clerk of the court shall,
25 within 5 days thereafter, forward a report of such conviction
26 to the Secretary of State.

1 (Source: P.A. 99-861, eff. 1-1-17; 99-938, eff. 1-1-18;
2 100-961, eff. 1-1-19; revised 10-3-18; 101-652.)

3 Section 340. The Open Meetings Act is amended by changing
4 Section 2 as follows:

5 (5 ILCS 120/2) (from Ch. 102, par. 42)

6 Sec. 2. Open meetings.

7 (a) Openness required. All meetings of public bodies shall
8 be open to the public unless excepted in subsection (c) and
9 closed in accordance with Section 2a.

10 (b) Construction of exceptions. The exceptions contained
11 in subsection (c) are in derogation of the requirement that
12 public bodies meet in the open, and therefore, the exceptions
13 are to be strictly construed, extending only to subjects
14 clearly within their scope. The exceptions authorize but do
15 not require the holding of a closed meeting to discuss a
16 subject included within an enumerated exception.

17 (c) Exceptions. A public body may hold closed meetings to
18 consider the following subjects:

19 (1) The appointment, employment, compensation,
20 discipline, performance, or dismissal of specific
21 employees, specific individuals who serve as independent
22 contractors in a park, recreational, or educational
23 setting, or specific volunteers of the public body or
24 legal counsel for the public body, including hearing

1 testimony on a complaint lodged against an employee, a
2 specific individual who serves as an independent
3 contractor in a park, recreational, or educational
4 setting, or a volunteer of the public body or against
5 legal counsel for the public body to determine its
6 validity. However, a meeting to consider an increase in
7 compensation to a specific employee of a public body that
8 is subject to the Local Government Wage Increase
9 Transparency Act may not be closed and shall be open to the
10 public and posted and held in accordance with this Act.

11 (2) Collective negotiating matters between the public
12 body and its employees or their representatives, or
13 deliberations concerning salary schedules for one or more
14 classes of employees.

15 (3) The selection of a person to fill a public office,
16 as defined in this Act, including a vacancy in a public
17 office, when the public body is given power to appoint
18 under law or ordinance, or the discipline, performance or
19 removal of the occupant of a public office, when the
20 public body is given power to remove the occupant under
21 law or ordinance.

22 (4) Evidence or testimony presented in open hearing,
23 or in closed hearing where specifically authorized by law,
24 to a quasi-adjudicative body, as defined in this Act,
25 provided that the body prepares and makes available for
26 public inspection a written decision setting forth its

1 determinative reasoning.

2 (5) The purchase or lease of real property for the use
3 of the public body, including meetings held for the
4 purpose of discussing whether a particular parcel should
5 be acquired.

6 (6) The setting of a price for sale or lease of
7 property owned by the public body.

8 (7) The sale or purchase of securities, investments,
9 or investment contracts. This exception shall not apply to
10 the investment of assets or income of funds deposited into
11 the Illinois Prepaid Tuition Trust Fund.

12 (8) Security procedures, school building safety and
13 security, and the use of personnel and equipment to
14 respond to an actual, a threatened, or a reasonably
15 potential danger to the safety of employees, students,
16 staff, the public, or public property.

17 (9) Student disciplinary cases.

18 (10) The placement of individual students in special
19 education programs and other matters relating to
20 individual students.

21 (11) Litigation, when an action against, affecting or
22 on behalf of the particular public body has been filed and
23 is pending before a court or administrative tribunal, or
24 when the public body finds that an action is probable or
25 imminent, in which case the basis for the finding shall be
26 recorded and entered into the minutes of the closed

1 meeting.

2 (12) The establishment of reserves or settlement of
3 claims as provided in the Local Governmental and
4 Governmental Employees Tort Immunity Act, if otherwise the
5 disposition of a claim or potential claim might be
6 prejudiced, or the review or discussion of claims, loss or
7 risk management information, records, data, advice or
8 communications from or with respect to any insurer of the
9 public body or any intergovernmental risk management
10 association or self insurance pool of which the public
11 body is a member.

12 (13) Conciliation of complaints of discrimination in
13 the sale or rental of housing, when closed meetings are
14 authorized by the law or ordinance prescribing fair
15 housing practices and creating a commission or
16 administrative agency for their enforcement.

17 (14) Informant sources, the hiring or assignment of
18 undercover personnel or equipment, or ongoing, prior or
19 future criminal investigations, when discussed by a public
20 body with criminal investigatory responsibilities.

21 (15) Professional ethics or performance when
22 considered by an advisory body appointed to advise a
23 licensing or regulatory agency on matters germane to the
24 advisory body's field of competence.

25 (16) Self evaluation, practices and procedures or
26 professional ethics, when meeting with a representative of

1 a statewide association of which the public body is a
2 member.

3 (17) The recruitment, credentialing, discipline or
4 formal peer review of physicians or other health care
5 professionals, or for the discussion of matters protected
6 under the federal Patient Safety and Quality Improvement
7 Act of 2005, and the regulations promulgated thereunder,
8 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
9 Health Insurance Portability and Accountability Act of
10 1996, and the regulations promulgated thereunder,
11 including 45 C.F.R. Parts 160, 162, and 164, by a
12 hospital, or other institution providing medical care,
13 that is operated by the public body.

14 (18) Deliberations for decisions of the Prisoner
15 Review Board.

16 (19) Review or discussion of applications received
17 under the Experimental Organ Transplantation Procedures
18 Act.

19 (20) The classification and discussion of matters
20 classified as confidential or continued confidential by
21 the State Government Suggestion Award Board.

22 (21) Discussion of minutes of meetings lawfully closed
23 under this Act, whether for purposes of approval by the
24 body of the minutes or semi-annual review of the minutes
25 as mandated by Section 2.06.

26 (22) Deliberations for decisions of the State

1 Emergency Medical Services Disciplinary Review Board.

2 (23) The operation by a municipality of a municipal
3 utility or the operation of a municipal power agency or
4 municipal natural gas agency when the discussion involves
5 (i) contracts relating to the purchase, sale, or delivery
6 of electricity or natural gas or (ii) the results or
7 conclusions of load forecast studies.

8 (24) Meetings of a residential health care facility
9 resident sexual assault and death review team or the
10 Executive Council under the Abuse Prevention Review Team
11 Act.

12 (25) Meetings of an independent team of experts under
13 Brian's Law.

14 (26) Meetings of a mortality review team appointed
15 under the Department of Juvenile Justice Mortality Review
16 Team Act.

17 (27) (Blank).

18 (28) Correspondence and records (i) that may not be
19 disclosed under Section 11-9 of the Illinois Public Aid
20 Code or (ii) that pertain to appeals under Section 11-8 of
21 the Illinois Public Aid Code.

22 (29) Meetings between internal or external auditors
23 and governmental audit committees, finance committees, and
24 their equivalents, when the discussion involves internal
25 control weaknesses, identification of potential fraud risk
26 areas, known or suspected frauds, and fraud interviews

1 conducted in accordance with generally accepted auditing
2 standards of the United States of America.

3 (30) Those meetings or portions of meetings of a
4 fatality review team or the Illinois Fatality Review Team
5 Advisory Council during which a review of the death of an
6 eligible adult in which abuse or neglect is suspected,
7 alleged, or substantiated is conducted pursuant to Section
8 15 of the Adult Protective Services Act.

9 (31) Meetings and deliberations for decisions of the
10 Concealed Carry Licensing Review Board under the Firearm
11 Concealed Carry Act.

12 (32) Meetings between the Regional Transportation
13 Authority Board and its Service Boards when the discussion
14 involves review by the Regional Transportation Authority
15 Board of employment contracts under Section 28d of the
16 Metropolitan Transit Authority Act and Sections 3A.18 and
17 3B.26 of the Regional Transportation Authority Act.

18 (33) Those meetings or portions of meetings of the
19 advisory committee and peer review subcommittee created
20 under Section 320 of the Illinois Controlled Substances
21 Act during which specific controlled substance prescriber,
22 dispenser, or patient information is discussed.

23 (34) Meetings of the Tax Increment Financing Reform
24 Task Force under Section 2505-800 of the Department of
25 Revenue Law of the Civil Administrative Code of Illinois.

26 (35) Meetings of the group established to discuss

1 Medicaid capitation rates under Section 5-30.8 of the
2 Illinois Public Aid Code.

3 (36) Those deliberations or portions of deliberations
4 for decisions of the Illinois Gaming Board in which there
5 is discussed any of the following: (i) personal,
6 commercial, financial, or other information obtained from
7 any source that is privileged, proprietary, confidential,
8 or a trade secret; or (ii) information specifically
9 exempted from the disclosure by federal or State law.

10 ~~(37) Deliberations for decisions of the Illinois Law~~
11 ~~Enforcement Training Standards Board, the Certification~~
12 ~~Review Panel, and the Illinois State Police Merit Board~~
13 ~~regarding certification and decertification.~~

14 (38) Meetings of the Ad Hoc Statewide Domestic
15 Violence Fatality Review Committee of the Illinois
16 Criminal Justice Information Authority Board that occur in
17 closed executive session under subsection (d) of Section
18 35 of the Domestic Violence Fatality Review Act.

19 (39) Meetings of the regional review teams under
20 subsection (a) of Section 75 of the Domestic Violence
21 Fatality Review Act.

22 (40) ~~(38)~~ Meetings of the Firearm Owner's
23 Identification Card Review Board under Section 10 of the
24 Firearm Owners Identification Card Act.

25 (d) Definitions. For purposes of this Section:

26 "Employee" means a person employed by a public body whose

1 relationship with the public body constitutes an
2 employer-employee relationship under the usual common law
3 rules, and who is not an independent contractor.

4 "Public office" means a position created by or under the
5 Constitution or laws of this State, the occupant of which is
6 charged with the exercise of some portion of the sovereign
7 power of this State. The term "public office" shall include
8 members of the public body, but it shall not include
9 organizational positions filled by members thereof, whether
10 established by law or by a public body itself, that exist to
11 assist the body in the conduct of its business.

12 "Quasi-adjudicative body" means an administrative body
13 charged by law or ordinance with the responsibility to conduct
14 hearings, receive evidence or testimony and make
15 determinations based thereon, but does not include local
16 electoral boards when such bodies are considering petition
17 challenges.

18 (e) Final action. No final action may be taken at a closed
19 meeting. Final action shall be preceded by a public recital of
20 the nature of the matter being considered and other
21 information that will inform the public of the business being
22 conducted.

23 (Source: P.A. 101-31, eff. 6-28-19; 101-459, eff. 8-23-19;
24 101-652, eff. 1-1-22; 102-237, eff. 1-1-22; 102-520, eff.
25 8-20-21; 102-558, eff. 8-20-21; revised 10-6-21.)

1 Section 345. The Freedom of Information Act is amended by
2 changing Sections 7 and 7.5 as follows:

3 (5 ILCS 140/7) (from Ch. 116, par. 207)

4 Sec. 7. Exemptions.

5 (1) When a request is made to inspect or copy a public
6 record that contains information that is exempt from
7 disclosure under this Section, but also contains information
8 that is not exempt from disclosure, the public body may elect
9 to redact the information that is exempt. The public body
10 shall make the remaining information available for inspection
11 and copying. Subject to this requirement, the following shall
12 be exempt from inspection and copying:

13 (a) Information specifically prohibited from
14 disclosure by federal or State law or rules and
15 regulations implementing federal or State law.

16 (b) Private information, unless disclosure is required
17 by another provision of this Act, a State or federal law or
18 a court order.

19 (b-5) Files, documents, and other data or databases
20 maintained by one or more law enforcement agencies and
21 specifically designed to provide information to one or
22 more law enforcement agencies regarding the physical or
23 mental status of one or more individual subjects.

24 (c) Personal information contained within public
25 records, the disclosure of which would constitute a

1 clearly unwarranted invasion of personal privacy, unless
2 the disclosure is consented to in writing by the
3 individual subjects of the information. "Unwarranted
4 invasion of personal privacy" means the disclosure of
5 information that is highly personal or objectionable to a
6 reasonable person and in which the subject's right to
7 privacy outweighs any legitimate public interest in
8 obtaining the information. The disclosure of information
9 that bears on the public duties of public employees and
10 officials shall not be considered an invasion of personal
11 privacy.

12 (d) Records in the possession of any public body
13 created in the course of administrative enforcement
14 proceedings, and any law enforcement or correctional
15 agency for law enforcement purposes, but only to the
16 extent that disclosure would:

17 (i) interfere with pending or actually and
18 reasonably contemplated law enforcement proceedings
19 conducted by any law enforcement or correctional
20 agency that is the recipient of the request;

21 (ii) interfere with active administrative
22 enforcement proceedings conducted by the public body
23 that is the recipient of the request;

24 (iii) create a substantial likelihood that a
25 person will be deprived of a fair trial or an impartial
26 hearing;

1 (iv) unavoidably disclose the identity of a
2 confidential source, confidential information
3 furnished only by the confidential source, or persons
4 who file complaints with or provide information to
5 administrative, investigative, law enforcement, or
6 penal agencies; except that the identities of
7 witnesses to traffic accidents, traffic accident
8 reports, and rescue reports shall be provided by
9 agencies of local government, except when disclosure
10 would interfere with an active criminal investigation
11 conducted by the agency that is the recipient of the
12 request;

13 (v) disclose unique or specialized investigative
14 techniques other than those generally used and known
15 or disclose internal documents of correctional
16 agencies related to detection, observation or
17 investigation of incidents of crime or misconduct, and
18 disclosure would result in demonstrable harm to the
19 agency or public body that is the recipient of the
20 request;

21 (vi) endanger the life or physical safety of law
22 enforcement personnel or any other person; or

23 (vii) obstruct an ongoing criminal investigation
24 by the agency that is the recipient of the request.

25 (d-5) A law enforcement record created for law
26 enforcement purposes and contained in a shared electronic

1 record management system if the law enforcement agency
2 that is the recipient of the request did not create the
3 record, did not participate in or have a role in any of the
4 events which are the subject of the record, and only has
5 access to the record through the shared electronic record
6 management system.

7 ~~(d-6) Records contained in the Officer Professional~~
8 ~~Conduct Database under Section 9.4 of the Illinois Police~~
9 ~~Training Act, except to the extent authorized under that~~
10 ~~Section. This includes the documents supplied to Illinois~~
11 ~~Law Enforcement Training Standards Board from the Illinois~~
12 ~~State Police and Illinois State Police Merit Board.~~

13 (e) Records that relate to or affect the security of
14 correctional institutions and detention facilities.

15 (e-5) Records requested by persons committed to the
16 Department of Corrections, Department of Human Services
17 Division of Mental Health, or a county jail if those
18 materials are available in the library of the correctional
19 institution or facility or jail where the inmate is
20 confined.

21 (e-6) Records requested by persons committed to the
22 Department of Corrections, Department of Human Services
23 Division of Mental Health, or a county jail if those
24 materials include records from staff members' personnel
25 files, staff rosters, or other staffing assignment
26 information.

1 (e-7) Records requested by persons committed to the
2 Department of Corrections or Department of Human Services
3 Division of Mental Health if those materials are available
4 through an administrative request to the Department of
5 Corrections or Department of Human Services Division of
6 Mental Health.

7 (e-8) Records requested by a person committed to the
8 Department of Corrections, Department of Human Services
9 Division of Mental Health, or a county jail, the
10 disclosure of which would result in the risk of harm to any
11 person or the risk of an escape from a jail or correctional
12 institution or facility.

13 (e-9) Records requested by a person in a county jail
14 or committed to the Department of Corrections or
15 Department of Human Services Division of Mental Health,
16 containing personal information pertaining to the person's
17 victim or the victim's family, including, but not limited
18 to, a victim's home address, home telephone number, work
19 or school address, work telephone number, social security
20 number, or any other identifying information, except as
21 may be relevant to a requester's current or potential case
22 or claim.

23 (e-10) Law enforcement records of other persons
24 requested by a person committed to the Department of
25 Corrections, Department of Human Services Division of
26 Mental Health, or a county jail, including, but not

1 limited to, arrest and booking records, mug shots, and
2 crime scene photographs, except as these records may be
3 relevant to the requester's current or potential case or
4 claim.

5 (f) Preliminary drafts, notes, recommendations,
6 memoranda and other records in which opinions are
7 expressed, or policies or actions are formulated, except
8 that a specific record or relevant portion of a record
9 shall not be exempt when the record is publicly cited and
10 identified by the head of the public body. The exemption
11 provided in this paragraph (f) extends to all those
12 records of officers and agencies of the General Assembly
13 that pertain to the preparation of legislative documents.

14 (g) Trade secrets and commercial or financial
15 information obtained from a person or business where the
16 trade secrets or commercial or financial information are
17 furnished under a claim that they are proprietary,
18 privileged, or confidential, and that disclosure of the
19 trade secrets or commercial or financial information would
20 cause competitive harm to the person or business, and only
21 insofar as the claim directly applies to the records
22 requested.

23 The information included under this exemption includes
24 all trade secrets and commercial or financial information
25 obtained by a public body, including a public pension
26 fund, from a private equity fund or a privately held

1 company within the investment portfolio of a private
2 equity fund as a result of either investing or evaluating
3 a potential investment of public funds in a private equity
4 fund. The exemption contained in this item does not apply
5 to the aggregate financial performance information of a
6 private equity fund, nor to the identity of the fund's
7 managers or general partners. The exemption contained in
8 this item does not apply to the identity of a privately
9 held company within the investment portfolio of a private
10 equity fund, unless the disclosure of the identity of a
11 privately held company may cause competitive harm.

12 Nothing contained in this paragraph (g) shall be
13 construed to prevent a person or business from consenting
14 to disclosure.

15 (h) Proposals and bids for any contract, grant, or
16 agreement, including information which if it were
17 disclosed would frustrate procurement or give an advantage
18 to any person proposing to enter into a contractor
19 agreement with the body, until an award or final selection
20 is made. Information prepared by or for the body in
21 preparation of a bid solicitation shall be exempt until an
22 award or final selection is made.

23 (i) Valuable formulae, computer geographic systems,
24 designs, drawings and research data obtained or produced
25 by any public body when disclosure could reasonably be
26 expected to produce private gain or public loss. The

1 exemption for "computer geographic systems" provided in
2 this paragraph (i) does not extend to requests made by
3 news media as defined in Section 2 of this Act when the
4 requested information is not otherwise exempt and the only
5 purpose of the request is to access and disseminate
6 information regarding the health, safety, welfare, or
7 legal rights of the general public.

8 (j) The following information pertaining to
9 educational matters:

10 (i) test questions, scoring keys and other
11 examination data used to administer an academic
12 examination;

13 (ii) information received by a primary or
14 secondary school, college, or university under its
15 procedures for the evaluation of faculty members by
16 their academic peers;

17 (iii) information concerning a school or
18 university's adjudication of student disciplinary
19 cases, but only to the extent that disclosure would
20 unavoidably reveal the identity of the student; and

21 (iv) course materials or research materials used
22 by faculty members.

23 (k) Architects' plans, engineers' technical
24 submissions, and other construction related technical
25 documents for projects not constructed or developed in
26 whole or in part with public funds and the same for

1 projects constructed or developed with public funds,
2 including~~7~~ but not limited to~~7~~ power generating and
3 distribution stations and other transmission and
4 distribution facilities, water treatment facilities,
5 airport facilities, sport stadiums, convention centers,
6 and all government owned, operated, or occupied buildings,
7 but only to the extent that disclosure would compromise
8 security.

9 (l) Minutes of meetings of public bodies closed to the
10 public as provided in the Open Meetings Act until the
11 public body makes the minutes available to the public
12 under Section 2.06 of the Open Meetings Act.

13 (m) Communications between a public body and an
14 attorney or auditor representing the public body that
15 would not be subject to discovery in litigation, and
16 materials prepared or compiled by or for a public body in
17 anticipation of a criminal, civil~~7~~ or administrative
18 proceeding upon the request of an attorney advising the
19 public body, and materials prepared or compiled with
20 respect to internal audits of public bodies.

21 (n) Records relating to a public body's adjudication
22 of employee grievances or disciplinary cases; however,
23 this exemption shall not extend to the final outcome of
24 cases in which discipline is imposed.

25 (o) Administrative or technical information associated
26 with automated data processing operations, including~~7~~ but

1 not limited to software, operating protocols, computer
2 program abstracts, file layouts, source listings, object
3 modules, load modules, user guides, documentation
4 pertaining to all logical and physical design of
5 computerized systems, employee manuals, and any other
6 information that, if disclosed, would jeopardize the
7 security of the system or its data or the security of
8 materials exempt under this Section.

9 (p) Records relating to collective negotiating matters
10 between public bodies and their employees or
11 representatives, except that any final contract or
12 agreement shall be subject to inspection and copying.

13 (q) Test questions, scoring keys, and other
14 examination data used to determine the qualifications of
15 an applicant for a license or employment.

16 (r) The records, documents, and information relating
17 to real estate purchase negotiations until those
18 negotiations have been completed or otherwise terminated.
19 With regard to a parcel involved in a pending or actually
20 and reasonably contemplated eminent domain proceeding
21 under the Eminent Domain Act, records, documents, and
22 information relating to that parcel shall be exempt except
23 as may be allowed under discovery rules adopted by the
24 Illinois Supreme Court. The records, documents, and
25 information relating to a real estate sale shall be exempt
26 until a sale is consummated.

1 (s) Any and all proprietary information and records
2 related to the operation of an intergovernmental risk
3 management association or self-insurance pool or jointly
4 self-administered health and accident cooperative or pool.
5 Insurance or self insurance (including any
6 intergovernmental risk management association or self
7 insurance pool) claims, loss or risk management
8 information, records, data, advice or communications.

9 (t) Information contained in or related to
10 examination, operating, or condition reports prepared by,
11 on behalf of, or for the use of a public body responsible
12 for the regulation or supervision of financial
13 institutions, insurance companies, or pharmacy benefit
14 managers, unless disclosure is otherwise required by State
15 law.

16 (u) Information that would disclose or might lead to
17 the disclosure of secret or confidential information,
18 codes, algorithms, programs, or private keys intended to
19 be used to create electronic signatures under the Uniform
20 Electronic Transactions Act.

21 (v) Vulnerability assessments, security measures, and
22 response policies or plans that are designed to identify,
23 prevent, or respond to potential attacks upon a
24 community's population or systems, facilities, or
25 installations, the destruction or contamination of which
26 would constitute a clear and present danger to the health

1 or safety of the community, but only to the extent that
2 disclosure could reasonably be expected to jeopardize the
3 effectiveness of the measures or the safety of the
4 personnel who implement them or the public. Information
5 exempt under this item may include such things as details
6 pertaining to the mobilization or deployment of personnel
7 or equipment, to the operation of communication systems or
8 protocols, or to tactical operations.

9 (w) (Blank).

10 (x) Maps and other records regarding the location or
11 security of generation, transmission, distribution,
12 storage, gathering, treatment, or switching facilities
13 owned by a utility, by a power generator, or by the
14 Illinois Power Agency.

15 (y) Information contained in or related to proposals,
16 bids, or negotiations related to electric power
17 procurement under Section 1-75 of the Illinois Power
18 Agency Act and Section 16-111.5 of the Public Utilities
19 Act that is determined to be confidential and proprietary
20 by the Illinois Power Agency or by the Illinois Commerce
21 Commission.

22 (z) Information about students exempted from
23 disclosure under Sections 10-20.38 or 34-18.29 of the
24 School Code, and information about undergraduate students
25 enrolled at an institution of higher education exempted
26 from disclosure under Section 25 of the Illinois Credit

1 Card Marketing Act of 2009.

2 (aa) Information the disclosure of which is exempted
3 under the Viatical Settlements Act of 2009.

4 (bb) Records and information provided to a mortality
5 review team and records maintained by a mortality review
6 team appointed under the Department of Juvenile Justice
7 Mortality Review Team Act.

8 (cc) Information regarding interments, entombments, or
9 inurnments of human remains that are submitted to the
10 Cemetery Oversight Database under the Cemetery Care Act or
11 the Cemetery Oversight Act, whichever is applicable.

12 (dd) Correspondence and records (i) that may not be
13 disclosed under Section 11-9 of the Illinois Public Aid
14 Code or (ii) that pertain to appeals under Section 11-8 of
15 the Illinois Public Aid Code.

16 (ee) The names, addresses, or other personal
17 information of persons who are minors and are also
18 participants and registrants in programs of park
19 districts, forest preserve districts, conservation
20 districts, recreation agencies, and special recreation
21 associations.

22 (ff) The names, addresses, or other personal
23 information of participants and registrants in programs of
24 park districts, forest preserve districts, conservation
25 districts, recreation agencies, and special recreation
26 associations where such programs are targeted primarily to

1 minors.

2 (gg) Confidential information described in Section
3 1-100 of the Illinois Independent Tax Tribunal Act of
4 2012.

5 (hh) The report submitted to the State Board of
6 Education by the School Security and Standards Task Force
7 under item (8) of subsection (d) of Section 2-3.160 of the
8 School Code and any information contained in that report.

9 (ii) Records requested by persons committed to or
10 detained by the Department of Human Services under the
11 Sexually Violent Persons Commitment Act or committed to
12 the Department of Corrections under the Sexually Dangerous
13 Persons Act if those materials: (i) are available in the
14 library of the facility where the individual is confined;
15 (ii) include records from staff members' personnel files,
16 staff rosters, or other staffing assignment information;
17 or (iii) are available through an administrative request
18 to the Department of Human Services or the Department of
19 Corrections.

20 (jj) Confidential information described in Section
21 5-535 of the Civil Administrative Code of Illinois.

22 (kk) The public body's credit card numbers, debit card
23 numbers, bank account numbers, Federal Employer
24 Identification Number, security code numbers, passwords,
25 and similar account information, the disclosure of which
26 could result in identity theft or impersonation or defrauding

1 of a governmental entity or a person.

2 (11) Records concerning the work of the threat
3 assessment team of a school district.

4 (1.5) Any information exempt from disclosure under the
5 Judicial Privacy Act shall be redacted from public records
6 prior to disclosure under this Act.

7 (2) A public record that is not in the possession of a
8 public body but is in the possession of a party with whom the
9 agency has contracted to perform a governmental function on
10 behalf of the public body, and that directly relates to the
11 governmental function and is not otherwise exempt under this
12 Act, shall be considered a public record of the public body,
13 for purposes of this Act.

14 (3) This Section does not authorize withholding of
15 information or limit the availability of records to the
16 public, except as stated in this Section or otherwise provided
17 in this Act.

18 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
19 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
20 6-25-21; 102-558, eff. 8-20-21; revised 10-4-21.)

21 (5 ILCS 140/7.5)

22 Sec. 7.5. Statutory exemptions. To the extent provided for
23 by the statutes referenced below, the following shall be
24 exempt from inspection and copying:

25 (a) All information determined to be confidential

1 under Section 4002 of the Technology Advancement and
2 Development Act.

3 (b) Library circulation and order records identifying
4 library users with specific materials under the Library
5 Records Confidentiality Act.

6 (c) Applications, related documents, and medical
7 records received by the Experimental Organ Transplantation
8 Procedures Board and any and all documents or other
9 records prepared by the Experimental Organ Transplantation
10 Procedures Board or its staff relating to applications it
11 has received.

12 (d) Information and records held by the Department of
13 Public Health and its authorized representatives relating
14 to known or suspected cases of sexually transmissible
15 disease or any information the disclosure of which is
16 restricted under the Illinois Sexually Transmissible
17 Disease Control Act.

18 (e) Information the disclosure of which is exempted
19 under Section 30 of the Radon Industry Licensing Act.

20 (f) Firm performance evaluations under Section 55 of
21 the Architectural, Engineering, and Land Surveying
22 Qualifications Based Selection Act.

23 (g) Information the disclosure of which is restricted
24 and exempted under Section 50 of the Illinois Prepaid
25 Tuition Act.

26 (h) Information the disclosure of which is exempted

1 under the State Officials and Employees Ethics Act, and
2 records of any lawfully created State or local inspector
3 general's office that would be exempt if created or
4 obtained by an Executive Inspector General's office under
5 that Act.

6 (i) Information contained in a local emergency energy
7 plan submitted to a municipality in accordance with a
8 local emergency energy plan ordinance that is adopted
9 under Section 11-21.5-5 of the Illinois Municipal Code.

10 (j) Information and data concerning the distribution
11 of surcharge moneys collected and remitted by carriers
12 under the Emergency Telephone System Act.

13 (k) Law enforcement officer identification information
14 or driver identification information compiled by a law
15 enforcement agency or the Department of Transportation
16 under Section 11-212 of the Illinois Vehicle Code.

17 (l) Records and information provided to a residential
18 health care facility resident sexual assault and death
19 review team or the Executive Council under the Abuse
20 Prevention Review Team Act.

21 (m) Information provided to the predatory lending
22 database created pursuant to Article 3 of the Residential
23 Real Property Disclosure Act, except to the extent
24 authorized under that Article.

25 (n) Defense budgets and petitions for certification of
26 compensation and expenses for court appointed trial

1 counsel as provided under Sections 10 and 15 of the
2 Capital Crimes Litigation Act. This subsection (n) shall
3 apply until the conclusion of the trial of the case, even
4 if the prosecution chooses not to pursue the death penalty
5 prior to trial or sentencing.

6 (o) Information that is prohibited from being
7 disclosed under Section 4 of the Illinois Health and
8 Hazardous Substances Registry Act.

9 (p) Security portions of system safety program plans,
10 investigation reports, surveys, schedules, lists, data, or
11 information compiled, collected, or prepared by or for the
12 Department of Transportation under Sections 2705-300 and
13 2705-616 of the Department of Transportation Law of the
14 Civil Administrative Code of Illinois, the Regional
15 Transportation Authority under Section 2.11 of the
16 Regional Transportation Authority Act, or the St. Clair
17 County Transit District under the Bi-State Transit Safety
18 Act.

19 (q) Information prohibited from being disclosed by the
20 Personnel Record Review Act.

21 (r) Information prohibited from being disclosed by the
22 Illinois School Student Records Act.

23 (s) Information the disclosure of which is restricted
24 under Section 5-108 of the Public Utilities Act.

25 (t) All identified or deidentified health information
26 in the form of health data or medical records contained

1 in, stored in, submitted to, transferred by, or released
2 from the Illinois Health Information Exchange, and
3 identified or deidentified health information in the form
4 of health data and medical records of the Illinois Health
5 Information Exchange in the possession of the Illinois
6 Health Information Exchange Office due to its
7 administration of the Illinois Health Information
8 Exchange. The terms "identified" and "deidentified" shall
9 be given the same meaning as in the Health Insurance
10 Portability and Accountability Act of 1996, Public Law
11 104-191, or any subsequent amendments thereto, and any
12 regulations promulgated thereunder.

13 (u) Records and information provided to an independent
14 team of experts under the Developmental Disability and
15 Mental Health Safety Act (also known as Brian's Law).

16 (v) Names and information of people who have applied
17 for or received Firearm Owner's Identification Cards under
18 the Firearm Owners Identification Card Act or applied for
19 or received a concealed carry license under the Firearm
20 Concealed Carry Act, unless otherwise authorized by the
21 Firearm Concealed Carry Act; and databases under the
22 Firearm Concealed Carry Act, records of the Concealed
23 Carry Licensing Review Board under the Firearm Concealed
24 Carry Act, and law enforcement agency objections under the
25 Firearm Concealed Carry Act.

26 (v-5) Records of the Firearm Owner's Identification

1 Card Review Board that are exempted from disclosure under
2 Section 10 of the Firearm Owners Identification Card Act.

3 (w) Personally identifiable information which is
4 exempted from disclosure under subsection (g) of Section
5 19.1 of the Toll Highway Act.

6 (x) Information which is exempted from disclosure
7 under Section 5-1014.3 of the Counties Code or Section
8 8-11-21 of the Illinois Municipal Code.

9 (y) Confidential information under the Adult
10 Protective Services Act and its predecessor enabling
11 statute, the Elder Abuse and Neglect Act, including
12 information about the identity and administrative finding
13 against any caregiver of a verified and substantiated
14 decision of abuse, neglect, or financial exploitation of
15 an eligible adult maintained in the Registry established
16 under Section 7.5 of the Adult Protective Services Act.

17 (z) Records and information provided to a fatality
18 review team or the Illinois Fatality Review Team Advisory
19 Council under Section 15 of the Adult Protective Services
20 Act.

21 (aa) Information which is exempted from disclosure
22 under Section 2.37 of the Wildlife Code.

23 (bb) Information which is or was prohibited from
24 disclosure by the Juvenile Court Act of 1987.

25 (cc) Recordings made under the Law Enforcement
26 Officer-Worn Body Camera Act, except to the extent

1 authorized under that Act.

2 (dd) Information that is prohibited from being
3 disclosed under Section 45 of the Condominium and Common
4 Interest Community Ombudsperson Act.

5 (ee) Information that is exempted from disclosure
6 under Section 30.1 of the Pharmacy Practice Act.

7 (ff) Information that is exempted from disclosure
8 under the Revised Uniform Unclaimed Property Act.

9 (gg) Information that is prohibited from being
10 disclosed under Section 7-603.5 of the Illinois Vehicle
11 Code.

12 (hh) Records that are exempt from disclosure under
13 Section 1A-16.7 of the Election Code.

14 (ii) Information which is exempted from disclosure
15 under Section 2505-800 of the Department of Revenue Law of
16 the Civil Administrative Code of Illinois.

17 (jj) Information and reports that are required to be
18 submitted to the Department of Labor by registering day
19 and temporary labor service agencies but are exempt from
20 disclosure under subsection (a-1) of Section 45 of the Day
21 and Temporary Labor Services Act.

22 (kk) Information prohibited from disclosure under the
23 Seizure and Forfeiture Reporting Act.

24 (ll) Information the disclosure of which is restricted
25 and exempted under Section 5-30.8 of the Illinois Public
26 Aid Code.

1 (mm) Records that are exempt from disclosure under
2 Section 4.2 of the Crime Victims Compensation Act.

3 (nn) Information that is exempt from disclosure under
4 Section 70 of the Higher Education Student Assistance Act.

5 (oo) Communications, notes, records, and reports
6 arising out of a peer support counseling session
7 prohibited from disclosure under the First Responders
8 Suicide Prevention Act.

9 (pp) Names and all identifying information relating to
10 an employee of an emergency services provider or law
11 enforcement agency under the First Responders Suicide
12 Prevention Act.

13 (qq) Information and records held by the Department of
14 Public Health and its authorized representatives collected
15 under the Reproductive Health Act.

16 (rr) Information that is exempt from disclosure under
17 the Cannabis Regulation and Tax Act.

18 (ss) Data reported by an employer to the Department of
19 Human Rights pursuant to Section 2-108 of the Illinois
20 Human Rights Act.

21 (tt) Recordings made under the Children's Advocacy
22 Center Act, except to the extent authorized under that
23 Act.

24 (uu) Information that is exempt from disclosure under
25 Section 50 of the Sexual Assault Evidence Submission Act.

26 (vv) Information that is exempt from disclosure under

1 subsections (f) and (j) of Section 5-36 of the Illinois
2 Public Aid Code.

3 (ww) Information that is exempt from disclosure under
4 Section 16.8 of the State Treasurer Act.

5 (xx) Information that is exempt from disclosure or
6 information that shall not be made public under the
7 Illinois Insurance Code.

8 (yy) Information prohibited from being disclosed under
9 the Illinois Educational Labor Relations Act.

10 (zz) Information prohibited from being disclosed under
11 the Illinois Public Labor Relations Act.

12 (aaa) Information prohibited from being disclosed
13 under Section 1-167 of the Illinois Pension Code.

14 ~~(ccc) Information that is prohibited from disclosure~~
15 ~~by the Illinois Police Training Act and the State Police~~
16 ~~Act.~~

17 (ccc) ~~(ddd)~~ Records exempt from disclosure under
18 Section 2605-304 of the Illinois ~~Department of~~ State
19 Police Law of the Civil Administrative Code of Illinois.

20 (ddd) ~~(bbb)~~ Information prohibited from being
21 disclosed under Section 35 of the Address Confidentiality
22 for Victims of Domestic Violence, Sexual Assault, Human
23 Trafficking, or Stalking Act.

24 (eee) ~~(ddd)~~ Information prohibited from being
25 disclosed under subsection (b) of Section 75 of the
26 Domestic Violence Fatality Review Act.

1 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;
2 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
3 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,
4 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
5 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.
6 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,
7 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
8 102-559, eff. 8-20-21; revised 10-5-21.)

9 Section 350. The State Employee Indemnification Act is
10 amended by changing Section 1 as follows:

11 (5 ILCS 350/1) (from Ch. 127, par. 1301)

12 Sec. 1. Definitions. For the purpose of this Act:

13 (a) The term "State" means the State of Illinois, the
14 General Assembly, the court, or any State office, department,
15 division, bureau, board, commission, or committee, the
16 governing boards of the public institutions of higher
17 education created by the State, the Illinois National Guard,
18 the Illinois State Guard, the Comprehensive Health Insurance
19 Board, any poison control center designated under the Poison
20 Control System Act that receives State funding, or any other
21 agency or instrumentality of the State. It does not mean any
22 local public entity as that term is defined in Section 1-206 of
23 the Local Governmental and Governmental Employees Tort
24 Immunity Act or a pension fund.

1 (b) The term "employee" means: any present or former
2 elected or appointed officer, trustee or employee of the
3 State, or of a pension fund; any present or former
4 commissioner or employee of the Executive Ethics Commission or
5 of the Legislative Ethics Commission; any present or former
6 Executive, Legislative, or Auditor General's Inspector
7 General; any present or former employee of an Office of an
8 Executive, Legislative, or Auditor General's Inspector
9 General; any present or former member of the Illinois National
10 Guard while on active duty; any present or former member of the
11 Illinois State Guard while on State active duty; individuals
12 or organizations who contract with the Department of
13 Corrections, the Department of Juvenile Justice, the
14 Comprehensive Health Insurance Board, or the Department of
15 Veterans' Affairs to provide services; individuals or
16 organizations who contract with the Department of Human
17 Services (as successor to the Department of Mental Health and
18 Developmental Disabilities) to provide services including but
19 not limited to treatment and other services for sexually
20 violent persons; individuals or organizations who contract
21 with the Department of Military Affairs for youth programs;
22 individuals or organizations who contract to perform carnival
23 and amusement ride safety inspections for the Department of
24 Labor; individuals who contract with the Office of the State's
25 Attorneys Appellate Prosecutor to provide legal services, but
26 only when performing duties within the scope of the Office's

1 prosecutorial activities; individual representatives of or
2 designated organizations authorized to represent the Office of
3 State Long-Term Ombudsman for the Department on Aging;
4 individual representatives of or organizations designated by
5 the Department on Aging in the performance of their duties as
6 adult protective services agencies or regional administrative
7 agencies under the Adult Protective Services Act; individuals
8 or organizations appointed as members of a review team or the
9 Advisory Council under the Adult Protective Services Act;
10 individuals or organizations who perform volunteer services
11 for the State where such volunteer relationship is reduced to
12 writing; individuals who serve on any public entity (whether
13 created by law or administrative action) described in
14 paragraph (a) of this Section; individuals or not for profit
15 organizations who, either as volunteers, where such volunteer
16 relationship is reduced to writing, or pursuant to contract,
17 furnish professional advice or consultation to any agency or
18 instrumentality of the State; individuals who serve as foster
19 parents for the Department of Children and Family Services
20 when caring for youth in care as defined in Section 4d of the
21 Children and Family Services Act; individuals who serve as
22 members of an independent team of experts under the
23 Developmental Disability and Mental Health Safety Act (also
24 known as Brian's Law); and individuals who serve as
25 arbitrators pursuant to Part 10A of Article II of the Code of
26 Civil Procedure and the rules of the Supreme Court

1 implementing Part 10A, each as now or hereafter amended; ~~the~~
2 ~~members of the Certification Review Panel under the Illinois~~
3 ~~Police Training Act;~~ the term "employee" does not mean an
4 independent contractor except as provided in this Section. The
5 term includes an individual appointed as an inspector by the
6 Director of the Illinois State Police when performing duties
7 within the scope of the activities of a Metropolitan
8 Enforcement Group or a law enforcement organization
9 established under the Intergovernmental Cooperation Act. An
10 individual who renders professional advice and consultation to
11 the State through an organization which qualifies as an
12 "employee" under the Act is also an employee. The term
13 includes the estate or personal representative of an employee.

14 (c) The term "pension fund" means a retirement system or
15 pension fund created under the Illinois Pension Code.

16 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 1-1-22;
17 102-538, eff. 8-20-21; revised 10-6-21.)

18 Section 355. The Personnel Code is amended by changing
19 Section 4c as follows:

20 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

21 Sec. 4c. General exemptions. The following positions in
22 State service shall be exempt from jurisdictions A, B, and C,
23 unless the jurisdictions shall be extended as provided in this
24 Act:

1 (1) All officers elected by the people.

2 (2) All positions under the Lieutenant Governor,
3 Secretary of State, State Treasurer, State Comptroller,
4 State Board of Education, Clerk of the Supreme Court,
5 Attorney General, and State Board of Elections.

6 (3) Judges, and officers and employees of the courts,
7 and notaries public.

8 (4) All officers and employees of the Illinois General
9 Assembly, all employees of legislative commissions, all
10 officers and employees of the Illinois Legislative
11 Reference Bureau and the Legislative Printing Unit.

12 (5) All positions in the Illinois National Guard and
13 Illinois State Guard, paid from federal funds or positions
14 in the State Military Service filled by enlistment and
15 paid from State funds.

16 (6) All employees of the Governor at the executive
17 mansion and on his immediate personal staff.

18 (7) Directors of Departments, the Adjutant General,
19 the Assistant Adjutant General, the Director of the
20 Illinois Emergency Management Agency, members of boards
21 and commissions, and all other positions appointed by the
22 Governor by and with the consent of the Senate.

23 (8) The presidents, other principal administrative
24 officers, and teaching, research and extension faculties
25 of Chicago State University, Eastern Illinois University,
26 Governors State University, Illinois State University,

1 Northeastern Illinois University, Northern Illinois
2 University, Western Illinois University, the Illinois
3 Community College Board, Southern Illinois University,
4 Illinois Board of Higher Education, University of
5 Illinois, State Universities Civil Service System,
6 University Retirement System of Illinois, and the
7 administrative officers and scientific and technical staff
8 of the Illinois State Museum.

9 (9) All other employees except the presidents, other
10 principal administrative officers, and teaching, research
11 and extension faculties of the universities under the
12 jurisdiction of the Board of Regents and the colleges and
13 universities under the jurisdiction of the Board of
14 Governors of State Colleges and Universities, Illinois
15 Community College Board, Southern Illinois University,
16 Illinois Board of Higher Education, Board of Governors of
17 State Colleges and Universities, the Board of Regents,
18 University of Illinois, State Universities Civil Service
19 System, University Retirement System of Illinois, so long
20 as these are subject to the provisions of the State
21 Universities Civil Service Act.

22 (10) The Illinois State Police so long as they are
23 subject to the merit provisions of the Illinois State
24 Police Act. ~~Employees of the Illinois State Police Merit~~
25 ~~Board are subject to the provisions of this Code.~~

26 (11) (Blank).

1 (12) The technical and engineering staffs of the
2 Department of Transportation, the Department of Nuclear
3 Safety, the Pollution Control Board, and the Illinois
4 Commerce Commission, and the technical and engineering
5 staff providing architectural and engineering services in
6 the Department of Central Management Services.

7 (13) All employees of the Illinois State Toll Highway
8 Authority.

9 (14) The Secretary of the Illinois Workers'
10 Compensation Commission.

11 (15) All persons who are appointed or employed by the
12 Director of Insurance under authority of Section 202 of
13 the Illinois Insurance Code to assist the Director of
14 Insurance in discharging his responsibilities relating to
15 the rehabilitation, liquidation, conservation, and
16 dissolution of companies that are subject to the
17 jurisdiction of the Illinois Insurance Code.

18 (16) All employees of the St. Louis Metropolitan Area
19 Airport Authority.

20 (17) All investment officers employed by the Illinois
21 State Board of Investment.

22 (18) Employees of the Illinois Young Adult
23 Conservation Corps program, administered by the Illinois
24 Department of Natural Resources, authorized grantee under
25 Title VIII of the Comprehensive Employment and Training
26 Act of 1973, 29 U.S.C. ~~USE~~ 993.

1 (19) Seasonal employees of the Department of
2 Agriculture for the operation of the Illinois State Fair
3 and the DuQuoin State Fair, no one person receiving more
4 than 29 days of such employment in any calendar year.

5 (20) All "temporary" employees hired under the
6 Department of Natural Resources' Illinois Conservation
7 Service, a youth employment program that hires young
8 people to work in State parks for a period of one year or
9 less.

10 (21) All hearing officers of the Human Rights
11 Commission.

12 (22) All employees of the Illinois Mathematics and
13 Science Academy.

14 (23) All employees of the Kankakee River Valley Area
15 Airport Authority.

16 (24) The commissioners and employees of the Executive
17 Ethics Commission.

18 (25) The Executive Inspectors General, including
19 special Executive Inspectors General, and employees of
20 each Office of an Executive Inspector General.

21 (26) The commissioners and employees of the
22 Legislative Ethics Commission.

23 (27) The Legislative Inspector General, including
24 special Legislative Inspectors General, and employees of
25 the Office of the Legislative Inspector General.

26 (28) The Auditor General's Inspector General and

1 employees of the Office of the Auditor General's Inspector
2 General.

3 (29) All employees of the Illinois Power Agency.

4 (30) Employees having demonstrable, defined advanced
5 skills in accounting, financial reporting, or technical
6 expertise who are employed within executive branch
7 agencies and whose duties are directly related to the
8 submission to the Office of the Comptroller of financial
9 information for the publication of the Comprehensive
10 Annual Financial Report.

11 (31) All employees of the Illinois Sentencing Policy
12 Advisory Council.

13 (Source: P.A. 101-652, eff. 1-1-22; 102-291, eff. 8-6-21;
14 102-538, eff. 8-20-21; revised 10-5-21.)

15 Section 360. The Department of State Police Law of the
16 Civil Administrative Code of Illinois is amended by changing
17 Section 2605-50 as follows:

18 (20 ILCS 2605/2605-50) (was 20 ILCS 2605/55a-6)

19 Sec. 2605-50. Division of Internal Investigation. The
20 Division of Internal Investigation shall have jurisdiction and
21 initiate internal Illinois State Police investigations and, at
22 the direction of the Governor, investigate complaints and
23 initiate investigations of official misconduct by State
24 officers and all State employees. ~~Notwithstanding any other~~

1 ~~provisions of law, the Division shall serve as the~~
2 ~~investigative body for the Illinois State Police for purposes~~
3 ~~of compliance with the provisions of Sections 12.6 and 12.7 of~~
4 ~~this Act.~~

5 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
6 revised 10-4-21.)

7 Section 365. The State Police Act is amended by changing
8 Sections 3, 6, 8, and 9 as follows:

9 (20 ILCS 2610/3) (from Ch. 121, par. 307.3)

10 Sec. 3. The Governor shall appoint, by and with the advice
11 and consent of the Senate, an Illinois State Police Merit
12 Board, hereinafter called the Board, consisting of ~~7~~ 5 members
13 to hold office. ~~The Governor shall appoint new board members~~
14 ~~within 30 days for the vacancies created under this amendatory~~
15 ~~Act. Board members shall be appointed to four year terms. No~~
16 ~~member shall be appointed to more than 2 terms. In making the~~
17 ~~appointments, the Governor shall make a good faith effort to~~
18 ~~appoint members reflecting the geographic, ethnic, and cultural~~
19 ~~diversity of this State. In making the appointments, the~~
20 ~~Governor should also consider appointing: persons with~~
21 ~~professional backgrounds, possessing legal, management,~~
22 ~~personnel, or labor experience; at least one member with at~~
23 ~~least 10 years of experience as a licensed physician or~~
24 ~~clinical psychologist with expertise in mental health; and at~~

1 ~~least one member affiliated with an organization commitment to~~
2 ~~social and economic rights and to eliminating discrimination.~~
3 , one until the third Monday in March, 1951, one until the
4 third Monday in March, 1953, and one until the third Monday in
5 March, 1955, and until their respective successors are
6 appointed and qualified. One of the members added by this
7 amendatory Act of 1977 shall serve a term expiring on the third
8 Monday in March, 1980, and until his successor is appointed
9 and qualified, and one shall serve a term expiring on the third
10 Monday in March, 1982, and until his successor is appointed
11 and qualified. Upon the expiration of the terms of office of
12 those first appointed, their respective successors shall be
13 appointed to hold office from the third Monday in March of the
14 year of their respective appointments for a term of six years
15 and until their successors are appointed and qualified for a
16 like term. No more than ~~4~~ 3 members of the Board shall be
17 affiliated with the same political party. If the Senate is not
18 in session at the time initial appointments are made pursuant
19 to this Section ~~section~~, the Governor shall make temporary
20 appointments as in the case of a vacancy. ~~In order to avoid~~
21 ~~actual conflicts of interest, or the appearance of conflicts~~
22 ~~of interest, no board member shall be a retired or former~~
23 ~~employee of the Illinois State Police. When a Board member may~~
24 ~~have an actual, perceived, or potential conflict of interest~~
25 ~~that could prevent the Board member from making a fair and~~
26 ~~impartial decision on a complaint or formal complaint against~~

1 ~~an Illinois State Police officer, the Board member shall~~
2 ~~recuse himself or herself; or If the Board member fails to~~
3 ~~recuse himself or herself, then the Board may, by a simple~~
4 ~~majority, vote to recuse the Board member.~~

5 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
6 revised 10-4-21.)

7 (20 ILCS 2610/6) (from Ch. 121, par. 307.6)

8 Sec. 6. The Board is authorized to employ such clerical
9 and technical staff assistants, not to exceed fifteen, as may
10 be necessary to enable the Board to transact its business and,
11 if the rate of compensation is not otherwise fixed by law, to
12 fix their compensation. ~~In order to avoid actual conflicts of~~
13 ~~interest, or the appearance of conflicts of interest, no~~
14 ~~employee, contractor, clerical or technical staff shall be a~~
15 ~~retired or former employee of the Illinois State Police. All~~
16 ~~employees shall be subject to the Personnel Code.~~

17 (Source: Laws 1949, p. 1357; P.A. 101-652.)

18 (20 ILCS 2610/8) (from Ch. 121, par. 307.8)

19 Sec. 8. Board jurisdiction.

20 ~~(a)~~ The Board shall exercise jurisdiction over the
21 certification for appointment and promotion, and over the
22 discipline, removal, demotion, and suspension of Illinois
23 State Police officers. ~~The Board and the Illinois State Police~~
24 ~~should also ensure Illinois State Police cadets and officers~~

1 ~~represent the utmost integrity and professionalism and~~
2 ~~represent the geographic, ethnic, and cultural diversity of~~
3 ~~this State. The Board shall also exercise jurisdiction to~~
4 ~~certify and terminate Illinois State Police Officers in~~
5 ~~compliance with certification standards consistent with~~
6 ~~Sections 9, 11.5, and 12.6 of this Act.~~ Pursuant to recognized
7 merit principles of public employment, the Board shall
8 formulate, adopt, and put into effect rules, regulations, and
9 procedures for its operation and the transaction of its
10 business. The Board shall establish a classification of ranks
11 of persons subject to its jurisdiction and shall set standards
12 and qualifications for each rank. Each Illinois State Police
13 officer appointed by the Director shall be classified as a
14 State Police officer as follows: trooper, sergeant, master
15 sergeant, lieutenant, captain, major, or Special Agent.

16 ~~(b) The Board shall publish all standards and~~
17 ~~qualifications for each rank, including Cadet, on its website.~~
18 ~~This shall include, but not be limited to, all physical~~
19 ~~fitness, medical, visual, and hearing standards. The Illinois~~
20 ~~State Police shall cooperate with the Board by providing any~~
21 ~~necessary information to complete this requirement.~~

22 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
23 revised 10-4-21.)

24 (20 ILCS 2610/9) (from Ch. 121, par. 307.9)

25 Sec. 9. Appointment; qualifications.

1 (a) Except as otherwise provided in this Section, the
2 appointment of Illinois State Police officers shall be made
3 from those applicants who have been certified by the Board as
4 being qualified for appointment. All persons so appointed
5 shall, at the time of their appointment, be not less than 21
6 years of age, or 20 years of age and have successfully
7 completed an associate's degree or 60 credit hours at an
8 accredited college or university. Any person appointed
9 subsequent to successful completion of an associate's degree
10 or 60 credit hours at an accredited college or university
11 shall not have power of arrest, nor shall he or she be
12 permitted to carry firearms, until he or she reaches 21 years
13 of age. In addition, all persons so certified for appointment
14 shall be of sound mind and body, be of good moral character, be
15 citizens of the United States, have no criminal records,
16 possess such prerequisites of training, education, and
17 experience as the Board may from time to time prescribe so long
18 as persons who have an associate's degree or 60 credit hours at
19 an accredited college or university are not disqualified, and
20 shall be required to pass successfully such mental and
21 physical tests and examinations as may be prescribed by the
22 Board. All persons who meet one of the following requirements
23 are deemed to have met the collegiate educational
24 requirements:

25 (i) have been honorably discharged and who have been
26 awarded a Southwest Asia Service Medal, Kosovo Campaign

1 Medal, Korean Defense Service Medal, Afghanistan Campaign
2 Medal, Iraq Campaign Medal, or Global War on Terrorism
3 Expeditionary Medal by the United States Armed Forces;

4 (ii) are active members of the Illinois National Guard
5 or a reserve component of the United States Armed Forces
6 and who have been awarded a Southwest Asia Service Medal,
7 Kosovo Campaign Medal, Korean Defense Service Medal,
8 Afghanistan Campaign Medal, Iraq Campaign Medal, or Global
9 War on Terrorism Expeditionary Medal as a result of
10 honorable service during deployment on active duty;

11 (iii) have been honorably discharged who served in a
12 combat mission by proof of hostile fire pay or imminent
13 danger pay during deployment on active duty; or

14 (iv) have at least 3 years of full active and
15 continuous military duty and received an honorable
16 discharge before hiring.

17 Preference shall be given in such appointments to persons
18 who have honorably served in the military or naval services of
19 the United States. All appointees shall serve a probationary
20 period of 12 months from the date of appointment and during
21 that period may be discharged at the will of the Director.
22 However, the Director may in his or her sole discretion extend
23 the probationary period of an officer up to an additional 6
24 months when to do so is deemed in the best interest of the
25 Illinois State Police. Nothing in this subsection (a) limits
26 the Board's ability to prescribe education prerequisites or

1 requirements to certify Illinois State Police officers for
2 promotion as provided in Section 10 of this Act.

3 (b) Notwithstanding the other provisions of this Act,
4 after July 1, 1977 and before July 1, 1980, the Director of
5 State Police may appoint and promote not more than 20 persons
6 having special qualifications as special agents as he or she
7 deems necessary to carry out the Department's objectives. Any
8 such appointment or promotion shall be ratified by the Board.

9 (c) During the 90 days following March 31, 1995 (the
10 effective date of Public Act 89-9) ~~this amendatory Act of~~
11 ~~1995~~, the Director of State Police may appoint up to 25 persons
12 as State Police officers. These appointments shall be made in
13 accordance with the requirements of this subsection (c) and
14 any additional criteria that may be established by the
15 Director, but are not subject to any other requirements of
16 this Act. The Director may specify the initial rank for each
17 person appointed under this subsection.

18 All appointments under this subsection (c) shall be made
19 from personnel certified by the Board. A person certified by
20 the Board and appointed by the Director under this subsection
21 must have been employed by the Illinois Commerce Commission on
22 November 30, 1994 in a job title subject to the Personnel Code
23 and in a position for which the person was eligible to earn
24 "eligible creditable service" as a "noncovered employee", as
25 those terms are defined in Article 14 of the Illinois Pension
26 Code.

1 Persons appointed under this subsection (c) shall
2 thereafter be subject to the same requirements and procedures
3 as other State police officers. A person appointed under this
4 subsection must serve a probationary period of 12 months from
5 the date of appointment, during which he or she may be
6 discharged at the will of the Director.

7 This subsection (c) does not affect or limit the
8 Director's authority to appoint other State Police officers
9 under subsection (a) of this Section.

10 ~~(d) During the 180 days following the effective date of
11 this amendatory Act of the 101st General Assembly, the
12 Director of the Illinois State Police may appoint current
13 Illinois State Police Employees serving in law enforcement
14 officer positions previously within Central Management
15 Services as State Police Officers. These appointments shall be
16 made in accordance with the requirements of this subsection
17 (d) and any institutional criteria that may be established by
18 the Director, but are not subject to any other requirements of
19 this Act. All appointments under this subsection (d) shall be
20 made from personnel certified by the Board. A person certified
21 by the Board and appointed by the Director under this
22 subsection must have been employed by the a state agency,
23 board, or commission on January 1, 2021, in a job title subject
24 to the Personnel Code and in a position for which the person
25 was eligible to earn "eligible creditable service" as a
26 "noncovered employee", as those terms are defined in Article~~

1 ~~14 of the Illinois Pension Code. Persons appointed under this~~
2 ~~subsection (d) shall thereafter be subject to the same~~
3 ~~requirements, and subject to the same contractual benefits and~~
4 ~~obligations, as other State police officers. This subsection~~
5 ~~(d) does not affect or limit the Director's authority to~~
6 ~~appoint other State Police officers under subsection (a) of~~
7 ~~this Section.~~

8 ~~(e) The Merit Board shall review Illinois State Police~~
9 ~~Cadet applicants. The Illinois State Police may provide~~
10 ~~background check and investigation material to the Board for~~
11 ~~their review 10 pursuant to this section. The Board shall~~
12 ~~approve and ensure that no cadet applicant is certified unless~~
13 ~~the applicant is a person of good character and has not been~~
14 ~~convicted of, or entered a plea of guilty to, a felony offense,~~
15 ~~any of the misdemeanors in Section or if committed in any other~~
16 ~~state would be an offense similar to 11 1.50, 11 6, 11 6.5,~~
17 ~~11 6.6, 11 9.1, 11 14, 11 14.1, 11 30, 12 2, 12 3.2, 12 3.5,~~
18 ~~16 1, 17 1, 17 2, 26.5 1, 26.5 2, 26.5 3, 28 3, 29 1, any~~
19 ~~misdemeanor in violation of any section of Part E of Title III~~
20 ~~of the Criminal Code of 1961 or the Criminal Code of 2012,~~
21 ~~32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal~~
22 ~~Code of 2012, or subsection (a) of Section 17-32 of the~~
23 ~~Criminal Code of 1961 or the Criminal Code of 2012, to Section~~
24 ~~5 or 5.2 of the Cannabis Control Act, or any felony or~~
25 ~~misdemeanor in violation of federal law or the law of any state~~
26 ~~that is the equivalent of any of the offenses specified~~

1 ~~therein. The Officer Misconduct Database, provided in Section~~
2 ~~9.2 of the Illinois Police Training Act, shall be searched as~~
3 ~~part of this process. For purposes of this Section "convicted~~
4 ~~of, or entered a plea of guilty" regardless of whether the~~
5 ~~adjudication of guilt or sentence is withheld or not entered~~
6 ~~thereon. This includes sentences of supervision, conditional~~
7 ~~discharge, or first offender probation, or any similar~~
8 ~~disposition provided for by law.~~

9 ~~(f) The Board shall by rule establish an application fee~~
10 ~~waiver program for any person who meets one or more of the~~
11 ~~following criteria:~~

12 ~~(1) his or her available personal income is 200% or~~
13 ~~less of the current poverty level; or~~

14 ~~(2) he or she is, in the discretion of the Board,~~
15 ~~unable to proceed in an action with payment of application~~
16 ~~fee and payment of that fee would result in substantial~~
17 ~~hardship to the person or the person's family.~~

18 (Source: P.A. 101-374, eff. 1-1-20; 101-652, eff. 1-1-22;
19 102-538, eff 8-20-21; revised 10-4-21.)

20 (20 ILCS 2610/6.5 rep.)

21 (20 ILCS 2610/11.5 rep.)

22 (20 ILCS 2610/11.6 rep.)

23 (20 ILCS 2610/12.6 rep.)

24 (20 ILCS 2610/12.7 rep.)

25 (20 ILCS 2610/40.1 rep.)

1 (20 ILCS 2610/46 rep.)

2 Section 370. The State Police Act is amended by repealing
3 Sections 6.5, 11.5, 11.6, 12.6, 12.7, 40.1, and 46.

4 Section 375. The Illinois Police Training Act is amended
5 by changing Sections 2, 3, 6, 6.1, 7, 7.5, 8, 8.1, 8.2, 9, 10,
6 10.1, 10.2, 10.3, 10.7, 10.11, 10.12, 10.13, 10.16, 10.18,
7 10.19, 10.20, and 10.22 as follows:

8 (50 ILCS 705/2) (from Ch. 85, par. 502)

9 Sec. 2. Definitions. As used in this Act, unless the
10 context otherwise requires:

11 "Board" means the Illinois Law Enforcement Training
12 Standards Board.

13 ~~"Full-time law enforcement officer" means a law~~
14 ~~enforcement officer who has completed the officer's~~
15 ~~probationary period and is employed on a full time basis as a~~
16 ~~law enforcement officer by a local government agency, State~~
17 ~~government agency, or as a campus police officer by a~~
18 ~~participating State-controlled university, college, or public~~
19 ~~community college.~~

20 ~~"Governmental agency" means any local governmental agency~~
21 ~~and any State governmental agency.~~

22 "Local governmental agency" means any local governmental
23 unit or municipal corporation in this State. It does not
24 include the State of Illinois or any office, officer,

1 department, division, bureau, board, commission, or agency of
2 the State, except that it does include a State-controlled
3 university, college or public community college.

4 ~~"State governmental agency" means any governmental unit of~~
5 ~~this State. This includes any office, officer, department,~~
6 ~~division, bureau, board, commission, or agency of the State.~~
7 ~~It does not include the Illinois State Police as defined in the~~
8 ~~State Police Act.~~

9 ~~"Panel" means the Certification Review Panel.~~

10 "Police training school" means any school located within
11 the State of Illinois whether privately or publicly owned
12 which offers a course in police or county corrections training
13 and has been approved by the Board.

14 "Probationary police officer" means a recruit law
15 enforcement officer required to successfully complete initial
16 minimum basic training requirements at a police training
17 school to be eligible for permanent full-time employment as a
18 local law enforcement officer.

19 "Probationary part-time police officer" means a recruit
20 part-time law enforcement officer required to successfully
21 complete initial minimum part-time training requirements to be
22 eligible for employment on a part-time basis as a local law
23 enforcement officer.

24 "Permanent ~~law enforcement~~ police officer" means a law
25 enforcement officer who has completed ~~the officer's~~ his or her
26 probationary period and is permanently employed on a full-time

1 basis as a local law enforcement officer by a participating
2 local governmental unit or as a security officer or campus
3 ~~police officer~~ policeman permanently employed by a
4 participating State-controlled university, college, or public
5 community college.

6 "Part-time ~~law enforcement~~ police officer" means a law
7 enforcement officer who has completed ~~the officer's~~ his or her
8 probationary period and is employed on a part-time basis as a
9 law enforcement officer by a participating unit of local
10 government or as a campus ~~police officer~~ policeman by a
11 participating State-controlled university, college, or public
12 community college.

13 "Law enforcement officer" means (i) any police officer of
14 a local governmental agency who is primarily responsible for
15 prevention or detection of crime and the enforcement of the
16 criminal code, traffic, or highway laws of this State or any
17 political subdivision of this State or (ii) any member of a
18 police force appointed and maintained as provided in Section 2
19 of the Railroad Police Act.

20 "Recruit" means any full-time or part-time law enforcement
21 officer or full-time county corrections officer who is
22 enrolled in an approved training course.

23 "Probationary county corrections officer" means a recruit
24 county corrections officer required to successfully complete
25 initial minimum basic training requirements at a police
26 training school to be eligible for permanent employment on a

1 full-time basis as a county corrections officer.

2 "Permanent county corrections officer" means a county
3 corrections officer who has completed ~~the officer's~~ his
4 probationary period and is permanently employed on a full-time
5 basis as a county corrections officer by a participating local
6 governmental unit.

7 "County corrections officer" means any sworn officer of
8 the sheriff who is primarily responsible for the control and
9 custody of offenders, detainees or inmates.

10 "Probationary court security officer" means a recruit
11 court security officer required to successfully complete
12 initial minimum basic training requirements at a designated
13 training school to be eligible for employment as a court
14 security officer.

15 "Permanent court security officer" means a court security
16 officer who has completed ~~the officer's~~ his or her
17 probationary period and is employed as a court security
18 officer by a participating local governmental unit.

19 "Court security officer" has the meaning ascribed to it in
20 Section 3-6012.1 of the Counties Code.

21 (Source: P.A. 94-846, eff. 1-1-07; 101-652.)

22 (50 ILCS 705/3) (from Ch. 85, par. 503)

23 Sec. 3. Board; composition; appointments; tenure;
24 vacancies. ~~Board — composition — appointments — tenure —~~
25 ~~vacancies.~~

1 (a) The Board shall be composed of 18 members selected as
2 follows: The Attorney General of the State of Illinois, the
3 Director of the Illinois State Police, the Director of
4 Corrections, the Superintendent of the Chicago Police
5 Department, the Sheriff of Cook County, the Clerk of the
6 Circuit Court of Cook County, ~~who shall serve as ex officio~~
7 ~~members,~~ and the following to be appointed by the Governor: 2
8 mayors or village presidents of Illinois municipalities, 2
9 Illinois county sheriffs from counties other than Cook County,
10 2 managers of Illinois municipalities, 2 chiefs of municipal
11 police departments in Illinois having no Superintendent of the
12 Police Department on the Board, 2 citizens of Illinois who
13 shall be members of an organized enforcement officers'
14 association, one active member of a statewide association
15 representing sheriffs, and one active member of a statewide
16 association representing municipal police chiefs. The
17 appointments of the Governor shall be made on the first Monday
18 of August in 1965 with 3 of the appointments to be for a period
19 of one year, 3 for 2 years, and 3 for 3 years. Their successors
20 shall be appointed in like manner for terms to expire the first
21 Monday of August each 3 years thereafter. All members shall
22 serve until their respective successors are appointed and
23 qualify. Vacancies shall be filled by the Governor for the
24 unexpired terms. ~~Any ex officio member may appoint a designee~~
25 ~~to the Board who shall have the same powers and immunities~~
26 ~~otherwise conferred to the member of the Board, including the~~

1 ~~power to vote and be counted toward quorum, so long as the~~
2 ~~member is not in attendance.~~

3 ~~(b) When a Board member may have an actual, perceived, or~~
4 ~~potential conflict of interest or appearance of bias that~~
5 ~~could prevent the Board member from making a fair and~~
6 ~~impartial decision regarding decertification:~~

7 ~~(1) The Board member shall recuse himself or herself.~~

8 ~~(2) If the Board member fails to recuse himself or~~
9 ~~herself, then the Board may, by a simple majority of the~~
10 ~~remaining members, vote to recuse the Board member. Board~~
11 ~~members who are found to have voted on a matter in which~~
12 ~~they should have recused themselves may be removed from~~
13 ~~the Board by the Governor.~~

14 ~~A conflict of interest or appearance of bias may include,~~
15 ~~but is not limited to, matters where one of the following is a~~
16 ~~party to a decision on a decertification or formal complaint:~~
17 ~~someone with whom the member has an employment relationship;~~
18 ~~any of the following relatives: spouse, parents, children,~~
19 ~~adopted children, legal wards, stepchildren, step parents,~~
20 ~~step siblings, half siblings, siblings, parents in law,~~
21 ~~siblings in law, children in law, aunts, uncles, nieces, and~~
22 ~~nephews; a friend; or a member of a professional organization,~~
23 ~~association, or a union in which the member now actively~~
24 ~~serves.~~

25 ~~(c) A vacancy in members does not prevent a quorum of the~~
26 ~~remaining sitting members from exercising all rights and~~

1 ~~performing all duties of the Board.~~

2 ~~(d) An individual serving on the Board shall not also~~
3 ~~serve on the Panel.~~

4 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
5 revised 10-13-21.)

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

7 (Text of Section before amendment by P.A. 101-652)

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

18 a. To require local governmental units to furnish such
19 reports and information as the Board deems necessary to
20 fully implement this Act.

21 b. To establish appropriate mandatory minimum
22 standards relating to the training of probationary local
23 law enforcement officers or probationary county
24 corrections officers, and in-service training of permanent
25 police officers.

1 c. To provide appropriate certification to those
2 probationary officers who successfully complete the
3 prescribed minimum standard basic training course.

4 d. To review and approve annual training curriculum
5 for county sheriffs.

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

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

25 (Text of Section after amendment by P.A. 101-652, Article

1 10, Section 10-143 but before amendment by P.A. 101-652,
2 Article 25, Section 25-40)

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

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

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

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

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

26 e. To review and approve applicants to ensure that no

1 applicant is admitted to a certified academy unless the
2 applicant is a person of good character and has not been
3 convicted of, or entered a plea of guilty to, a felony
4 offense, any of the misdemeanors in Sections 11-1.50,
5 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1,
6 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7
7 of the Criminal Code of 1961 or the Criminal Code of 2012,
8 subdivision (a) (1) or (a) (2) (C) of Section 11-14.3 of the
9 Criminal Code of 1961 or the Criminal Code of 2012, or
10 subsection (a) of Section 17-32 of the Criminal Code of
11 1961 or the Criminal Code of 2012, or Section 5 or 5.2 of
12 the Cannabis Control Act, or a crime involving moral
13 turpitude under the laws of this State or any other state
14 which if committed in this State would be punishable as a
15 felony or a crime of moral turpitude. The Board may
16 appoint investigators who shall enforce the duties
17 conferred upon the Board by this Act.

18 f. To establish statewide standards for minimum
19 standards regarding regular mental health screenings for
20 probationary and permanent police officers, ensuring that
21 counseling sessions and screenings remain confidential.

22 (Source: P.A. 101-187, eff. 1-1-20; 101-652, Article 10,
23 Section 10-143, eff. 7-1-21.)

24 (Text of Section after amendment by P.A. 101-652, Article
25 25, Section 25-40)

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

12 a. To require local governmental units, 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~~ police 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,~~
6 11-17, 11-19, 12-2, ~~12-3.2, 12-3.5,~~ 12-15, 16-1, 17-1,
7 17-2, ~~26.5-1, 26.5-2, 26.5-3,~~ 28-3, 29-1, ~~any misdemeanor~~
8 ~~in violation of any Section of Part E of Title III of the~~
9 ~~Criminal Code of 1961 or the Criminal Code of 2012,~~ 31-1,
10 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961 or
11 the Criminal Code of 2012, subdivision (a) (1) or (a) (2) (C)
12 of Section 11-14.3 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, or subsection (a) of Section 17-32
14 of the Criminal Code of 1961 or the Criminal Code of 2012,
15 or Section 5 or 5.2 of the Cannabis Control Act, or a crime
16 involving moral turpitude under the laws of this State or
17 any other state which if committed in this State would be
18 punishable as a felony or a crime of moral turpitude, ~~or~~
19 ~~any felony or misdemeanor in violation of federal law or~~
20 ~~the law of any state that is the equivalent of any of the~~
21 ~~offenses specified therein.~~ The Board may appoint
22 investigators who shall enforce the duties conferred upon
23 the Board by this Act.

24 For purposes of this paragraph e, a person is
25 considered to have been convicted of, found guilty of, or
26 entered a plea of guilty to, plea of nolo contendere to

1 regardless of whether the adjudication of guilt or
2 sentence is withheld or not entered thereon. This includes
3 sentences of supervision, conditional discharge, or first
4 offender probation, or any similar disposition provided
5 for by law.

6 ~~f. To establish statewide standards for minimum~~
7 ~~standards regarding regular mental health screenings for~~
8 ~~probationary and permanent police officers, ensuring that~~
9 ~~counseling sessions and screenings remain confidential.~~

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

18 ~~g. To review and ensure all law enforcement officers~~
19 ~~remain in compliance with this Act, and any administrative~~
20 ~~rules adopted under this Act.~~

21 ~~h. To suspend any certificate for a definite period,~~
22 ~~limit or restrict any certificate, or revoke any~~
23 ~~certificate.~~

24 ~~i. The Board and the Panel shall have power to secure~~
25 ~~by its subpoena and bring before it any person or entity in~~
26 ~~this State and to take testimony either orally or by~~

1 ~~deposition or both with the same fees and mileage and in~~
2 ~~the same manner as prescribed by law in judicial~~
3 ~~proceedings in civil cases in circuit courts of this~~
4 ~~State. The Board and the Panel shall also have the power to~~
5 ~~subpoena the production of documents, papers, files,~~
6 ~~books, documents, and records, whether in physical or~~
7 ~~electronic form, in support of the charges and for~~
8 ~~defense, and in connection with a hearing or~~
9 ~~investigation.~~

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

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

1 ~~1. The Board shall have the power to administer state~~
2 ~~certification examinations. Any and all records related to~~
3 ~~these examinations, including but not limited to test~~
4 ~~questions, test formats, digital files, answer responses,~~
5 ~~answer keys, and scoring information shall be exempt from~~
6 ~~disclosure.~~

7 (Source: P.A. 101-187, eff. 1-1-20; 101-652, Article 10,
8 Section 10-143, eff. 7-1-21; 101-652, Article 25, Section
9 25-40, eff. 1-1-22; revised 4-26-21.)

10 (50 ILCS 705/6.1)

11 Sec. 6.1. ~~Automatic~~ decertification of full-time and
12 part-time ~~law enforcement~~ police officers.

13 (a) The Board must review ~~law enforcement~~ police officer
14 conduct and records to ensure that no ~~law enforcement~~ police
15 officer is certified or provided a valid waiver if that ~~law~~
16 ~~enforcement~~ police officer has been convicted of, ~~found guilty~~
17 ~~of,~~ or entered a plea of guilty to, ~~or entered a plea of nolo~~
18 ~~contendere to,~~ a felony offense under the laws of this State or
19 any other state which if committed in this State would be
20 punishable as a felony. The Board must also ensure that no ~~law~~
21 ~~enforcement~~ or officer is certified or provided a valid waiver
22 if that ~~law enforcement~~ police officer has been convicted of,
23 ~~found guilty of,~~ or entered a plea of guilty to, on or after
24 the effective date of this amendatory Act of ~~the 101st General~~
25 ~~Assembly~~ 1999 of any misdemeanor specified in this Section or

1 if committed in any other state would be an offense similar to
2 Section 11-1.50, 11-6, ~~11-6.5, 11-6.6,~~ 11-9.1, 11-14, ~~11-14.1,~~
3 11-17, 11-19, 11-30, 12-2, ~~12-3.2, 12-3.5,~~ 12-15, 16-1, 17-1,
4 17-2, ~~26.5-1, 26.5-2, 26.5-3,~~ 28-3, 29-1, ~~any misdemeanor in~~
5 ~~violation of any Section of Part E of Title III of the Criminal~~
6 ~~Code of 1961 or the Criminal Code of 2012~~ 31-1, 31-6, 31-7,
7 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal
8 Code of 2012, subdivision (a)(1) or (a)(2)(C) of Section
9 11-14.3 of the Criminal Code of 1961 or the Criminal Code of
10 2012, or subsection (a) of Section 17-32 of the Criminal Code
11 of 1961 or the Criminal Code of 2012, or to Section 5 or 5.2 of
12 the Cannabis Control Act, ~~or any felony or misdemeanor in~~
13 ~~violation of federal law or the law of any state that is the~~
14 ~~equivalent of any of the offenses specified therein.~~ The Board
15 must appoint investigators to enforce the duties conferred
16 upon the Board by this Act.

17 ~~(a) For purposes of this Section, a person is "convicted~~
18 ~~of, or entered a plea of guilty to, plea of nolo contendere to,~~
19 ~~found guilty of" regardless of whether the adjudication of~~
20 ~~guilt or sentence is withheld or not entered thereon. This~~
21 ~~includes sentences of supervision, conditional discharge, or~~
22 ~~first offender probation, or any similar disposition provided~~
23 ~~for by law.~~

24 (b) It is the responsibility of the sheriff or the chief
25 executive officer of every ~~governmental~~ local law enforcement
26 agency or department within this State to report to the Board

1 any arrest, conviction, ~~finding of guilt, or~~ plea of guilty,
2 ~~or plea of nolo contendere to,~~ of any officer for an offense
3 identified in this Section, ~~regardless of whether the~~
4 ~~adjudication of guilt or sentence is withheld or not entered~~
5 ~~thereon, this includes sentences of supervision, conditional~~
6 ~~discharge, or first offender probation.~~

7 (c) It is the duty and responsibility of every full-time
8 and part-time ~~law enforcement~~ police officer in this State to
9 report to the Board within ~~14~~ 30 days, and the officer's
10 sheriff or chief executive officer, of ~~the officer's~~ his or
11 her arrest, conviction, ~~found guilty of,~~ or plea of guilty for
12 an offense identified in this Section. Any full-time or
13 part-time ~~law enforcement~~ police officer who knowingly makes,
14 submits, causes to be submitted, or files a false or
15 untruthful report to the Board must have ~~the officer's~~ his or
16 her certificate or waiver immediately decertified or revoked.

17 (d) Any person, or a local or State agency, or the Board is
18 immune from liability for submitting, disclosing, or releasing
19 information of arrests, convictions, or pleas of guilty in
20 this Section as long as the information is submitted,
21 disclosed, or released in good faith and without malice. The
22 Board has qualified immunity for the release of the
23 information.

24 (e) Any full-time or part-time ~~law enforcement~~ police
25 officer with a certificate or waiver issued by the Board who is
26 convicted of, ~~found guilty of,~~ or entered a plea of guilty to,

1 ~~or entered a plea of nolo contendere to~~ any offense described
2 in this Section immediately becomes decertified or no longer
3 has a valid waiver. The decertification and invalidity of
4 waivers occurs as a matter of law. Failure of a convicted
5 person to report to the Board ~~the officer's~~ his or her
6 conviction as described in this Section or any continued law
7 enforcement practice after receiving a conviction is a Class 4
8 felony.

9 ~~For purposes of this Section, a person is considered to~~
10 ~~have been "convicted of, found guilty of, or entered a plea of~~
11 ~~guilty to, plea of nolo contendere to" regardless of whether~~
12 ~~the adjudication of guilt or sentence is withheld or not~~
13 ~~entered thereon, including sentences of supervision,~~
14 ~~conditional discharge, first offender probation, or any~~
15 ~~similar disposition as provided for by law.~~

16 (f) The Board's investigators ~~shall be law enforcement~~
17 ~~officers as defined in Section 2 of this Act~~ are peace officers
18 and have all the powers possessed by policemen in cities and by
19 sheriff's, and these investigators may exercise those powers
20 anywhere in the State. An investigator shall not have peace
21 officer status or exercise police powers unless he or she
22 successfully completes the basic police training course
23 mandated and approved by the Board or the Board waives the
24 training requirement by reason of the investigator's prior law
25 enforcement experience, training, or both. The Board shall not
26 waive the training requirement unless the investigator has had

1 a minimum of 5 years experience as a sworn officer of a local,
2 State, or federal law enforcement agency. ~~An investigator~~
3 ~~shall not have been terminated for good cause, decertified,~~
4 ~~had his or her law enforcement license or certificate revoked~~
5 ~~in this or any other jurisdiction, or been convicted of any of~~
6 ~~the conduct listed in subsection (a). Any complaint filed~~
7 ~~against the Board's investigators shall be investigated by the~~
8 ~~Illinois State Police.~~

9 (g) The Board must request and receive information and
10 assistance from any federal, state, or local governmental
11 agency as part of the authorized criminal background
12 investigation. The Illinois State Police must process, retain,
13 and additionally provide and disseminate information to the
14 Board concerning criminal charges, arrests, convictions, and
15 their disposition, that have been filed before, on, or after
16 the effective date of this amendatory Act of the 91st General
17 Assembly against a basic academy applicant, law enforcement
18 applicant, or law enforcement officer whose fingerprint
19 identification cards are on file or maintained by the Illinois
20 State Police. The Federal Bureau of Investigation must provide
21 the Board any criminal history record information contained in
22 its files pertaining to law enforcement officers or any
23 applicant to a Board certified basic law enforcement academy
24 as described in this Act based on fingerprint identification.
25 The Board must make payment of fees to the Illinois State
26 Police for each fingerprint card submission in conformance

1 with the requirements of paragraph 22 of Section 55a of the
2 Civil Administrative Code of Illinois.

3 ~~(h) (Blank).~~ A police officer who has been certified or
4 granted a valid waiver shall also be decertified or have his or
5 her waiver revoked upon a determination by the Illinois Labor
6 Relations Board State Panel that he or she, while under oath,
7 has knowingly and willfully made false statements as to a
8 material fact going to an element of the offense of murder. If
9 an appeal is filed, the determination shall be stayed.

10 (1) In the case of an acquittal on a charge of murder,
11 a verified complaint may be filed:

12 (A) by the defendant; or

13 (B) by a police officer with personal knowledge of
14 perjured testimony.

15 The complaint must allege that a police officer, while
16 under oath, knowingly and willfully made false statements
17 as to a material fact going to an element of the offense of
18 murder. The verified complaint must be filed with the
19 Executive Director of the Illinois Law Enforcement
20 Training Standards Board within 2 years of the judgment of
21 acquittal.

22 (2) Within 30 days, the Executive Director of the
23 Illinois Law Enforcement Training Standards Board shall
24 review the verified complaint and determine whether the
25 verified complaint is frivolous and without merit, or
26 whether further investigation is warranted. The Illinois

1 Law Enforcement Training Standards Board shall notify the
2 officer and the Executive Director of the Illinois Labor
3 Relations Board State Panel of the filing of the complaint
4 and any action taken thereon. If the Executive Director of
5 the Illinois Law Enforcement Training Standards Board
6 determines that the verified complaint is frivolous and
7 without merit, it shall be dismissed. The Executive
8 Director of the Illinois Law Enforcement Training
9 Standards Board has sole discretion to make this
10 determination and this decision is not subject to appeal.

11 ~~(i) (Blank).~~ If the Executive Director of the Illinois Law
12 Enforcement Training Standards Board determines that the
13 verified complaint warrants further investigation, he or she
14 shall refer the matter to a task force of investigators
15 created for this purpose. This task force shall consist of 8
16 sworn police officers: 2 from the Illinois State Police, 2
17 from the City of Chicago Police Department, 2 from county
18 police departments, and 2 from municipal police departments.
19 These investigators shall have a minimum of 5 years of
20 experience in conducting criminal investigations. The
21 investigators shall be appointed by the Executive Director of
22 the Illinois Law Enforcement Training Standards Board. Any
23 officer or officers acting in this capacity pursuant to this
24 statutory provision will have statewide police authority while
25 acting in this investigative capacity. Their salaries and
26 expenses for the time spent conducting investigations under

1 this paragraph shall be reimbursed by the Illinois Law
2 Enforcement Training Standards Board.

3 ~~(j) (Blank).~~ Once the Executive Director of the Illinois
4 Law Enforcement Training Standards Board has determined that
5 an investigation is warranted, the verified complaint shall be
6 assigned to an investigator or investigators. The investigator
7 or investigators shall conduct an investigation of the
8 verified complaint and shall write a report of his or her
9 findings. This report shall be submitted to the Executive
10 Director of the Illinois Labor Relations Board State Panel.

11 Within 30 days, the Executive Director of the Illinois
12 Labor Relations Board State Panel shall review the
13 investigative report and determine whether sufficient evidence
14 exists to conduct an evidentiary hearing on the verified
15 complaint. If the Executive Director of the Illinois Labor
16 Relations Board State Panel determines upon his or her review
17 of the investigatory report that a hearing should not be
18 conducted, the complaint shall be dismissed. This decision is
19 in the Executive Director's sole discretion, and this
20 dismissal may not be appealed.

21 If the Executive Director of the Illinois Labor Relations
22 Board State Panel determines that there is sufficient evidence
23 to warrant a hearing, a hearing shall be ordered on the
24 verified complaint, to be conducted by an administrative law
25 judge employed by the Illinois Labor Relations Board State
26 Panel. The Executive Director of the Illinois Labor Relations

1 Board State Panel shall inform the Executive Director of the
2 Illinois Law Enforcement Training Standards Board and the
3 person who filed the complaint of either the dismissal of the
4 complaint or the issuance of the complaint for hearing. The
5 Executive Director shall assign the complaint to the
6 administrative law judge within 30 days of the decision
7 granting a hearing.

8 ~~(k) (Blank).~~ In the case of a finding of guilt on the
9 offense of murder, if a new trial is granted on direct appeal,
10 or a state post-conviction evidentiary hearing is ordered,
11 based on a claim that a police officer, under oath, knowingly
12 and willfully made false statements as to a material fact
13 going to an element of the offense of murder, the Illinois
14 Labor Relations Board State Panel shall hold a hearing to
15 determine whether the officer should be decertified if an
16 interested party requests such a hearing within 2 years of the
17 court's decision. The complaint shall be assigned to an
18 administrative law judge within 30 days so that a hearing can
19 be scheduled.

20 At the hearing, the accused officer shall be afforded the
21 opportunity to:

22 (1) Be represented by counsel of his or her own
23 choosing;

24 (2) Be heard in his or her own defense;

25 (3) Produce evidence in his or her defense;

26 (4) Request that the Illinois Labor Relations Board

1 State Panel compel the attendance of witnesses and
2 production of related documents including but not limited
3 to court documents and records.

4 Once a case has been set for hearing, the verified
5 complaint shall be referred to the Department of Professional
6 Regulation. That office shall prosecute the verified complaint
7 at the hearing before the administrative law judge. The
8 Department of Professional Regulation shall have the
9 opportunity to produce evidence to support the verified
10 complaint and to request the Illinois Labor Relations Board
11 State Panel to compel the attendance of witnesses and the
12 production of related documents, including, but not limited
13 to, court documents and records. The Illinois Labor Relations
14 Board State Panel shall have the power to issue subpoenas
15 requiring the attendance of and testimony of witnesses and the
16 production of related documents including, but not limited to,
17 court documents and records and shall have the power to
18 administer oaths.

19 The administrative law judge shall have the responsibility
20 of receiving into evidence relevant testimony and documents,
21 including court records, to support or disprove the
22 allegations made by the person filing the verified complaint
23 and, at the close of the case, hear arguments. If the
24 administrative law judge finds that there is not clear and
25 convincing evidence to support the verified complaint that the
26 police officer has, while under oath, knowingly and willfully

1 made false statements as to a material fact going to an element
2 of the offense of murder, the administrative law judge shall
3 make a written recommendation of dismissal to the Illinois
4 Labor Relations Board State Panel. If the administrative law
5 judge finds that there is clear and convincing evidence that
6 the police officer has, while under oath, knowingly and
7 willfully made false statements as to a material fact that
8 goes to an element of the offense of murder, the
9 administrative law judge shall make a written recommendation
10 so concluding to the Illinois Labor Relations Board State
11 Panel. The hearings shall be transcribed. The Executive
12 Director of the Illinois Law Enforcement Training Standards
13 Board shall be informed of the administrative law judge's
14 recommended findings and decision and the Illinois Labor
15 Relations Board State Panel's subsequent review of the
16 recommendation.

17 ~~(1)~~ (Blank). An officer named in any complaint filed
18 pursuant to this Act shall be indemnified for his or her
19 reasonable attorney's fees and costs by his or her employer.
20 These fees shall be paid in a regular and timely manner. The
21 State, upon application by the public employer, shall
22 reimburse the public employer for the accused officer's
23 reasonable attorney's fees and costs. At no time and under no
24 circumstances will the accused officer be required to pay his
25 or her own reasonable attorney's fees or costs.

26 ~~(m)~~ (Blank). The accused officer shall not be placed on

1 unpaid status because of the filing or processing of the
2 verified complaint until there is a final non-appealable order
3 sustaining his or her guilt and his or her certification is
4 revoked. Nothing in this Act, however, restricts the public
5 employer from pursuing discipline against the officer in the
6 normal course and under procedures then in place.

7 ~~(n) (Blank)~~. The Illinois Labor Relations Board State
8 Panel shall review the administrative law judge's recommended
9 decision and order and determine by a majority vote whether or
10 not there was clear and convincing evidence that the accused
11 officer, while under oath, knowingly and willfully made false
12 statements as to a material fact going to the offense of
13 murder. Within 30 days of service of the administrative law
14 judge's recommended decision and order, the parties may file
15 exceptions to the recommended decision and order and briefs in
16 support of their exceptions with the Illinois Labor Relations
17 Board State Panel. The parties may file responses to the
18 exceptions and briefs in support of the responses no later
19 than 15 days after the service of the exceptions. If
20 exceptions are filed by any of the parties, the Illinois Labor
21 Relations Board State Panel shall review the matter and make a
22 finding to uphold, vacate, or modify the recommended decision
23 and order. If the Illinois Labor Relations Board State Panel
24 concludes that there is clear and convincing evidence that the
25 accused officer, while under oath, knowingly and willfully
26 made false statements as to a material fact going to an element

1 of the offense murder, the Illinois Labor Relations Board
2 State Panel shall inform the Illinois Law Enforcement Training
3 Standards Board and the Illinois Law Enforcement Training
4 Standards Board shall revoke the accused officer's
5 certification. If the accused officer appeals that
6 determination to the Appellate Court, as provided by this Act,
7 he or she may petition the Appellate Court to stay the
8 revocation of his or her certification pending the court's
9 review of the matter.

10 ~~(e)~~ ~~(Blank)~~. None of the Illinois Labor Relations Board
11 State Panel's findings or determinations shall set any
12 precedent in any of its decisions decided pursuant to the
13 Illinois Public Labor Relations Act by the Illinois Labor
14 Relations Board State Panel or the courts.

15 ~~(p)~~ ~~(Blank)~~. A party aggrieved by the final order of the
16 Illinois Labor Relations Board State Panel may apply for and
17 obtain judicial review of an order of the Illinois Labor
18 Relations Board State Panel, in accordance with the provisions
19 of the Administrative Review Law, except that such judicial
20 review shall be afforded directly in the Appellate Court for
21 the district in which the accused officer resides. Any direct
22 appeal to the Appellate Court shall be filed within 35 days
23 from the date that a copy of the decision sought to be reviewed
24 was served upon the party affected by the decision.

25 ~~(q)~~ ~~(Blank)~~. Interested parties. Only interested parties
26 to the criminal prosecution in which the police officer

1 allegedly, while under oath, knowingly and willfully made
2 false statements as to a material fact going to an element of
3 the offense of murder may file a verified complaint pursuant
4 to this Section. For purposes of this Section, "interested
5 parties" shall be limited to the defendant and any police
6 officer who has personal knowledge that the police officer who
7 is the subject of the complaint has, while under oath,
8 knowingly and willfully made false statements as to a material
9 fact going to an element of the offense of murder.

10 ~~(r)~~ ~~(Blank)~~. Semi-annual reports. The Executive Director
11 of the Illinois Labor Relations Board shall submit semi-annual
12 reports to the Governor, President, and Minority Leader of the
13 Senate, and to the Speaker and Minority Leader of the House of
14 Representatives beginning on June 30, 2004, indicating:

15 (1) the number of verified complaints received since
16 the date of the last report;

17 (2) the number of investigations initiated since the
18 date of the last report;

19 (3) the number of investigations concluded since the
20 date of the last report;

21 (4) the number of investigations pending as of the
22 reporting date;

23 (5) the number of hearings held since the date of the
24 last report; and

25 (6) the number of officers decertified since the date
26 of the last report.

1 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;
2 102-538, eff. 8-20-21; revised 10-13-21.)

3 (50 ILCS 705/7)

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

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

8 a. The curriculum for probationary law enforcement
9 officers which shall be offered by all certified schools
10 shall include, but not be limited to, courses of
11 procedural justice, arrest and use and control tactics,
12 search and seizure, including temporary questioning, civil
13 rights, human rights, human relations, cultural
14 competency, including implicit bias and racial and ethnic
15 sensitivity, criminal law, law of criminal procedure,
16 constitutional and proper use of law enforcement
17 authority, crisis intervention training, vehicle and
18 traffic law including uniform and non-discriminatory
19 enforcement of the Illinois Vehicle Code, traffic control
20 and accident investigation, techniques of obtaining
21 physical evidence, court testimonies, statements, reports,
22 firearms training, training in the use of electronic
23 control devices, including the psychological and
24 physiological effects of the use of those devices on
25 humans, first-aid (including cardiopulmonary

1 resuscitation), training in the administration of opioid
2 antagonists as defined in paragraph (1) of subsection (e)
3 of Section 5-23 of the Substance Use Disorder Act,
4 handling of juvenile offenders, recognition of mental
5 conditions and crises, including, but not limited to, the
6 disease of addiction, which require immediate assistance
7 and response and methods to safeguard and provide
8 assistance to a person in need of mental treatment,
9 recognition of abuse, neglect, financial exploitation, and
10 self-neglect of adults with disabilities and older adults,
11 as defined in Section 2 of the Adult Protective Services
12 Act, crimes against the elderly, law of evidence, the
13 hazards of high-speed police vehicle chases with an
14 emphasis on alternatives to the high-speed chase, and
15 physical training. The curriculum shall include specific
16 training in techniques for immediate response to and
17 investigation of cases of domestic violence and of sexual
18 assault of adults and children, including cultural
19 perceptions and common myths of sexual assault and sexual
20 abuse as well as interview techniques that are age
21 sensitive and are trauma informed, victim centered, and
22 victim sensitive. The curriculum shall include training in
23 techniques designed to promote effective communication at
24 the initial contact with crime victims and ways to
25 comprehensively explain to victims and witnesses their
26 rights under the Rights of Crime Victims and Witnesses Act

1 and the Crime Victims Compensation Act. The curriculum
2 shall also include training in effective recognition of
3 and responses to stress, trauma, and post-traumatic stress
4 experienced by law enforcement officers that is consistent
5 with Section 25 of the Illinois Mental Health First Aid
6 Training Act in a peer setting, including recognizing
7 signs and symptoms of work-related cumulative stress,
8 issues that may lead to suicide, and solutions for
9 intervention with peer support resources. The curriculum
10 shall include a block of instruction addressing the
11 mandatory reporting requirements under the Abused and
12 Neglected Child Reporting Act. The curriculum shall also
13 include a block of instruction aimed at identifying and
14 interacting with persons with autism and other
15 developmental or physical disabilities, reducing barriers
16 to reporting crimes against persons with autism, and
17 addressing the unique challenges presented by cases
18 involving victims or witnesses with autism and other
19 developmental disabilities. The curriculum shall include
20 training in the detection and investigation of all forms
21 of human trafficking. The curriculum shall also include
22 instruction in trauma-informed responses designed to
23 ensure the physical safety and well-being of a child of an
24 arrested parent or immediate family member; this
25 instruction must include, but is not limited to: (1)
26 understanding the trauma experienced by the child while

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

25 b. Minimum courses of study, attendance requirements
26 and equipment requirements.

1 c. Minimum requirements for instructors.

2 d. Minimum basic training requirements, which a
3 probationary law enforcement officer must satisfactorily
4 complete before being eligible for permanent employment as
5 a local law enforcement officer for a participating local
6 governmental or State governmental agency. Those
7 requirements shall include training in first aid
8 (including cardiopulmonary resuscitation).

9 e. Minimum basic training requirements, which a
10 probationary county corrections officer must
11 satisfactorily complete before being eligible for
12 permanent employment as a county corrections officer for a
13 participating local governmental agency.

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

22 A person hired to serve as a court security officer
23 must obtain from the Board a certificate (i) attesting to
24 the officer's successful completion of the training
25 course; (ii) attesting to the officer's satisfactory
26 completion of a training program of similar content and

1 number of hours that has been found acceptable by the
2 Board under the provisions of this Act; or (iii) attesting
3 to the Board's determination that the training course is
4 unnecessary because of the person's extensive prior law
5 enforcement experience.

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

13 All individuals hired as court security officers on or
14 after June 1, 1997 (the effective date of Public Act
15 89-685) shall be certified within 12 months of the date of
16 their hire, unless a waiver has been obtained by the
17 Board, or they shall forfeit their positions.

18 The Sheriff's Merit Commission, if one exists, or the
19 Sheriff's Office if there is no Sheriff's Merit
20 Commission, shall maintain a list of all individuals who
21 have filed applications to become court security officers
22 and who meet the eligibility requirements established
23 under this Act. Either the Sheriff's Merit Commission, or
24 the Sheriff's Office if no Sheriff's Merit Commission
25 exists, shall establish a schedule of reasonable intervals
26 for verification of the applicants' qualifications under

1 this Act and as established by the Board.

2 g. Minimum in-service training requirements, which a
3 law enforcement officer must satisfactorily complete every
4 3 years. Those requirements shall include constitutional
5 and proper use of law enforcement authority, procedural
6 justice, civil rights, human rights, reporting child abuse
7 and neglect, and cultural competency, including implicit
8 bias and racial and ethnic sensitivity. These trainings
9 shall consist of at least 30 hours of training every 3
10 years.

11 h. Minimum in-service training requirements, which a
12 law enforcement officer must satisfactorily complete at
13 least annually. Those requirements shall include law
14 updates, emergency medical response training and
15 certification, crisis intervention training, and officer
16 wellness and mental health.

17 i. Minimum in-service training requirements as set
18 forth in Section 10.6.

19 The amendatory changes to this Section made by Public Act
20 101-652 shall take effect January 1, 2022.

21 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;
22 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff.
23 8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section
24 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.
25 1-1-22; 102-28, eff. 6-25-21; 102-558, eff. 8-20-21; revised
26 10-5-21.)

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

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

5 a. The curriculum for probationary ~~law enforcement~~
6 police officers which shall be offered by all certified
7 schools shall include, but not be limited to, courses of
8 procedural justice, arrest and use and control tactics,
9 search and seizure, including temporary questioning, civil
10 rights, human rights, human relations, cultural
11 competency, including implicit bias and racial and ethnic
12 sensitivity, criminal law, law of criminal procedure,
13 constitutional and proper use of law enforcement
14 authority, crisis intervention training, vehicle and
15 traffic law including uniform and non-discriminatory
16 enforcement of the Illinois Vehicle Code, traffic control
17 and accident investigation, techniques of obtaining
18 physical evidence, court testimonies, statements, reports,
19 firearms training, training in the use of electronic
20 control devices, including the psychological and
21 physiological effects of the use of those devices on
22 humans, first-aid (including cardiopulmonary
23 resuscitation), training in the administration of opioid
24 antagonists as defined in paragraph (1) of subsection (e)
25 of Section 5-23 of the Substance Use Disorder Act,

1 handling of juvenile offenders, recognition of mental
2 conditions and crises, including, but not limited to, the
3 disease of addiction, which require immediate assistance
4 and response and methods to safeguard and provide
5 assistance to a person in need of mental treatment,
6 recognition of abuse, neglect, financial exploitation, and
7 self-neglect of adults with disabilities and older adults,
8 as defined in Section 2 of the Adult Protective Services
9 Act, crimes against the elderly, law of evidence, the
10 hazards of high-speed police vehicle chases with an
11 emphasis on alternatives to the high-speed chase, and
12 physical training. The curriculum shall include specific
13 training in techniques for immediate response to and
14 investigation of cases of domestic violence and of sexual
15 assault of adults and children, including cultural
16 perceptions and common myths of sexual assault and sexual
17 abuse as well as interview techniques that are age
18 sensitive and are trauma informed, victim centered, and
19 victim sensitive. The curriculum shall include training in
20 techniques designed to promote effective communication at
21 the initial contact with crime victims and ways to
22 comprehensively explain to victims and witnesses their
23 rights under the Rights of Crime Victims and Witnesses Act
24 and the Crime Victims Compensation Act. The curriculum
25 shall also include training in effective recognition of
26 and responses to stress, trauma, and post-traumatic stress

1 experienced by ~~law enforcement~~ police officers that is
2 consistent with Section 25 of the Illinois Mental Health
3 First Aid Training Act in a peer setting, including
4 recognizing signs and symptoms of work-related cumulative
5 stress, issues that may lead to suicide, and solutions for
6 intervention with peer support resources. The curriculum
7 shall include a block of instruction addressing the
8 mandatory reporting requirements under the Abused and
9 Neglected Child Reporting Act. The curriculum shall also
10 include a block of instruction aimed at identifying and
11 interacting with persons with autism and other
12 developmental or physical disabilities, reducing barriers
13 to reporting crimes against persons with autism, and
14 addressing the unique challenges presented by cases
15 involving victims or witnesses with autism and other
16 developmental disabilities. The curriculum shall include
17 training in the detection and investigation of all forms
18 of human trafficking. The curriculum shall also include
19 instruction in trauma-informed responses designed to
20 ensure the physical safety and well-being of a child of an
21 arrested parent or immediate family member; this
22 instruction must include, but is not limited to: (1)
23 understanding the trauma experienced by the child while
24 maintaining the integrity of the arrest and safety of
25 officers, suspects, and other involved individuals; (2)
26 de-escalation tactics that would include the use of force

1 when reasonably necessary; and (3) inquiring whether a
2 child will require supervision and care. The curriculum
3 for probationary law enforcement officers shall include:
4 (1) at least 12 hours of hands-on, scenario-based
5 role-playing; (2) at least 6 hours of instruction on use
6 of force techniques, including the use of de-escalation
7 techniques to prevent or reduce the need for force
8 whenever safe and feasible; (3) specific training on
9 officer safety techniques, including cover, concealment,
10 and time; and (4) at least 6 hours of training focused on
11 high-risk traffic stops. The curriculum for permanent ~~law~~
12 ~~enforcement~~ police officers shall include, but not be
13 limited to: (1) refresher and in-service training in any
14 of the courses listed above in this subparagraph, (2)
15 advanced courses in any of the subjects listed above in
16 this subparagraph, (3) training for supervisory personnel,
17 and (4) specialized training in subjects and fields to be
18 selected by the board. The training in the use of
19 electronic control devices shall be conducted for
20 probationary ~~law-enforcement~~ police officers, including
21 University police officers. The curriculum shall also
22 include training on the use of a firearms restraining
23 order by providing instruction on the process used to file
24 a firearms restraining order and how to identify
25 situations in which a firearms restraining order is
26 appropriate.

1 b. Minimum courses of study, attendance requirements
2 and equipment requirements.

3 c. Minimum requirements for instructors.

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

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

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

25 A person hired to serve as a court security officer
26 must obtain from the Board a certificate (i) attesting to

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

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

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

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

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

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

14 h. Minimum in-service training requirements, which a
15 ~~law enforcement~~ police officer must satisfactorily
16 complete at least annually. Those requirements shall
17 include law updates, emergency medical response training
18 and certification, crisis intervention training, and
19 officer wellness and mental health.

20 i. Minimum in-service training requirements as set
21 forth in Section 10.6.

22 The amendatory changes to this Section made by Public Act
23 101-652 shall take effect January 1, 2022.

24 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;
25 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff.
26 8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section

1 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.
2 1-1-22; 102-28, eff. 6-25-21; 102-345, eff. 6-1-22; 102-558,
3 eff. 8-20-21; revised 10-5-21.)

4 (50 ILCS 705/7.5)

5 Sec. 7.5. ~~Law enforcement~~ Police pursuit guidelines. The
6 Board shall annually review police pursuit procedures and make
7 available suggested ~~law enforcement~~ police pursuit guidelines
8 for law enforcement agencies. This Section does not alter the
9 effect of previously existing law, including the immunities
10 established under the Local Governmental and Governmental
11 Employees Tort Immunity Act.

12 (Source: P.A. 88-637, eff. 9-9-94; 101-652.)

13 (50 ILCS 705/8) (from Ch. 85, par. 508)

14 Sec. 8. Participation required. All home rule local
15 governmental units shall comply with Sections ~~6.3,~~ 8.1, and
16 8.2 and any other mandatory provisions of this Act. This Act is
17 a limitation on home rule powers under subsection (i) of
18 Section 6 of Article VII of the Illinois Constitution.

19 (Source: P.A. 89-170, eff. 1-1-96; 101-652.)

20 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

21 (Text of Section before amendment by P.A. 101-652)

22 Sec. 8.1. Full-time police and county corrections
23 officers.

1 (a) After January 1, 1976, no person shall receive a
2 permanent appointment as a law enforcement officer as defined
3 in this Act nor shall any person receive, after the effective
4 date of this amendatory Act of 1984, a permanent appointment
5 as a county corrections officer unless that person has been
6 awarded, within 6 months of his or her initial full-time
7 employment, a certificate attesting to his or her successful
8 completion of the Minimum Standards Basic Law Enforcement and
9 County Correctional Training Course as prescribed by the
10 Board; or has been awarded a certificate attesting to his or
11 her satisfactory completion of a training program of similar
12 content and number of hours and which course has been found
13 acceptable by the Board under the provisions of this Act; or by
14 reason of extensive prior law enforcement or county
15 corrections experience the basic training requirement is
16 determined by the Board to be illogical and unreasonable.

17 If such training is required and not completed within the
18 applicable 6 months, then the officer must forfeit his or her
19 position, or the employing agency must obtain a waiver from
20 the Board extending the period for compliance. Such waiver
21 shall be issued only for good and justifiable reasons, and in
22 no case shall extend more than 90 days beyond the initial 6
23 months. Any hiring agency that fails to train a law
24 enforcement officer within this period shall be prohibited
25 from employing this individual in a law enforcement capacity
26 for one year from the date training was to be completed. If an

1 agency again fails to train the individual a second time, the
2 agency shall be permanently barred from employing this
3 individual in a law enforcement capacity.

4 (b) No provision of this Section shall be construed to
5 mean that a law enforcement officer employed by a local
6 governmental agency at the time of the effective date of this
7 amendatory Act, either as a probationary police officer or as
8 a permanent police officer, shall require certification under
9 the provisions of this Section. No provision of this Section
10 shall be construed to mean that a county corrections officer
11 employed by a local governmental agency at the time of the
12 effective date of this amendatory Act of 1984, either as a
13 probationary county corrections or as a permanent county
14 corrections officer, shall require certification under the
15 provisions of this Section. No provision of this Section shall
16 be construed to apply to certification of elected county
17 sheriffs.

18 (c) This Section does not apply to part-time police
19 officers or probationary part-time police officers.

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

21 (Text of Section after amendment by P.A. 101-652)

22 Sec. 8.1. Full-time ~~law enforcement~~ police and county
23 corrections officers.

24 (a) ~~No~~ After January 1, 1976, no person shall receive a
25 permanent appointment as a law enforcement officer ~~or~~ as

1 defined in this Act nor shall any person receive, after the
2 effective date of this amendatory Act of 1984, a permanent
3 appointment as a county corrections officer unless that person
4 has been awarded, within 6 months of ~~the officer's~~ his or her
5 initial full-time employment, a certificate attesting to ~~the~~
6 ~~officer's~~ his or her successful completion of the Minimum
7 Standards Basic Law Enforcement ~~or~~ and County Correctional
8 Training Course as prescribed by the Board; or has been
9 awarded a certificate attesting to ~~the officer's~~ his or her
10 satisfactory completion of a training program of similar
11 content and number of hours and which course has been found
12 acceptable by the Board under the provisions of this Act; or ~~a~~
13 ~~training waiver~~ by reason of extensive prior law enforcement
14 or county corrections experience the basic training
15 requirement is determined by the Board to be illogical and
16 unreasonable.

17 If such training is required and not completed within the
18 applicable 6 months, then the officer must forfeit ~~the~~
19 ~~officer's~~ his or her position, or the employing agency must
20 obtain a waiver from the Board extending the period for
21 compliance. Such waiver shall be issued only for good and
22 justifiable reasons, and in no case shall extend more than 90
23 days beyond the initial 6 months. Any hiring agency that fails
24 to train a law enforcement officer within this period shall be
25 prohibited from employing this individual in a law enforcement
26 capacity for one year from the date training was to be

1 completed. If an agency again fails to train the individual a
2 second time, the agency shall be permanently barred from
3 employing this individual in a law enforcement capacity.

4 ~~An individual who is not certified by the Board or whose~~
5 ~~certified status is inactive shall not function as a law~~
6 ~~enforcement officer, be assigned the duties of a law~~
7 ~~enforcement officer by an employing agency, or be authorized~~
8 ~~to carry firearms under the authority of the employer, except~~
9 ~~as otherwise authorized to carry a firearm under State or~~
10 ~~federal law. Sheriffs who are elected as of the effective date~~
11 ~~of this Amendatory Act of the 101st General Assembly, are~~
12 ~~exempt from the requirement of certified status. Failure to be~~
13 ~~certified in accordance with this Act shall cause the officer~~
14 ~~to forfeit the officer's position.~~

15 ~~An employing agency may not grant a person status as a law~~
16 ~~enforcement officer unless the person has been granted an~~
17 ~~active law enforcement officer certification by the Board.~~

18 ~~(b) Inactive status. A person who has an inactive law~~
19 ~~enforcement officer certification has no law enforcement~~
20 ~~authority.~~

21 ~~(1) A law enforcement officer's certification becomes~~
22 ~~inactive upon termination, resignation, retirement, or~~
23 ~~separation from the officer's employing governmental~~
24 ~~agency for any reason. The Board shall re-activate a~~
25 ~~certification upon written application from the law~~
26 ~~enforcement officer's governmental agency that shows the~~

1 ~~law enforcement officer: (i) has accepted a full-time law~~
2 ~~enforcement position with that governmental agency, (ii)~~
3 ~~is not the subject of a decertification proceeding, and~~
4 ~~(iii) meets all other criteria for re-activation required~~
5 ~~by the Board. The Board may also establish special~~
6 ~~training requirements to be completed as a condition for~~
7 ~~re-activation.~~

8 ~~A law enforcement officer who is refused reactivation~~
9 ~~under this Section may request a hearing in accordance~~
10 ~~with the hearing procedures as outlined in subsection (h)~~
11 ~~of Section 6.3 of this Act.~~

12 ~~The Board may refuse to re-activate the certification~~
13 ~~of a law enforcement officer who was involuntarily~~
14 ~~terminated for good cause by his or her governmental~~
15 ~~agency for conduct subject to decertification under this~~
16 ~~Act or resigned or retired after receiving notice of a~~
17 ~~governmental agency's investigation.~~

18 ~~(2) A law enforcement officer who is currently~~
19 ~~certified can place his or her certificate on inactive~~
20 ~~status by sending a written request to the Board. A law~~
21 ~~enforcement officer whose certificate has been placed on~~
22 ~~inactive status shall not function as a law enforcement~~
23 ~~officer until the officer has completed any requirements~~
24 ~~for reactivating the certificate as required by the Board.~~
25 ~~A request for inactive status in this subsection shall be~~
26 ~~in writing, accompanied by verifying documentation, and~~

1 ~~shall be submitted to the Board with a copy to the chief~~
2 ~~administrator of the law enforcement officer's~~
3 ~~governmental agency.~~

4 ~~(3) Certification that has become inactive under~~
5 ~~paragraph (2) of this subsection (b), shall be reactivated~~
6 ~~by written notice from the law enforcement officer's~~
7 ~~agency upon a showing that the law enforcement officer is:~~
8 ~~(i) employed in a full time law enforcement position with~~
9 ~~the same governmental agency (ii) not the subject of a~~
10 ~~decertification proceeding, and (iii) meets all other~~
11 ~~criteria for re-activation required by the Board.~~

12 ~~(4) Notwithstanding paragraph (3) of this subsection~~
13 ~~(b), a law enforcement officer whose certification has~~
14 ~~become inactive under paragraph (2) may have the officer's~~
15 ~~governmental agency submit a request for a waiver of~~
16 ~~training requirements to the Board. A grant of a waiver is~~
17 ~~within the discretion of the Board. Within 7 days of~~
18 ~~receiving a request for a waiver under this section, the~~
19 ~~Board shall notify the law enforcement officer and the~~
20 ~~chief administrator of the law enforcement officer's~~
21 ~~governmental agency, whether the request has been granted,~~
22 ~~denied, or if the Board will take additional time for~~
23 ~~information. A law enforcement officer whose request for a~~
24 ~~waiver under this subsection is denied is entitled to~~
25 ~~appeal the denial to the Board within 20 days of the waiver~~
26 ~~being denied.~~

1 ~~(e)~~ (b) No provision of this Section shall be construed to
2 mean that a law enforcement officer employed by a local
3 governmental agency at the time of the effective date of this
4 amendatory Act, either as a probationary police officer or as
5 a permanent police officer, shall require certification under
6 the provisions of this Section. No provision of this Section
7 shall be construed to mean that a county corrections officer
8 employed by a local governmental agency at the time of the
9 effective date of this amendatory Act of 1984, either as a
10 probationary county corrections or as a permanent county
11 corrections officer, shall require certification under the
12 provisions of this Section. No provision of this Section shall
13 be construed to apply to certification of elected county
14 sheriffs.

15 ~~(d) Within 14 days, a law enforcement officer shall report~~
16 ~~to the Board: (1) any name change; (2) any change in~~
17 ~~employment; or (3) the filing of any criminal indictment or~~
18 ~~charges against the officer alleging that the officer~~
19 ~~committed any offense as enumerated in Section 6.1 of this~~
20 ~~Act.~~

21 ~~(e) All law enforcement officers must report the~~
22 ~~completion of the training requirements required in this Act~~
23 ~~in compliance with Section 8.4 of this Act.~~

24 ~~(e-1) Each employing governmental agency shall allow and~~
25 ~~provide an opportunity for a law enforcement officer to~~
26 ~~complete the mandated requirements in this Act.~~

1 ~~(f)~~ (c) This Section does not apply to part-time ~~law~~
2 ~~enforcement~~ police officers or probationary part-time ~~law~~
3 ~~enforcement~~ police officers.

4 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22.)

5 (50 ILCS 705/8.2)

6 Sec. 8.2. Part-time ~~law enforcement~~ police officers.

7 (a) A person hired to serve as a part-time ~~law enforcement~~
8 police officer must obtain from the Board a certificate (i)
9 attesting to ~~the officer's~~ his or her successful completion of
10 the part-time police training course; (ii) attesting to ~~the~~
11 ~~officer's~~ his or her satisfactory completion of a training
12 program of similar content and number of hours that has been
13 found acceptable by the Board under the provisions of this
14 Act; or (iii) ~~a training waiver~~ attesting to the Board's
15 determination that the part-time police training course is
16 unnecessary because of the person's extensive prior law
17 enforcement experience. A person hired on or after the
18 effective date of this amendatory Act of the 92nd General
19 Assembly must obtain this certificate within 18 months after
20 the initial date of hire as a probationary part-time ~~law~~
21 ~~enforcement~~ police officer in the State of Illinois. The
22 probationary part-time ~~law enforcement~~ police officer must be
23 enrolled and accepted into a Board-approved course within 6
24 months after active employment by any department in the State.
25 A person hired on or after January 1, 1996 and before the

1 effective date of this amendatory Act of the 92nd General
2 Assembly must obtain this certificate within 18 months after
3 the date of hire. A person hired before January 1, 1996 must
4 obtain this certificate within 24 months after the effective
5 date of this amendatory Act of 1995.

6 The employing agency may seek ~~an extension~~ a waiver from
7 the Board extending the period for compliance. ~~An extension~~ A
8 waiver shall be issued only for good and justifiable reasons,
9 and the probationary part-time ~~law enforcement~~ police officer
10 may not practice as a part-time ~~law enforcement~~ police officer
11 during the ~~extension~~ waiver period. If training is required
12 and not completed within the applicable time period, as
13 extended by any waiver that may be granted, then the officer
14 must forfeit ~~the officer's~~ his or her position.

15 ~~An individual who is not certified by the Board or whose~~
16 ~~certified status is inactive shall not function as a law~~
17 ~~enforcement officer, be assigned the duties of a law~~
18 ~~enforcement officer by an agency, or be authorized to carry~~
19 ~~firearms under the authority of the employer, except that~~
20 ~~sheriffs who are elected are exempt from the requirement of~~
21 ~~certified status. Failure to be in accordance with this Act~~
22 ~~shall cause the officer to forfeit the officer's position.~~

23 ~~A part time probationary officer shall be allowed to~~
24 ~~complete six months of a part time police training course and~~
25 ~~function as a law enforcement officer with a waiver from the~~
26 ~~Board, provided the part time law enforcement officer is still~~

1 ~~enrolled in the training course. If the part-time probationary~~
2 ~~officer withdraws from the course for any reason or does not~~
3 ~~complete the course within the applicable time period, as~~
4 ~~extended by any waiver that may be granted, then the officer~~
5 ~~must forfeit the officer's position.~~

6 ~~A governmental agency may not grant a person status as a~~
7 ~~law enforcement officer unless the person has been granted an~~
8 ~~active law enforcement officer certification by the Board.~~

9 (b) ~~Inactive status. A person who has an inactive law~~
10 ~~enforcement officer certification has no law enforcement~~
11 ~~authority. (Blank).~~

12 ~~(1) A law enforcement officer's certification becomes~~
13 ~~inactive upon termination, resignation, retirement, or~~
14 ~~separation from the governmental agency for any reason.~~
15 ~~The Board shall re-activate a certification upon written~~
16 ~~application from the law enforcement officer's~~
17 ~~governmental agency that shows the law enforcement~~
18 ~~officer: (i) has accepted a part-time law enforcement~~
19 ~~position with that a governmental agency, (ii) is not the~~
20 ~~subject of a decertification proceeding, and (iii) meets~~
21 ~~all other criteria for re-activation required by the~~
22 ~~Board.~~

23 ~~The Board may refuse to re-activate the certification~~
24 ~~of a law enforcement officer who was involuntarily~~
25 ~~terminated for good cause by the officer's governmental~~
26 ~~agency for conduct subject to decertification under this~~

1 ~~Act or resigned or retired after receiving notice of a~~
2 ~~governmental agency's investigation.~~

3 ~~(2) A law enforcement officer who is currently~~
4 ~~certified can place his or her certificate on inactive~~
5 ~~status by sending a written request to the Board. A law~~
6 ~~enforcement officer whose certificate has been placed on~~
7 ~~inactive status shall not function as a law enforcement~~
8 ~~officer until the officer has completed any requirements~~
9 ~~for reactivating the certificate as required by the Board.~~
10 ~~A request for inactive status in this subsection shall be~~
11 ~~in writing, accompanied by verifying documentation, and~~
12 ~~shall be submitted to the Board by the law enforcement~~
13 ~~officer's governmental agency.~~

14 ~~(3) Certification that has become inactive under~~
15 ~~paragraph (2) of this subsection (b), shall be reactivated~~
16 ~~by written notice from the law enforcement officer's~~
17 ~~agency upon a showing that the law enforcement officer is:~~
18 ~~(i) employed in a full time law enforcement position with~~
19 ~~the same governmental agency, (ii) not the subject of a~~
20 ~~decertification proceeding, and (iii) meets all other~~
21 ~~criteria for re-activation required by the Board. The~~
22 ~~Board may also establish special training requirements to~~
23 ~~be completed as a condition for re-activation.~~

24 ~~A law enforcement officer who is refused reactivation~~
25 ~~under this Section may request a hearing in accordance~~
26 ~~with the hearing procedures as outlined in subsection (h)~~

1 ~~of Section 6.3 of this Act.~~

2 ~~(4) Notwithstanding paragraph (3) of this Section, a~~
3 ~~law enforcement officer whose certification has become~~
4 ~~inactive under paragraph (2) may have the officer's~~
5 ~~governmental agency submit a request for a waiver of~~
6 ~~training requirements to the Board. A grant of a waiver is~~
7 ~~within the discretion of the Board. Within 7 days of~~
8 ~~receiving a request for a waiver under this section, the~~
9 ~~Board shall notify the law enforcement officer and the~~
10 ~~chief administrator of the law enforcement officer's~~
11 ~~governmental agency, whether the request has been granted,~~
12 ~~denied, or if the Board will take additional time for~~
13 ~~information. A law enforcement officer whose request for a~~
14 ~~waiver under this subsection is denied is entitled to~~
15 ~~appeal the denial to the Board within 20 days of the waiver~~
16 ~~being denied.~~

17 (c) The part-time police training course referred to in
18 this Section shall be of similar content and the same number of
19 hours as the courses for full-time officers and shall be
20 provided by Mobile Team In-Service Training Units under the
21 Intergovernmental Law Enforcement Officer's In-Service
22 Training Act or by another approved program or facility in a
23 manner prescribed by the Board.

24 ~~(d) Within 14 days, a law enforcement officer shall report~~
25 ~~to the Board: (1) any name change; (2) any change in~~
26 ~~employment; or (3) the filing of any criminal indictment or~~

1 ~~charges against the officer alleging that the officer~~
2 ~~committed any offense as enumerated in section 6.1 of this~~
3 ~~Act.~~

4 ~~(c) All law enforcement officers must report the~~
5 ~~completion of the training requirements required in this Act~~
6 ~~in compliance with Section 8.4 of this Act.~~

7 ~~(c 1) Each employing agency shall allow and provide an~~
8 ~~opportunity for a law enforcement officer to complete the~~
9 ~~requirements in this Act.~~

10 ~~(f)~~ (d) For the purposes of this Section, the Board shall
11 adopt rules defining what constitutes employment on a
12 part-time basis.

13 (Source: P.A. 92-533, eff. 3-14-02; 101-652.)

14 (50 ILCS 705/9) (from Ch. 85, par. 509)

15 Sec. 9. A special fund is hereby established in the State
16 Treasury to be known as the Traffic and Criminal Conviction
17 Surcharge Fund. Moneys in this Fund shall be expended as
18 follows:

19 (1) a portion of the total amount deposited in the
20 Fund may be used, as appropriated by the General Assembly,
21 for the ordinary and contingent expenses of the Illinois
22 Law Enforcement Training Standards Board;

23 (2) a portion of the total amount deposited in the
24 Fund shall be appropriated for the reimbursement of local
25 governmental agencies participating in training programs

1 certified by the Board, in an amount equaling 1/2 of the
2 total sum paid by such agencies during the State's
3 previous fiscal year for mandated training for
4 probationary ~~law enforcement~~ police officers or
5 probationary county corrections officers and for optional
6 advanced and specialized law enforcement or county
7 corrections training; these reimbursements may include the
8 costs for tuition at training schools, the salaries of
9 trainees while in schools, and the necessary travel and
10 room and board expenses for each trainee; if the
11 appropriations under this paragraph (2) are not sufficient
12 to fully reimburse the participating local governmental
13 agencies, the available funds shall be apportioned among
14 such agencies, with priority first given to repayment of
15 the costs of mandatory training given to law enforcement
16 officer or county corrections officer recruits, then to
17 repayment of costs of advanced or specialized training for
18 permanent ~~law enforcement~~ police officers or permanent
19 county corrections officers;

20 (3) a portion of the total amount deposited in the
21 Fund may be used to fund the Intergovernmental Law
22 Enforcement Officer's In-Service Training Act, veto
23 overridden October 29, 1981, as now or hereafter amended,
24 at a rate and method to be determined by the board;

25 (4) a portion of the Fund also may be used by the
26 Illinois State Police for expenses incurred in the

1 training of employees from any State, county, or municipal
2 agency whose function includes enforcement of criminal or
3 traffic law;

4 (5) a portion of the Fund may be used by the Board to
5 fund grant-in-aid programs and services for the training
6 of employees from any county or municipal agency whose
7 functions include corrections or the enforcement of
8 criminal or traffic law;

9 (6) for fiscal years 2013 through 2017 only, a portion
10 of the Fund also may be used by the Department of State
11 Police to finance any of its lawful purposes or functions;

12 (7) a portion of the Fund may be used by the Board,
13 subject to appropriation, to administer grants to local
14 law enforcement agencies for the purpose of purchasing
15 bulletproof vests under the Law Enforcement Officer
16 Bulletproof Vest Act; and

17 (8) a portion of the Fund may be used by the Board to
18 create a law enforcement grant program available for units
19 of local government to fund crime prevention programs,
20 training, and interdiction efforts, including enforcement
21 and prevention efforts, relating to the illegal cannabis
22 market and driving under the influence of cannabis.

23 All payments from the Traffic and Criminal Conviction
24 Surcharge Fund shall be made each year from moneys
25 appropriated for the purposes specified in this Section. No
26 more than 50% of any appropriation under this Act shall be

1 spent in any city having a population of more than 500,000. The
2 State Comptroller and the State Treasurer shall from time to
3 time, at the direction of the Governor, transfer from the
4 Traffic and Criminal Conviction Surcharge Fund to the General
5 Revenue Fund in the State Treasury such amounts as the
6 Governor determines are in excess of the amounts required to
7 meet the obligations of the Traffic and Criminal Conviction
8 Surcharge Fund.

9 (Source: P.A. 101-27, eff. 6-25-19; 101-652, eff. 1-1-22;
10 102-538, eff. 8-20-21; revised 10-5-21.)

11 (50 ILCS 705/10) (from Ch. 85, par. 510)

12 Sec. 10. The Board may make, amend and rescind such rules
13 and regulations as may be necessary to carry out the
14 provisions of this Act, including those relating to the annual
15 certification of retired law enforcement officers qualified
16 under federal law to carry a concealed weapon. A copy of all
17 rules and regulations and amendments or rescissions thereof
18 shall be filed with the Secretary of State within a reasonable
19 time after their adoption. The schools certified by the Board
20 and participating in the training program may dismiss from the
21 school any trainee prior to ~~the officer's~~ his completion of
22 the course, if in the opinion of the person in charge of the
23 training school, the trainee is unable or unwilling to
24 satisfactorily complete the prescribed course of training.

25 ~~The Board shall adopt emergency rules to administer this~~

1 ~~Act in accordance with Section 5-45 of the Illinois~~
2 ~~Administrative Procedure Act. For the purposes of the Illinois~~
3 ~~Administrative Procedure Act, the General Assembly finds that~~
4 ~~the adoption of rules to implement this Act is deemed an~~
5 ~~emergency and necessary to the public interest, safety, and~~
6 ~~welfare.~~

7 (Source: P.A. 94-103, eff. 7-1-05; 101-652.)

8 (50 ILCS 705/10.1) (from Ch. 85, par. 510.1)

9 Sec. 10.1. Additional training programs. The Board shall
10 initiate, administer, and conduct training programs for
11 permanent ~~law enforcement~~ police officers and permanent county
12 corrections officers in addition to the basic recruit training
13 program. The Board may initiate, administer, and conduct
14 training programs for part-time ~~law enforcement~~ police
15 officers in addition to the basic part-time ~~law enforcement~~
16 police training course. The training for permanent and
17 part-time ~~law enforcement~~ police officers and permanent county
18 corrections officers may be given in any schools selected by
19 the Board. Such training may include all or any part of the
20 subjects enumerated in Section 7 of this Act.

21 The corporate authorities of all participating local
22 governmental agencies may elect to participate in the advanced
23 training for permanent and part-time ~~law enforcement~~ police
24 officers and permanent county corrections officers but
25 nonparticipation in this program shall not in any way affect

1 the mandatory responsibility of governmental units to
2 participate in the basic recruit training programs for
3 probationary full-time and part-time ~~law enforcement~~ police
4 and permanent county corrections officers. The failure of any
5 permanent or part-time ~~law enforcement~~ police officer or
6 permanent county corrections officer to successfully complete
7 any course authorized under this Section shall not affect the
8 officer's status as a member of the police department or
9 county sheriff's office of any local governmental agency.

10 The Board may initiate, administer, and conduct training
11 programs for clerks of circuit courts. Those training
12 programs, at the Board's discretion, may be the same or
13 variations of training programs for law enforcement officers.

14 The Board shall initiate, administer, and conduct a
15 training program regarding the set up and operation of
16 portable scales for all municipal and county police officers,
17 technicians, and employees who set up and operate portable
18 scales. This training program must include classroom and field
19 training.

20 (Source: P.A. 90-271, eff. 7-30-97, 91-129, eff. 7-16-99;
21 101-652.)

22 (50 ILCS 705/10.2)

23 (Text of Section before amendment by P.A. 101-652)

24 Sec. 10.2. Criminal background investigations.

25 (a) On and after March 14, 2002 (the effective date of

1 Public Act 92-533), an applicant for employment as a peace
2 officer, or for annual certification as a retired law
3 enforcement officer qualified under federal law to carry a
4 concealed weapon, shall authorize an investigation to
5 determine if the applicant has been convicted of, or entered a
6 plea of guilty to, any criminal offense that disqualifies the
7 person as a peace officer.

8 (b) No law enforcement agency may knowingly employ a
9 person, or certify a retired law enforcement officer qualified
10 under federal law to carry a concealed weapon, unless (i) a
11 criminal background investigation of that person has been
12 completed and (ii) that investigation reveals no convictions
13 of or pleas of guilty to offenses specified in subsection (a)
14 of Section 6.1 of this Act.

15 (Source: P.A. 101-187, eff. 1-1-20; 102-558, eff. 8-20-21.)

16 (Text of Section after amendment by P.A. 101-652)

17 Sec. 10.2. Criminal background investigations.

18 (a) On and after ~~March 14, 2002~~ (the effective date of
19 ~~Public Act 92-533~~) this amendatory Act of the 92nd General
20 Assembly, an applicant for employment as a peace officer, or
21 for annual certification as a retired law enforcement officer
22 qualified under federal law to carry a concealed weapon, shall
23 authorize an investigation to determine if the applicant has
24 been convicted of, or entered a plea of guilty to, any criminal
25 offense that disqualifies the person as a peace officer.

1 (b) No ~~governmental~~ law enforcement agency may knowingly
2 employ a person, or certify a retired law enforcement officer
3 qualified under federal law to carry a concealed weapon,
4 unless (i) a criminal background investigation of that person
5 has been completed and (ii) that investigation reveals no
6 convictions ~~of~~ or pleas of guilty ~~to~~ of offenses specified in
7 subsection (a) of Section 6.1 of this Act.

8 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;
9 102-558, eff. 8-20-21.)

10 (50 ILCS 705/10.3)

11 Sec. 10.3. Training of ~~law enforcement~~ police officers to
12 conduct electronic interrogations.

13 (a) From appropriations made to it for that purpose, the
14 Board shall initiate, administer, and conduct training
15 programs for permanent ~~law enforcement~~ police officers,
16 part-time ~~law enforcement~~ police officers, and recruits on the
17 methods and technical aspects of conducting electronic
18 recordings of interrogations.

19 (b) Subject to appropriation, the Board shall develop
20 technical guidelines for the mandated recording of custodial
21 interrogations in all homicide investigations by law
22 enforcement agencies. These guidelines shall be developed in
23 conjunction with law enforcement agencies and technology
24 accreditation groups to provide guidance for law enforcement
25 agencies in implementing the mandated recording of custodial

1 interrogations in all homicide investigations.

2 (Source: P.A. 95-688, eff. 10-23-07; 101-652.)

3 (50 ILCS 705/10.7)

4 (Text of Section before amendment by P.A. 101-652)

5 Sec. 10.7. Mandatory training; police chief and deputy
6 police chief. Each police chief and deputy police chief shall
7 obtain at least 20 hours of training each year. The training
8 must be approved by the Illinois Law Enforcement Training
9 Standards Board and must be related to law enforcement,
10 management or executive development, or ethics. This
11 requirement may be satisfied by attending any training portion
12 of a conference held by an association that represents chiefs
13 of police that has been approved by the Illinois Law
14 Enforcement Training Standards Board. Any police chief and any
15 deputy police chief, upon presentation of a certificate of
16 completion from the person or entity conducting the training,
17 shall be reimbursed by the municipality in accordance with the
18 municipal policy regulating the terms of reimbursement, for
19 his or her reasonable expenses in obtaining the training
20 required under this Section. No police chief or deputy police
21 chief may attend any recognized training offering without the
22 prior approval of his or her municipal mayor, manager, or
23 immediate supervisor.

24 This Section does not apply to the City of Chicago or the
25 Sheriff's Police Department in Cook County.

1 (Source: P.A. 102-558, eff. 8-20-21.)

2 (Text of Section after amendment by P.A. 101-652)

3 Sec. 10.7. Mandatory training; police chief and deputy
4 police chief. Each police chief and deputy police chief shall
5 obtain at least 20 hours of training each year. The training
6 must be approved by the Illinois Law Enforcement Training and
7 Standards Board and must be related to law enforcement,
8 management or executive development, or ethics. This
9 requirement may be satisfied by attending any training portion
10 of a conference held by an association that represents chiefs
11 of police that has been approved by the Illinois Law
12 Enforcement Training and Standards Board. Any police chief and
13 any deputy police chief, upon presentation of a certificate of
14 completion from the person or entity conducting the training,
15 shall be reimbursed by the municipality in accordance with the
16 municipal policy regulating the terms of reimbursement, for
17 ~~the officer's~~ his or her reasonable expenses in obtaining the
18 training required under this Section. No police chief or
19 deputy police chief may attend any recognized training
20 offering without the prior approval of ~~the officer's~~ his or
21 her municipal mayor, manager, or immediate supervisor.

22 This Section does not apply to the City of Chicago or the
23 Sheriff's Police Department in Cook County.

24 (Source: P.A. 101-652, eff. 1-1-22; 102-558, eff. 8-20-21.)

1 (50 ILCS 705/10.11)

2 (Text of Section before amendment by P.A. 101-652)

3 Sec. 10.11. Training; death and homicide investigation.

4 The Illinois Law Enforcement Training Standards Board shall
5 conduct or approve a training program in death and homicide
6 investigation for the training of law enforcement officers of
7 local government agencies. Only law enforcement officers who
8 successfully complete the training program may be assigned as
9 lead investigators in death and homicide investigations.
10 Satisfactory completion of the training program shall be
11 evidenced by a certificate issued to the law enforcement
12 officer by the Illinois Law Enforcement Training Standards
13 Board.

14 The Illinois Law Enforcement Training Standards Board
15 shall develop a process for waiver applications sent by a
16 local law enforcement agency administrator for those officers
17 whose prior training and experience as homicide investigators
18 may qualify them for a waiver. The Board may issue a waiver at
19 its discretion, based solely on the prior training and
20 experience of an officer as a homicide investigator. This
21 Section does not affect or impede the powers of the office of
22 the coroner to investigate all deaths as provided in Division
23 3-3 of the Counties Code and the Coroner Training Board Act.

24 (Source: P.A. 102-558, eff. 8-20-21.)

25 (Text of Section after amendment by P.A. 101-652)

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 999. Effective date. This Act takes effect upon
22 becoming law.

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2 Statutes amended in order of appearance

3 5 ILCS 845/Act rep.

4 730 ILCS 205/Act rep.

5 730 ILCS 210/Act rep.

6 20 ILCS 5165/Act rep.

7 5 ILCS 70/1.43 rep.

8 5 ILCS 140/2.15

9 5 ILCS 160/4a

10 5 ILCS 315/14 from Ch. 48, par. 1614

11 5 ILCS 820/1

12 5 ILCS 820/5

13 5 ILCS 820/10

14 5 ILCS 820/15

15 5 ILCS 820/20

16 5 ILCS 820/30

17 5 ILCS 820/35

18 5 ILCS 820/21 rep.

19 15 ILCS 205/10 rep.

20 20 ILCS 2605/2605-302 was 20 ILCS 2605/55a in part

21 20 ILCS 2610/14 from Ch. 121, par. 307.14

22 20 ILCS 2610/17c rep.

23 20 ILCS 3930/7.7 rep.

24 20 ILCS 3930/7.8 rep.

25 50 ILCS 105/4.1 rep.

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24	65 ILCS 5/11-5.1-2 rep.	
25	65 ILCS 5/1-2-12.1	
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3	215 ILCS 5/205	from Ch. 73, par. 817
4	230 ILCS 10/5.1	from Ch. 120, par. 2405.1
5	410 ILCS 70/7.5	
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8	625 ILCS 5/6-308	
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11	625 ILCS 5/16-103	from Ch. 95 1/2, par. 16-103
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7	730 ILCS 5/3-6-7.4 rep.	
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