

HB4498



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4498

Introduced 1/21/2022, by Rep. Patrick Windhorst and Paul Jacobs

SYNOPSIS AS INTRODUCED:

See Index

Amends various Acts to reinstate monetary bail that was abolished, effective January 1, 2023, by Public Act 101-652. Effective immediately.

LRB102 22839 RLC 31990 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 2.15 as follows:

6 (5 ILCS 140/2.15)

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

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

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

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

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

20 (e) Notwithstanding the requirements of subsection (a), a
21 law enforcement agency may not publish booking photographs,
22 commonly known as "mugshots", on its social networking website
23 in connection with civil offenses, petty offenses, business
24 offenses, Class C misdemeanors, and Class B misdemeanors
25 unless the booking photograph is posted to the social
26 networking website to assist in the search for a missing

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

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

9 Section 10. The State Records Act is amended by changing
10 Section 4a as follows:

11 (5 ILCS 160/4a)

12 Sec. 4a. Arrest records and reports.

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

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

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

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

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

24 (5) If the individual is incarcerated, the ~~conditions~~

1 ~~of pretrial release~~ amount of any bail or bond.

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

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

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

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

17 (3) compromise the security of any correctional
18 facility.

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

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

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

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

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

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

1 Section 15. The Department of State Police Law of the
2 Civil Administrative Code of Illinois is amended by changing
3 Section 2605-302 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01;

1 incorporates 92-335, eff. 8-10-01; 92-651, eff. 7-11-02;
2 101-652.)

3 Section 20. The Local Records Act is amended by changing
4 Section 3b as follows:

5 (50 ILCS 205/3b)

6 Sec. 3b. 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 media"
14 means personnel of a newspaper or other periodical issued at
15 regular intervals whether in print or electronic format, a
16 news service whether in print or electronic format, a radio
17 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 2Q00 of the Consumer Fraud and Deceptive Business Practices
6 Act.

7 (Source: P.A. 98-555, eff. 1-1-14; 99-363, eff. 1-1-16;
8 101-652.)

9 Section 25. The Counties Code is amended by changing
10 Sections 4-5001, 4-12001, and 4-12001.1 as follows:

11 (55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

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

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

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

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

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

24 For serving or attempting to serve an order for attachment

1 on each defendant in each county, \$10.

2 For serving or attempting to serve a warrant of arrest,
3 \$8, to be paid upon conviction.

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

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

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

10 For advertising property for sale, \$5.

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

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

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

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

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

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

1 office.

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

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

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

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

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

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

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

22 For making certificate of redemption, \$3.

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

26 For taking all ~~civil~~ bonds on legal process, civil and

1 criminal, in counties of first class, \$1; in second class, \$1.

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

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

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

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

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

26 For conveying any person to or from any of the charitable

1 institutions of the State, when properly committed by
2 competent authority, when one person is conveyed, 35¢ per
3 mile; when two persons are conveyed at the same time, 35¢ per
4 mile for the first person and 20¢ per mile for the second
5 person; and 10¢ per mile for each additional person.

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

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

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

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

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

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

21 The foregoing fees allowed by this Section are the maximum
22 fees that may be collected from any officer, agency,
23 department or other instrumentality of the State. The county
24 board may, however, by ordinance, increase the fees allowed by
25 this Section and collect those increased fees from all persons
26 and entities other than officers, agencies, departments and

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

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 his fee for levying and mileage, together with half
16 the fee for all money collected by him which he would be
17 entitled to if the same was made by sale to enforce the
18 judgment. In no case shall the fee exceed the amount of money
19 arising from the sale.

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

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

1 101-652.)

2 (55 ILCS 5/4-12001) (from Ch. 34, par. 4-12001)

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

8 Fees for Sheriff

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

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

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

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

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

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

21 For summoning each juror, \$10.

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

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

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

6 For serving or attempting to serve notice of judgment,
7 \$35.

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

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

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

19 For advertising property for sale, \$20.

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

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

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

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

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

9 For taking special bail, \$5.

10 For returning each process, \$15.

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

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

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

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

18 For committing to or discharging each prisoner from jail,
19 \$3.

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

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

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

3 For discharging such prisoners, \$3.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 Fees for Sheriff

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

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

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

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

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

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

2 For summoning each juror, \$4.

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

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

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

12 For serving or attempting to serve notice of judgment,
13 \$25.

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

16 For executing order of court to seize personal property,
17 \$25.

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

25 For advertising property for sale, \$3.

26 For making certificate of sale and making and filing

1 duplicate for record, \$3, and the fee for recording same shall
2 be advanced by the judgment creditor and taxed as costs.

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

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

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

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

15 For taking special bail, \$2.

16 For returning each process, \$5.

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

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

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

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

24 For committing to or discharging each prisoner from jail,
25 \$1.

26 For feeding each prisoner, such compensation to cover

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

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

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

9 For discharging such prisoners, \$1.

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

24 The fees provided for herein for transporting persons to
25 the penitentiary, reformatories, Illinois State Training
26 School for Boys, Illinois State Training School for Girls,

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

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

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

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

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

21 In all cases where the judgment is settled by the parties,
22 replevied, stopped by injunction or paid, or where the
23 property levied upon is not actually sold, the sheriff shall
24 be allowed the fee for levying and mileage, together with half
25 the fee for all money collected by him or her which he or she
26 would be entitled to if the same were made by sale in the

1 enforcement of a judgment. In no case shall the fee exceed the
2 amount of money arising from the sale.

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

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

6 Section 30. The Illinois Municipal Code is amended by
7 reenacting Section 1-2-12.1 as follows:

8 (65 ILCS 5/1-2-12.1)

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

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

14 Section 35. The Campus Security Enhancement Act of 2008 is
15 amended by changing Section 15 as follows:

16 (110 ILCS 12/15)

17 Sec. 15. Arrest reports.

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

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

1 if available.

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

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

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

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

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

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

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

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

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

26 (c) For the purposes of this Section the term "news media"

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

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

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

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

18 Section 40. The Illinois Insurance Code is amended by
19 changing Sections 143.19, 143.19.1, and 205 as follows:

20 (215 ILCS 5/143.19) (from Ch. 73, par. 755.19)

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

1 option to cancel such policy except for one or more of the
2 following reasons:

3 a. Nonpayment of premium;

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

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

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

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

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

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

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

24 3. has an accident record, conviction record
25 (criminal or traffic), physical, or mental condition
26 which is such that his operation of an automobile

1 might endanger the public safety;

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

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

- 1 g. The insured automobile is:
- 2 1. so mechanically defective that its operation
- 3 might endanger public safety;
- 4 2. used in carrying passengers for hire or
- 5 compensation (the use of an automobile for a car pool
- 6 shall not be considered use of an automobile for hire
- 7 or compensation);
- 8 3. used in the business of transportation of
- 9 flammables or explosives;
- 10 4. an authorized emergency vehicle;
- 11 5. changed in shape or condition during the policy
- 12 period so as to increase the risk substantially; or
- 13 6. subject to an inspection law and has not been
- 14 inspected or, if inspected, has failed to qualify.

15 Nothing in this Section shall apply to nonrenewal.

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

17 (215 ILCS 5/143.19.1) (from Ch. 73, par. 755.19.1)

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

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

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

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

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

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

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

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

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

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

25 5. Has been convicted or ~~pretrial release has been~~
26 ~~revoked~~ forfeited bail, during the 36 months immediately

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

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

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

26 3. Used in the business of transportation of

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

10 (Source: P.A. 89-669, eff. 1-1-97; 101-652.)

11 (215 ILCS 5/205) (from Ch. 73, par. 817)

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

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

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

15 (a) The costs and expenses of administration,

16 including, but not limited to, the following:

17 (i) The reasonable expenses of the Illinois

18 Insurance Guaranty Fund, the Illinois Life and Health

19 Insurance Guaranty Association, and the Illinois

20 Health Maintenance Organization Guaranty Association

21 and of any similar organization in any other state,

22 including overhead, salaries, and other general

23 administrative expenses allocable to the receivership

24 (administrative and claims handling expenses and

25 expenses in connection with arrangements for ongoing

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

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

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

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

26 (3) any necessary filing fees;

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

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

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

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

1 shall have a priority of distribution immediately
2 following that of federal claims under paragraph (f) and
3 immediately preceding claims of general creditors under
4 paragraph (g).

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

1 amounts that are not based upon mortality or morbidity
2 contingencies.

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

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

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

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

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

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

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

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

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

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

1 insurer's estate.

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

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

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

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

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

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

1 Section 45. The Illinois Gambling Act is amended by
2 changing Section 5.1 as follows:

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

4 Sec. 5.1. Disclosure of records.

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

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

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

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

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

24 (5) Whether an applicant or licensee has had any
25 license or certificate issued by a licensing authority in
26 Illinois or any other jurisdiction denied, restricted,

1 suspended, revoked or not renewed and a statement
2 describing the facts and circumstances concerning the
3 denial, restriction, suspension, revocation or
4 non-renewal, including the licensing authority, the date
5 each such action was taken, and the reason for each such
6 action.

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

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

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

1 an applicant or licensee.

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

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

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

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

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

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

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

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

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

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

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

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

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

16 Section 50. The Illinois Vehicle Code is amended by
17 changing Sections 6-204, 6-308, 6-500, 6-601, and 16-103 as
18 follows:

19 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

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

21 (a) For the purpose of providing to the Secretary of State
22 the records essential to the performance of the Secretary's
23 duties under this Code to cancel, revoke or suspend the
24 driver's license and privilege to drive motor vehicles of

1 certain minors and of persons found guilty of the criminal
2 offenses or traffic violations which this Code recognizes as
3 evidence relating to unfitness to safely operate motor
4 vehicles, the following duties are imposed upon public
5 officials:

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

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

1 12-202 (clearance, identification and side marker lamps),
2 12-204 (lamp or flag on projecting load), 12-205 (failure
3 to display the safety lights required), 12-401
4 (restrictions as to tire equipment), 12-502 (mirrors),
5 12-503 (windshields must be unobstructed and equipped with
6 wipers), 12-601 (horns and warning devices), 12-602
7 (mufflers, prevention of noise or smoke), 12-603 (seat
8 safety belts), 12-702 (certain vehicles to carry flares or
9 other warning devices), 12-703 (vehicles for oiling roads
10 operated on highways), 12-710 (splash guards and
11 replacements), 13-101 (safety tests), 15-101 (size, weight
12 and load), 15-102 (width), 15-103 (height), 15-104 (name
13 and address on second division vehicles), 15-107 (length
14 of vehicle), 15-109.1 (cover or tarpaulin), 15-111
15 (weights), 15-112 (weights), 15-301 (weights), 15-316
16 (weights), 15-318 (weights), and also excepting the
17 following enumerated Sections of the Chicago Municipal
18 Code: Sections 27-245 (following fire apparatus), 27-254
19 (obstruction of traffic), 27-258 (driving vehicle which is
20 in unsafe condition), 27-259 (coasting on downgrade),
21 27-264 (use of horns and signal devices), 27-265
22 (obstruction to driver's view or driver mechanism), 27-267
23 (dimming of headlights), 27-268 (unattended motor
24 vehicle), 27-272 (illegal funeral procession), 27-273
25 (funeral procession on boulevard), 27-275 (driving freight
26 hauling vehicles on boulevard), 27-276 (stopping and

1 standing of buses or taxicabs), 27-277 (cruising of public
2 passenger vehicles), 27-305 (parallel parking), 27-306
3 (diagonal parking), 27-307 (parking not to obstruct
4 traffic), 27-308 (stopping, standing or parking
5 regulated), 27-311 (parking regulations), 27-312 (parking
6 regulations), 27-313 (parking regulations), 27-314
7 (parking regulations), 27-315 (parking regulations),
8 27-316 (parking regulations), 27-317 (parking
9 regulations), 27-318 (parking regulations), 27-319
10 (parking regulations), 27-320 (parking regulations),
11 27-321 (parking regulations), 27-322 (parking
12 regulations), 27-324 (loading and unloading at an angle),
13 27-333 (wheel and axle loads), 27-334 (load restrictions
14 in the downtown district), 27-335 (load restrictions in
15 residential areas), 27-338 (width of vehicles), 27-339
16 (height of vehicles), 27-340 (length of vehicles), 27-352
17 (reflectors on trailers), 27-353 (mufflers), 27-354
18 (display of plates), 27-355 (display of city vehicle tax
19 sticker), 27-357 (identification of vehicles), 27-358
20 (projecting of loads), and also excepting the following
21 enumerated paragraphs of Section 2-201 of the Rules and
22 Regulations of the Illinois State Toll Highway Authority:
23 (l) (driving unsafe vehicle on tollway), (m) (vehicles
24 transporting dangerous cargo not properly indicated), it
25 shall be the duty of the clerk of the court in which such
26 conviction is had within 5 days thereafter to forward to

1 the Secretary of State a report of the conviction and the
2 court may recommend the suspension of the driver's license
3 or permit of the person so convicted.

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

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

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

23 (3) Whenever an order is entered vacating the
24 ~~conditions of pretrial release~~ forfeiture of any bail,
25 security, or bond given to secure appearance for any
26 offense under this Code or similar offenses under

1 municipal ordinance, it shall be the duty of the clerk of
2 the court in which such vacation was had or the judge of
3 such court if such court has no clerk, within 5 days
4 thereafter to forward to the Secretary of State a report
5 of the vacation.

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

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

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

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

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

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

1 administrator of any other state. In accordance with 49 C.F.R.
2 Part 384, all reports of court supervision, except violations
3 related to parking, shall be forwarded to the Secretary of
4 State for all holders of a CLP or CDL or any driver who commits
5 an offense while driving a commercial motor vehicle. These
6 reports shall be recorded to the driver's record as a
7 conviction for use in the disqualification of the driver's
8 commercial motor vehicle privileges and shall not be
9 privileged information.

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

12 (625 ILCS 5/6-308)

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

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

1 ~~of pretrial release~~ bail set or to avoid undue delay because of
2 the hour or circumstances.

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

25 (c) Illinois Supreme Court Rules shall govern ~~pretrial~~
26 ~~release~~ bail and appearance procedures when a person who is a

1 resident of another state that is not a member of the
2 Nonresident Violator Compact of 1977 is cited for violating
3 this Code or a similar provision of a local ordinance.

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

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

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

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

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

15 (A) the number of grams of alcohol per 210 liters of
16 breath; or

17 (B) the number of grams of alcohol per 100 milliliters
18 of blood; or

19 (C) the number of grams of alcohol per 67 milliliters
20 of urine.

21 Alcohol tests administered within 2 hours of the driver
22 being "stopped or detained" shall be considered that driver's
23 "alcohol concentration" for the purposes of enforcing this
24 UCDLA.

25 (3) (Blank).

1 (4) (Blank).

2 (5) (Blank).

3 (5.3) CDLIS driver record. "CDLIS driver record" means the
4 electronic record of the individual CDL driver's status and
5 history stored by the State-of-Record as part of the
6 Commercial Driver's License Information System, or CDLIS,
7 established under 49 U.S.C. 31309.

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

14 (5.7) Commercial driver's license downgrade. "Commercial
15 driver's license downgrade" or "CDL downgrade" means either:

16 (A) a state allows the driver to change his or her
17 self-certification to interstate, but operating
18 exclusively in transportation or operation excepted from
19 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
20 391.2, 391.68, or 398.3;

21 (B) a state allows the driver to change his or her
22 self-certification to intrastate only, if the driver
23 qualifies under that state's physical qualification
24 requirements for intrastate only;

25 (C) a state allows the driver to change his or her
26 certification to intrastate, but operating exclusively in

1 transportation or operations excepted from all or part of
2 the state driver qualification requirements; or

3 (D) a state removes the CDL privilege from the driver
4 license.

5 (6) Commercial Motor Vehicle.

6 (A) "Commercial motor vehicle" or "CMV" means a motor
7 vehicle or combination of motor vehicles used in commerce,
8 except those referred to in subdivision (B), designed to
9 transport passengers or property if the motor vehicle:

10 (i) has a gross combination weight rating or gross
11 combination weight of 11,794 kilograms or more (26,001
12 pounds or more), whichever is greater, inclusive of
13 any towed unit with a gross vehicle weight rating or
14 gross vehicle weight of more than 4,536 kilograms
15 (10,000 pounds), whichever is greater; or

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

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

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

23 (B) Pursuant to the interpretation of the Commercial
24 Motor Vehicle Safety Act of 1986 by the Federal Highway
25 Administration, the definition of "commercial motor
26 vehicle" does not include:

1 (i) recreational vehicles, when operated primarily
2 for personal use;

3 (ii) vehicles owned by or operated under the
4 direction of the United States Department of Defense
5 or the United States Coast Guard only when operated by
6 non-civilian personnel. This includes any operator on
7 active military duty; members of the Reserves;
8 National Guard; personnel on part-time training; and
9 National Guard military technicians (civilians who are
10 required to wear military uniforms and are subject to
11 the Code of Military Justice); or

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

22 (7) Controlled Substance. "Controlled substance" shall
23 have the same meaning as defined in Section 102 of the Illinois
24 Controlled Substances Act, and shall also include cannabis as
25 defined in Section 3 of the Cannabis Control Act and
26 methamphetamine as defined in Section 10 of the

1 Methamphetamine Control and Community Protection Act.

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

15 (8.5) Day. "Day" means calendar day.

16 (9) (Blank).

17 (10) (Blank).

18 (11) (Blank).

19 (12) (Blank).

20 (13) Driver. "Driver" means any person who drives,
21 operates, or is in physical control of a commercial motor
22 vehicle, any person who is required to hold a CDL, or any
23 person who is a holder of a CDL while operating a
24 non-commercial motor vehicle.

25 (13.5) Driver applicant. "Driver applicant" means an
26 individual who applies to a state or other jurisdiction to

1 obtain, transfer, upgrade, or renew a CDL or to obtain or renew
2 a CLP.

3 (13.8) Electronic device. "Electronic device" includes,
4 but is not limited to, a cellular telephone, personal digital
5 assistant, pager, computer, or any other device used to input,
6 write, send, receive, or read text.

7 (14) Employee. "Employee" means a person who is employed
8 as a commercial motor vehicle driver. A person who is
9 self-employed as a commercial motor vehicle driver must comply
10 with the requirements of this UCDLA pertaining to employees.
11 An owner-operator on a long-term lease shall be considered an
12 employee.

13 (15) Employer. "Employer" means a person (including the
14 United States, a State or a local authority) who owns or leases
15 a commercial motor vehicle or assigns employees to operate
16 such a vehicle. A person who is self-employed as a commercial
17 motor vehicle driver must comply with the requirements of this
18 UCDLA.

19 (15.1) Endorsement. "Endorsement" means an authorization
20 to an individual's CLP or CDL required to permit the
21 individual to operate certain types of commercial motor
22 vehicles.

23 (15.2) Entry-level driver training. "Entry-level driver
24 training" means the training an entry-level driver receives
25 from an entity listed on the Federal Motor Carrier Safety
26 Administration's Training Provider Registry prior to: (i)

1 taking the CDL skills test required to receive the Class A or
2 Class B CDL for the first time; (ii) taking the CDL skills test
3 required to upgrade to a Class A or Class B CDL; or (iii)
4 taking the CDL skills test required to obtain a passenger or
5 school bus endorsement for the first time or the CDL knowledge
6 test required to obtain a hazardous materials endorsement for
7 the first time.

8 (15.3) Excepted interstate. "Excepted interstate" means a
9 person who operates or expects to operate in interstate
10 commerce, but engages exclusively in transportation or
11 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68,
12 or 398.3 from all or part of the qualification requirements of
13 49 C.F.R. Part 391 and is not required to obtain a medical
14 examiner's certificate by 49 C.F.R. 391.45.

15 (15.5) Excepted intrastate. "Excepted intrastate" means a
16 person who operates in intrastate commerce but engages
17 exclusively in transportation or operations excepted from all
18 or parts of the state driver qualification requirements.

19 (16) (Blank).

20 (16.5) Fatality. "Fatality" means the death of a person as
21 a result of a motor vehicle accident.

22 (16.7) Foreign commercial driver. "Foreign commercial
23 driver" means a person licensed to operate a commercial motor
24 vehicle by an authority outside the United States, or a
25 citizen of a foreign country who operates a commercial motor
26 vehicle in the United States.

1 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
2 sovereign jurisdiction that does not fall within the
3 definition of "State".

4 (18) (Blank).

5 (19) (Blank).

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

11 (20.5) Imminent Hazard. "Imminent hazard" means the
12 existence of any condition of a vehicle, employee, or
13 commercial motor vehicle operations that substantially
14 increases the likelihood of serious injury or death if not
15 discontinued immediately; or a condition relating to hazardous
16 material that presents a substantial likelihood that death,
17 serious illness, severe personal injury, or a substantial
18 endangerment to health, property, or the environment may occur
19 before the reasonably foreseeable completion date of a formal
20 proceeding begun to lessen the risk of that death, illness,
21 injury or endangerment.

22 (20.6) Issuance. "Issuance" means initial issuance,
23 transfer, renewal, or upgrade of a CLP or CDL and
24 non-domiciled CLP or CDL.

25 (20.7) Issue. "Issue" means initial issuance, transfer,
26 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or

1 non-domiciled CDL.

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

5 (21.01) Manual transmission. "Manual transmission" means a
6 transmission utilizing a driver-operated clutch that is
7 activated by a pedal or lever and a gear-shift mechanism
8 operated either by hand or foot including those known as a
9 stick shift, stick, straight drive, or standard transmission.
10 All other transmissions, whether semi-automatic or automatic,
11 shall be considered automatic for the purposes of the
12 standardized restriction code.

13 (21.1) Medical examiner. "Medical examiner" means an
14 individual certified by the Federal Motor Carrier Safety
15 Administration and listed on the National Registry of
16 Certified Medical Examiners in accordance with Federal Motor
17 Carrier Safety Regulations, 49 CFR 390.101 et seq.

18 (21.2) Medical examiner's certificate. "Medical examiner's
19 certificate" means either (1) prior to June 22, 2021, a
20 document prescribed or approved by the Secretary of State that
21 is issued by a medical examiner to a driver to medically
22 qualify him or her to drive; or (2) beginning June 22, 2021, an
23 electronic submission of results of an examination conducted
24 by a medical examiner listed on the National Registry of
25 Certified Medical Examiners to the Federal Motor Carrier
26 Safety Administration of a driver to medically qualify him or

1 her to drive.

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

11 (21.7) Mobile telephone. "Mobile telephone" means a mobile
12 communication device that falls under or uses any commercial
13 mobile radio service, as defined in regulations of the Federal
14 Communications Commission, 47 CFR 20.3. It does not include
15 two-way or citizens band radio services.

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

21 (22.2) Motor vehicle record. "Motor vehicle record" means
22 a report of the driving status and history of a driver
23 generated from the driver record provided to users, such as
24 drivers or employers, and is subject to the provisions of the
25 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

26 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or

1 combination of motor vehicles not defined by the term
2 "commercial motor vehicle" or "CMV" in this Section.

3 (22.7) Non-excepted interstate. "Non-excepted interstate"
4 means a person who operates or expects to operate in
5 interstate commerce, is subject to and meets the qualification
6 requirements under 49 C.F.R. Part 391, and is required to
7 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

8 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
9 means a person who operates only in intrastate commerce and is
10 subject to State driver qualification requirements.

11 (23) Non-domiciled CLP or Non-domiciled CDL.
12 "Non-domiciled CLP" or "Non-domiciled CDL" means a CLP or CDL,
13 respectively, issued by a state or other jurisdiction under
14 either of the following two conditions:

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

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

21 (24) (Blank).

22 (25) (Blank).

23 (25.5) Railroad-Highway Grade Crossing Violation.
24 "Railroad-highway grade crossing violation" means a violation,
25 while operating a commercial motor vehicle, of any of the
26 following:

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

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

4 (25.7) School Bus. "School bus" means a commercial motor
5 vehicle used to transport pre-primary, primary, or secondary
6 school students from home to school, from school to home, or to
7 and from school-sponsored events. "School bus" does not
8 include a bus used as a common carrier.

9 (26) Serious Traffic Violation. "Serious traffic
10 violation" means:

11 (A) a conviction when operating a commercial motor
12 vehicle, or when operating a non-CMV while holding a CLP
13 or CDL, of:

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

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

18 (iii) a violation of any State law or local
19 ordinance relating to motor vehicle traffic control
20 (other than parking violations) arising in connection
21 with a fatal traffic accident; or

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

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

26 or

1 (vi) a violation relating to improper or erratic
2 traffic lane changes; or

3 (vii) a violation relating to following another
4 vehicle too closely; or

5 (viii) a violation relating to texting while
6 driving; or

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

9 (B) any other similar violation of a law or local
10 ordinance of any state relating to motor vehicle traffic
11 control, other than a parking violation, which the
12 Secretary of State determines by administrative rule to be
13 serious.

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

17 (28) (Blank).

18 (29) (Blank).

19 (30) (Blank).

20 (31) (Blank).

21 (32) Texting. "Texting" means manually entering
22 alphanumeric text into, or reading text from, an electronic
23 device.

24 (1) Texting includes, but is not limited to, short
25 message service, emailing, instant messaging, a command or
26 request to access a World Wide Web page, pressing more

1 than a single button to initiate or terminate a voice
2 communication using a mobile telephone, or engaging in any
3 other form of electronic text retrieval or entry for
4 present or future communication.

5 (2) Texting does not include:

6 (i) inputting, selecting, or reading information
7 on a global positioning system or navigation system;
8 or

9 (ii) pressing a single button to initiate or
10 terminate a voice communication using a mobile
11 telephone; or

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

18 (32.3) Third party skills test examiner. "Third party
19 skills test examiner" means a person employed by a third party
20 tester who is authorized by the State to administer the CDL
21 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

22 (32.5) Third party tester. "Third party tester" means a
23 person (including, but not limited to, another state, a motor
24 carrier, a private driver training facility or other private
25 institution, or a department, agency, or instrumentality of a
26 local government) authorized by the State to employ skills

1 test examiners to administer the CDL skills tests specified in
2 49 C.F.R. Part 383, subparts G and H.

3 (32.7) United States. "United States" means the 50 states
4 and the District of Columbia.

5 (33) Use a hand-held mobile telephone. "Use a hand-held
6 mobile telephone" means:

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

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

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

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

19 (625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)

20 Sec. 6-601. Penalties.

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

25 (b) General penalties. Unless another penalty is in this

1 Code or other laws of this State, every person convicted of a
2 petty offense for the violation of any provision of this
3 Chapter shall be punished by a fine of not more than \$500.

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

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

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

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

19 If a licensee under this Code is convicted of violating
20 Section 6-303 for operating a motor vehicle during a time when
21 such licensee's driver's license was suspended under the
22 provisions of Section 6-306.3 or 6-308, then such act shall be
23 a petty offense (provided the licensee has answered the charge
24 which was the basis of the suspension under Section 6-306.3 or
25 6-308), and there shall be imposed no additional like period
26 of suspension as provided in paragraph (b) of Section 6-303.

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

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

14 (625 ILCS 5/16-103) (from Ch. 95 1/2, par. 16-103)

15 Sec. 16-103. Arrest outside county where violation
16 committed.

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

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

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

13 Section 55. The Snowmobile Registration and Safety Act is
14 amended by changing Section 5-7 as follows:

15 (625 ILCS 40/5-7)

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

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

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

23 1. The alcohol concentration in that person's blood,
24 other bodily substance, or breath is a concentration at

1 which driving a motor vehicle is prohibited under
2 subdivision (1) of subsection (a) of Section 11-501 of the
3 Illinois Vehicle Code;

4 2. The person is under the influence of alcohol;

5 3. The person is under the influence of any other drug
6 or combination of drugs to a degree that renders that
7 person incapable of safely operating a snowmobile;

8 3.1. The person is under the influence of any
9 intoxicating compound or combination of intoxicating
10 compounds to a degree that renders the person incapable of
11 safely operating a snowmobile;

12 4. The person is under the combined influence of
13 alcohol and any other drug or drugs or intoxicating
14 compound or compounds to a degree that renders that person
15 incapable of safely operating a snowmobile;

16 4.3. The person who is not a CDL holder has a
17 tetrahydrocannabinol concentration in the person's whole
18 blood or other bodily substance at which driving a motor
19 vehicle is prohibited under subdivision (7) of subsection
20 (a) of Section 11-501 of the Illinois Vehicle Code;

21 4.5. The person who is a CDL holder has any amount of a
22 drug, substance, or compound in the person's breath,
23 blood, other bodily substance, or urine resulting from the
24 unlawful use or consumption of cannabis listed in the
25 Cannabis Control Act; or

26 5. There is any amount of a drug, substance, or

1 compound in that person's breath, blood, other bodily
2 substance, or urine resulting from the unlawful use or
3 consumption of a controlled substance listed in the
4 Illinois Controlled Substances Act, methamphetamine as
5 listed in the Methamphetamine Control and Community
6 Protection Act, or intoxicating compound listed in the use
7 of Intoxicating Compounds Act.

8 (b) The fact that a person charged with violating this
9 Section is or has been legally entitled to use alcohol, other
10 drug or drugs, any intoxicating compound or compounds, or any
11 combination of them does not constitute a defense against a
12 charge of violating this Section.

13 (c) Every person convicted of violating this Section or a
14 similar provision of a local ordinance is guilty of a Class A
15 misdemeanor, except as otherwise provided in this Section.

16 (c-1) As used in this Section, "first time offender" means
17 any person who has not had a previous conviction or been
18 assigned supervision for violating this Section or a similar
19 provision of a local ordinance, or any person who has not had a
20 suspension imposed under subsection (e) of Section 5-7.1.

21 (c-2) For purposes of this Section, the following are
22 equivalent to a conviction:

23 (1) a forfeiture of bail or collateral deposited to
24 secure a defendant's appearance in court when forfeiture
25 has not been vacated; or

26 (2) the failure of a defendant to appear for trial.

1 (d) Every person convicted of violating this Section is
2 guilty of a Class 4 felony if:

3 1. The person has a previous conviction under this
4 Section;

5 2. The offense results in personal injury where a
6 person other than the operator suffers great bodily harm
7 or permanent disability or disfigurement, when the
8 violation was a proximate cause of the injuries. A person
9 guilty of a Class 4 felony under this paragraph 2, if
10 sentenced to a term of imprisonment, shall be sentenced to
11 not less than one year nor more than 12 years; or

12 3. The offense occurred during a period in which the
13 person's privileges to operate a snowmobile are revoked or
14 suspended, and the revocation or suspension was for a
15 violation of this Section or was imposed under Section
16 5-7.1.

17 (e) Every person convicted of violating this Section is
18 guilty of a Class 2 felony if the offense results in the death
19 of a person. A person guilty of a Class 2 felony under this
20 subsection (e), if sentenced to a term of imprisonment, shall
21 be sentenced to a term of not less than 3 years and not more
22 than 14 years.

23 (e-1) Every person convicted of violating this Section or
24 a similar provision of a local ordinance who had a child under
25 the age of 16 on board the snowmobile at the time of offense
26 shall be subject to a mandatory minimum fine of \$500 and shall

1 be subject to a mandatory minimum of 5 days of community
2 service in a program benefiting children. The assignment under
3 this subsection shall not be subject to suspension nor shall
4 the person be eligible for probation in order to reduce the
5 assignment.

6 (e-2) Every person found guilty of violating this Section,
7 whose operation of a snowmobile while in violation of this
8 Section proximately caused any incident resulting in an
9 appropriate emergency response, shall be liable for the
10 expense of an emergency response as provided in subsection (i)
11 of Section 11-501.01 of the Illinois Vehicle Code.

12 (e-3) In addition to any other penalties and liabilities,
13 a person who is found guilty of violating this Section,
14 including any person placed on court supervision, shall be
15 fined \$100, payable to the circuit clerk, who shall distribute
16 the money to the law enforcement agency that made the arrest or
17 as provided in subsection (c) of Section 10-5 of the Criminal
18 and Traffic Assessment Act if the arresting agency is a State
19 agency, unless more than one agency is responsible for the
20 arrest, in which case the amount shall be remitted to each unit
21 of government equally. Any moneys received by a law
22 enforcement agency under this subsection (e-3) shall be used
23 to purchase law enforcement equipment or to provide law
24 enforcement training that will assist in the prevention of
25 alcohol related criminal violence throughout the State. Law
26 enforcement equipment shall include, but is not limited to,

1 in-car video cameras, radar and laser speed detection devices,
2 and alcohol breath testers.

3 (f) In addition to any criminal penalties imposed, the
4 Department of Natural Resources shall suspend the snowmobile
5 operation privileges of a person convicted or found guilty of
6 a misdemeanor under this Section for a period of one year,
7 except that first-time offenders are exempt from this
8 mandatory one-year ~~one-year~~ suspension.

9 (g) In addition to any criminal penalties imposed, the
10 Department of Natural Resources shall suspend for a period of
11 5 years the snowmobile operation privileges of any person
12 convicted or found guilty of a felony under this Section.

13 (Source: P.A. 102-145, eff. 7-23-21; revised 8-5-21.)

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

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

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

21 1. The alcohol concentration in that person's blood,
22 other bodily substance, or breath is a concentration at
23 which driving a motor vehicle is prohibited under
24 subdivision (1) of subsection (a) of Section 11-501 of the
25 Illinois Vehicle Code;

1 2. The person is under the influence of alcohol;

2 3. The person is under the influence of any other drug
3 or combination of drugs to a degree that renders that
4 person incapable of safely operating a snowmobile;

5 3.1. The person is under the influence of any
6 intoxicating compound or combination of intoxicating
7 compounds to a degree that renders the person incapable of
8 safely operating a snowmobile;

9 4. The person is under the combined influence of
10 alcohol and any other drug or drugs or intoxicating
11 compound or compounds to a degree that renders that person
12 incapable of safely operating a snowmobile;

13 4.3. The person who is not a CDL holder has a
14 tetrahydrocannabinol concentration in the person's whole
15 blood or other bodily substance at which driving a motor
16 vehicle is prohibited under subdivision (7) of subsection
17 (a) of Section 11-501 of the Illinois Vehicle Code;

18 4.5. The person who is a CDL holder has any amount of a
19 drug, substance, or compound in the person's breath,
20 blood, other bodily substance, or urine resulting from the
21 unlawful use or consumption of cannabis listed in the
22 Cannabis Control Act; or

23 5. There is any amount of a drug, substance, or
24 compound in that person's breath, blood, other bodily
25 substance, or urine resulting from the unlawful use or
26 consumption of a controlled substance listed in the

1 Illinois Controlled Substances Act, methamphetamine as
2 listed in the Methamphetamine Control and Community
3 Protection Act, or intoxicating compound listed in the use
4 of Intoxicating Compounds Act.

5 (b) The fact that a person charged with violating this
6 Section is or has been legally entitled to use alcohol, other
7 drug or drugs, any intoxicating compound or compounds, or any
8 combination of them does not constitute a defense against a
9 charge of violating this Section.

10 (c) Every person convicted of violating this Section or a
11 similar provision of a local ordinance is guilty of a Class A
12 misdemeanor, except as otherwise provided in this Section.

13 (c-1) As used in this Section, "first time offender" means
14 any person who has not had a previous conviction or been
15 assigned supervision for violating this Section or a similar
16 provision of a local ordinance, or any person who has not had a
17 suspension imposed under subsection (e) of Section 5-7.1.

18 (c-2) For purposes of this Section, the following are
19 equivalent to a conviction:

20 (1) a ~~violation of the terms of pretrial release when~~
21 ~~the court has not relieved the defendant of complying with~~
22 ~~the terms of pretrial release~~ forfeiture of bail or
23 collateral deposited to secure a defendant's appearance in
24 court when forfeiture 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. 101-652, eff. 1-1-23; 102-145, eff. 7-23-21;
13 revised 8-5-21.)

14 Section 60. The Clerks of Courts Act is amended by
15 changing Section 27.3b as follows:

16 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

17 (Text of Section before amendment by P.A. 102-356 and
18 101-652)

19 Sec. 27.3b. The clerk of court may accept payment of
20 fines, penalties, or costs by credit card or debit card
21 approved by the clerk from an offender who has been convicted
22 of or placed on court supervision for a traffic offense, petty
23 offense, ordinance offense, or misdemeanor or who has been
24 convicted of a felony offense. The clerk of the circuit court

1 may accept credit card payments over the Internet for fines,
2 penalties, or costs from offenders on voluntary electronic
3 pleas of guilty in minor traffic and conservation offenses to
4 satisfy the requirement of written pleas of guilty as provided
5 in Illinois Supreme Court Rule 529. The clerk of the court may
6 also accept payment of statutory fees by a credit card or debit
7 card. The clerk of the court may also accept the credit card or
8 debit card for the cash deposit of bail bond fees.

9 The clerk of the circuit court is authorized to enter into
10 contracts with credit card or debit card companies approved by
11 the clerk and to negotiate the payment of convenience and
12 administrative fees normally charged by those companies for
13 allowing the clerk of the circuit court to accept their credit
14 cards or debit cards in payment as authorized herein. The
15 clerk of the circuit court is authorized to enter into
16 contracts with third party fund guarantors, facilitators, and
17 service providers under which those entities may contract
18 directly with customers of the clerk of the circuit court and
19 guarantee and remit the payments to the clerk of the circuit
20 court. Where the offender pays fines, penalties, or costs by
21 credit card or debit card or through a third party fund
22 guarantor, facilitator, or service provider, or anyone paying
23 statutory fees of the circuit court clerk or the posting of
24 cash bail, the clerk shall collect a service fee of up to \$5 or
25 the amount charged to the clerk for use of its services by the
26 credit card or debit card issuer, third party fund guarantor,

1 facilitator, or service provider. This service fee shall be in
2 addition to any other fines, penalties, or costs. The clerk of
3 the circuit court is authorized to negotiate the assessment of
4 convenience and administrative fees by the third party fund
5 guarantors, facilitators, and service providers with the
6 revenue earned by the clerk of the circuit court to be remitted
7 to the county general revenue fund.

8 (Source: P.A. 95-331, eff. 8-21-07.)

9 (Text of Section after amendment by P.A. 102-356 but
10 before amendment by P.A. 101-652)

11 Sec. 27.3b. The clerk of court may accept payment of
12 fines, penalties, or costs by certified check, credit card, or
13 debit card approved by the clerk from an offender who has been
14 convicted of or placed on court supervision for a traffic
15 offense, petty offense, ordinance offense, or misdemeanor or
16 who has been convicted of a felony offense. The clerk of the
17 circuit court shall accept credit card payments over the
18 Internet for fines, penalties, court costs, or costs from
19 offenders on voluntary electronic pleas of guilty in minor
20 traffic and conservation offenses to satisfy the requirement
21 of written pleas of guilty as provided in Illinois Supreme
22 Court Rule 529. The clerk of the court may also accept payment
23 of statutory fees by a credit card or debit card. The clerk of
24 the court may also accept the credit card or debit card for the
25 cash deposit of bail bond fees.

1 The clerk of the circuit court is authorized to enter into
2 contracts with credit card or debit card companies approved by
3 the clerk and to negotiate the payment of convenience and
4 administrative fees normally charged by those companies for
5 allowing the clerk of the circuit court to accept their credit
6 cards or debit cards in payment as authorized herein. The
7 clerk of the circuit court is authorized to enter into
8 contracts with third party fund guarantors, facilitators, and
9 service providers under which those entities may contract
10 directly with customers of the clerk of the circuit court and
11 guarantee and remit the payments to the clerk of the circuit
12 court. Where the offender pays fines, penalties, or costs by
13 credit card or debit card or through a third party fund
14 guarantor, facilitator, or service provider, or anyone paying
15 statutory fees of the circuit court clerk or the posting of
16 cash bail, the clerk shall collect a service fee of up to \$5 or
17 the amount charged to the clerk for use of its services by the
18 credit card or debit card issuer, third party fund guarantor,
19 facilitator, or service provider. This service fee shall be in
20 addition to any other fines, penalties, or costs. The clerk of
21 the circuit court is authorized to negotiate the assessment of
22 convenience and administrative fees by the third party fund
23 guarantors, facilitators, and service providers with the
24 revenue earned by the clerk of the circuit court to be remitted
25 to the county general revenue fund.

26 As used in this Section, "certified check" has the meaning

1 provided in Section 3-409 of the Uniform Commercial Code.

2 (Source: P.A. 95-331, eff. 8-21-07; 102-356, eff. 1-1-22.)

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

4 Sec. 27.3b. The clerk of court may accept payment of
5 fines, penalties, or costs by certified check, credit card, or
6 debit card approved by the clerk from an offender who has been
7 convicted of or placed on court supervision for a traffic
8 offense, petty offense, ordinance offense, or misdemeanor or
9 who has been convicted of a felony offense. The clerk of the
10 circuit court shall accept credit card payments over the
11 Internet for fines, penalties, court costs, or costs from
12 offenders on voluntary electronic pleas of guilty in minor
13 traffic and conservation offenses to satisfy the requirement
14 of written pleas of guilty as provided in Illinois Supreme
15 Court Rule 529. The clerk of the court may also accept payment
16 of statutory fees by a credit card or debit card. The clerk of
17 the court may also accept the credit card or debit card for the
18 cash deposit of bail bond fees.

19 The clerk of the circuit court is authorized to enter into
20 contracts with credit card or debit card companies approved by
21 the clerk and to negotiate the payment of convenience and
22 administrative fees normally charged by those companies for
23 allowing the clerk of the circuit court to accept their credit
24 cards or debit cards in payment as authorized herein. The
25 clerk of the circuit court is authorized to enter into

1 contracts with third party fund guarantors, facilitators, and
2 service providers under which those entities may contract
3 directly with customers of the clerk of the circuit court and
4 guarantee and remit the payments to the clerk of the circuit
5 court. Where the offender pays fines, penalties, or costs by
6 credit card or debit card or through a third party fund
7 guarantor, facilitator, or service provider, or anyone paying
8 statutory fees of the circuit court clerk or the posting of
9 cash bail, the clerk shall collect a service fee of up to \$5 or
10 the amount charged to the clerk for use of its services by the
11 credit card or debit card issuer, third party fund guarantor,
12 facilitator, or service provider. This service fee shall be in
13 addition to any other fines, penalties, or costs. The clerk of
14 the circuit court is authorized to negotiate the assessment of
15 convenience and administrative fees by the third party fund
16 guarantors, facilitators, and service providers with the
17 revenue earned by the clerk of the circuit court to be remitted
18 to the county general revenue fund.

19 As used in this Section, "certified check" has the meaning
20 provided in Section 3-409 of the Uniform Commercial Code.

21 (Source: P.A. 101-652, eff. 1-1-23; 102-356, eff. 1-1-22.)

22 Section 65. The Attorney Act is amended by changing
23 Section 9 as follows:

24 (705 ILCS 205/9) (from Ch. 13, par. 9)

1 Sec. 9. All attorneys and counselors at law, judges,
2 clerks and sheriffs, and all other officers of the several
3 courts within this state, shall be liable to be arrested and
4 held to ~~terms of pretrial release~~ bail, and shall be subject to
5 the same legal process, and may in all respects be prosecuted
6 and proceeded against in the same courts and in the same manner
7 as other persons are, any law, usage or custom to the contrary
8 notwithstanding: Provided, nevertheless, said judges,
9 counselors or attorneys, clerks, sheriffs and other officers
10 of said courts, shall be privileged from arrest while
11 attending courts, and whilst going to and returning from
12 court.

13 (Source: R.S. 1874, p. 169; 101-652.)

14 Section 70. The Juvenile Court Act of 1987 is amended by
15 changing Sections 1-7, 1-8, and 5-150 as follows:

16 (705 ILCS 405/1-7)

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

18 Sec. 1-7. Confidentiality of juvenile law enforcement and
19 municipal ordinance violation records.

20 (A) All juvenile law enforcement records which have not
21 been expunged are confidential and may never be disclosed to
22 the general public or otherwise made widely available.
23 Juvenile law enforcement records may be obtained only under
24 this Section and Section 1-8 and Part 9 of Article V of this

1 Act, when their use is needed for good cause and with an order
2 from the juvenile court, as required by those not authorized
3 to retain them. Inspection, copying, and disclosure of
4 juvenile law enforcement records maintained by law enforcement
5 agencies or records of municipal ordinance violations
6 maintained by any State, local, or municipal agency that
7 relate to a minor who has been investigated, arrested, or
8 taken into custody before his or her 18th birthday shall be
9 restricted to the following:

10 (0.05) The minor who is the subject of the juvenile
11 law enforcement record, his or her parents, guardian, and
12 counsel.

13 (0.10) Judges of the circuit court and members of the
14 staff of the court designated by the judge.

15 (0.15) An administrative adjudication hearing officer
16 or members of the staff designated to assist in the
17 administrative adjudication process.

18 (1) Any local, State, or federal law enforcement
19 officers or designated law enforcement staff of any
20 jurisdiction or agency when necessary for the discharge of
21 their official duties during the investigation or
22 prosecution of a crime or relating to a minor who has been
23 adjudicated delinquent and there has been a previous
24 finding that the act which constitutes the previous
25 offense was committed in furtherance of criminal
26 activities by a criminal street gang, or, when necessary

1 for the discharge of its official duties in connection
2 with a particular investigation of the conduct of a law
3 enforcement officer, an independent agency or its staff
4 created by ordinance and charged by a unit of local
5 government with the duty of investigating the conduct of
6 law enforcement officers. For purposes of this Section,
7 "criminal street gang" has the meaning ascribed to it in
8 Section 10 of the Illinois Streetgang Terrorism Omnibus
9 Prevention Act.

10 (2) Prosecutors, public defenders, probation officers,
11 social workers, or other individuals assigned by the court
12 to conduct a pre-adjudication or pre-disposition
13 investigation, and individuals responsible for supervising
14 or providing temporary or permanent care and custody for
15 minors under the order of the juvenile court, when
16 essential to performing their responsibilities.

17 (3) Federal, State, or local prosecutors, public
18 defenders, probation officers, and designated staff:

19 (a) in the course of a trial when institution of
20 criminal proceedings has been permitted or required
21 under Section 5-805;

22 (b) when institution of criminal proceedings has
23 been permitted or required under Section 5-805 and the
24 minor is the subject of a proceeding to determine the
25 amount of bail;

26 (c) when criminal proceedings have been permitted

1 or required under Section 5-805 and the minor is the
2 subject of a pre-trial investigation, pre-sentence
3 investigation, fitness hearing, or proceedings on an
4 application for probation; or

5 (d) in the course of prosecution or administrative
6 adjudication of a violation of a traffic, boating, or
7 fish and game law, or a county or municipal ordinance.

8 (4) Adult and Juvenile Prisoner Review Board.

9 (5) Authorized military personnel.

10 (5.5) Employees of the federal government authorized
11 by law.

12 (6) Persons engaged in bona fide research, with the
13 permission of the Presiding Judge and the chief executive
14 of the respective law enforcement agency; provided that
15 publication of such research results in no disclosure of a
16 minor's identity and protects the confidentiality of the
17 minor's record.

18 (7) Department of Children and Family Services child
19 protection investigators acting in their official
20 capacity.

21 (8) The appropriate school official only if the agency
22 or officer believes that there is an imminent threat of
23 physical harm to students, school personnel, or others who
24 are present in the school or on school grounds.

25 (A) Inspection and copying shall be limited to
26 juvenile law enforcement records transmitted to the

1 appropriate school official or officials whom the
2 school has determined to have a legitimate educational
3 or safety interest by a local law enforcement agency
4 under a reciprocal reporting system established and
5 maintained between the school district and the local
6 law enforcement agency under Section 10-20.14 of the
7 School Code concerning a minor enrolled in a school
8 within the school district who has been arrested or
9 taken into custody for any of the following offenses:

10 (i) any violation of Article 24 of the
11 Criminal Code of 1961 or the Criminal Code of
12 2012;

13 (ii) a violation of the Illinois Controlled
14 Substances Act;

15 (iii) a violation of the Cannabis Control Act;

16 (iv) a forcible felony as defined in Section
17 2-8 of the Criminal Code of 1961 or the Criminal
18 Code of 2012;

19 (v) a violation of the Methamphetamine Control
20 and Community Protection Act;

21 (vi) a violation of Section 1-2 of the
22 Harassing and Obscene Communications Act;

23 (vii) a violation of the Hazing Act; or

24 (viii) a violation of Section 12-1, 12-2,
25 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
26 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the

1 Criminal Code of 1961 or the Criminal Code of
2 2012.

3 The information derived from the juvenile law
4 enforcement records shall be kept separate from and
5 shall not become a part of the official school record
6 of that child and shall not be a public record. The
7 information shall be used solely by the appropriate
8 school official or officials whom the school has
9 determined to have a legitimate educational or safety
10 interest to aid in the proper rehabilitation of the
11 child and to protect the safety of students and
12 employees in the school. If the designated law
13 enforcement and school officials deem it to be in the
14 best interest of the minor, the student may be
15 referred to in-school or community-based social
16 services if those services are available.
17 "Rehabilitation services" may include interventions by
18 school support personnel, evaluation for eligibility
19 for special education, referrals to community-based
20 agencies such as youth services, behavioral healthcare
21 service providers, drug and alcohol prevention or
22 treatment programs, and other interventions as deemed
23 appropriate for the student.

24 (B) Any information provided to appropriate school
25 officials whom the school has determined to have a
26 legitimate educational or safety interest by local law

1 enforcement officials about a minor who is the subject
2 of a current police investigation that is directly
3 related to school safety shall consist of oral
4 information only, and not written juvenile law
5 enforcement records, and shall be used solely by the
6 appropriate school official or officials to protect
7 the safety of students and employees in the school and
8 aid in the proper rehabilitation of the child. The
9 information derived orally from the local law
10 enforcement officials shall be kept separate from and
11 shall not become a part of the official school record
12 of the child and shall not be a public record. This
13 limitation on the use of information about a minor who
14 is the subject of a current police investigation shall
15 in no way limit the use of this information by
16 prosecutors in pursuing criminal charges arising out
17 of the information disclosed during a police
18 investigation of the minor. For purposes of this
19 paragraph, "investigation" means an official
20 systematic inquiry by a law enforcement agency into
21 actual or suspected criminal activity.

22 (9) Mental health professionals on behalf of the
23 Department of Corrections or the Department of Human
24 Services or prosecutors who are evaluating, prosecuting,
25 or investigating a potential or actual petition brought
26 under the Sexually Violent Persons Commitment Act relating

1 to a person who is the subject of juvenile law enforcement
2 records or the respondent to a petition brought under the
3 Sexually Violent Persons Commitment Act who is the subject
4 of the juvenile law enforcement records sought. Any
5 juvenile law enforcement records and any information
6 obtained from those juvenile law enforcement records under
7 this paragraph (9) may be used only in sexually violent
8 persons commitment proceedings.

9 (10) The president of a park district. Inspection and
10 copying shall be limited to juvenile law enforcement
11 records transmitted to the president of the park district
12 by the Illinois State Police under Section 8-23 of the
13 Park District Code or Section 16a-5 of the Chicago Park
14 District Act concerning a person who is seeking employment
15 with that park district and who has been adjudicated a
16 juvenile delinquent for any of the offenses listed in
17 subsection (c) of Section 8-23 of the Park District Code
18 or subsection (c) of Section 16a-5 of the Chicago Park
19 District Act.

20 (11) Persons managing and designated to participate in
21 a court diversion program as designated in subsection (6)
22 of Section 5-105.

23 (12) The Public Access Counselor of the Office of the
24 Attorney General, when reviewing juvenile law enforcement
25 records under its powers and duties under the Freedom of
26 Information Act.

1 (13) Collection agencies, contracted or otherwise
2 engaged by a governmental entity, to collect any debts due
3 and owing to the governmental entity.

4 (B)(1) Except as provided in paragraph (2), no law
5 enforcement officer or other person or agency may knowingly
6 transmit to the Department of Corrections, the Illinois State
7 Police, or the Federal Bureau of Investigation any fingerprint
8 or photograph relating to a minor who has been arrested or
9 taken into custody before his or her 18th birthday, unless the
10 court in proceedings under this Act authorizes the
11 transmission or enters an order under Section 5-805 permitting
12 or requiring the institution of criminal proceedings.

13 (2) Law enforcement officers or other persons or agencies
14 shall transmit to the Illinois State Police copies of
15 fingerprints and descriptions of all minors who have been
16 arrested or taken into custody before their 18th birthday for
17 the offense of unlawful use of weapons under Article 24 of the
18 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
19 or Class 1 felony, a forcible felony as defined in Section 2-8
20 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
21 Class 2 or greater felony under the Cannabis Control Act, the
22 Illinois Controlled Substances Act, the Methamphetamine
23 Control and Community Protection Act, or Chapter 4 of the
24 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
25 Identification Act. Information reported to the Department
26 pursuant to this Section may be maintained with records that

1 the Department files pursuant to Section 2.1 of the Criminal
2 Identification Act. Nothing in this Act prohibits a law
3 enforcement agency from fingerprinting a minor taken into
4 custody or arrested before his or her 18th birthday for an
5 offense other than those listed in this paragraph (2).

6 (C) The records of law enforcement officers, or of an
7 independent agency created by ordinance and charged by a unit
8 of local government with the duty of investigating the conduct
9 of law enforcement officers, concerning all minors under 18
10 years of age must be maintained separate from the records of
11 arrests and may not be open to public inspection or their
12 contents disclosed to the public. For purposes of obtaining
13 documents under this Section, a civil subpoena is not an order
14 of the court.

15 (1) In cases where the law enforcement, or independent
16 agency, records concern a pending juvenile court case, the
17 party seeking to inspect the records shall provide actual
18 notice to the attorney or guardian ad litem of the minor
19 whose records are sought.

20 (2) In cases where the records concern a juvenile
21 court case that is no longer pending, the party seeking to
22 inspect the records shall provide actual notice to the
23 minor or the minor's parent or legal guardian, and the
24 matter shall be referred to the chief judge presiding over
25 matters pursuant to this Act.

26 (3) In determining whether the records should be

1 available for inspection, the court shall consider the
2 minor's interest in confidentiality and rehabilitation
3 over the moving party's interest in obtaining the
4 information. Any records obtained in violation of this
5 subsection (C) shall not be admissible in any criminal or
6 civil proceeding, or operate to disqualify a minor from
7 subsequently holding public office or securing employment,
8 or operate as a forfeiture of any public benefit, right,
9 privilege, or right to receive any license granted by
10 public authority.

11 (D) Nothing contained in subsection (C) of this Section
12 shall prohibit the inspection or disclosure to victims and
13 witnesses of photographs contained in the records of law
14 enforcement agencies when the inspection and disclosure is
15 conducted in the presence of a law enforcement officer for the
16 purpose of the identification or apprehension of any person
17 subject to the provisions of this Act or for the investigation
18 or prosecution of any crime.

19 (E) Law enforcement officers, and personnel of an
20 independent agency created by ordinance and charged by a unit
21 of local government with the duty of investigating the conduct
22 of law enforcement officers, may not disclose the identity of
23 any minor in releasing information to the general public as to
24 the arrest, investigation or disposition of any case involving
25 a minor.

26 (F) Nothing contained in this Section shall prohibit law

1 enforcement agencies from communicating with each other by
2 letter, memorandum, teletype, or intelligence alert bulletin
3 or other means the identity or other relevant information
4 pertaining to a person under 18 years of age if there are
5 reasonable grounds to believe that the person poses a real and
6 present danger to the safety of the public or law enforcement
7 officers. The information provided under this subsection (F)
8 shall remain confidential and shall not be publicly disclosed,
9 except as otherwise allowed by law.

10 (G) Nothing in this Section shall prohibit the right of a
11 Civil Service Commission or appointing authority of any
12 federal government, state, county or municipality examining
13 the character and fitness of an applicant for employment with
14 a law enforcement agency, correctional institution, or fire
15 department from obtaining and examining the records of any law
16 enforcement agency relating to any record of the applicant
17 having been arrested or taken into custody before the
18 applicant's 18th birthday.

19 (G-5) Information identifying victims and alleged victims
20 of sex offenses shall not be disclosed or open to the public
21 under any circumstances. Nothing in this Section shall
22 prohibit the victim or alleged victim of any sex offense from
23 voluntarily disclosing his or her own identity.

24 (H) The changes made to this Section by Public Act 98-61
25 apply to law enforcement records of a minor who has been
26 arrested or taken into custody on or after January 1, 2014 (the

1 effective date of Public Act 98-61).

2 (H-5) Nothing in this Section shall require any court or
3 adjudicative proceeding for traffic, boating, fish and game
4 law, or municipal and county ordinance violations to be closed
5 to the public.

6 (I) Willful violation of this Section is a Class C
7 misdemeanor and each violation is subject to a fine of \$1,000.
8 This subsection (I) shall not apply to the person who is the
9 subject of the record.

10 (J) A person convicted of violating this Section is liable
11 for damages in the amount of \$1,000 or actual damages,
12 whichever is greater.

13 (Source: P.A. 102-538, eff. 8-20-21.)

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

15 Sec. 1-7. Confidentiality of juvenile law enforcement and
16 municipal ordinance violation records.

17 (A) All juvenile law enforcement records which have not
18 been expunged are confidential and may never be disclosed to
19 the general public or otherwise made widely available.
20 Juvenile law enforcement records may be obtained only under
21 this Section and Section 1-8 and Part 9 of Article V of this
22 Act, when their use is needed for good cause and with an order
23 from the juvenile court, as required by those not authorized
24 to retain them. Inspection, copying, and disclosure of
25 juvenile law enforcement records maintained by law enforcement

1 agencies or records of municipal ordinance violations
2 maintained by any State, local, or municipal agency that
3 relate to a minor who has been investigated, arrested, or
4 taken into custody before his or her 18th birthday shall be
5 restricted to the following:

6 (0.05) The minor who is the subject of the juvenile
7 law enforcement record, his or her parents, guardian, and
8 counsel.

9 (0.10) Judges of the circuit court and members of the
10 staff of the court designated by the judge.

11 (0.15) An administrative adjudication hearing officer
12 or members of the staff designated to assist in the
13 administrative adjudication process.

14 (1) Any local, State, or federal law enforcement
15 officers or designated law enforcement staff of any
16 jurisdiction or agency when necessary for the discharge of
17 their official duties during the investigation or
18 prosecution of a crime or relating to a minor who has been
19 adjudicated delinquent and there has been a previous
20 finding that the act which constitutes the previous
21 offense was committed in furtherance of criminal
22 activities by a criminal street gang, or, when necessary
23 for the discharge of its official duties in connection
24 with a particular investigation of the conduct of a law
25 enforcement officer, an independent agency or its staff
26 created by ordinance and charged by a unit of local

1 government with the duty of investigating the conduct of
2 law enforcement officers. For purposes of this Section,
3 "criminal street gang" has the meaning ascribed to it in
4 Section 10 of the Illinois Streetgang Terrorism Omnibus
5 Prevention Act.

6 (2) Prosecutors, public defenders, probation officers,
7 social workers, or other individuals assigned by the court
8 to conduct a pre-adjudication or pre-disposition
9 investigation, and individuals responsible for supervising
10 or providing temporary or permanent care and custody for
11 minors under the order of the juvenile court, when
12 essential to performing their responsibilities.

13 (3) Federal, State, or local prosecutors, public
14 defenders, probation officers, and designated 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 institution of criminal proceedings has
19 been permitted or required under Section 5-805 and the
20 minor is the subject of a proceeding to determine the
21 ~~conditions of pretrial release~~ amount of bail;

22 (c) when criminal proceedings have been permitted
23 or required under Section 5-805 and the minor is the
24 subject of a pre-trial investigation, pre-sentence
25 investigation, fitness hearing, or proceedings on an
26 application for probation; or

1 (d) in the course of prosecution or administrative
2 adjudication of a violation of a traffic, boating, or
3 fish and game law, or a county or municipal ordinance.

4 (4) Adult and Juvenile Prisoner Review Board.

5 (5) Authorized military personnel.

6 (5.5) Employees of the federal government authorized
7 by law.

8 (6) Persons engaged in bona fide research, with the
9 permission of the Presiding Judge and the chief executive
10 of the respective law enforcement agency; provided that
11 publication of such research results in no disclosure of a
12 minor's identity and protects the confidentiality of the
13 minor's record.

14 (7) Department of Children and Family Services child
15 protection investigators acting in their official
16 capacity.

17 (8) The appropriate school official only if the agency
18 or officer believes that there is an imminent threat of
19 physical harm to students, school personnel, or others who
20 are present in the school or on school grounds.

21 (A) Inspection and copying shall be limited to
22 juvenile law enforcement records transmitted to the
23 appropriate school official or officials whom the
24 school has determined to have a legitimate educational
25 or safety interest by a local law enforcement agency
26 under a reciprocal reporting system established and

1 maintained between the school district and the local
2 law enforcement agency under Section 10-20.14 of the
3 School Code concerning a minor enrolled in a school
4 within the school district who has been arrested or
5 taken into custody for any of the following offenses:

6 (i) any violation of Article 24 of the
7 Criminal Code of 1961 or the Criminal Code of
8 2012;

9 (ii) a violation of the Illinois Controlled
10 Substances Act;

11 (iii) a violation of the Cannabis Control Act;

12 (iv) a forcible felony as defined in Section
13 2-8 of the Criminal Code of 1961 or the Criminal
14 Code of 2012;

15 (v) a violation of the Methamphetamine Control
16 and Community Protection Act;

17 (vi) a violation of Section 1-2 of the
18 Harassing and Obscene Communications Act;

19 (vii) a violation of the Hazing Act; or

20 (viii) a violation of Section 12-1, 12-2,
21 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
22 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
23 Criminal Code of 1961 or the Criminal Code of
24 2012.

25 The information derived from the juvenile law
26 enforcement records shall be kept separate from and

1 shall not become a part of the official school record
2 of that child and shall not be a public record. The
3 information shall be used solely by the appropriate
4 school official or officials whom the school has
5 determined to have a legitimate educational or safety
6 interest to aid in the proper rehabilitation of the
7 child and to protect the safety of students and
8 employees in the school. If the designated law
9 enforcement and school officials deem it to be in the
10 best interest of the minor, the student may be
11 referred to in-school or community-based social
12 services if those services are available.
13 "Rehabilitation services" may include interventions by
14 school support personnel, evaluation for eligibility
15 for special education, referrals to community-based
16 agencies such as youth services, behavioral healthcare
17 service providers, drug and alcohol prevention or
18 treatment programs, and other interventions as deemed
19 appropriate for the student.

20 (B) Any information provided to appropriate school
21 officials whom the school has determined to have a
22 legitimate educational or safety interest by local law
23 enforcement officials about a minor who is the subject
24 of a current police investigation that is directly
25 related to school safety shall consist of oral
26 information only, and not written juvenile law

1 enforcement records, and shall be used solely by the
2 appropriate school official or officials to protect
3 the safety of students and employees in the school and
4 aid in the proper rehabilitation of the child. The
5 information derived orally from the local law
6 enforcement officials shall be kept separate from and
7 shall not become a part of the official school record
8 of the child and shall not be a public record. This
9 limitation on the use of information about a minor who
10 is the subject of a current police investigation shall
11 in no way limit the use of this information by
12 prosecutors in pursuing criminal charges arising out
13 of the information disclosed during a police
14 investigation of the minor. For purposes of this
15 paragraph, "investigation" means an official
16 systematic inquiry by a law enforcement agency into
17 actual or suspected criminal activity.

18 (9) Mental health professionals on behalf of the
19 Department of Corrections or the Department of Human
20 Services or prosecutors who are evaluating, prosecuting,
21 or investigating a potential or actual petition brought
22 under the Sexually Violent Persons Commitment Act relating
23 to a person who is the subject of juvenile law enforcement
24 records or the respondent to a petition brought under the
25 Sexually Violent Persons Commitment Act who is the subject
26 of the juvenile law enforcement records sought. Any

1 juvenile law enforcement records and any information
2 obtained from those juvenile law enforcement records under
3 this paragraph (9) may be used only in sexually violent
4 persons commitment proceedings.

5 (10) The president of a park district. Inspection and
6 copying shall be limited to juvenile law enforcement
7 records transmitted to the president of the park district
8 by the Illinois State Police under Section 8-23 of the
9 Park District Code or Section 16a-5 of the Chicago Park
10 District Act concerning a person who is seeking employment
11 with that park district and who has been adjudicated a
12 juvenile delinquent for any of the offenses listed in
13 subsection (c) of Section 8-23 of the Park District Code
14 or subsection (c) of Section 16a-5 of the Chicago Park
15 District Act.

16 (11) Persons managing and designated to participate in
17 a court diversion program as designated in subsection (6)
18 of Section 5-105.

19 (12) The Public Access Counselor of the Office of the
20 Attorney General, when reviewing juvenile law enforcement
21 records under its powers and duties under the Freedom of
22 Information Act.

23 (13) Collection agencies, contracted or otherwise
24 engaged by a governmental entity, to collect any debts due
25 and owing to the governmental entity.

26 (B)(1) Except as provided in paragraph (2), no law

1 enforcement officer or other person or agency may knowingly
2 transmit to the Department of Corrections, the Illinois State
3 Police, or the Federal Bureau of Investigation any fingerprint
4 or photograph relating to a minor who has been arrested or
5 taken into custody before his or her 18th birthday, unless the
6 court in proceedings under this Act authorizes the
7 transmission or enters an order under Section 5-805 permitting
8 or requiring the institution of criminal proceedings.

9 (2) Law enforcement officers or other persons or agencies
10 shall transmit to the Illinois State Police copies of
11 fingerprints and descriptions of all minors who have been
12 arrested or taken into custody before their 18th birthday for
13 the offense of unlawful use of weapons under Article 24 of the
14 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
15 or Class 1 felony, a forcible felony as defined in Section 2-8
16 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
17 Class 2 or greater felony under the Cannabis Control Act, the
18 Illinois Controlled Substances Act, the Methamphetamine
19 Control and Community Protection Act, or Chapter 4 of the
20 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
21 Identification Act. Information reported to the Department
22 pursuant to this Section may be maintained with records that
23 the Department files pursuant to Section 2.1 of the Criminal
24 Identification Act. Nothing in this Act prohibits a law
25 enforcement agency from fingerprinting a minor taken into
26 custody or arrested before his or her 18th birthday for an

1 offense other than those listed in this paragraph (2).

2 (C) The records of law enforcement officers, or of an
3 independent agency created by ordinance and charged by a unit
4 of local government with the duty of investigating the conduct
5 of law enforcement officers, concerning all minors under 18
6 years of age must be maintained separate from the records of
7 arrests and may not be open to public inspection or their
8 contents disclosed to the public. For purposes of obtaining
9 documents under this Section, a civil subpoena is not an order
10 of the court.

11 (1) In cases where the law enforcement, or independent
12 agency, records concern a pending juvenile court case, the
13 party seeking to inspect the records shall provide actual
14 notice to the attorney or guardian ad litem of the minor
15 whose records are sought.

16 (2) In cases where the records concern a juvenile
17 court case that is no longer pending, the party seeking to
18 inspect the records shall provide actual notice to the
19 minor or the minor's parent or legal guardian, and the
20 matter shall be referred to the chief judge presiding over
21 matters pursuant to this Act.

22 (3) In determining whether the records should be
23 available for inspection, the court shall consider the
24 minor's interest in confidentiality and rehabilitation
25 over the moving party's interest in obtaining the
26 information. Any records obtained in violation of this

1 subsection (C) shall not be admissible in any criminal or
2 civil proceeding, or operate to disqualify a minor from
3 subsequently holding public office or securing employment,
4 or operate as a forfeiture of any public benefit, right,
5 privilege, or right to receive any license granted by
6 public authority.

7 (D) Nothing contained in subsection (C) of this Section
8 shall prohibit the inspection or disclosure to victims and
9 witnesses of photographs contained in the records of law
10 enforcement agencies when the inspection and disclosure is
11 conducted in the presence of a law enforcement officer for the
12 purpose of the identification or apprehension of any person
13 subject to the provisions of this Act or for the investigation
14 or prosecution of any crime.

15 (E) Law enforcement officers, and personnel of an
16 independent agency created by ordinance and charged by a unit
17 of local government with the duty of investigating the conduct
18 of law enforcement officers, may not disclose the identity of
19 any minor in releasing information to the general public as to
20 the arrest, investigation or disposition of any case involving
21 a minor.

22 (F) Nothing contained in this Section shall prohibit law
23 enforcement agencies from communicating with each other by
24 letter, memorandum, teletype, or intelligence alert bulletin
25 or other means the identity or other relevant information
26 pertaining to a person under 18 years of age if there are

1 reasonable grounds to believe that the person poses a real and
2 present danger to the safety of the public or law enforcement
3 officers. The information provided under this subsection (F)
4 shall remain confidential and shall not be publicly disclosed,
5 except as otherwise allowed by law.

6 (G) Nothing in this Section shall prohibit the right of a
7 Civil Service Commission or appointing authority of any
8 federal government, state, county or municipality examining
9 the character and fitness of an applicant for employment with
10 a law enforcement agency, correctional institution, or fire
11 department from obtaining and examining the records of any law
12 enforcement agency relating to any record of the applicant
13 having been arrested or taken into custody before the
14 applicant's 18th birthday.

15 (G-5) Information identifying victims and alleged victims
16 of sex offenses shall not be disclosed or open to the public
17 under any circumstances. Nothing in this Section shall
18 prohibit the victim or alleged victim of any sex offense from
19 voluntarily disclosing his or her own identity.

20 (H) The changes made to this Section by Public Act 98-61
21 apply to law enforcement records of a minor who has been
22 arrested or taken into custody on or after January 1, 2014 (the
23 effective date of Public Act 98-61).

24 (H-5) Nothing in this Section shall require any court or
25 adjudicative proceeding for traffic, boating, fish and game
26 law, or municipal and county ordinance violations to be closed

1 to the public.

2 (I) Willful violation of this Section is a Class C
3 misdemeanor and each violation is subject to a fine of \$1,000.
4 This subsection (I) shall not apply to the person who is the
5 subject of the record.

6 (J) A person convicted of violating this Section is liable
7 for damages in the amount of \$1,000 or actual damages,
8 whichever is greater.

9 (Source: P.A. 101-652, eff. 1-1-23; 102-538, eff. 8-20-21;
10 revised 10-13-21.)

11 (705 ILCS 405/1-8)

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

13 Sec. 1-8. Confidentiality and accessibility of juvenile
14 court records.

15 (A) A juvenile adjudication shall never be considered a
16 conviction nor shall an adjudicated individual be considered a
17 criminal. Unless expressly allowed by law, a juvenile
18 adjudication shall not operate to impose upon the individual
19 any of the civil disabilities ordinarily imposed by or
20 resulting from conviction. Unless expressly allowed by law,
21 adjudications shall not prejudice or disqualify the individual
22 in any civil service application or appointment, from holding
23 public office, or from receiving any license granted by public
24 authority. All juvenile court records which have not been
25 expunged are sealed and may never be disclosed to the general

1 public or otherwise made widely available. Sealed juvenile
2 court records may be obtained only under this Section and
3 Section 1-7 and Part 9 of Article V of this Act, when their use
4 is needed for good cause and with an order from the juvenile
5 court. Inspection and copying of juvenile court records
6 relating to a minor who is the subject of a proceeding under
7 this Act shall be restricted to the following:

8 (1) The minor who is the subject of record, his or her
9 parents, guardian, and counsel.

10 (2) Law enforcement officers and law enforcement
11 agencies when such information is essential to executing
12 an arrest or search warrant or other compulsory process,
13 or to conducting an ongoing investigation or relating to a
14 minor who has been adjudicated delinquent and there has
15 been a previous finding that the act which constitutes the
16 previous offense was committed in furtherance of criminal
17 activities by a criminal street gang.

18 Before July 1, 1994, for the purposes of this Section,
19 "criminal street gang" means any ongoing organization,
20 association, or group of 3 or more persons, whether formal
21 or informal, having as one of its primary activities the
22 commission of one or more criminal acts and that has a
23 common name or common identifying sign, symbol or specific
24 color apparel displayed, and whose members individually or
25 collectively engage in or have engaged in a pattern of
26 criminal activity.

1 Beginning July 1, 1994, 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 (3) Judges, hearing officers, prosecutors, public
6 defenders, probation officers, social workers, or other
7 individuals assigned by the court to conduct a
8 pre-adjudication or pre-disposition investigation, and
9 individuals responsible for supervising or providing
10 temporary or permanent care and custody for minors under
11 the order of the juvenile court when essential to
12 performing their responsibilities.

13 (4) Judges, federal, State, and local prosecutors,
14 public defenders, probation officers, and designated
15 staff:

16 (a) in the course of a trial when institution of
17 criminal proceedings has been permitted or required
18 under Section 5-805;

19 (b) when criminal proceedings have been permitted
20 or required under Section 5-805 and a minor is the
21 subject of a proceeding to determine the amount of
22 bail;

23 (c) when criminal proceedings have been permitted
24 or required under Section 5-805 and a minor is the
25 subject of a pre-trial investigation, pre-sentence
26 investigation or fitness hearing, or proceedings on an

1 application for probation; or

2 (d) when a minor becomes 18 years of age or older,
3 and is the subject of criminal proceedings, including
4 a hearing to determine the amount of bail, a pre-trial
5 investigation, a pre-sentence investigation, a fitness
6 hearing, or proceedings on an application for
7 probation.

8 (5) Adult and Juvenile Prisoner Review Boards.

9 (6) Authorized military personnel.

10 (6.5) Employees of the federal government authorized
11 by law.

12 (7) Victims, their subrogees and legal
13 representatives; however, such persons shall have access
14 only to the name and address of the minor and information
15 pertaining to the disposition or alternative adjustment
16 plan of the juvenile court.

17 (8) Persons engaged in bona fide research, with the
18 permission of the presiding judge of the juvenile court
19 and the chief executive of the agency that prepared the
20 particular records; provided that publication of such
21 research results in no disclosure of a minor's identity
22 and protects the confidentiality of the record.

23 (9) The Secretary of State to whom the Clerk of the
24 Court shall report the disposition of all cases, as
25 required in Section 6-204 of the Illinois Vehicle Code.
26 However, information reported relative to these offenses

1 shall be privileged and available only to the Secretary of
2 State, courts, and police officers.

3 (10) The administrator of a bonafide substance abuse
4 student assistance program with the permission of the
5 presiding judge of the juvenile court.

6 (11) Mental health professionals on behalf of the
7 Department of Corrections or the Department of Human
8 Services or prosecutors who are evaluating, prosecuting,
9 or investigating a potential or actual petition brought
10 under the Sexually Violent Persons Commitment Act relating
11 to a person who is the subject of juvenile court records or
12 the respondent to a petition brought under the Sexually
13 Violent Persons Commitment Act, who is the subject of
14 juvenile court records sought. Any records and any
15 information obtained from those records under this
16 paragraph (11) may be used only in sexually violent
17 persons commitment proceedings.

18 (12) Collection agencies, contracted or otherwise
19 engaged by a governmental entity, to collect any debts due
20 and owing to the governmental entity.

21 (A-1) Findings and exclusions of paternity entered in
22 proceedings occurring under Article II of this Act shall be
23 disclosed, in a manner and form approved by the Presiding
24 Judge of the Juvenile Court, to the Department of Healthcare
25 and Family Services when necessary to discharge the duties of
26 the Department of Healthcare and Family Services under Article

1 X of the Illinois Public Aid Code.

2 (B) A minor who is the victim in a juvenile proceeding
3 shall be provided the same confidentiality regarding
4 disclosure of identity as the minor who is the subject of
5 record.

6 (C)(0.1) In cases where the records concern a pending
7 juvenile court case, the requesting party seeking to inspect
8 the juvenile court records shall provide actual notice to the
9 attorney or guardian ad litem of the minor whose records are
10 sought.

11 (0.2) In cases where the juvenile court records concern a
12 juvenile court case that is no longer pending, the requesting
13 party seeking to inspect the juvenile court records shall
14 provide actual notice to the minor or the minor's parent or
15 legal guardian, and the matter shall be referred to the chief
16 judge presiding over matters pursuant to this Act.

17 (0.3) In determining whether juvenile court records should
18 be made available for inspection and whether inspection should
19 be limited to certain parts of the file, the court shall
20 consider the minor's interest in confidentiality and
21 rehabilitation over the requesting party's interest in
22 obtaining the information. The State's Attorney, the minor,
23 and the minor's parents, guardian, and counsel shall at all
24 times have the right to examine court files and records.

25 (0.4) Any records obtained in violation of this Section
26 shall not be admissible in any criminal or civil proceeding,

1 or operate to disqualify a minor from subsequently holding
2 public office, or operate as a forfeiture of any public
3 benefit, right, privilege, or right to receive any license
4 granted by public authority.

5 (D) Pending or following any adjudication of delinquency
6 for any offense defined in Sections 11-1.20 through 11-1.60 or
7 12-13 through 12-16 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, the victim of any such offense shall
9 receive the rights set out in Sections 4 and 6 of the Bill of
10 Rights for Victims and Witnesses of Violent Crime Act; and the
11 juvenile who is the subject of the adjudication,
12 notwithstanding any other provision of this Act, shall be
13 treated as an adult for the purpose of affording such rights to
14 the victim.

15 (E) Nothing in this Section shall affect the right of a
16 Civil Service Commission or appointing authority of the
17 federal government, or any state, county, or municipality
18 examining the character and fitness of an applicant for
19 employment with a law enforcement agency, correctional
20 institution, or fire department to ascertain whether that
21 applicant was ever adjudicated to be a delinquent minor and,
22 if so, to examine the records of disposition or evidence which
23 were made in proceedings under this Act.

24 (F) Following any adjudication of delinquency for a crime
25 which would be a felony if committed by an adult, or following
26 any adjudication of delinquency for a violation of Section

1 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, the State's Attorney shall ascertain
3 whether the minor respondent is enrolled in school and, if so,
4 shall provide a copy of the dispositional order to the
5 principal or chief administrative officer of the school.
6 Access to the dispositional order shall be limited to the
7 principal or chief administrative officer of the school and
8 any school counselor designated by him or her.

9 (G) Nothing contained in this Act prevents the sharing or
10 disclosure of information or records relating or pertaining to
11 juveniles subject to the provisions of the Serious Habitual
12 Offender Comprehensive Action Program when that information is
13 used to assist in the early identification and treatment of
14 habitual juvenile offenders.

15 (H) When a court hearing a proceeding under Article II of
16 this Act becomes aware that an earlier proceeding under
17 Article II had been heard in a different county, that court
18 shall request, and the court in which the earlier proceedings
19 were initiated shall transmit, an authenticated copy of the
20 juvenile court record, including all documents, petitions, and
21 orders filed and the minute orders, transcript of proceedings,
22 and docket entries of the court.

23 (I) The Clerk of the Circuit Court shall report to the
24 Illinois State Police, in the form and manner required by the
25 Illinois State Police, the final disposition of each minor who
26 has been arrested or taken into custody before his or her 18th

1 birthday for those offenses required to be reported under
2 Section 5 of the Criminal Identification Act. Information
3 reported to the Department under this Section may be
4 maintained with records that the Department files under
5 Section 2.1 of the Criminal Identification Act.

6 (J) The changes made to this Section by Public Act 98-61
7 apply to juvenile law enforcement records of a minor who has
8 been arrested or taken into custody on or after January 1, 2014
9 (the effective date of Public Act 98-61).

10 (K) Willful violation of this Section is a Class C
11 misdemeanor and each violation is subject to a fine of \$1,000.
12 This subsection (K) shall not apply to the person who is the
13 subject of the record.

14 (L) A person convicted of violating this Section is liable
15 for damages in the amount of \$1,000 or actual damages,
16 whichever is greater.

17 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
18 revised 10-12-21.)

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

20 Sec. 1-8. Confidentiality and accessibility of juvenile
21 court records.

22 (A) A juvenile adjudication shall never be considered a
23 conviction nor shall an adjudicated individual be considered a
24 criminal. Unless expressly allowed by law, a juvenile
25 adjudication shall not operate to impose upon the individual

1 any of the civil disabilities ordinarily imposed by or
2 resulting from conviction. Unless expressly allowed by law,
3 adjudications shall not prejudice or disqualify the individual
4 in any civil service application or appointment, from holding
5 public office, or from receiving any license granted by public
6 authority. All juvenile court records which have not been
7 expunged are sealed and may never be disclosed to the general
8 public or otherwise made widely available. Sealed juvenile
9 court records may be obtained only under this Section and
10 Section 1-7 and Part 9 of Article V of this Act, when their use
11 is needed for good cause and with an order from the juvenile
12 court. Inspection and copying of juvenile court records
13 relating to a minor who is the subject of a proceeding under
14 this Act shall be restricted to the following:

15 (1) The minor who is the subject of record, his or her
16 parents, guardian, and counsel.

17 (2) Law enforcement officers and law enforcement
18 agencies when such information is essential to executing
19 an arrest or search warrant or other compulsory process,
20 or to conducting an ongoing investigation or relating to a
21 minor who has been adjudicated delinquent and there has
22 been a previous finding that the act which constitutes the
23 previous offense was committed in furtherance of criminal
24 activities by a criminal street gang.

25 Before July 1, 1994, for the purposes of this Section,
26 "criminal street gang" means any ongoing organization,

1 association, or group of 3 or more persons, whether formal
2 or informal, having as one of its primary activities the
3 commission of one or more criminal acts and that has a
4 common name or common identifying sign, symbol or specific
5 color apparel displayed, and whose members individually or
6 collectively engage in or have engaged in a pattern of
7 criminal activity.

8 Beginning July 1, 1994, for purposes of this Section,
9 "criminal street gang" has the meaning ascribed to it in
10 Section 10 of the Illinois Streetgang Terrorism Omnibus
11 Prevention Act.

12 (3) Judges, hearing officers, prosecutors, public
13 defenders, probation officers, social workers, or other
14 individuals assigned by the court to conduct a
15 pre-adjudication or pre-disposition investigation, and
16 individuals responsible for supervising or providing
17 temporary or permanent care and custody for minors under
18 the order of the juvenile court when essential to
19 performing their responsibilities.

20 (4) Judges, federal, State, and local prosecutors,
21 public defenders, probation officers, and designated
22 staff:

23 (a) in the course of a trial when institution of
24 criminal proceedings has been permitted or required
25 under Section 5-805;

26 (b) when criminal proceedings have been permitted

1 or required under Section 5-805 and a minor is the
2 subject of a proceeding to determine the ~~conditions of~~
3 ~~pretrial release~~ amount of bail;

4 (c) when criminal proceedings have been permitted
5 or required under Section 5-805 and a minor is the
6 subject of a pre-trial investigation, pre-sentence
7 investigation or fitness hearing, or proceedings on an
8 application for probation; or

9 (d) when a minor becomes 18 years of age or older,
10 and is the subject of criminal proceedings, including
11 a hearing to determine the ~~conditions of pretrial~~
12 ~~release~~ amount of bail, a pre-trial investigation, a
13 pre-sentence investigation, a fitness hearing, or
14 proceedings on an application for probation.

15 (5) Adult and Juvenile Prisoner Review Boards.

16 (6) Authorized military personnel.

17 (6.5) Employees of the federal government authorized
18 by law.

19 (7) Victims, their subrogees and legal
20 representatives; however, such persons shall have access
21 only to the name and address of the minor and information
22 pertaining to the disposition or alternative adjustment
23 plan of the juvenile court.

24 (8) Persons engaged in bona fide research, with the
25 permission of the presiding judge of the juvenile court
26 and the chief executive of the agency that prepared the

1 particular records; provided that publication of such
2 research results in no disclosure of a minor's identity
3 and protects the confidentiality of the record.

4 (9) The Secretary of State to whom the Clerk of the
5 Court shall report the disposition of all cases, as
6 required in Section 6-204 of the Illinois Vehicle Code.
7 However, information reported relative to these offenses
8 shall be privileged and available only to the Secretary of
9 State, courts, and police officers.

10 (10) The administrator of a bonafide substance abuse
11 student assistance program with the permission of the
12 presiding judge of the juvenile court.

13 (11) Mental health professionals on behalf of the
14 Department of Corrections or the Department of Human
15 Services or prosecutors who are evaluating, prosecuting,
16 or investigating a potential or actual petition brought
17 under the Sexually Violent Persons Commitment Act relating
18 to a person who is the subject of juvenile court records or
19 the respondent to a petition brought under the Sexually
20 Violent Persons Commitment Act, who is the subject of
21 juvenile court records sought. Any records and any
22 information obtained from those records under this
23 paragraph (11) may be used only in sexually violent
24 persons commitment proceedings.

25 (12) Collection agencies, contracted or otherwise
26 engaged by a governmental entity, to collect any debts due

1 and owing to the governmental entity.

2 (A-1) Findings and exclusions of paternity entered in
3 proceedings occurring under Article II of this Act shall be
4 disclosed, in a manner and form approved by the Presiding
5 Judge of the Juvenile Court, to the Department of Healthcare
6 and Family Services when necessary to discharge the duties of
7 the Department of Healthcare and Family Services under Article
8 X of the Illinois Public Aid Code.

9 (B) A minor who is the victim in a juvenile proceeding
10 shall be provided the same confidentiality regarding
11 disclosure of identity as the minor who is the subject of
12 record.

13 (C) (0.1) In cases where the records concern a pending
14 juvenile court case, the requesting party seeking to inspect
15 the juvenile court records shall provide actual notice to the
16 attorney or guardian ad litem of the minor whose records are
17 sought.

18 (0.2) In cases where the juvenile court records concern a
19 juvenile court case that is no longer pending, the requesting
20 party seeking to inspect the juvenile court records shall
21 provide actual notice to the minor or the minor's parent or
22 legal guardian, and the matter shall be referred to the chief
23 judge presiding over matters pursuant to this Act.

24 (0.3) In determining whether juvenile court records should
25 be made available for inspection and whether inspection should
26 be limited to certain parts of the file, the court shall

1 consider the minor's interest in confidentiality and
2 rehabilitation over the requesting party's interest in
3 obtaining the information. The State's Attorney, the minor,
4 and the minor's parents, guardian, and counsel shall at all
5 times have the right to examine court files and records.

6 (0.4) Any records obtained in violation of this Section
7 shall not be admissible in any criminal or civil proceeding,
8 or operate to disqualify a minor from subsequently holding
9 public office, or operate as a forfeiture of any public
10 benefit, right, privilege, or right to receive any license
11 granted by public authority.

12 (D) Pending or following any adjudication of delinquency
13 for any offense defined in Sections 11-1.20 through 11-1.60 or
14 12-13 through 12-16 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, the victim of any such offense shall
16 receive the rights set out in Sections 4 and 6 of the Bill of
17 Rights for Victims and Witnesses of Violent Crime Act; and the
18 juvenile who is the subject of the adjudication,
19 notwithstanding any other provision of this Act, shall be
20 treated as an adult for the purpose of affording such rights to
21 the victim.

22 (E) Nothing in this Section shall affect the right of a
23 Civil Service Commission or appointing authority of the
24 federal government, or any state, county, or municipality
25 examining the character and fitness of an applicant for
26 employment with a law enforcement agency, correctional

1 institution, or fire department to ascertain whether that
2 applicant was ever adjudicated to be a delinquent minor and,
3 if so, to examine the records of disposition or evidence which
4 were made in proceedings under this Act.

5 (F) Following any adjudication of delinquency for a crime
6 which would be a felony if committed by an adult, or following
7 any adjudication of delinquency for a violation of Section
8 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, the State's Attorney shall ascertain
10 whether the minor respondent is enrolled in school and, if so,
11 shall provide a copy of the dispositional order to the
12 principal or chief administrative officer of the school.
13 Access to the dispositional order shall be limited to the
14 principal or chief administrative officer of the school and
15 any school counselor designated by him or her.

16 (G) Nothing contained in this Act prevents the sharing or
17 disclosure of information or records relating or pertaining to
18 juveniles subject to the provisions of the Serious Habitual
19 Offender Comprehensive Action Program when that information is
20 used to assist in the early identification and treatment of
21 habitual juvenile offenders.

22 (H) When a court hearing a proceeding under Article II of
23 this Act becomes aware that an earlier proceeding under
24 Article II had been heard in a different county, that court
25 shall request, and the court in which the earlier proceedings
26 were initiated shall transmit, an authenticated copy of the

1 juvenile court record, including all documents, petitions, and
2 orders filed and the minute orders, transcript of proceedings,
3 and docket entries of the court.

4 (I) The Clerk of the Circuit Court shall report to the
5 Illinois State Police, in the form and manner required by the
6 Illinois State Police, the final disposition of each minor who
7 has been arrested or taken into custody before his or her 18th
8 birthday for those offenses required to be reported under
9 Section 5 of the Criminal Identification Act. Information
10 reported to the Department under this Section may be
11 maintained with records that the Department files under
12 Section 2.1 of the Criminal Identification Act.

13 (J) The changes made to this Section by Public Act 98-61
14 apply to juvenile law enforcement records of a minor who has
15 been arrested or taken into custody on or after January 1, 2014
16 (the effective date of Public Act 98-61).

17 (K) Willful violation of this Section is a Class C
18 misdemeanor and each violation is subject to a fine of \$1,000.
19 This subsection (K) shall not apply to the person who is the
20 subject of the record.

21 (L) A person convicted of violating this Section is liable
22 for damages in the amount of \$1,000 or actual damages,
23 whichever is greater.

24 (Source: P.A. 101-652, eff. 1-1-23; 102-197, eff. 7-30-21;
25 102-538, eff. 8-20-21; revised 10-12-21.)

1 (705 ILCS 405/5-150)

2 Sec. 5-150. Admissibility of evidence and adjudications in
3 other proceedings.

4 (1) Evidence and adjudications in proceedings under this
5 Act shall be admissible:

6 (a) in subsequent proceedings under this Act
7 concerning the same minor; or

8 (b) in criminal proceedings when the court is to
9 determine the ~~conditions of pretrial release~~ amount of
10 bail, fitness of the defendant or in sentencing under the
11 Unified Code of Corrections; or

12 (c) in proceedings under this Act or in criminal
13 proceedings in which anyone who has been adjudicated
14 delinquent under Section 5-105 is to be a witness
15 including the minor or defendant if he or she testifies,
16 and then only for purposes of impeachment and pursuant to
17 the rules of evidence for criminal trials; or

18 (d) in civil proceedings concerning causes of action
19 arising out of the incident or incidents which initially
20 gave rise to the proceedings under this Act.

21 (2) No adjudication or disposition under this Act shall
22 operate to disqualify a minor from subsequently holding public
23 office nor shall operate as a forfeiture of any right,
24 privilege or right to receive any license granted by public
25 authority.

26 (3) The court which adjudicated that a minor has committed

1 any offense relating to motor vehicles prescribed in Sections
2 4-102 and 4-103 of the Illinois Vehicle Code shall notify the
3 Secretary of State of that adjudication and the notice shall
4 constitute sufficient grounds for revoking that minor's
5 driver's license or permit as provided in Section 6-205 of the
6 Illinois Vehicle Code; no minor shall be considered a criminal
7 by reason thereof, nor shall any such adjudication be
8 considered a conviction.

9 (Source: P.A. 90-590, eff. 1-1-99; 101-652.)

10 Section 75. The Criminal Code of 2012 is amended by
11 changing Sections 26.5-5, 31-1, 31A-0.1, 32-10, and 32-15 as
12 follows:

13 (720 ILCS 5/26.5-5)

14 Sec. 26.5-5. Sentence.

15 (a) Except as provided in subsection (b), a person who
16 violates any of the provisions of Section 26.5-1, 26.5-2, or
17 26.5-3 of this Article is guilty of a Class B misdemeanor.
18 Except as provided in subsection (b), a second or subsequent
19 violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article
20 is a Class A misdemeanor, for which the court shall impose a
21 minimum of 14 days in jail or, if public or community service
22 is established in the county in which the offender was
23 convicted, 240 hours of public or community service.

24 (b) In any of the following circumstances, a person who

1 violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article
2 shall be guilty of a Class 4 felony:

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

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

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

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

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

24 (6) The person violates paragraph (5) of Section
25 26.5-2 or paragraph (4) of Section 26.5-3; or

26 (7) The person was at least 18 years of age at the time

1 of the commission of the offense and the victim was under
2 18 years of age at the time of the commission of the
3 offense.

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

6 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13;
7 101-652.)

8 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

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

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

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

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

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

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

26 (c) It is an affirmative defense to a violation of this

1 Section if a person resists or obstructs the performance of
2 one known by the person to be a firefighter by returning to or
3 remaining in a dwelling, residence, building, or other
4 structure to rescue or to attempt to rescue any person.

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

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

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

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

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

23 (a-7) A person convicted for a violation of this Section
24 whose violation was the proximate cause of an injury to a peace
25 officer, firefighter, or correctional institution employee is

1 guilty of a Class 4 felony.

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

24 (c) It is an affirmative defense to a violation of this
25 Section if a person resists or obstructs the performance of
26 one known by the person to be a firefighter by returning to or

1 remaining in a dwelling, residence, building, or other
2 structure to rescue or to attempt to rescue any person.

3 ~~(d) A person shall not be subject to arrest under this~~
4 ~~Section unless there is an underlying offense for which the~~
5 ~~person was initially subject to arrest.~~

6 (Source: P.A. 101-652, eff. 1-1-23.)

7 (720 ILCS 5/31A-0.1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ammunition; or

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

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

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

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

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

26 (ix) "Tool to defeat security mechanisms" means, but

1 is not limited to, handcuff or security restraint key,
2 tool designed to pick locks, popper, or any device or
3 instrument used to or capable of unlocking or preventing
4 from locking any handcuff or security restraints, doors to
5 cells, rooms, gates or other areas of the penal
6 institution.

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

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

26 "Penal institution" means any penitentiary, State farm,

1 reformatory, prison, jail, house of correction, police
2 detention area, half-way house or other institution or place
3 for the incarceration or custody of persons under sentence for
4 offenses awaiting trial or sentence for offenses, under arrest
5 for an offense, a violation of probation, a violation of
6 parole, a violation of aftercare release, or a violation of
7 mandatory supervised release, or awaiting a bail setting
8 hearing ~~on the setting of conditions of pretrial release~~ or
9 preliminary hearing; provided that where the place for
10 incarceration or custody is housed within another public
11 building this Article shall not apply to that part of the
12 building unrelated to the incarceration or custody of persons.
13 (Source: P.A. 97-1108, eff. 1-1-13; 98-558, eff. 1-1-14;
14 101-652.)

15 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

16 Sec. 32-10. Violation of ~~conditions of pretrial release~~
17 bail bond.

18 (a) Whoever, having been ~~released pretrial under~~
19 ~~conditions~~ admitted to bail for appearance before any court of
20 this State, incurs a ~~violation of conditions of pretrial~~
21 ~~release~~ forfeiture of the bail and knowingly fails to
22 surrender himself or herself within 30 days following the date
23 of the ~~violation~~ forfeiture, commits, if the ~~conditions of~~
24 ~~pretrial release~~ bail was given in connection with a charge of
25 felony or pending appeal or certiorari after conviction of any

1 offense, a felony of the next lower Class or a Class A
2 misdemeanor if the underlying offense was a Class 4 felony. ~~If~~
3 ~~the violation of pretrial conditions were made;~~ or, if the
4 bail was given in connection with a charge of committing a
5 misdemeanor, or for appearance as a witness, commits a
6 misdemeanor of the next lower Class, but not less than a Class
7 C misdemeanor.

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

13 (b) Whoever, having been ~~released pretrial under~~
14 ~~conditions~~ admitted to bail for appearance before any court of
15 this State, while charged with a criminal offense in which the
16 victim is a family or household member as defined in Article
17 112A of the Code of Criminal Procedure of 1963, knowingly
18 violates a condition of that release as set forth in Section
19 110-10, subsection (d) of the Code of Criminal Procedure of
20 1963, commits a Class A misdemeanor.

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

1 or a criminal offense in which the victim is a family or
2 household member as defined in Article 112A of the Code of
3 Criminal Procedure of 1963 while on this release, must appear
4 before the court before bail is statutorily set.

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

12 (Source: P.A. 97-1108, eff. 1-1-13; 101-652.)

13 (720 ILCS 5/32-15)

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

1 surety or bail, the financial worth or standing of the person
2 proposed as surety or bail, or as to the number or total
3 penalties of all other bonds or recognizances signed by and
4 standing against the proposed surety or bail, or any person
5 who, having taken a lawful oath or made affirmation, shall
6 testify wilfully, corruptly and falsely as to any of said
7 matters for the purpose of inducing the approval of any such
8 ~~conditions of pretrial release~~ bail bond or recognizance; or
9 for the purpose of justifying on any such ~~conditions of~~
10 ~~pretrial release~~ bail bond or recognizance, or who shall
11 suborn any other person to so swear, affirm or testify as
12 aforesaid, shall be deemed and adjudged guilty of perjury or
13 subornation of perjury (as the case may be) and punished
14 accordingly.

15 (Source: P.A. 97-1108, eff. 1-1-13; 101-652.)

16 Section 80. 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)

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

1 ~~"Pretrial release"~~ "Bail" ~~has the meaning ascribed to bail~~
2 ~~in Section 9 of Article I of the Illinois Constitution that is~~
3 ~~non-monetary~~ means the amount of money set by the court which
4 is required to be obligated and secured as provided by law for
5 the release of a person in custody in order that he will appear
6 before the court in which his appearance may be required and
7 that he will comply with such conditions as set forth in the
8 bail bond.

9 (Source: Laws 1963, p. 2836; P.A. 101-652.)

10 (725 ILCS 5/102-7) (from Ch. 38, par. 102-7)

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

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

17 (Source: Laws 1963, p. 2836; P.A. 101-652.)

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

19 Sec. 103-5. Speedy trial.)

20 (a) Every person in custody in this State for an alleged
21 offense shall be tried by the court having jurisdiction within
22 120 days from the date he or she was taken into custody unless
23 delay is occasioned by the defendant, by an examination for
24 fitness ordered pursuant to Section 104-13 of this Act, by a

1 fitness hearing, by an adjudication of unfitness to stand
2 trial, by a continuance allowed pursuant to Section 114-4 of
3 this Act after a court's determination of the defendant's
4 physical incapacity for trial, or by an interlocutory appeal.
5 Delay shall be considered to be agreed to by the defendant
6 unless he or she objects to the delay by making a written
7 demand for trial or an oral demand for trial on the record. The
8 provisions of this subsection (a) do not apply to a person on
9 ~~pretrial release~~ bail or recognizance for an offense but who
10 is in custody for a violation of his or her parole, aftercare
11 release, or mandatory supervised release for another offense.

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

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

1 court operates to waive the defendant's demand for trial made
2 under this subsection.

3 For purposes of computing the 160 day period under this
4 subsection (b), every person who was in custody for an alleged
5 offense and demanded trial and is subsequently released on
6 ~~pretrial release~~ bail or recognizance and demands trial, shall
7 be given credit for time spent in custody following the making
8 of the demand while in custody. Any demand for trial made under
9 this subsection (b) shall be in writing; and in the case of a
10 defendant not in custody, the demand for trial shall include
11 the date of any prior demand made under this provision while
12 the defendant was in custody.

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

25 (d) Every person not tried in accordance with subsections
26 (a), (b) and (c) of this Section shall be discharged from

1 custody or released from the obligations of his ~~pretrial~~
2 ~~release~~ bail or recognizance.

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

1 continuance allowed pursuant to Section 114-4 of this Act
2 after a court's determination of the defendant's physical
3 incapacity for trial, or by an interlocutory appeal; provided,
4 however, that if the court determines that the State has
5 exercised without success due diligence to obtain evidence
6 material to the case and that there are reasonable grounds to
7 believe that such evidence may be obtained at a later day the
8 court may continue the cause on application of the State for
9 not more than an additional 60 days.

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

23 (Source: P.A. 98-558, eff. 1-1-14; 101-652.)

24 (725 ILCS 5/103-7) (from Ch. 38, par. 103-7)

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

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

21 (Source: Laws 1965, p. 2622; P.A. 101-652.)

22 (725 ILCS 5/103-9) (from Ch. 38, par. 103-9)

23 Sec. 103-9. Bail bondsmen. No bail bondsman from any state
24 may seize or transport unwillingly any person found in this
25 State who is allegedly in violation of a bail bond posted in

1 some other state ~~or conditions of pretrial release~~. The return
2 of any such person to another state may be accomplished only as
3 provided by the laws of this State. Any bail bondsman who
4 violates this Section is fully subject to the criminal and
5 civil penalties provided by the laws of this State for his
6 actions.

7 (Source: P.A. 84-694; 101-652.)

8 (725 ILCS 5/104-13) (from Ch. 38, par. 104-13)

9 Sec. 104-13. Fitness Examination.

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

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

22 (c) An examination ordered under this Section shall be
23 given at the place designated by the person who will conduct
24 the examination, except that if the defendant is being held in
25 custody, the examination shall take place at such location as

1 the court directs. No examinations under this Section shall be
2 ordered to take place at mental health or developmental
3 disabilities facilities operated by the Department of Human
4 Services. If the defendant fails to keep appointments without
5 reasonable cause or if the person conducting the examination
6 reports to the court that diagnosis requires hospitalization
7 or extended observation, the court may order the defendant
8 admitted to an appropriate facility for an examination, other
9 than a screening examination, for not more than 7 days. The
10 court may, upon a showing of good cause, grant an additional 7
11 days to complete the examination.

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

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

23 (Source: P.A. 89-507, eff. 7-1-97; 101-652.)

24 (725 ILCS 5/104-17) (from Ch. 38, par. 104-17)

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

1 (a) If the defendant is eligible to be or has been released
2 on ~~pretrial release~~ bail or on his own recognizance, the court
3 shall select the least physically restrictive form of
4 treatment therapeutically appropriate and consistent with the
5 treatment plan. The placement may be ordered either on an
6 inpatient or an outpatient basis.

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

1 to stand trial, it shall immediately notify the court and
2 shall submit a written report within 7 days. In that
3 circumstance the placement shall be held pending a court
4 hearing on the Department's report. Otherwise, upon completion
5 of the placement process, the sheriff shall be notified and
6 shall transport the defendant to the designated facility. If,
7 within 20 days of the transmittal by the clerk of the circuit
8 court of the placement court order, the Department fails to
9 notify the sheriff of the identity of the facility to which the
10 defendant shall be transported, the sheriff shall contact a
11 designated person within the Department to inquire about when
12 a placement will become available at the designated facility
13 and bed availability at other facilities. If, within 20 days
14 of the transmittal by the clerk of the circuit court of the
15 placement court order, the Department fails to notify the
16 sheriff of the identity of the facility to which the defendant
17 shall be transported, the sheriff shall notify the Department
18 of its intent to transfer the defendant to the nearest secure
19 mental health facility operated by the Department and inquire
20 as to the status of the placement evaluation and availability
21 for admission to such facility operated by the Department by
22 contacting a designated person within the Department. The
23 Department shall respond to the sheriff within 2 business days
24 of the notice and inquiry by the sheriff seeking the transfer
25 and the Department shall provide the sheriff with the status
26 of the evaluation, information on bed and placement

1 availability, and an estimated date of admission for the
2 defendant and any changes to that estimated date of admission.
3 If the Department notifies the sheriff during the 2 business
4 day period of a facility operated by the Department with
5 placement availability, the sheriff shall promptly transport
6 the defendant to that facility. The placement may be ordered
7 either on an inpatient or an outpatient basis.

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

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

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

25 (2) the county and municipality in which the offense
26 was committed;

1 (3) the county and municipality in which the arrest
2 took place;

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

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

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

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

23 (2) A description of treatment goals with respect to
24 rendering the defendant fit, a specification of the
25 proposed treatment modalities, and an estimated timetable
26 for attainment of the goals;

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

3 (Source: P.A. 99-140, eff. 1-1-16; 100-27, eff. 1-1-18;
4 101-652.)

5 (725 ILCS 5/106D-1)

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

7 Sec. 106D-1. Defendant's appearance by closed circuit
8 television and video conference.

9 (a) Whenever the appearance in person in court, in either
10 a civil or criminal proceeding, is required of anyone held in a
11 place of custody or confinement operated by the State or any of
12 its political subdivisions, including counties and
13 municipalities, the chief judge of the circuit by rule may
14 permit the personal appearance to be made by means of two-way
15 audio-visual communication, including closed circuit
16 television and computerized video conference, in the following
17 proceedings:

18 (1) the initial appearance before a judge on a
19 criminal complaint, at which 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. 102-486, eff. 8-20-21.)

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

5 Sec. 106D-1. Defendant's appearance by closed circuit
6 television and video conference.

7 (a) Whenever the appearance in person in court, in either
8 a civil or criminal proceeding, is required of anyone held in a
9 place of custody or confinement operated by the State or any of
10 its political subdivisions, including counties and
11 municipalities, the chief judge of the circuit by rule may
12 permit the personal appearance to be made by means of two-way
13 audio-visual communication, including closed circuit
14 television and computerized video conference, in the following
15 proceedings:

16 (1) the initial appearance before a judge on a
17 criminal complaint, at which ~~the conditions of pretrial~~
18 ~~release~~ bail will be set;

19 (2) the waiver of a preliminary hearing;

20 (3) the arraignment on an information or indictment at
21 which a plea of not guilty will be entered;

22 (4) the presentation of a jury waiver;

23 (5) any status hearing;

24 (6) any hearing conducted under the Sexually Violent
25 Persons Commitment Act at which no witness testimony will

1 be taken; and

2 (7) at any hearing at which no witness testimony will
3 be taken conducted under the following:

4 (A) Section 104-20 of this Code (90-day hearings);

5 (B) Section 104-22 of this Code (trial with
6 special provisions and assistance);

7 (C) Section 104-25 of this Code (discharge
8 hearing); or

9 (D) Section 5-2-4 of the Unified Code of
10 Corrections (proceedings after acquittal by reason of
11 insanity).

12 (b) The two-way audio-visual communication facilities must
13 provide two-way audio-visual communication between the court
14 and the place of custody or confinement, and must include a
15 secure line over which the person in custody and his or her
16 counsel, if any, may communicate.

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

22 (d) Nothing in this Section shall be construed to
23 establish a right of any person held in custody or confinement
24 to appear in court through two-way audio-visual communication
25 or to require that any governmental entity, or place of
26 custody or confinement, provide two-way audio-visual

1 communication.

2 (Source: P.A. 101-652, eff. 1-1-23; 102-486, eff. 8-20-21;
3 revised 10-12-21.)

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

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

6 Sec. 107-4. Arrest by peace officer from other
7 jurisdiction.

8 (a) As used in this Section:

9 (1) "State" means any State of the United States and
10 the District of Columbia.

11 (2) "Peace Officer" means any peace officer or member
12 of any duly organized State, County, or Municipal peace
13 unit, any police force of another State, the United States
14 Department of Defense, or any police force whose members,
15 by statute, are granted and authorized to exercise powers
16 similar to those conferred upon any peace officer employed
17 by a law enforcement agency of this State.

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

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

22 (a-3) Any peace officer employed by a law enforcement
23 agency of this State may conduct temporary questioning
24 pursuant to Section 107-14 of this Code and may make arrests in
25 any jurisdiction within this State: (1) if the officer is

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

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

19 (b) Any peace officer of another State who enters this
20 State in fresh pursuit and continues within this State in
21 fresh pursuit of a person in order to arrest him on the ground
22 that he has committed an offense in the other State has the
23 same authority to arrest and hold the person in custody as
24 peace officers of this State have to arrest and hold a person
25 in custody on the ground that he has committed an offense in
26 this State.

1 (c) If an arrest is made in this State by a peace officer
2 of another State in accordance with the provisions of this
3 Section he shall without unnecessary delay take the person
4 arrested before the circuit court of the county in which the
5 arrest was made. Such court shall conduct a hearing for the
6 purpose of determining the lawfulness of the arrest. If the
7 court determines that the arrest was lawful it shall commit
8 the person arrested, to await for a reasonable time the
9 issuance of an extradition warrant by the Governor of this
10 State, or admit him to bail for such purpose. If the court
11 determines that the arrest was unlawful it shall discharge the
12 person arrested.

13 (Source: P.A. 102-538, eff. 8-20-21.)

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

15 Sec. 107-4. Arrest by peace officer from other
16 jurisdiction.

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19 the District of Columbia.

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21 of any duly organized State, County, or Municipal peace
22 unit, any police force of another State, the United States
23 Department of Defense, or any police force whose members,
24 by statute, are granted and authorized to exercise powers
25 similar to those conferred upon any peace officer employed

1 by a law enforcement agency of this State.

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3 person who is endeavoring to avoid arrest.

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5 department or county sheriff's office of this State.

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

25 (a-7) The law enforcement agency of the county or
26 municipality in which any arrest is made under this Section

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

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

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

24 (725 ILCS 5/107-9) (from Ch. 38, par. 107-9)

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

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

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

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

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

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

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

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

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

24 (d) The warrant of arrest shall:

25 (1) Be in writing;

26 (2) Specify the name, sex and birth date of the person

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

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

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

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

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

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

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

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

25 (f) The arrest warrant may be issued electronically or
26 electromagnetically by use of electronic mail or a facsimile

1 transmission machine and any arrest warrant shall have the
2 same validity as a written warrant.

3 (Source: P.A. 101-239, eff. 1-1-20; 101-652.)

4 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

5 Sec. 109-1. Person arrested; ~~release from law enforcement~~
6 ~~eustody and court appearance; geographical constraints prevent~~
7 ~~in person appearances.~~

8 (a) A person arrested with or without a warrant ~~for an~~
9 ~~offense for which pretrial release may be denied under~~
10 ~~paragraphs (1) through (6) of Section 110-6.1~~ shall be taken
11 without unnecessary delay before the nearest and most
12 accessible judge in that county, except when such county is a
13 participant in a regional jail authority, in which event such
14 person may be taken to the nearest and most accessible judge,
15 irrespective of the county where such judge presides, and a
16 charge shall be filed. Whenever a person arrested either with
17 or without a warrant is required to be taken before a judge, a
18 charge may be filed against such person by way of a two-way
19 closed circuit television system, except that a hearing to
20 deny ~~pretrial release~~ bail to the defendant may not be
21 conducted by way of closed circuit television.

22 ~~(a-1) Law enforcement shall issue a citation in lieu of~~
23 ~~eustodial arrest, upon proper identification, for those~~
24 ~~accused of traffic and Class B and C criminal misdemeanor~~
25 ~~offenses, or of petty and business offenses, who pose no~~

1 ~~obvious threat to the community or any person, or who have no~~
2 ~~obvious medical or mental health issues that pose a risk to~~
3 ~~their own safety. Those released on citation shall be~~
4 ~~scheduled into court within 21 days.~~

5 ~~(a-3) A person arrested with or without a warrant for an~~
6 ~~offense for which pretrial release may not be denied may,~~
7 ~~except as otherwise provided in this Code, be released by the~~
8 ~~officer without appearing before a judge. The releasing~~
9 ~~officer shall issue the person a summons to appear within 21~~
10 ~~days. A presumption in favor of pretrial release shall be~~
11 ~~applied by an arresting officer in the exercise of his or her~~
12 ~~discretion under this Section.~~

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

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

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

24 (2) ~~advise~~ Advise the defendant of his right to
25 counsel and if indigent shall appoint a public defender or
26 licensed attorney at law of this State to represent him in

1 accordance with the provisions of Section 113-3 of this
2 Code;

3 (3) ~~schedule~~ Schedule a preliminary hearing in
4 appropriate cases;

5 (4) ~~admit~~ Admit the defendant to ~~pretrial release~~ bail
6 in accordance with the provisions of Article ~~110/5~~ 110 of
7 this Code, ~~or upon verified petition of the State, proceed~~
8 ~~with the setting of a detention hearing as provided in~~
9 ~~Section 110-6.1;~~ and

10 (5) Order the confiscation of the person's passport or
11 impose travel restrictions on a defendant arrested for
12 first degree murder or other violent crime as defined in
13 Section 3 of the Rights of Crime Victims and Witnesses
14 Act, if the judge determines, based on the factors in
15 Section 110-5 of this Code, that this will reasonably
16 ensure the appearance of the defendant and compliance by
17 the defendant with all conditions of release.

18 (c) The court may issue an order of protection in
19 accordance with the provisions of Article 112A of this Code.
20 ~~Crime victims shall be given notice by the State's Attorney's~~
21 ~~office of this hearing as required in paragraph (2) of~~
22 ~~subsection (b) of the Rights of Crime Victims and Witnesses~~
23 ~~Act and shall be informed of their opportunity at this hearing~~
24 ~~to obtain an order of protection under Article 112A of this~~
25 ~~Code.~~

26 (d) At the initial appearance of a defendant in any

1 criminal proceeding, the court must advise the defendant in
2 open court that any foreign national who is arrested or
3 detained has the right to have notice of the arrest or
4 detention given to his or her country's consular
5 representatives and the right to communicate with those
6 consular representatives if the notice has not already been
7 provided. The court must make a written record of so advising
8 the defendant.

9 (e) If consular notification is not provided to a
10 defendant before his or her first appearance in court, the
11 court shall grant any reasonable request for a continuance of
12 the proceedings to allow contact with the defendant's
13 consulate. Any delay caused by the granting of the request by a
14 defendant shall temporarily suspend for the time of the delay
15 the period within which a person shall be tried as prescribed
16 by subsections (a), (b), or (e) of Section 103-5 of this Code
17 and on the day of the expiration of delay the period shall
18 continue at the point at which it was suspended.

19 ~~(f) At the hearing at which conditions of pretrial release~~
20 ~~are determined, the person charged shall be present in person~~
21 ~~rather than by video phone or any other form of electronic~~
22 ~~communication, unless the physical health and safety of the~~
23 ~~person would be endangered by appearing in court or the~~
24 ~~accused waives the right to be present in person.~~

25 ~~(g) Defense counsel shall be given adequate opportunity to~~
26 ~~confer with Defendant prior to any hearing in which conditions~~

1 ~~of release or the detention of the Defendant is to be~~
2 ~~considered, with a physical accommodation made to facilitate~~
3 ~~attorney/client consultation.~~

4 (Source: P.A. 99-78, eff. 7-20-15; 99-190, eff. 1-1-16; 100-1,
5 eff. 1-1-18; 101-652.)

6 (725 ILCS 5/109-2) (from Ch. 38, par. 109-2)

7 Sec. 109-2. Person arrested in another county. (a) Any
8 person arrested in a county other than the one in which a
9 warrant for his arrest was issued shall be taken without
10 unnecessary delay before the nearest and most accessible judge
11 in the county where the arrest was made or, if no additional
12 delay is created, before the nearest and most accessible judge
13 in the county from which the warrant was issued. ~~Upon arrival~~
14 ~~in the county in which the warrant was issued, the status of~~
15 ~~the arrested person's release status shall be determined by~~
16 ~~the release revocation process described in Section 110-6. He~~
17 shall be admitted to bail in the amount specified in the
18 warrant or, for offenses other than felonies, in an amount as
19 set by the judge, and such bail shall be conditioned on his
20 appearing in the court issuing the warrant on a certain date.
21 The judge may hold a hearing to determine if the defendant is
22 the same person as named in the warrant.

23 (b) Notwithstanding the provisions of subsection (a), any
24 person arrested in a county other than the one in which a
25 warrant for his arrest was issued, may waive the right to be

1 taken before a judge in the county where the arrest was made.
2 If a person so arrested waives such right, the arresting
3 agency shall surrender such person to a law enforcement agency
4 of the county that issued the warrant without unnecessary
5 delay. The provisions of Section 109-1 shall then apply to the
6 person so arrested.

7 ~~(c) If a defendant is charged with a felony offense, but~~
8 ~~has a warrant in another county, the defendant shall be taken~~
9 ~~to the county that issued the warrant within 72 hours of the~~
10 ~~completion of condition or detention hearing, so that release~~
11 ~~or detention status can be resolved. This provision shall not~~
12 ~~apply to warrants issued outside of Illinois.~~

13 (Source: P.A. 86-298; 101-652.)

14 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

15 Sec. 109-3. Preliminary examination.)

16 (a) The judge shall hold the defendant to answer to the
17 court having jurisdiction of the offense if from the evidence
18 it appears there is probable cause to believe an offense has
19 been committed by the defendant, as provided in Section
20 109-3.1 of this Code, if the offense is a felony.

21 (b) If the defendant waives preliminary examination the
22 judge shall hold him to answer and may, or on the demand of the
23 prosecuting attorney shall, cause the witnesses for the State
24 to be examined. After hearing the testimony if it appears that
25 there is not probable cause to believe the defendant guilty of

1 any offense the judge shall discharge him.

2 (c) During the examination of any witness or when the
3 defendant is making a statement or testifying the judge may
4 and on the request of the defendant or State shall exclude all
5 other witnesses. He may also cause the witnesses to be kept
6 separate and to be prevented from communicating with each
7 other until all are examined.

8 (d) If the defendant is held to answer the judge may
9 require any material witness for the State or defendant to
10 enter into a written undertaking to appear at the trial, and
11 may provide for the forfeiture of a sum certain in the event
12 the witness does not appear at the trial. Any witness who
13 refuses to execute a recognizance may be committed by the
14 judge to the custody of the sheriff until trial or further
15 order of the court having jurisdiction of the cause. Any
16 witness who executes a recognizance and fails to comply with
17 its terms shall, in addition to any forfeiture provided in the
18 recognizance, be subject to the penalty provided in Section
19 32-10 of the Criminal Code of 2012 for violation of ~~the~~
20 ~~conditions of pretrial release~~ bail bond.

21 (e) During preliminary hearing or examination the
22 defendant may move for an order of suppression of evidence
23 pursuant to Section 114-11 or 114-12 of this Act or for other
24 reasons, and may move for dismissal of the charge pursuant to
25 Section 114-1 of this Act or for other reasons.

26 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

1 (725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

2 Sec. 109-3.1. Persons Charged with Felonies. (a) In any
3 case involving a person charged with a felony in this State,
4 alleged to have been committed on or after January 1, 1984, the
5 provisions of this Section shall apply.

6 (b) Every person in custody in this State for the alleged
7 commission of a felony shall receive either a preliminary
8 examination as provided in Section 109-3 or an indictment by
9 Grand Jury as provided in Section 111-2, within 30 days from
10 the date he or she was taken into custody. Every person on
11 ~~pretrial release~~ bail or recognizance for the alleged
12 commission of a felony shall receive either a preliminary
13 examination as provided in Section 109-3 or an indictment by
14 Grand Jury as provided in Section 111-2, within 60 days from
15 the date he or she was arrested.

16 The provisions of this paragraph shall not apply in the
17 following situations:

18 (1) when delay is occasioned by the defendant; or

19 (2) when the defendant has been indicted by the Grand Jury
20 on the felony offense for which he or she was initially taken
21 into custody or on an offense arising from the same
22 transaction or conduct of the defendant that was the basis for
23 the felony offense or offenses initially charged; or

24 (3) when a competency examination is ordered by the court;

25 or

1 (4) when a competency hearing is held; or

2 (5) when an adjudication of incompetency for trial has
3 been made; or

4 (6) when the case has been continued by the court under
5 Section 114-4 of this Code after a determination that the
6 defendant is physically incompetent to stand trial.

7 (c) Delay occasioned by the defendant shall temporarily
8 suspend, for the time of the delay, the period within which the
9 preliminary examination must be held. On the day of expiration
10 of the delay the period in question shall continue at the point
11 at which it was suspended.

12 (Source: P.A. 83-644; 101-652.)

13 (725 ILCS 5/Art. 110 heading)

14 ARTICLE 110. ~~PRETRIAL RELEASE~~ BAIL

15 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

16 Sec. 110-1. Definitions. (a) ~~(Blank)~~. "Security" is that
17 which is required to be pledged to insure the payment of bail.

18 (b) "Sureties" encompasses the monetary and nonmonetary
19 requirements set by the court as conditions for release either
20 before or after conviction. "Surety" is one who executes a
21 bail bond and binds himself to pay the bail if the person in
22 custody fails to comply with all conditions of the bail bond.

23 (c) The phrase "for which a sentence of imprisonment,
24 without conditional and revocable release, shall be imposed by

1 law as a consequence of conviction" means an offense for which
2 a sentence of imprisonment, without probation, periodic
3 imprisonment or conditional discharge, is required by law upon
4 conviction.

5 (d) ~~(Blank.)~~ "Real and present threat to the physical
6 safety of any person or persons", as used in this Article,
7 includes a threat to the community, person, persons or class
8 of persons.

9 ~~(e) Willful flight means planning or attempting to~~
10 ~~intentionally evade prosecution by concealing oneself. Simple~~
11 ~~past non-appearance in court alone is not evidence of future~~
12 ~~intent to evade prosecution.~~

13 (Source: P.A. 85-892; 101-652.)

14 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

15 Sec. 110-2. Release on own recognizance.

16 ~~(a) It is presumed that a defendant is entitled to release~~
17 ~~on personal recognizance on the condition that the defendant~~
18 ~~attend all required court proceedings and the defendant does~~
19 ~~not commit any criminal offense, and complies with all terms~~
20 ~~of pretrial release, including, but not limited to, orders of~~
21 ~~protection under both Section 112A-4 of this Code and Section~~
22 ~~214 of the Illinois Domestic Violence Act of 1986, all civil no~~
23 ~~contact orders, and all stalking no contact orders.~~

24 ~~(b) Additional conditions of release, including those~~
25 ~~highlighted above, shall be set only when it is determined~~

1 ~~that they are necessary to assure the defendant's appearance~~
2 ~~in court, assure the defendant does not commit any criminal~~
3 ~~offense, and complies with all conditions of pretrial release.~~

4 ~~(c) Detention only shall be imposed when it is determined~~
5 ~~that the defendant poses a specific, real and present threat~~
6 ~~to a person, or has a high likelihood of willful flight. If the~~
7 ~~court deems that the defendant is to be released on personal~~
8 ~~recognizance, the court may require that a written~~
9 ~~admonishment be signed by~~ When from all the circumstances the
10 court is of the opinion that the defendant will appear as
11 required either before or after conviction and the defendant
12 will not pose a danger to any person or the community and that
13 the defendant will comply with all conditions of bond, which
14 shall include the defendant's current address with a written
15 admonishment to the defendant requiring that he or she must
16 comply with the provisions of Section 110-12 of this Code
17 regarding any change in his or her address. ~~The,~~ the defendant
18 may be released on his or her own recognizance ~~upon signature.~~
19 The defendant's address shall at all times remain a matter of
20 public record with the clerk of the court. A failure to appear
21 as required by such recognizance shall constitute an offense
22 subject to the penalty provided in Section 32-10 of the
23 Criminal Code of 2012 for violation of the ~~conditions of~~
24 ~~pretrial release~~ bail bond, and any obligated sum fixed in the
25 recognizance shall be forfeited and collected in accordance
26 with subsection (g) of Section 110-7 of this Code.

1 ~~(d) If, after the procedures set out in Section 110-6.1,~~
2 ~~the court decides to detain the defendant, the Court must make~~
3 ~~a written finding as to why less restrictive conditions would~~
4 ~~not assure safety to the community and assure the defendant's~~
5 ~~appearance in court. At each subsequent appearance of the~~
6 ~~defendant before the Court, the judge must find that continued~~
7 ~~detention or the current set of conditions imposed are~~
8 ~~necessary to avoid the specific, real and present threat to~~
9 ~~any person or of willful flight from prosecution to continue~~
10 ~~detention of the defendant. The court is not required to be~~
11 ~~presented with new information or a change in circumstance to~~
12 ~~consider reconsidering pretrial detention on current~~
13 ~~conditions.~~

14 ~~(e)~~ This Section shall be liberally construed to
15 effectuate the purpose of relying upon contempt of court
16 proceedings or criminal sanctions instead of financial loss to
17 assure the appearance of the defendant, and that the defendant
18 will not pose a danger to any person or the community and that
19 the defendant will ~~not pose~~ comply with all conditions of
20 bond. Monetary bail should be set only when it is determined
21 that no other conditions of release will reasonably assure the
22 defendant's appearance in court, that the defendant does not
23 present a danger to any person or the community and that the
24 defendant will comply with all conditions of ~~pretrial release~~
25 bond.

26 The State may appeal any order permitting release by

1 personal recognizance.

2 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

3 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

4 Sec. 110-3. ~~Options for warrant alternatives~~ Issuance of
5 warrant.

6 ~~(a) Upon failure to comply with any condition of pretrial~~
7 ~~release a bail bond or recognizance the court having~~
8 ~~jurisdiction at the time of such failure may, on its own motion~~
9 ~~or upon motion from the State, issue an order to show cause as~~
10 ~~to why he or she shall not be subject to revocation of pretrial~~
11 ~~release, or for sanctions, as provided in Section 110-6.~~
12 ~~Nothing in this Section prohibits the court from issuing a~~
13 ~~warrant under subsection (c) upon failure to comply with any~~
14 ~~condition of pretrial release or recognizance.~~

15 ~~(b) The order issued by the court shall state the facts~~
16 ~~alleged to constitute the hearing to show cause or otherwise~~
17 ~~why the person is subject to revocation of pretrial release. A~~
18 ~~certified copy of the order shall be served upon the person at~~
19 ~~least 48 hours in advance of the scheduled hearing.~~

20 ~~(c) If the person does not appear at the hearing to show~~
21 ~~cause or absconds, the court may, in addition to any other~~
22 ~~action provided by law, issue a warrant for the arrest of the~~
23 ~~person at liberty on pretrial release bail or his own~~
24 ~~recognizance.~~ The contents of such a warrant shall be the same
25 as required for an arrest warrant issued upon complaint ~~and~~

1 ~~may modify any previously imposed conditions placed upon the~~
2 ~~person, rather than revoking pretrial release or issuing a~~
3 ~~warrant for the person in accordance with the requirements in~~
4 ~~subsections (d) and (e) of Section 110-5.~~ When a defendant is
5 at liberty on ~~pretrial release~~ bail or his own recognizance on
6 a felony charge and fails to appear in court as directed, the
7 court ~~may~~ shall issue a warrant for the arrest of such person
8 ~~after his or her failure to appear at the show for cause~~
9 ~~hearing as provided in this Section.~~ Such warrant shall be
10 noted with a directive to peace officers to arrest the person
11 and hold such person without ~~pretrial release~~ bail and to
12 deliver such person before the court for further proceedings.

13 ~~(d) If the order as described in Subsection B is issued, a~~
14 ~~failure to appear shall not be recorded until the Defendant~~
15 ~~fails to appear at the hearing to show cause. For the purpose~~
16 ~~of any risk assessment or future evaluation of risk of willful~~
17 ~~flight or risk of failure to appear, a non appearance in court~~
18 ~~cured by an appearance at the hearing to show cause shall not~~
19 ~~be considered as evidence of future likelihood appearance in~~
20 ~~court.~~ A defendant who is arrested or surrenders within 30
21 days of the issuance of such warrant shall not be bailable in
22 the case in question unless he shows by the preponderance of
23 the evidence that his failure to appear was not intentional.

24 (Source: P.A. 86-298; 86-984; 86-1028; 101-652.)

25 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

1 Sec. 110-4. ~~Pretrial release~~ Bailable Offenses.

2 (a) ~~All persons charged with an offense shall be eligible~~
3 ~~for pretrial release before conviction. Pretrial release may~~
4 ~~only be denied when a person is charged with an offense listed~~
5 ~~in Section 110-6.1 or when the defendant has a high likelihood~~
6 ~~of willful flight, and after the court has held a hearing under~~
7 ~~Section 110-6.1. All persons shall be bailable before~~
8 ~~conviction, except the following offenses where the proof is~~
9 ~~evident or the presumption great that the defendant is guilty~~
10 ~~of the offense: capital offenses; offenses for which a~~
11 ~~sentence of life imprisonment may be imposed as a consequence~~
12 ~~of conviction; felony offenses for which a sentence of~~
13 ~~imprisonment, without conditional and revocable release, shall~~
14 ~~be imposed by law as a consequence of conviction, where the~~
15 ~~court after a hearing, determines that the release of the~~
16 ~~defendant would pose a real and present threat to the physical~~
17 ~~safety of any person or persons; stalking or aggravated~~
18 ~~stalking, where the court, after a hearing, determines that~~
19 ~~the release of the defendant would pose a real and present~~
20 ~~threat to the physical safety of the alleged victim of the~~
21 ~~offense and denial of bail is necessary to prevent fulfillment~~
22 ~~of the threat upon which the charge is based; or unlawful use~~
23 ~~of weapons in violation of item (4) of subsection (a) of~~
24 ~~Section 24-1 of the Criminal Code of 1961 or the Criminal Code~~
25 ~~of 2012 when that offense occurred in a school or in any~~
26 ~~conveyance owned, leased, or contracted by a school to~~

1 transport students to or from school or a school-related
2 activity, or on any public way within 1,000 feet of real
3 property comprising any school, where the court, after a
4 hearing, determines that the release of the defendant would
5 pose a real and present threat to the physical safety of any
6 person and denial of bail is necessary to prevent fulfillment
7 of that threat; or making a terrorist threat in violation of
8 Section 29D-20 of the Criminal Code of 1961 or the Criminal
9 Code of 2012 or an attempt to commit the offense of making a
10 terrorist threat, where the court, after a hearing, determines
11 that the release of the defendant would pose a real and present
12 threat to the physical safety of any person and denial of bail
13 is necessary to prevent fulfillment of that threat.

14 (b) A person seeking ~~pretrial~~ release on bail who is
15 charged with a capital offense or an offense for which a
16 sentence of life imprisonment may be imposed shall not be
17 ~~eligible for release pretrial~~ bailable until a hearing is held
18 wherein such person has the burden of demonstrating that the
19 proof of his guilt is not evident and the presumption is not
20 great.

21 (c) Where it is alleged that ~~pretrial~~ bail should be
22 denied to a person upon the grounds that the person presents a
23 real and present threat to the physical safety of any person or
24 persons, the burden of proof of such allegations shall be upon
25 the State.

26 (d) When it is alleged that ~~pretrial~~ bail should be denied

1 to a person charged with stalking or aggravated stalking upon
2 the grounds set forth in Section 110-6.3 of this Code, the
3 burden of proof of those allegations shall be upon the State.

4 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

5 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

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

7 Sec. 110-5. Determining the amount of bail and conditions
8 of release.

9 (a) In determining the amount of monetary bail or
10 conditions of release, if any, which will reasonably assure
11 the appearance of a defendant as required or the safety of any
12 other person or the community and the likelihood of compliance
13 by the defendant with all the conditions of bail, the court
14 shall, on the basis of available information, take into
15 account such matters as the nature and circumstances of the
16 offense charged, whether the evidence shows that as part of
17 the offense there was a use of violence or threatened use of
18 violence, whether the offense involved corruption of public
19 officials or employees, whether there was physical harm or
20 threats of physical harm to any public official, public
21 employee, judge, prosecutor, juror or witness, senior citizen,
22 child, or person with a disability, whether evidence shows
23 that during the offense or during the arrest the defendant
24 possessed or used a firearm, machine gun, explosive or metal
25 piercing ammunition or explosive bomb device or any military

1 or paramilitary armament, whether the evidence shows that the
2 offense committed was related to or in furtherance of the
3 criminal activities of an organized gang or was motivated by
4 the defendant's membership in or allegiance to an organized
5 gang, the condition of the victim, any written statement
6 submitted by the victim or proffer or representation by the
7 State regarding the impact which the alleged criminal conduct
8 has had on the victim and the victim's concern, if any, with
9 further contact with the defendant if released on bail,
10 whether the offense was based on racial, religious, sexual
11 orientation or ethnic hatred, the likelihood of the filing of
12 a greater charge, the likelihood of conviction, the sentence
13 applicable upon conviction, the weight of the evidence against
14 such defendant, whether there exists motivation or ability to
15 flee, whether there is any verification as to prior residence,
16 education, or family ties in the local jurisdiction, in
17 another county, state or foreign country, the defendant's
18 employment, financial resources, character and mental
19 condition, past conduct, prior use of alias names or dates of
20 birth, and length of residence in the community, the consent
21 of the defendant to periodic drug testing in accordance with
22 Section 110-6.5, whether a foreign national defendant is
23 lawfully admitted in the United States of America, whether the
24 government of the foreign national maintains an extradition
25 treaty with the United States by which the foreign government
26 will extradite to the United States its national for a trial

1 for a crime allegedly committed in the United States, whether
2 the defendant is currently subject to deportation or exclusion
3 under the immigration laws of the United States, whether the
4 defendant, although a United States citizen, is considered
5 under the law of any foreign state a national of that state for
6 the purposes of extradition or non-extradition to the United
7 States, the amount of unrecovered proceeds lost as a result of
8 the alleged offense, the source of bail funds tendered or
9 sought to be tendered for bail, whether from the totality of
10 the court's consideration, the loss of funds posted or sought
11 to be posted for bail will not deter the defendant from flight,
12 whether the evidence shows that the defendant is engaged in
13 significant possession, manufacture, or delivery of a
14 controlled substance or cannabis, either individually or in
15 consort with others, whether at the time of the offense
16 charged he or she was on bond or pre-trial release pending
17 trial, probation, periodic imprisonment or conditional
18 discharge pursuant to this Code or the comparable Code of any
19 other state or federal jurisdiction, whether the defendant is
20 on bond or pre-trial release pending the imposition or
21 execution of sentence or appeal of sentence for any offense
22 under the laws of Illinois or any other state or federal
23 jurisdiction, whether the defendant is under parole, aftercare
24 release, mandatory supervised release, or work release from
25 the Illinois Department of Corrections or Illinois Department
26 of Juvenile Justice or any penal institution or corrections

1 department of any state or federal jurisdiction, the
2 defendant's record of convictions, whether the defendant has
3 been convicted of a misdemeanor or ordinance offense in
4 Illinois or similar offense in other state or federal
5 jurisdiction within the 10 years preceding the current charge
6 or convicted of a felony in Illinois, whether the defendant
7 was convicted of an offense in another state or federal
8 jurisdiction that would be a felony if committed in Illinois
9 within the 20 years preceding the current charge or has been
10 convicted of such felony and released from the penitentiary
11 within 20 years preceding the current charge if a penitentiary
12 sentence was imposed in Illinois or other state or federal
13 jurisdiction, the defendant's records of juvenile adjudication
14 of delinquency in any jurisdiction, any record of appearance
15 or failure to appear by the defendant at court proceedings,
16 whether there was flight to avoid arrest or prosecution,
17 whether the defendant escaped or attempted to escape to avoid
18 arrest, whether the defendant refused to identify himself or
19 herself, or whether there was a refusal by the defendant to be
20 fingerprinted as required by law. Information used by the
21 court in its findings or stated in or offered in connection
22 with this Section may be by way of proffer based upon reliable
23 information offered by the State or defendant. All evidence
24 shall be admissible if it is relevant and reliable regardless
25 of whether it would be admissible under the rules of evidence
26 applicable at criminal trials. If the State presents evidence

1 that the offense committed by the defendant was related to or
2 in furtherance of the criminal activities of an organized gang
3 or was motivated by the defendant's membership in or
4 allegiance to an organized gang, and if the court determines
5 that the evidence may be substantiated, the court shall
6 prohibit the defendant from associating with other members of
7 the organized gang as a condition of bail or release. For the
8 purposes of this Section, "organized gang" has the meaning
9 ascribed to it in Section 10 of the Illinois Streetgang
10 Terrorism Omnibus Prevention Act.

11 (a-5) There shall be a presumption that any conditions of
12 release imposed shall be non-monetary in nature and the court
13 shall impose the least restrictive conditions or combination
14 of conditions necessary to reasonably assure the appearance of
15 the defendant for further court proceedings and protect the
16 integrity of the judicial proceedings from a specific threat
17 to a witness or participant. Conditions of release may
18 include, but not be limited to, electronic home monitoring,
19 curfews, drug counseling, stay-away orders, and in-person
20 reporting. The court shall consider the defendant's
21 socio-economic circumstance when setting conditions of release
22 or imposing monetary bail.

23 (b) The amount of bail shall be:

24 (1) Sufficient to assure compliance with the
25 conditions set forth in the bail bond, which shall include
26 the defendant's current address with a written

1 admonishment to the defendant that he or she must comply
2 with the provisions of Section 110-12 regarding any change
3 in his or her address. The defendant's address shall at
4 all times remain a matter of public record with the clerk
5 of the court.

6 (2) Not oppressive.

7 (3) Considerate of the financial ability of the
8 accused.

9 (4) When a person is charged with a drug related
10 offense involving possession or delivery of cannabis or
11 possession or delivery of a controlled substance as
12 defined in the Cannabis Control Act, the Illinois
13 Controlled Substances Act, or the Methamphetamine Control
14 and Community Protection Act, the full street value of the
15 drugs seized shall be considered. "Street value" shall be
16 determined by the court on the basis of a proffer by the
17 State based upon reliable information of a law enforcement
18 official contained in a written report as to the amount
19 seized and such proffer may be used by the court as to the
20 current street value of the smallest unit of the drug
21 seized.

22 (b-5) Upon the filing of a written request demonstrating
23 reasonable cause, the State's Attorney may request a source of
24 bail hearing either before or after the posting of any funds.
25 If the hearing is granted, before the posting of any bail, the
26 accused must file a written notice requesting that the court

1 conduct a source of bail hearing. The notice must be
2 accompanied by justifying affidavits stating the legitimate
3 and lawful source of funds for bail. At the hearing, the court
4 shall inquire into any matters stated in any justifying
5 affidavits, and may also inquire into matters appropriate to
6 the determination which shall include, but are not limited to,
7 the following:

8 (1) the background, character, reputation, and
9 relationship to the accused of any surety; and

10 (2) the source of any money or property deposited by
11 any surety, and whether any such money or property
12 constitutes the fruits of criminal or unlawful conduct;
13 and

14 (3) the source of any money posted as cash bail, and
15 whether any such money constitutes the fruits of criminal
16 or unlawful conduct; and

17 (4) the background, character, reputation, and
18 relationship to the accused of the person posting cash
19 bail.

20 Upon setting the hearing, the court shall examine, under
21 oath, any persons who may possess material information.

22 The State's Attorney has a right to attend the hearing, to
23 call witnesses and to examine any witness in the proceeding.
24 The court shall, upon request of the State's Attorney,
25 continue the proceedings for a reasonable period to allow the
26 State's Attorney to investigate the matter raised in any

1 testimony or affidavit. If the hearing is granted after the
2 accused has posted bail, the court shall conduct a hearing
3 consistent with this subsection (b-5). At the conclusion of
4 the hearing, the court must issue an order either approving or
5 ~~of~~ disapproving the bail.

6 (c) When a person is charged with an offense punishable by
7 fine only the amount of the bail shall not exceed double the
8 amount of the maximum penalty.

9 (d) When a person has been convicted of an offense and only
10 a fine has been imposed the amount of the bail shall not exceed
11 double the amount of the fine.

12 (e) The State may appeal any order granting bail or
13 setting a given amount for bail.

14 (f) When a person is charged with a violation of an order
15 of protection under Section 12-3.4 or 12-30 of the Criminal
16 Code of 1961 or the Criminal Code of 2012 or when a person is
17 charged with domestic battery, aggravated domestic battery,
18 kidnapping, aggravated kidnaping, unlawful restraint,
19 aggravated unlawful restraint, stalking, aggravated stalking,
20 cyberstalking, harassment by telephone, harassment through
21 electronic communications, or an attempt to commit first
22 degree murder committed against an intimate partner regardless
23 whether an order of protection has been issued against the
24 person,

25 (1) whether the alleged incident involved harassment
26 or abuse, as defined in the Illinois Domestic Violence Act

1 of 1986;

2 (2) whether the person has a history of domestic
3 violence, as defined in the Illinois Domestic Violence
4 Act, or a history of other criminal acts;

5 (3) based on the mental health of the person;

6 (4) whether the person has a history of violating the
7 orders of any court or governmental entity;

8 (5) whether the person has been, or is, potentially a
9 threat to any other person;

10 (6) whether the person has access to deadly weapons or
11 a history of using deadly weapons;

12 (7) whether the person has a history of abusing
13 alcohol or any controlled substance;

14 (8) based on the severity of the alleged incident that
15 is the basis of the alleged offense, including, but not
16 limited to, the duration of the current incident, and
17 whether the alleged incident involved the use of a weapon,
18 physical injury, sexual assault, strangulation, abuse
19 during the alleged victim's pregnancy, abuse of pets, or
20 forcible entry to gain access to the alleged victim;

21 (9) whether a separation of the person from the
22 alleged victim or a termination of the relationship
23 between the person and the alleged victim has recently
24 occurred or is pending;

25 (10) whether the person has exhibited obsessive or
26 controlling behaviors toward the alleged victim,

1 including, but not limited to, stalking, surveillance, or
2 isolation of the alleged victim or victim's family member
3 or members;

4 (11) whether the person has expressed suicidal or
5 homicidal ideations;

6 (12) based on any information contained in the
7 complaint and any police reports, affidavits, or other
8 documents accompanying the complaint,

9 the court may, in its discretion, order the respondent to
10 undergo a risk assessment evaluation using a recognized,
11 evidence-based instrument conducted by an Illinois Department
12 of Human Services approved partner abuse intervention program
13 provider, pretrial service, probation, or parole agency. These
14 agencies shall have access to summaries of the defendant's
15 criminal history, which shall not include victim interviews or
16 information, for the risk evaluation. Based on the information
17 collected from the 12 points to be considered at a bail hearing
18 under this subsection (f), the results of any risk evaluation
19 conducted and the other circumstances of the violation, the
20 court may order that the person, as a condition of bail, be
21 placed under electronic surveillance as provided in Section
22 5-8A-7 of the Unified Code of Corrections. Upon making a
23 determination whether or not to order the respondent to
24 undergo a risk assessment evaluation or to be placed under
25 electronic surveillance and risk assessment, the court shall
26 document in the record the court's reasons for making those

1 determinations. The cost of the electronic surveillance and
2 risk assessment shall be paid by, or on behalf, of the
3 defendant. As used in this subsection (f), "intimate partner"
4 means a spouse or a current or former partner in a cohabitation
5 or dating relationship.

6 (Source: P.A. 99-143, eff. 7-27-15; 100-1, eff. 1-1-18;
7 revised 7-12-19.)

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

9 Sec. 110-5. Determining the amount of bail and conditions
10 of release.

11 (a) In determining ~~which~~ the amount of monetary bail or
12 conditions of ~~pretrial~~ release, if any, which will reasonably
13 assure the appearance of a defendant as required or the safety
14 of any other person or the community and the likelihood of
15 compliance by the defendant with all the conditions of
16 ~~pretrial release~~ bail, the court shall, on the basis of
17 available information, take into account such matters as:

18 ~~(1) the nature and circumstances of the offense~~
19 ~~charged;~~

20 ~~(2) the weight of the evidence against the eligible~~
21 ~~defendant, except that the court may consider the~~
22 ~~admissibility of any evidence sought to be excluded;~~

23 ~~(3) the history and characteristics of the eligible~~
24 ~~defendant, including:~~

25 ~~(A) the eligible defendant's character, physical~~

1 ~~and mental condition, family ties, employment,~~
2 ~~financial resources, length of residence in the~~
3 ~~community, community ties, past relating to drug or~~
4 ~~alcohol abuse, conduct, history criminal history, and~~
5 ~~record concerning appearance at court proceedings; and~~

6 ~~(B) whether, at the time of the current offense or~~
7 ~~arrest, the eligible defendant was on probation,~~
8 ~~parole, or on other release pending trial, sentencing,~~
9 ~~appeal, or completion of sentence for an offense under~~
10 ~~federal law, or the law of this or any other state;~~

11 ~~(4) the nature and seriousness of the specific, real~~
12 ~~and present threat to any person that would be posed by the~~
13 ~~eligible defendant's release, if applicable; as required~~
14 ~~under paragraph (7.5) of Section 4 of the Rights of Crime~~
15 ~~Victims and Witnesses Act; and~~

16 ~~(5) the nature and seriousness of the risk of~~
17 ~~obstructing or attempting to obstruct the criminal justice~~
18 ~~process that would be posed by the eligible defendant's~~
19 ~~release, if applicable.~~

20 ~~(b) The court shall impose any conditions that are~~
21 ~~mandatory under Section 110-10. The court may impose any~~
22 ~~conditions that are permissible under Section 110-10., whether~~
23 ~~the evidence shows that as part of the offense there was a use~~
24 ~~of violence or threatened use of violence, whether the offense~~
25 ~~involved corruption of public officials or employees, whether~~
26 ~~there was physical harm or threats of physical harm to any~~

1 public official, public employee, judge, prosecutor, juror or
2 witness, senior citizen, child, or person with a disability,
3 whether evidence shows that during the offense or during the
4 arrest the defendant possessed or used a firearm, machine gun,
5 explosive or metal piercing ammunition or explosive bomb
6 device or any military or paramilitary armament, whether the
7 evidence shows that the offense committed was related to or in
8 furtherance of the criminal activities of an organized gang or
9 was motivated by the defendant's membership in or allegiance
10 to an organized gang, the condition of the victim, any written
11 statement submitted by the victim or proffer or representation
12 by the State regarding the impact which the alleged criminal
13 conduct has had on the victim and the victim's concern, if any,
14 with further contact with the defendant if released on bail,
15 whether the offense was based on racial, religious, sexual
16 orientation or ethnic hatred, the likelihood of the filing of
17 a greater charge, the likelihood of conviction, the sentence
18 applicable upon conviction, the weight of the evidence against
19 such defendant, whether there exists motivation or ability to
20 flee, whether there is any verification as to prior residence,
21 education, or family ties in the local jurisdiction, in
22 another county, state or foreign country, the defendant's
23 employment, financial resources, character and mental
24 condition, past conduct, prior use of alias names or dates of
25 birth, and length of residence in the community, the consent
26 of the defendant to periodic drug testing in accordance with

1 Section 110-6.5, whether a foreign national defendant is
2 lawfully admitted in the United States of America, whether the
3 government of the foreign national maintains an extradition
4 treaty with the United States by which the foreign government
5 will extradite to the United States its national for a trial
6 for a crime allegedly committed in the United States, whether
7 the defendant is currently subject to deportation or exclusion
8 under the immigration laws of the United States, whether the
9 defendant, although a United States citizen, is considered
10 under the law of any foreign state a national of that state for
11 the purposes of extradition or non-extradition to the United
12 States, the amount of unrecovered proceeds lost as a result of
13 the alleged offense, the source of bail funds tendered or
14 sought to be tendered for bail, whether from the totality of
15 the court's consideration, the loss of funds posted or sought
16 to be posted for bail will not deter the defendant from flight,
17 whether the evidence shows that the defendant is engaged in
18 significant possession, manufacture, or delivery of a
19 controlled substance or cannabis, either individually or in
20 consort with others, whether at the time of the offense
21 charged he or she was on bond or pre-trial release pending
22 trial, probation, periodic imprisonment or conditional
23 discharge pursuant to this Code or the comparable Code of any
24 other state or federal jurisdiction, whether the defendant is
25 on bond or pre-trial release pending the imposition or
26 execution of sentence or appeal of sentence for any offense

1 under the laws of Illinois or any other state or federal
2 jurisdiction, whether the defendant is under parole, aftercare
3 release, mandatory supervised release, or work release from
4 the Illinois Department of Corrections or Illinois Department
5 of Juvenile Justice or any penal institution or corrections
6 department of any state or federal jurisdiction, the
7 defendant's record of convictions, whether the defendant has
8 been convicted of a misdemeanor or ordinance offense in
9 Illinois or similar offense in other state or federal
10 jurisdiction within the 10 years preceding the current charge
11 or convicted of a felony in Illinois, whether the defendant
12 was convicted of an offense in another state or federal
13 jurisdiction that would be a felony if committed in Illinois
14 within the 20 years preceding the current charge or has been
15 convicted of such felony and released from the penitentiary
16 within 20 years preceding the current charge if a penitentiary
17 sentence was imposed in Illinois or other state or federal
18 jurisdiction, the defendant's records of juvenile adjudication
19 of delinquency in any jurisdiction, any record of appearance
20 or failure to appear by the defendant at court proceedings,
21 whether there was flight to avoid arrest or prosecution,
22 whether the defendant escaped or attempted to escape to avoid
23 arrest, whether the defendant refused to identify himself or
24 herself, or whether there was a refusal by the defendant to be
25 fingerprinted as required by law. Information used by the
26 court in its findings or stated in or offered in connection

1 with this Section may be by way of proffer based upon reliable
2 information offered by the State or defendant. All evidence
3 shall be admissible if it is relevant and reliable regardless
4 of whether it would be admissible under the rules of evidence
5 applicable at criminal trials. If the State presents evidence
6 that the offense committed by the defendant was related to or
7 in furtherance of the criminal activities of an organized gang
8 or was motivated by the defendant's membership in or
9 allegiance to an organized gang, and if the court determines
10 that the evidence may be substantiated, the court shall
11 prohibit the defendant from associating with other members of
12 the organized gang as a condition of bail or release. For the
13 purposes of this Section, "organized gang" has the meaning
14 ascribed to it in Section 10 of the Illinois Streetgang
15 Terrorism Omnibus Prevention Act.

16 (a-5) There shall be a presumption that any conditions of
17 release imposed shall be non-monetary in nature and the court
18 shall impose the least restrictive conditions or combination
19 of conditions necessary to reasonably assure the appearance of
20 the defendant for further court proceedings and protect the
21 integrity of the judicial proceedings from a specific threat
22 to a witness or participant. Conditions of release may
23 include, but not be limited to, electronic home monitoring,
24 curfews, drug counseling, stay-away orders, and in-person
25 reporting. The court shall consider the defendant's
26 socio-economic circumstance when setting conditions of release

1 or imposing monetary bail.

2 (b) The amount of bail shall be:

3 (1) Sufficient to assure compliance with the
4 conditions set forth in the bail bond, which shall include
5 the defendant's current address with a written
6 admonishment to the defendant that he or she must comply
7 with the provisions of Section 110-12 regarding any change
8 in his or her address. The defendant's address shall at
9 all times remain a matter of public record with the clerk
10 of the court.

11 (2) Not oppressive.

12 (3) Considerate of the financial ability of the
13 accused.

14 (4) When a person is charged with a drug related
15 offense involving possession or delivery of cannabis or
16 possession or delivery of a controlled substance as
17 defined in the Cannabis Control Act, the Illinois
18 Controlled Substances Act, or the Methamphetamine Control
19 and Community Protection Act, the full street value of the
20 drugs seized shall be considered. "Street value" shall be
21 determined by the court on the basis of a proffer by the
22 State based upon reliable information of a law enforcement
23 official contained in a written report as to the amount
24 seized and such proffer may be used by the court as to the
25 current street value of the smallest unit of the drug
26 seized.

1 (b-5) Upon the filing of a written request demonstrating
2 reasonable cause, the State's Attorney may request a source of
3 bail hearing either before or after the posting of any funds.
4 If the hearing is granted, before the posting of any bail, the
5 accused must file a written notice requesting that the court
6 conduct a source of bail hearing. The notice must be
7 accompanied by justifying affidavits stating the legitimate
8 and lawful source of funds for bail. At the hearing, the court
9 shall inquire into any matters stated in any justifying
10 affidavits, and may also inquire into matters appropriate to
11 the determination which shall include, but are not limited to,
12 the following:

13 (1) the background, character, reputation, and
14 relationship to the accused of any surety; and

15 (2) the source of any money or property deposited by
16 any surety, and whether any such money or property
17 constitutes the fruits of criminal or unlawful conduct;
18 and

19 (3) the source of any money posted as cash bail, and
20 whether any such money constitutes the fruits of criminal
21 or unlawful conduct; and

22 (4) the background, character, reputation, and
23 relationship to the accused of the person posting cash
24 bail.

25 Upon setting the hearing, the court shall examine, under
26 oath, any persons who may possess material information.

1 The State's Attorney has a right to attend the hearing, to
2 call witnesses and to examine any witness in the proceeding.
3 The court shall, upon request of the State's Attorney,
4 continue the proceedings for a reasonable period to allow the
5 State's Attorney to investigate the matter raised in any
6 testimony or affidavit. If the hearing is granted after the
7 accused has posted bail, the court shall conduct a hearing
8 consistent with this subsection (b-5). At the conclusion of
9 the hearing, the court must issue an order either approving of
10 disapproving the bail.

11 (c) When a person is charged with an offense punishable by
12 fine only the amount of the bail shall not exceed double the
13 amount of the maximum penalty.

14 (d) When a person has been convicted of an offense and only
15 a fine has been imposed the amount of the bail shall not exceed
16 double the amount of the fine.

17 (e) The State may appeal any order granting bail or
18 setting a given amount for bail.

19 (f) ~~(b)~~ When a person is charged with a violation of an
20 order of protection under Section 12-3.4 or 12-30 of the
21 Criminal Code of 1961 or the Criminal Code of 2012 or when a
22 person is charged with domestic battery, aggravated domestic
23 battery, kidnapping, aggravated kidnaping, unlawful restraint,
24 aggravated unlawful restraint, stalking, aggravated stalking,
25 cyberstalking, harassment by telephone, harassment through
26 electronic communications, or an attempt to commit first

1 degree murder committed against an intimate partner regardless
2 whether an order of protection has been issued against the
3 person,

4 (1) whether the alleged incident involved harassment
5 or abuse, as defined in the Illinois Domestic Violence Act
6 of 1986;

7 (2) whether the person has a history of domestic
8 violence, as defined in the Illinois Domestic Violence
9 Act, or a history of other criminal acts;

10 (3) based on the mental health of the person;

11 (4) whether the person has a history of violating the
12 orders of any court or governmental entity;

13 (5) whether the person has been, or is, potentially a
14 threat to any other person;

15 (6) whether the person has access to deadly weapons or
16 a history of using deadly weapons;

17 (7) whether the person has a history of abusing
18 alcohol or any controlled substance;

19 (8) based on the severity of the alleged incident that
20 is the basis of the alleged offense, including, but not
21 limited to, the duration of the current incident, and
22 whether the alleged incident involved the use of a weapon,
23 physical injury, sexual assault, strangulation, abuse
24 during the alleged victim's pregnancy, abuse of pets, or
25 forcible entry to gain access to the alleged victim;

26 (9) whether a separation of the person from the ~~victim~~

1 ~~of abuse~~ alleged victim or a termination of the
2 relationship between the person and the ~~victim of abuse~~
3 alleged victim has recently occurred or is pending;

4 (10) whether the person has exhibited obsessive or
5 controlling behaviors toward the ~~victim of abuse~~ alleged
6 victim, including, but not limited to, stalking,
7 surveillance, or isolation of the ~~victim of abuse~~ alleged
8 victim or victim's family member or members;

9 (11) whether the person has expressed suicidal or
10 homicidal ideations;

11 ~~(11.5) any other factors deemed by the court to have a~~
12 ~~reasonable bearing upon the defendant's propensity or~~
13 ~~reputation for violent, abusive or assaultive behavior, or~~
14 ~~lack of that behavior~~

15 (12) based on any information contained in the
16 complaint and any police reports, affidavits, or other
17 documents accompanying the complaint,
18 the court may, in its discretion, order the respondent to
19 undergo a risk assessment evaluation using a recognized,
20 evidence-based instrument conducted by an Illinois Department
21 of Human Services approved partner abuse intervention program
22 provider, pretrial service, probation, or parole agency. These
23 agencies shall have access to summaries of the defendant's
24 criminal history, which shall not include victim interviews or
25 information, for the risk evaluation. Based on the information
26 collected from the 12 points to be considered at a bail hearing

1 under this subsection (f), the results of any risk evaluation
2 conducted and the other circumstances of the violation, the
3 court may order that the person, as a condition of bail, be
4 placed under electronic surveillance as provided in Section
5 5-8A-7 of the Unified Code of Corrections. Upon making a
6 determination whether or not to order the respondent to
7 undergo a risk assessment evaluation or to be placed under
8 electronic surveillance and risk assessment, the court shall
9 document in the record the court's reasons for making those
10 determinations. The cost of the electronic surveillance and
11 risk assessment shall be paid by, or on behalf, of the
12 defendant. As used in this subsection (f), "intimate partner"
13 means a spouse or a current or former partner in a cohabitation
14 or dating relationship.

15 ~~(c) In cases of stalking or aggravated stalking under~~
16 ~~Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the~~
17 ~~court may consider the following additional factors:~~

18 ~~(1) Any evidence of the defendant's prior criminal~~
19 ~~history indicative of violent, abusive or assaultive~~
20 ~~behavior, or lack of that behavior. The evidence may~~
21 ~~include testimony or documents received in juvenile~~
22 ~~proceedings, criminal, quasi-criminal, civil commitment,~~
23 ~~domestic relations or other proceedings;~~

24 ~~(2) Any evidence of the defendant's psychological,~~
25 ~~psychiatric or other similar social history that tends to~~
26 ~~indicate a violent, abusive, or assaultive nature, or lack~~

1 ~~of any such history.~~

2 ~~(3) The nature of the threat which is the basis of the~~
3 ~~charge against the defendant;~~

4 ~~(4) Any statements made by, or attributed to the~~
5 ~~defendant, together with the circumstances surrounding~~
6 ~~them;~~

7 ~~(5) The age and physical condition of any person~~
8 ~~allegedly assaulted by the defendant;~~

9 ~~(6) Whether the defendant is known to possess or have~~
10 ~~access to any weapon or weapons;~~

11 ~~(7) Any other factors deemed by the court to have a~~
12 ~~reasonable bearing upon the defendant's propensity or~~
13 ~~reputation for violent, abusive or assaultive behavior, or~~
14 ~~lack of that behavior.~~

15 ~~(d) The Court may use a regularly validated risk~~
16 ~~assessment tool to aid its determination of appropriate~~
17 ~~conditions of release as provided for in Section 110-6.4. Risk~~
18 ~~assessment tools may not be used as the sole basis to deny~~
19 ~~pretrial release. If a risk assessment tool is used, the~~
20 ~~defendant's counsel shall be provided with the information and~~
21 ~~scoring system of the risk assessment tool used to arrive at~~
22 ~~the determination. The defendant retains the right to~~
23 ~~challenge the validity of a risk assessment tool used by the~~
24 ~~court and to present evidence relevant to the defendant's~~
25 ~~challenge.~~

26 ~~(e) If a person remains in pretrial detention after his or~~

1 ~~her pretrial conditions hearing after having been ordered~~
2 ~~released with pretrial conditions, the court shall hold a~~
3 ~~hearing to determine the reason for continued detention. If~~
4 ~~the reason for continued detention is due to the~~
5 ~~unavailability or the defendant's ineligibility for one or~~
6 ~~more pretrial conditions previously ordered by the court or~~
7 ~~directed by a pretrial services agency, the court shall reopen~~
8 ~~the conditions of release hearing to determine what available~~
9 ~~pretrial conditions exist that will reasonably assure the~~
10 ~~appearance of a defendant as required or the safety of any~~
11 ~~other person and the likelihood of compliance by the defendant~~
12 ~~with all the conditions of pretrial release. The inability of~~
13 ~~Defendant to pay for a condition of release or any other~~
14 ~~ineligibility for a condition of pretrial release shall not be~~
15 ~~used as a justification for the pretrial detention of that~~
16 ~~Defendant.~~

17 ~~(f) Prior to the defendant's first appearance, the Court~~
18 ~~shall appoint the public defender or a licensed attorney at~~
19 ~~law of this State to represent the Defendant for purposes of~~
20 ~~that hearing, unless the defendant has obtained licensed~~
21 ~~counsel for themselves.~~

22 ~~(g) Electronic monitoring, GPS monitoring, or home~~
23 ~~confinement can only be imposed condition of pretrial release~~
24 ~~if a no less restrictive condition of release or combination~~
25 ~~of less restrictive condition of release would reasonably~~
26 ~~ensure the appearance of the defendant for later hearings or~~

1 ~~protect an identifiable person or persons from imminent threat~~
2 ~~of serious physical harm.~~

3 ~~(h) If the court imposes electronic monitoring, GPS~~
4 ~~monitoring, or home confinement the court shall set forth in~~
5 ~~the record the basis for its finding. A defendant shall be~~
6 ~~given custodial credit for each day he or she was subjected to~~
7 ~~that program, at the same rate described in subsection (b) of~~
8 ~~Section 5-4.5-100 of the unified code of correction.~~

9 ~~(i) If electronic monitoring, GPS monitoring, or home~~
10 ~~confinement is imposed, the court shall determine every 60~~
11 ~~days if no less restrictive condition of release or~~
12 ~~combination of less restrictive conditions of release would~~
13 ~~reasonably ensure the appearance, or continued appearance, of~~
14 ~~the defendant for later hearings or protect an identifiable~~
15 ~~person or persons from imminent threat of serious physical~~
16 ~~harm. If the court finds that there are less restrictive~~
17 ~~conditions of release, the court shall order that the~~
18 ~~condition be removed.~~

19 ~~(j) Crime Victims shall be given notice by the State's~~
20 ~~Attorney's office of this hearing as required in paragraph (1)~~
21 ~~of subsection (b) of Section 4.5 of the Rights of Crime Victims~~
22 ~~and Witnesses Act and shall be informed of their opportunity~~
23 ~~at this hearing to obtain an order of protection under Article~~
24 ~~112A of this Code.~~

25 (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
26 interest of the detainee and the public.

1 (d) This Section shall be applicable to a pregnant
2 pre-trial detainee in custody on or after the effective date
3 of this amendatory Act of the 100th General Assembly.

4 (Source: P.A. 100-630, eff. 1-1-19; 101-652.)

5 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

6 Sec. 110-6. ~~Revocation of pretrial release, modification~~
7 ~~of conditions of pretrial release, and sanctions for~~
8 ~~violations of conditions of pretrial release~~ Modification of
9 bail or conditions.

10 (a) ~~When a defendant is granted pretrial release under~~
11 ~~this section, that pretrial release may be revoked only under~~
12 ~~the following conditions:~~

13 ~~(1) if the defendant is charged with a detainable~~
14 ~~felony as defined in 110-6.1, a defendant may be detained~~
15 ~~after the State files a verified petition for such a~~
16 ~~hearing, and gives the defendant notice as prescribed in~~
17 ~~110-6.1; or~~

18 ~~(2) in accordance with subsection (b) of this section.~~

19 ~~(b) Revocation due to a new criminal charge: If an~~
20 ~~individual, while on pretrial release for a Felony or Class A~~
21 ~~misdemeanor under this Section, is charged with a new felony~~
22 ~~or Class A misdemeanor under the Criminal Code of 2012, the~~
23 ~~court may, on its own motion or motion of the state, begin~~
24 ~~proceedings to revoke the individual's' pretrial release.~~

25 ~~(1) When the defendant is charged with a felony or~~

1 ~~class A misdemeanor offense and while free on pretrial~~
2 ~~release bail is charged with a subsequent felony or class~~
3 ~~A misdemeanor offense that is alleged to have occurred~~
4 ~~during the defendant's pretrial release, the state may~~
5 ~~file a verified petition for revocation of pretrial~~
6 ~~release.~~

7 ~~(2) When a defendant on pretrial release is charged~~
8 ~~with a violation of an order of protection issued under~~
9 ~~Section 112A 14 of this Code, or Section 214 of the~~
10 ~~Illinois Domestic Violence Act of 1986 or previously was~~
11 ~~convicted of a violation of an order of protection under~~
12 ~~Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the~~
13 ~~Criminal Code of 2012, and the subject of the order of~~
14 ~~protection is the same person as the victim in the~~
15 ~~underlying matter, the state shall file a verified~~
16 ~~petition for revocation of pretrial release.~~

17 ~~(3) Upon the filing of this petition, the court shall~~
18 ~~order the transfer of the defendant and the application to~~
19 ~~the court before which the previous felony matter is~~
20 ~~pending. The defendant shall be held without bond pending~~
21 ~~transfer to and a hearing before such court. The defendant~~
22 ~~shall be transferred to the court before which the~~
23 ~~previous matter is pending without unnecessary delay. In~~
24 ~~no event shall the time between the filing of the state's~~
25 ~~petition for revocation and the defendant's appearance~~
26 ~~before the court before which the previous matter is~~

1 ~~pending exceed 72 hours.~~

2 ~~(4) The court before which the previous felony matter~~
3 ~~is pending may revoke the defendant's pretrial release~~
4 ~~only if it finds, after considering all relevant~~
5 ~~circumstances including, but not limited to, the nature~~
6 ~~and seriousness of the violation or criminal act alleged,~~
7 ~~by the court finds clear and convincing evidence that no~~
8 ~~condition or combination of conditions of release would~~
9 ~~reasonably assure the appearance of the defendant for~~
10 ~~later hearings or prevent the defendant from being charged~~
11 ~~with a subsequent felony or class A misdemeanor.~~

12 ~~(5) In lieu of revocation, the court may release the~~
13 ~~defendant pre-trial, with or without modification of~~
14 ~~conditions of pretrial release.~~

15 ~~(6) If the case that caused the revocation is~~
16 ~~dismissed, the defendant is found not guilty in the case~~
17 ~~causing the revocation, or the defendant completes a~~
18 ~~lawfully imposed sentence on the case causing the~~
19 ~~revocation, the court shall, without unnecessary delay,~~
20 ~~hold a hearing on conditions of release pursuant to~~
21 ~~section 110-5 and release the defendant with or without~~
22 ~~modification of conditions of pretrial release.~~

23 ~~(7) Both the state and the defense may appeal an order~~
24 ~~revoking pretrial release or denying a petition for~~
25 ~~revocation of release.~~

26 ~~(c) Violations other than re arrest for a felony or class~~

1 ~~A misdemeanor. If a defendant:~~

2 ~~(1) fails to appear in court as required by their~~
3 ~~conditions of release;~~

4 ~~(2) is charged with a class B or C misdemeanor, petty~~
5 ~~offense, traffic offense, or ordinance violation that is~~
6 ~~alleged to have occurred during the defendant's pretrial~~
7 ~~release; or~~

8 ~~(3) violates any other condition of release set by the~~
9 ~~court,~~

10 ~~the court shall follow the procedures set forth in Section~~
11 ~~110-3 to ensure the defendant's appearance in court to address~~
12 ~~the violation.~~

13 ~~(d) When a defendant appears in court for a notice to show~~
14 ~~cause hearing, or after being arrested on a warrant issued~~
15 ~~because of a failure to appear at a notice to show cause~~
16 ~~hearing, or after being arrested for an offense other than a~~
17 ~~felony or class A misdemeanor, the state may file a verified~~
18 ~~petition requesting a hearing for sanctions.~~

19 ~~(e) During the hearing for sanctions, the defendant shall~~
20 ~~be represented by counsel and have an opportunity to be heard~~
21 ~~regarding the violation and evidence in mitigation. The court~~
22 ~~shall only impose sanctions if it finds by clear and~~
23 ~~convincing evidence that:~~

24 ~~1. The defendant committed an act that violated a term~~
25 ~~of their pretrial release;~~

26 ~~2. The defendant had actual knowledge that their~~

1 ~~action would violate a court order;~~

2 ~~3. The violation of the court order was willful; and~~

3 ~~4. The violation was not caused by a lack of access to~~
4 ~~financial monetary resources.~~

5 ~~(f) Sanctions: sanctions for violations of pretrial~~
6 ~~release may include:~~

7 ~~1. A verbal or written admonishment from the court;~~

8 ~~2. Imprisonment in the county jail for a period not~~
9 ~~exceeding 30 days;~~

10 ~~3. A fine of not more than \$200; or~~

11 ~~4. A modification of the defendant's pretrial~~
12 ~~conditions.~~

13 ~~(g) Modification of Pretrial Conditions~~

14 ~~(a) The court may, at any time, after motion by either~~
15 ~~party or on its own motion, remove previously set~~
16 ~~conditions of pretrial release, subject to the provisions~~
17 ~~in section (c). The court may only add or increase~~
18 ~~conditions of pretrial release at a hearing under this~~
19 ~~Section, in a warrant issued under Section 110 3, or upon~~
20 ~~motion from the state.~~

21 ~~(b) Modification of conditions of release regarding~~
22 ~~contact with victims or witnesses. The court shall not~~
23 ~~remove a previously set condition of bond regulating~~
24 ~~contact with a victim or witness in the case, unless the~~
25 ~~subject of the condition has been given notice of the~~
26 ~~hearing as required in paragraph (1) of subsection (b) of~~

1 ~~Section 4.5 of the Rights of Crime Victims and Witnesses~~
2 ~~Act. If the subject of the condition of release is not~~
3 ~~present, the court shall follow the procedures of~~
4 ~~paragraph (10) of subsection (c-1) of the Rights of Crime~~
5 ~~Victims and Witnesses Act.~~

6 ~~(h) Notice to Victims: Crime Victims shall be given notice~~
7 ~~by the State's Attorney's office of all hearings in this~~
8 ~~section as required in paragraph (1) of subsection (b) of~~
9 ~~Section 4.5 of the Rights of Crime Victims and Witnesses Act~~
10 ~~and shall be informed of their opportunity at these hearing to~~
11 ~~obtain an order of protection under Article 112A of this Code.~~
12 Upon verified application by the State or the defendant or on
13 its own motion the court before which the proceeding is
14 pending may increase or reduce the amount of bail or may alter
15 the conditions of the bail bond or grant bail where it has been
16 previously revoked or denied. If bail has been previously
17 revoked pursuant to subsection (f) of this Section or if bail
18 has been denied to the defendant pursuant to subsection (e) of
19 Section 110-6.1 or subsection (e) of Section 110-6.3, the
20 defendant shall be required to present a verified application
21 setting forth in detail any new facts not known or obtainable
22 at the time of the previous revocation or denial of bail
23 proceedings. If the court grants bail where it has been
24 previously revoked or denied, the court shall state on the
25 record of the proceedings the findings of facts and conclusion
26 of law upon which such order is based.

1 (a-5) In addition to any other available motion or
2 procedure under this Code, a person in custody solely for a
3 Category B offense due to an inability to post monetary bail
4 shall be brought before the court at the next available court
5 date or 7 calendar days from the date bail was set, whichever
6 is earlier, for a rehearing on the amount or conditions of bail
7 or release pending further court proceedings. The court may
8 reconsider conditions of release for any other person whose
9 inability to post monetary bail is the sole reason for
10 continued incarceration, including a person in custody for a
11 Category A offense or a Category A offense and a Category B
12 offense. The court may deny the rehearing permitted under this
13 subsection (a-5) if the person has failed to appear as
14 required before the court and is incarcerated based on a
15 warrant for failure to appear on the same original criminal
16 offense.

17 (b) Violation of the conditions of Section 110-10 of this
18 Code or any special conditions of bail as ordered by the court
19 shall constitute grounds for the court to increase the amount
20 of bail, or otherwise alter the conditions of bail, or, where
21 the alleged offense committed on bail is a forcible felony in
22 Illinois or a Class 2 or greater offense under the Illinois
23 Controlled Substances Act, the Cannabis Control Act, or the
24 Methamphetamine Control and Community Protection Act, revoke
25 bail pursuant to the appropriate provisions of subsection (e)
26 of this Section.

1 (c) Reasonable notice of such application by the defendant
2 shall be given to the State.

3 (d) Reasonable notice of such application by the State
4 shall be given to the defendant, except as provided in
5 subsection (e).

6 (e) Upon verified application by the State stating facts
7 or circumstances constituting a violation or a threatened
8 violation of any of the conditions of the bail bond the court
9 may issue a warrant commanding any peace officer to bring the
10 defendant without unnecessary delay before the court for a
11 hearing on the matters set forth in the application. If the
12 actual court before which the proceeding is pending is absent
13 or otherwise unavailable another court may issue a warrant
14 pursuant to this Section. When the defendant is charged with a
15 felony offense and while free on bail is charged with a
16 subsequent felony offense and is the subject of a proceeding
17 set forth in Section 109-1 or 109-3 of this Code, upon the
18 filing of a verified petition by the State alleging a
19 violation of Section 110-10 (a) (4) of this Code, the court
20 shall without prior notice to the defendant, grant leave to
21 file such application and shall order the transfer of the
22 defendant and the application without unnecessary delay to the
23 court before which the previous felony matter is pending for a
24 hearing as provided in subsection (b) or this subsection of
25 this Section. The defendant shall be held without bond pending
26 transfer to and a hearing before such court. At the conclusion

1 of the hearing based on a violation of the conditions of
2 Section 110-10 of this Code or any special conditions of bail
3 as ordered by the court the court may enter an order increasing
4 the amount of bail or alter the conditions of bail as deemed
5 appropriate.

6 (f) Where the alleged violation consists of the violation
7 of one or more felony statutes of any jurisdiction which would
8 be a forcible felony in Illinois or a Class 2 or greater
9 offense under the Illinois Controlled Substances Act, the
10 Cannabis Control Act, or the Methamphetamine Control and
11 Community Protection Act and the defendant is on bail for the
12 alleged commission of a felony, or where the defendant is on
13 bail for a felony domestic battery (enhanced pursuant to
14 subsection (b) of Section 12-3.2 of the Criminal Code of 1961
15 or the Criminal Code of 2012), aggravated domestic battery,
16 aggravated battery, unlawful restraint, aggravated unlawful
17 restraint or domestic battery in violation of item (1) of
18 subsection (a) of Section 12-3.2 of the Criminal Code of 1961
19 or the Criminal Code of 2012 against a family or household
20 member as defined in Section 112A-3 of this Code and the
21 violation is an offense of domestic battery against the same
22 victim the court shall, on the motion of the State or its own
23 motion, revoke bail in accordance with the following
24 provisions:

25 (1) The court shall hold the defendant without bail
26 pending the hearing on the alleged breach; however, if the

1 defendant is not admitted to bail the hearing shall be
2 commenced within 10 days from the date the defendant is
3 taken into custody or the defendant may not be held any
4 longer without bail, unless delay is occasioned by the
5 defendant. Where defendant occasions the delay, the
6 running of the 10 day period is temporarily suspended and
7 resumes at the termination of the period of delay. Where
8 defendant occasions the delay with 5 or fewer days
9 remaining in the 10 day period, the court may grant a
10 period of up to 5 additional days to the State for good
11 cause shown. The State, however, shall retain the right to
12 proceed to hearing on the alleged violation at any time,
13 upon reasonable notice to the defendant and the court.

14 (2) At a hearing on the alleged violation the State
15 has the burden of going forward and proving the violation
16 by clear and convincing evidence. The evidence shall be
17 presented in open court with the opportunity to testify,
18 to present witnesses in his behalf, and to cross-examine
19 witnesses if any are called by the State, and
20 representation by counsel and if the defendant is indigent
21 to have counsel appointed for him. The rules of evidence
22 applicable in criminal trials in this State shall not
23 govern the admissibility of evidence at such hearing.
24 Information used by the court in its findings or stated in
25 or offered in connection with hearings for increase or
26 revocation of bail may be by way of proffer based upon

1 reliable information offered by the State or defendant.
2 All evidence shall be admissible if it is relevant and
3 reliable regardless of whether it would be admissible
4 under the rules of evidence applicable at criminal trials.
5 A motion by the defendant to suppress evidence or to
6 suppress a confession shall not be entertained at such a
7 hearing. Evidence that proof may have been obtained as a
8 result of an unlawful search and seizure or through
9 improper interrogation is not relevant to this hearing.

10 (3) Upon a finding by the court that the State has
11 established by clear and convincing evidence that the
12 defendant has committed a forcible felony or a Class 2 or
13 greater offense under the Illinois Controlled Substances
14 Act, the Cannabis Control Act, or the Methamphetamine
15 Control and Community Protection Act while admitted to
16 bail, or where the defendant is on bail for a felony
17 domestic battery (enhanced pursuant to subsection (b) of
18 Section 12-3.2 of the Criminal Code of 1961 or the
19 Criminal Code of 2012), aggravated domestic battery,
20 aggravated battery, unlawful restraint, aggravated
21 unlawful restraint or domestic battery in violation of
22 item (1) of subsection (a) of Section 12-3.2 of the
23 Criminal Code of 1961 or the Criminal Code of 2012 against
24 a family or household member as defined in Section 112A-3
25 of this Code and the violation is an offense of domestic
26 battery, against the same victim, the court shall revoke

1 the bail of the defendant and hold the defendant for trial
2 without bail. Neither the finding of the court nor any
3 transcript or other record of the hearing shall be
4 admissible in the State's case in chief, but shall be
5 admissible for impeachment, or as provided in Section
6 115-10.1 of this Code or in a perjury proceeding.

7 (4) If the bail of any defendant is revoked pursuant
8 to paragraph (f) (3) of this Section, the defendant may
9 demand and shall be entitled to be brought to trial on the
10 offense with respect to which he was formerly released on
11 bail within 90 days after the date on which his bail was
12 revoked. If the defendant is not brought to trial within
13 the 90 day period required by the preceding sentence, he
14 shall not be held longer without bail. In computing the 90
15 day period, the court shall omit any period of delay
16 resulting from a continuance granted at the request of the
17 defendant.

18 (5) If the defendant either is arrested on a warrant
19 issued pursuant to this Code or is arrested for an
20 unrelated offense and it is subsequently discovered that
21 the defendant is a subject of another warrant or warrants
22 issued pursuant to this Code, the defendant shall be
23 transferred promptly to the court which issued such
24 warrant. If, however, the defendant appears initially
25 before a court other than the court which issued such
26 warrant, the non-issuing court shall not alter the amount

1 of bail set on such warrant unless the court sets forth on
2 the record of proceedings the conclusions of law and facts
3 which are the basis for such altering of another court's
4 bond. The non-issuing court shall not alter another courts
5 bail set on a warrant unless the interests of justice and
6 public safety are served by such action.

7 (g) The State may appeal any order where the court has
8 increased or reduced the amount of bail or altered the
9 conditions of the bail bond or granted bail where it has
10 previously been revoked.

11 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19;
12 101-652.)

13 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

14 Sec. 110-6.1. Denial of ~~pretrial release~~ bail in
15 non-probationable felony offenses.

16 (a) Upon verified petition by the State, the court shall
17 hold a hearing ~~and may deny~~ to determine whether bail should be
18 denied to a defendant ~~pretrial release only if:~~

19 ~~(1) the defendant~~ who is charged with a ~~forcible~~
20 felony offense for which a sentence of imprisonment,
21 without probation, periodic imprisonment or conditional
22 discharge, is required by law upon conviction, ~~and~~ when it
23 is alleged that the defendant's ~~pretrial release poses a~~
24 ~~specific, real and present threat to any person or the~~
25 ~~community.~~ admission to bail poses a real and present

1 threat to the physical safety of any person or persons .

2 ~~(2) the defendant is charged with stalking or~~
3 ~~aggravated stalking and it is alleged that the defendant's~~
4 ~~pre-trial release poses a real and present threat to the~~
5 ~~physical safety of a victim of the alleged offense, and~~
6 ~~denial of release is necessary to prevent fulfillment of~~
7 ~~the threat upon which the charge is based;~~

8 ~~(3) the victim of abuse was a family or household~~
9 ~~member as defined by paragraph (6) of Section 103 of the~~
10 ~~Illinois Domestic Violence Act of 1986, and the person~~
11 ~~charged, at the time of the alleged offense, was subject~~
12 ~~to the terms of an order of protection issued under~~
13 ~~Section 112A-14 of this Code, or Section 214 of the~~
14 ~~Illinois Domestic Violence Act of 1986 or previously was~~
15 ~~convicted of a violation of an order of protection under~~
16 ~~Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the~~
17 ~~Criminal Code of 2012 or a violent crime if the victim was~~
18 ~~a family or household member as defined by paragraph (6)~~
19 ~~of the Illinois Domestic Violence Act of 1986 at the time~~
20 ~~of the offense or a violation of a substantially similar~~
21 ~~municipal ordinance or law of this or any other state or~~
22 ~~the United States if the victim was a family or household~~
23 ~~member as defined by paragraph (6) of Section 103 of the~~
24 ~~Illinois Domestic Violence Act of 1986 at the time of the~~
25 ~~offense, and it is alleged that the defendant's pre-trial~~
26 ~~release poses a real and present threat to the physical~~

1 ~~safety of any person or persons;~~

2 ~~(4) the defendant is charged with domestic battery or~~
3 ~~aggravated domestic battery under Section 12-3.2 or 12-3.3~~
4 ~~of the Criminal Code of 2012 and it is alleged that the~~
5 ~~defendant's pretrial release poses a real and present~~
6 ~~threat to the physical safety of any person or persons;~~

7 ~~(5) the defendant is charged with any offense under~~
8 ~~Article 11 of the Criminal Code of 2012, except for~~
9 ~~Sections 11-30, 11-35, 11-40, and 11-45 of the Criminal~~
10 ~~Code of 2012, or similar provisions of the Criminal Code~~
11 ~~of 1961 and it is alleged that the defendant's pretrial~~
12 ~~release poses a real and present threat to the physical~~
13 ~~safety of any person or persons;~~

14 ~~(6) the defendant is charged with any of these~~
15 ~~violations under the Criminal Code of 2012 and it is~~
16 ~~alleged that the defendant's pretrial releases poses a~~
17 ~~real and present threat to the physical safety of any~~
18 ~~specifically identifiable person or persons.~~

19 ~~(A) Section 24-1.2 (aggravated discharge of a~~
20 ~~firearm);~~

21 ~~(B) Section 24-2.5 (aggravated discharge of a~~
22 ~~machine gun or a firearm equipped with a device~~
23 ~~designed or use for silencing the report of a~~
24 ~~firearm);~~

25 ~~(C) Section 24-1.5 (reckless discharge of a~~
26 ~~firearm);~~

1 ~~(D) Section 24-1.7 (armed habitual criminal);~~

2 ~~(E) Section 24-2.2-2 (manufacture, sale or~~
3 ~~transfer of bullets or shells represented to be armor~~
4 ~~piercing bullets, dragon's breath shotgun shells, bolo~~
5 ~~shells or flechette shells);~~

6 ~~(F) Section 24-3 (unlawful sale or delivery of~~
7 ~~firearms);~~

8 ~~(G) Section 24-3.3 (unlawful sale or delivery of~~
9 ~~firearms on the premises of any school);~~

10 ~~(H) Section 24-34 (unlawful sale of firearms by~~
11 ~~liquor license);~~

12 ~~(I) Section 24-3.5 (unlawful purchase of a~~
13 ~~firearm);~~

14 ~~(J) Section 24-3A (gunrunning); or~~

15 ~~(K) Section on 24-3B (firearms trafficking);~~

16 ~~(L) Section 10-9 (b) (involuntary servitude);~~

17 ~~(M) Section 10-9 (c) (involuntary sexual servitude~~
18 ~~of a minor);~~

19 ~~(N) Section 10-9(d) (trafficking in persons);~~

20 ~~(O) Non-probationable violations: (i) (unlawful~~
21 ~~use or possession of weapons by felons or persons in~~
22 ~~the Custody of the Department of Corrections~~
23 ~~facilities (Section 24-1.1), (ii) aggravated unlawful~~
24 ~~use of a weapon (Section 24-1.6, or (iii) aggravated~~
25 ~~possession of a stolen firearm (Section 24-3.9);~~

26 ~~(7) the person has a high likelihood of willful flight~~

1 ~~to avoid prosecution and is charged with:~~

2 ~~(A) Any felony described in Sections (a)(1)~~
3 ~~through (a)(5) of this Section; or~~

4 ~~(B) A felony offense other than a Class 4 offense.~~

5 ~~(b) If the charged offense is a felony, the Court shall~~
6 ~~hold a hearing pursuant to 109-3 of this Code to~~
7 ~~determine whether there is probable cause the~~
8 ~~defendant has committed an offense, unless a grand~~
9 ~~jury has returned a true bill of indictment against~~
10 ~~the defendant. If there is a finding of no probable~~
11 ~~cause, the defendant shall be released. No such~~
12 ~~finding is necessary if the defendant is charged with~~
13 ~~a misdemeanor.~~

14 ~~(c) Timing of petition.~~

15 (1) A petition may be filed without prior notice to
16 the defendant at the first appearance before a judge, or
17 within the 21 calendar days, except as provided in Section
18 110-6, after arrest and release of the defendant upon
19 reasonable notice to defendant; provided that while such
20 petition is pending before the court, the defendant if
21 previously released shall not be detained.

22 (2) ~~(2) Upon filing, the court shall immediately hold~~
23 ~~a hearing on the petition unless a continuance is~~
24 ~~requested. If a continuance is requested, the hearing~~
25 ~~shall be held within 48 hours of the defendant's first~~
26 ~~appearance if the defendant is charged with a Class X,~~

1 ~~Class 1, Class 2, or Class 3 felony, and within 24 hours if~~
2 ~~the defendant is charged with a Class 4 or misdemeanor~~
3 ~~offense. The Court may deny and or grant the request for~~
4 ~~continuance. If the court decides to grant the~~
5 ~~continuance, the Court retains the discretion to detain or~~
6 ~~release the defendant in the time between the filing of~~
7 ~~the petition and the hearing.~~

8 ~~(d) Contents of petition.~~

9 ~~(1) The petition shall be verified by the State and~~
10 ~~shall state the grounds upon which it contends the~~
11 ~~defendant should be denied pretrial release, including the~~
12 ~~identity of the specific person or persons the State~~
13 ~~believes the defendant poses a danger to.~~

14 ~~(2) Only one petition may be filed under this Section.~~

15 ~~(c) Eligibility: All defendants shall be presumed eligible~~
16 ~~for pretrial release, and the State shall bear the burden of~~
17 ~~proving by clear and convincing evidence that: The hearing~~
18 ~~shall be held immediately upon the defendant's appearance~~
19 ~~before the court, unless for good cause shown the defendant or~~
20 ~~the State seeks a continuance. A continuance on motion of the~~
21 ~~defendant may not exceed 5 calendar days, and a continuance on~~
22 ~~the motion of the State may not exceed 3 calendar days. The~~
23 ~~defendant may be held in custody during such continuance.~~

24 (b) The court may deny bail to the defendant where, after
25 the hearing, it is determined that:

26 (1) the proof is evident or the presumption great that

1 the defendant has committed an offense ~~listed in~~
2 ~~paragraphs (1) through (6) of subsection (a)~~ for which a
3 sentence of imprisonment, without probation, periodic
4 imprisonment or conditional discharge, must be imposed by
5 law as a consequence of conviction, and

6 (2) the defendant poses a real and present threat to
7 the physical safety of ~~a specific, identifiable~~ any person
8 or persons, by conduct which may include, but is not
9 limited to, a forcible felony, the obstruction of justice,
10 intimidation, injury, ~~or abuse as defined by paragraph (1)~~
11 ~~of Section 103 of the Illinois Domestic Violence Act of~~
12 ~~1986~~ physical harm, an offense under the Illinois
13 Controlled Substances Act which is a Class X felony, or an
14 offense under the Methamphetamine Control and Community
15 Protection Act which is a Class X felony, and

16 (3) the court finds that no condition or combination
17 of conditions set forth in subsection (b) of Section
18 110-10 of this Article ~~can mitigate the real and present~~
19 ~~threat to the safety of any~~ , can reasonably assure the
20 physical safety of any other person or persons ~~or the~~
21 ~~defendant's willful flight.~~

22 ~~(f)~~ (c) Conduct of the hearings.

23 (1) ~~Prior to the hearing the State shall tender to the~~
24 ~~defendant copies of defendant's criminal history~~
25 ~~available, any written or recorded statements, and the~~
26 ~~substance of any oral statements made by any person, if~~

1 ~~relied upon by the State in its petition, and any police~~
2 ~~reports in the State's Attorney's possession at the time~~
3 ~~of the hearing that are required to be disclosed to the~~
4 ~~defense under Illinois Supreme Court rules. The hearing on~~
5 ~~the defendant's culpability and dangerousness shall be~~
6 ~~conducted in accordance with the following provisions:~~

7 ~~(2) The State or defendant may present evidence at the~~
8 ~~hearing (A) Information used by the court in its findings~~
9 ~~or stated in or offered at such hearing may be by way of~~
10 ~~proffer based upon reliable information offered by the~~
11 ~~State or by defendant.~~

12 ~~(3) The defendant Defendant has the right to be~~
13 ~~represented by counsel, and if he ~~or she~~ is indigent, to~~
14 ~~have counsel appointed for him ~~or her~~. The defendant.~~
15 ~~Defendant shall have the opportunity to testify, to~~
16 ~~present witnesses ~~on~~ in his ~~or her~~ own behalf, and to~~
17 ~~cross-examine ~~any~~ witnesses ~~that~~ if any are called by the~~
18 ~~State.~~

19 ~~(4) If the defense seeks to call the complaining~~
20 ~~witness as a witness in its favor, it shall petition the~~
21 ~~court for permission. The defendant has the right to~~
22 ~~present witnesses in his favor. When the ends of justice~~
23 ~~so require, the court may ~~exercise~~ exercises its~~
24 ~~discretion and compel the appearance of a complaining~~
25 ~~witness. The court shall state on the record reasons for~~
26 ~~granting a defense request to compel the presence of a~~

1 complaining witness. ~~In making a determination under this~~
2 ~~section, the court shall state on the record the reason~~
3 ~~for granting a defense request to compel the presence of a~~
4 ~~complaining witness, and only grant the request if the~~
5 ~~court finds by clear and convincing evidence that the~~
6 ~~defendant will be materially prejudiced if the complaining~~
7 ~~witness does not appear.~~ Cross-examination of a
8 complaining witness at the pretrial detention hearing for
9 the purpose of impeaching the witness' credibility is
10 insufficient reason to compel the presence of the witness.
11 In deciding whether to compel the appearance of a
12 complaining witness, the court shall be considerate of the
13 emotional and physical well-being of the witness. The
14 pre-trial detention hearing is not to be used for purposes
15 of discovery, and the post arraignment rules of discovery
16 do not apply. The State shall tender to the defendant,
17 prior to the hearing, copies of defendant's criminal
18 history, if any, if available, and any written or recorded
19 statements and the substance of any oral statements made
20 by any person, if relied upon by the State in its petition.

21 ~~(5)~~ The rules concerning the admissibility of evidence
22 in criminal trials do not apply to the presentation and
23 consideration of information at the hearing. At the trial
24 concerning the offense for which the hearing was conducted
25 neither the finding of the court nor any transcript or
26 other record of the hearing shall be admissible in the

1 State's case in chief, but shall be admissible for
2 impeachment, or as provided in Section 115-10.1 of this
3 Code, or in a perjury proceeding.

4 ~~(6) The (B) A motion by the defendant may not move to~~
5 ~~suppress evidence or to suppress a confession, however,~~
6 ~~evidence shall not be entertained. Evidence that proof of~~
7 ~~the charged crime may have been obtained as the result of~~
8 ~~an unlawful search or and seizure, or both, or through~~
9 ~~improper interrogation, is not relevant in assessing the~~
10 ~~weight of the evidence against the defendant to this state~~
11 ~~of the prosecution.~~

12 ~~(7) Decisions regarding release, conditions of release~~
13 ~~and detention prior trial should be individualized, and no~~
14 ~~single factor or standard should be used exclusively to~~
15 ~~make a condition or detention decision.~~

16 (2) The facts relied upon by the court to support a
17 finding that the defendant poses a real and present threat
18 to the physical safety of any person or persons shall be
19 supported by clear and convincing evidence presented by
20 the State.

21 ~~(g) (d)~~ Factors to be considered in making a determination
22 of dangerousness. The court may, in determining whether the
23 defendant poses a ~~specific, imminent~~ real and present threat
24 ~~of serious to the physical harm to an identifiable~~ safety of
25 any person or persons, consider but shall not be limited to
26 evidence or testimony concerning:

1 (1) The nature and circumstances of any offense
2 charged, including whether the offense is a crime of
3 violence, involving a weapon, ~~or a sex offense.~~

4 (2) The history and characteristics of the defendant
5 including:

6 (A) Any evidence of the defendant's prior criminal
7 history indicative of violent, abusive or assaultive
8 behavior, or lack of such behavior. Such evidence may
9 include testimony or documents received in juvenile
10 proceedings, criminal, quasi-criminal, civil
11 commitment, domestic relations or other proceedings.

12 (B) Any evidence of the defendant's psychological,
13 psychiatric or other similar social history which
14 tends to indicate a violent, abusive, or assaultive
15 nature, or lack of any such history.

16 (3) The identity of any person or persons to whose
17 safety the defendant is believed to pose a threat, and the
18 nature of the threat;

19 (4) Any statements made by, or attributed to the
20 defendant, together with the circumstances surrounding
21 them;

22 (5) The age and physical condition of any person
23 assaulted by the defendant;

24 ~~(6) The age and physical condition of any victim or~~
25 ~~complaining witness;~~

26 ~~(7) Whether the defendant is known to possess or have~~

1 access to any weapon or weapons;

2 ~~(8)~~ (7) Whether, at the time of the current offense or
3 any other offense or arrest, the defendant was on
4 probation, parole, aftercare release, mandatory supervised
5 release or other release from custody pending trial,
6 sentencing, appeal or completion of sentence for an
7 offense under federal or state law;

8 ~~(9)~~ (8) Any other factors, including those listed in
9 Section 110-5 of this Article deemed by the court to have a
10 reasonable bearing upon the defendant's propensity or
11 reputation for violent, abusive or assaultive behavior, or
12 lack of such behavior.

13 ~~(h)~~ (e) Detention order. The court shall, in any order for
14 detention:

15 (1) briefly summarize the evidence of the defendant's
16 ~~guilt or innocence,~~ culpability and ~~the court's~~ its
17 reasons for concluding that the defendant should be ~~denied~~
18 pretrial release held without bail;

19 (2) direct that the defendant be committed to the
20 custody of the sheriff for confinement in the county jail
21 pending trial;

22 (3) direct that the defendant be given a reasonable
23 opportunity for private consultation with counsel, and for
24 communication with others of his ~~or her~~ choice by
25 visitation, mail and telephone; and

26 (4) direct that the sheriff deliver the defendant as

1 required for appearances in connection with court
2 proceedings.

3 ~~(i) Detention.~~ (f) If the court enters an order for the
4 detention of the defendant pursuant to subsection (e) of this
5 Section, the defendant shall be brought to trial on the
6 offense for which he is detained within 90 days after the date
7 on which the order for detention was entered. If the defendant
8 is not brought to trial within the 90 day period required by
9 the preceding sentence, he shall not be ~~denied pretrial~~
10 ~~release~~ held longer without bail. In computing the 90 day
11 period, the court shall omit any period of delay resulting
12 from a continuance granted at the request of the defendant.

13 ~~(j) (g)~~ (g) Rights of the defendant. Any person shall be
14 entitled to appeal any order entered under this Section
15 denying ~~pretrial release~~ bail to the defendant.

16 ~~(k) Appeal.~~ (h) The State may appeal any order entered
17 under this Section denying any motion for denial of ~~pretrial~~
18 ~~release~~ bail.

19 ~~(l) Presumption of innocence.~~ (i) Nothing in this Section
20 shall be construed as modifying or limiting in any way the
21 defendant's presumption of innocence in further criminal
22 proceedings.

23 ~~(m) Victim notice.~~

24 ~~(1) Crime Victims shall be given notice by the State's~~
25 ~~Attorney's office of this hearing as required in paragraph~~
26 ~~(1) of subsection (b) of Section 4.5 of the Rights of Crime~~

1 ~~Victims and Witnesses Act and shall be informed of their~~
2 ~~opportunity at this hearing to obtain an order of~~
3 ~~protection under Article 112A of this Code.~~

4 (Source: P.A. 98-558, eff. 1-1-14; 101-652.)

5 (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

6 Sec. 110-6.2. Post-conviction Detention.

7 (a) The court may order that a person who has been found
8 guilty of an offense and who is waiting imposition or
9 execution of sentence be held without ~~release~~ bond unless the
10 court finds by clear and convincing evidence that the person
11 is not likely to flee or pose a danger to any other person or
12 the community if released under Sections 110-5 and 110-10 of
13 this Act.

14 (b) The court may order that person who has been found
15 guilty of an offense and sentenced to a term of imprisonment be
16 held without ~~release~~ bond unless the court finds by clear and
17 convincing evidence that:

18 (1) the person is not likely to flee or pose a danger
19 to the safety of any other person or the community if
20 released on bond pending appeal; and

21 (2) that the appeal is not for purpose of delay and
22 raises a substantial question of law or fact likely to
23 result in reversal or an order for a new trial.

24 (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.)

25 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

1 Sec. 110-10. Conditions of ~~pretrial release~~ bail bond.

2 (a) If a person is released prior to conviction, either
3 upon payment of bail security or on his or her own
4 recognizance, the conditions of ~~pretrial release~~ the bail bond
5 shall be that he or she will:

6 (1) Appear to answer the charge in the court having
7 jurisdiction on a day certain and thereafter as ordered by
8 the court until discharged or final order of the court;

9 (2) Submit himself or herself to the orders and
10 process of the court;

11 (3) ~~(Blank);~~ Not depart this State without leave of
12 the court;

13 (4) Not violate any criminal statute of any
14 jurisdiction;

15 (5) At a time and place designated by the court,
16 surrender all firearms in his or her possession to a law
17 enforcement officer designated by the court to take
18 custody of and impound the firearms and physically
19 surrender his or her Firearm Owner's Identification Card
20 to the clerk of the circuit court when the offense the
21 person has been charged with is a forcible felony,
22 stalking, aggravated stalking, domestic battery, any
23 violation of the Illinois Controlled Substances Act, the
24 Methamphetamine Control and Community Protection Act, or
25 the Cannabis Control Act that is classified as a Class 2 or
26 greater felony, or any felony violation of Article 24 of

1 the Criminal Code of 1961 or the Criminal Code of 2012; the
2 court may, however, forgo the imposition of this condition
3 when the circumstances of the case clearly do not warrant
4 it or when its imposition would be impractical; if the
5 Firearm Owner's Identification Card is confiscated, the
6 clerk of the circuit court shall mail the confiscated card
7 to the Illinois State Police; all legally possessed
8 firearms shall be returned to the person upon the charges
9 being dismissed, or if the person is found not guilty,
10 unless the finding of not guilty is by reason of insanity;
11 and

12 (6) At a time and place designated by the court,
13 submit to a psychological evaluation when the person has
14 been charged with a violation of item (4) of subsection
15 (a) of Section 24-1 of the Criminal Code of 1961 or the
16 Criminal Code of 2012 and that violation occurred in a
17 school or in any conveyance owned, leased, or contracted
18 by a school to transport students to or from school or a
19 school-related activity, or on any public way within 1,000
20 feet of real property comprising any school.

21 Psychological evaluations ordered pursuant to this Section
22 shall be completed promptly and made available to the State,
23 the defendant, and the court. As a further condition of
24 ~~pretrial-release~~ bail under these circumstances, the court
25 shall order the defendant to refrain from entering upon the
26 property of the school, including any conveyance owned,

1 leased, or contracted by a school to transport students to or
2 from school or a school-related activity, or on any public way
3 within 1,000 feet of real property comprising any school. Upon
4 receipt of the psychological evaluation, either the State or
5 the defendant may request a change in the conditions of
6 ~~pretrial release~~ bail, pursuant to Section 110-6 of this Code.
7 The court may change the conditions of ~~pretrial release~~ bail
8 to include a requirement that the defendant follow the
9 recommendations of the psychological evaluation, including
10 undergoing psychiatric treatment. The conclusions of the
11 psychological evaluation and any statements elicited from the
12 defendant during its administration are not admissible as
13 evidence of guilt during the course of any trial on the charged
14 offense, unless the defendant places his or her mental
15 competency in issue.

16 (b) The court may impose other conditions, such as the
17 following, if the court finds that such conditions are
18 reasonably necessary to assure the defendant's appearance in
19 court, protect the public from the defendant, or prevent the
20 defendant's unlawful interference with the orderly
21 administration of justice:

22 ~~(0.05) Not depart this State without leave of the~~
23 ~~court;~~

24 (1) Report to or appear in person before such person
25 or agency as the court may direct;

26 (2) Refrain from possessing a firearm or other

1 dangerous weapon;

2 (3) Refrain from approaching or communicating with
3 particular persons or classes of persons;

4 (4) Refrain from going to certain described
5 geographical areas or premises;

6 (5) Refrain from engaging in certain activities or
7 indulging in intoxicating liquors or in certain drugs;

8 (6) Undergo treatment for drug addiction or
9 alcoholism;

10 (7) Undergo medical or psychiatric treatment;

11 (8) Work or pursue a course of study or vocational
12 training;

13 (9) Attend or reside in a facility designated by the
14 court;

15 (10) Support his or her dependents;

16 (11) If a minor resides with his or her parents or in a
17 foster home, attend school, attend a non-residential
18 program for youths, and contribute to his or her own
19 support at home or in a foster home;

20 (12) Observe any curfew ordered by the court;

21 (13) Remain in the custody of such designated person
22 or organization agreeing to supervise his release. Such
23 third party custodian shall be responsible for notifying
24 the court if the defendant fails to observe the conditions
25 of release which the custodian has agreed to monitor, and
26 shall be subject to contempt of court for failure so to

1 notify the court;

2 (14) Be placed under direct supervision of the
3 Pretrial Services Agency, Probation Department or Court
4 Services Department in a pretrial bond home supervision
5 capacity with or without the use of an approved electronic
6 monitoring device subject to Article 8A of Chapter V of
7 the Unified Code of Corrections;

8 (14.1) The court ~~may~~ shall impose upon a defendant who
9 is charged with any alcohol, cannabis, methamphetamine, or
10 controlled substance violation and is placed under direct
11 supervision of the Pretrial Services Agency, Probation
12 Department or Court Services Department in a pretrial bond
13 home supervision capacity with the use of an approved
14 monitoring device, as a condition of such ~~pretrial~~
15 ~~monitoring~~ bail bond, a fee that represents costs
16 incidental to the electronic monitoring for each day of
17 such ~~pretrial~~ bail supervision ordered by the court,
18 unless after determining the inability of the defendant to
19 pay the fee, the court assesses a lesser fee or no fee as
20 the case may be. The fee shall be collected by the clerk of
21 the circuit court, except as provided in an administrative
22 order of the Chief Judge of the circuit court. The clerk of
23 the circuit court shall pay all monies collected from this
24 fee to the county treasurer for deposit in the substance
25 abuse services fund under Section 5-1086.1 of the Counties
26 Code, except as provided in an administrative order of the

1 Chief Judge of the circuit court.

2 The Chief Judge of the circuit court of the county may
3 by administrative order establish a program for electronic
4 monitoring of offenders with regard to drug-related and
5 alcohol-related offenses, in which a vendor supplies and
6 monitors the operation of the electronic monitoring
7 device, and collects the fees on behalf of the county. The
8 program shall include provisions for indigent offenders
9 and the collection of unpaid fees. The program shall not
10 unduly burden the offender and shall be subject to review
11 by the Chief Judge.

12 The Chief Judge of the circuit court may suspend any
13 additional charges or fees for late payment, interest, or
14 damage to any device;

15 (14.2) The court ~~may~~ shall impose upon all defendants,
16 including those defendants subject to paragraph (14.1)
17 above, placed under direct supervision of the Pretrial
18 Services Agency, Probation Department or Court Services
19 Department in a pretrial bond home supervision capacity
20 with the use of an approved monitoring device, as a
21 condition of such ~~release~~ bail bond, a fee which shall
22 represent costs incidental to such electronic monitoring
23 for each day of such bail supervision ordered by the
24 court, unless after determining the inability of the
25 defendant to pay the fee, the court assesses a lesser fee
26 or no fee as the case may be. The fee shall be collected by

1 the clerk of the circuit court, except as provided in an
2 administrative order of the Chief Judge of the circuit
3 court. The clerk of the circuit court shall pay all monies
4 collected from this fee to the county treasurer who shall
5 use the monies collected to defray the costs of
6 corrections. The county treasurer shall deposit the fee
7 collected in the county working cash fund under Section
8 6-27001 or Section 6-29002 of the Counties Code, as the
9 case may be, except as provided in an administrative order
10 of the Chief Judge of the circuit court.

11 The Chief Judge of the circuit court of the county may
12 by administrative order establish a program for electronic
13 monitoring of offenders with regard to drug-related and
14 alcohol-related offenses, in which a vendor supplies and
15 monitors the operation of the electronic monitoring
16 device, and collects the fees on behalf of the county. The
17 program shall include provisions for indigent offenders
18 and the collection of unpaid fees. The program shall not
19 unduly burden the offender and shall be subject to review
20 by the Chief Judge.

21 The Chief Judge of the circuit court may suspend any
22 additional charges or fees for late payment, interest, or
23 damage to any device;

24 (14.3) The Chief Judge of the Judicial Circuit may
25 establish reasonable fees to be paid by a person receiving
26 pretrial services while under supervision of a pretrial

1 services agency, probation department, or court services
2 department. Reasonable fees may be charged for pretrial
3 services including, but not limited to, pretrial
4 supervision, diversion programs, electronic monitoring,
5 victim impact services, drug and alcohol testing, DNA
6 testing, GPS electronic monitoring, assessments and
7 evaluations related to domestic violence and other
8 victims, and victim mediation services. The person
9 receiving pretrial services may be ordered to pay all
10 costs incidental to pretrial services in accordance with
11 his or her ability to pay those costs;

12 (14.4) For persons charged with violating Section
13 11-501 of the Illinois Vehicle Code, refrain from
14 operating a motor vehicle not equipped with an ignition
15 interlock device, as defined in Section 1-129.1 of the
16 Illinois Vehicle Code, pursuant to the rules promulgated
17 by the Secretary of State for the installation of ignition
18 interlock devices. Under this condition the court may
19 allow a defendant who is not self-employed to operate a
20 vehicle owned by the defendant's employer that is not
21 equipped with an ignition interlock device in the course
22 and scope of the defendant's employment;

23 (15) Comply with the terms and conditions of an order
24 of protection issued by the court under the Illinois
25 Domestic Violence Act of 1986 or an order of protection
26 issued by the court of another state, tribe, or United

1 States territory;

2 (16) ~~(Blank);~~ and Under Section 110-6.5 comply with
3 the conditions of the drug testing program; and

4 (17) Such other reasonable conditions as the court may
5 impose.

6 (c) When a person is charged with an offense under Section
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
8 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, involving a victim who is a minor under
10 18 years of age living in the same household with the defendant
11 at the time of the offense, in granting bail or releasing the
12 defendant on his own recognizance, the judge shall impose
13 conditions to restrict the defendant's access to the victim
14 which may include, but are not limited to conditions that he
15 will:

16 1. Vacate the household.

17 2. Make payment of temporary support to his
18 dependents.

19 3. Refrain from contact or communication with the
20 child victim, except as ordered by the court.

21 (d) When a person is charged with a criminal offense and
22 the victim is a family or household member as defined in
23 Article 112A, conditions shall be imposed at the time of the
24 defendant's release on bond that restrict the defendant's
25 access to the victim. Unless provided otherwise by the court,
26 the restrictions shall include requirements that the defendant

1 do the following:

2 (1) refrain from contact or communication with the
3 victim for a minimum period of 72 hours following the
4 defendant's release; and

5 (2) refrain from entering or remaining at the victim's
6 residence for a minimum period of 72 hours following the
7 defendant's release.

8 (e) Local law enforcement agencies shall develop
9 standardized ~~pretrial release~~ bond forms for use in cases
10 involving family or household members as defined in Article
11 112A, including specific conditions of ~~pretrial release~~ bond
12 as provided in subsection (d). Failure of any law enforcement
13 department to develop or use those forms shall in no way limit
14 the applicability and enforcement of subsections (d) and (f).

15 (f) If the defendant is ~~released~~ admitted to bail after
16 conviction ~~following appeal or other post conviction~~
17 ~~proceeding~~, the conditions of the ~~pretrial release~~ bail bond
18 shall be that he will, in addition to the conditions set forth
19 in subsections (a) and (b) hereof:

20 (1) Duly prosecute his appeal;

21 (2) Appear at such time and place as the court may
22 direct;

23 (3) Not depart this State without leave of the court;

24 (4) Comply with such other reasonable conditions as
25 the court may impose; and

26 (5) If the judgment is affirmed or the cause reversed

1 and remanded for a new trial, forthwith surrender to the
2 officer from whose custody he was ~~released~~ bailed.

3 (g) Upon a finding of guilty for any felony offense, the
4 defendant shall physically surrender, at a time and place
5 designated by the court, any and all firearms in his or her
6 possession and his or her Firearm Owner's Identification Card
7 as a condition of ~~being released~~ remaining on bond pending
8 sentencing.

9 (h) In the event the defendant is ~~denied pretrial release~~
10 unable to post bond, the court may impose a no contact
11 provision with the victim or other interested party that shall
12 be enforced while the defendant remains in custody.

13 (Source: P.A. 101-138, eff. 1-1-20; 101-652.)

14 (725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

15 Sec. 110-11. ~~Pretrial release~~ Bail on a new trial. If the
16 judgment of conviction is reversed and the cause remanded for
17 a new trial the trial court may order that the ~~conditions of~~
18 ~~pretrial release~~ bail stand pending such trial, or ~~modify the~~
19 ~~conditions of pretrial release~~ reduce or increase bail.

20 (Source: Laws 1963, p. 2836; P.A. 101-652.)

21 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

22 Sec. 110-12. Notice of change of address.

23 A defendant who has been admitted to ~~pretrial release~~ bail
24 shall file a written notice with the clerk of the court before

1 which the proceeding is pending of any change in his or her
2 address within 24 hours after such change, except that a
3 defendant who has been admitted to ~~pretrial release~~ bail for a
4 forcible felony as defined in Section 2-8 of the Criminal Code
5 of 2012 shall file a written notice with the clerk of the court
6 before which the proceeding is pending and the clerk shall
7 immediately deliver a time stamped copy of the written notice
8 to the State's Attorney charged with the prosecution within 24
9 hours prior to such change. The address of a defendant who has
10 been admitted to ~~pretrial release~~ bail shall at all times
11 remain a matter of public record with the clerk of the court.

12 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

13 (725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

14 Sec. 111-2. Commencement of prosecutions.

15 (a) All prosecutions of felonies shall be by information
16 or by indictment. No prosecution may be pursued by information
17 unless a preliminary hearing has been held or waived in
18 accordance with Section 109-3 and at that hearing probable
19 cause to believe the defendant committed an offense was found,
20 and the provisions of Section 109-3.1 of this Code have been
21 complied with.

22 (b) All other prosecutions may be by indictment,
23 information or complaint.

24 (c) Upon the filing of an information or indictment in
25 open court charging the defendant with the commission of a sex

1 offense defined in any Section of Article 11 of the Criminal
2 Code of 1961 or the Criminal Code of 2012, and a minor as
3 defined in Section 1-3 of the Juvenile Court Act of 1987 is
4 alleged to be the victim of the commission of the acts of the
5 defendant in the commission of such offense, the court may
6 appoint a guardian ad litem for the minor as provided in
7 Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile Court Act of
8 1987.

9 (d) Upon the filing of an information or indictment in
10 open court, the court shall immediately issue a warrant for
11 the arrest of each person charged with an offense directed to a
12 peace officer or some other person specifically named
13 commanding him to arrest such person.

14 (e) When the offense is ~~eligible for pretrial release~~
15 bailable, the judge shall endorse on the warrant the
16 ~~conditions of pretrial release~~ amount of bail required by the
17 order of the court, and if the court orders the process
18 returnable forthwith, the warrant shall require that the
19 accused be arrested and brought immediately into court.

20 (f) Where the prosecution of a felony is by information or
21 complaint after preliminary hearing, or after a waiver of
22 preliminary hearing in accordance with paragraph (a) of this
23 Section, such prosecution may be for all offenses, arising
24 from the same transaction or conduct of a defendant even
25 though the complaint or complaints filed at the preliminary
26 hearing charged only one or some of the offenses arising from

1 that transaction or conduct.

2 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

3 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

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

5 Sec. 112A-23. Enforcement of protective orders.

6 (a) When violation is crime. A violation of any protective
7 order, whether issued in a civil, quasi-criminal proceeding,
8 shall be enforced by a criminal court when:

9 (1) The respondent commits the crime of violation of a
10 domestic violence order of protection pursuant to Section
11 12-3.4 or 12-30 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, by having knowingly violated:

13 (i) remedies described in paragraph ~~paragraphs~~
14 (1), (2), (3), (14), or (14.5) of subsection (b) of
15 Section 112A-14 of this Code,

16 (ii) a remedy, which is substantially similar to
17 the remedies authorized under paragraph ~~paragraphs~~
18 (1), (2), (3), (14), or (14.5) of subsection (b) of
19 Section 214 of the Illinois Domestic Violence Act of
20 1986, in a valid order of protection, which is
21 authorized under the laws of another state, tribe, or
22 United States territory, or

23 (iii) any other remedy when the act constitutes a
24 crime against the protected parties as defined by the
25 Criminal Code of 1961 or the Criminal Code of 2012.

1 Prosecution for a violation of a domestic violence
2 order of protection shall not bar concurrent prosecution
3 for any other crime, including any crime that may have
4 been committed at the time of the violation of the
5 domestic violence order of protection; or

6 (2) The respondent commits the crime of child
7 abduction pursuant to Section 10-5 of the Criminal Code of
8 1961 or the Criminal Code of 2012, by having knowingly
9 violated:

10 (i) remedies described in paragraph ~~paragraphs~~
11 (5), (6), or (8) of subsection (b) of Section 112A-14
12 of this Code, or

13 (ii) a remedy, which is substantially similar to
14 the remedies authorized under paragraph ~~paragraphs~~
15 (1), (5), (6), or (8) of subsection (b) of Section 214
16 of the Illinois Domestic Violence Act of 1986, in a
17 valid domestic violence order of protection, which is
18 authorized under the laws of another state, tribe, or
19 United States territory.

20 (3) The respondent commits the crime of violation of a
21 civil no contact order when the respondent violates
22 Section 12-3.8 of the Criminal Code of 2012. Prosecution
23 for a violation of a civil no contact order shall not bar
24 concurrent prosecution for any other crime, including any
25 crime that may have been committed at the time of the
26 violation of the civil no contact order.

1 (4) The respondent commits the crime of violation of a
2 stalking no contact order when the respondent violates
3 Section 12-3.9 of the Criminal Code of 2012. Prosecution
4 for a violation of a stalking no contact order shall not
5 bar concurrent prosecution for any other crime, including
6 any crime that may have been committed at the time of the
7 violation of the stalking no contact order.

8 (b) When violation is contempt of court. A violation of
9 any valid protective order, whether issued in a civil or
10 criminal proceeding, may be enforced through civil or criminal
11 contempt procedures, as appropriate, by any court with
12 jurisdiction, regardless where the act or acts which violated
13 the protective order were committed, to the extent consistent
14 with the venue provisions of this Article. Nothing in this
15 Article shall preclude any Illinois court from enforcing any
16 valid protective order issued in another state. Illinois
17 courts may enforce protective orders through both criminal
18 prosecution and contempt proceedings, unless the action which
19 is second in time is barred by collateral estoppel or the
20 constitutional prohibition against double jeopardy.

21 (1) In a contempt proceeding where the petition for a
22 rule to show cause sets forth facts evidencing an
23 immediate danger that the respondent will flee the
24 jurisdiction, conceal a child, or inflict physical abuse
25 on the petitioner or minor children or on dependent adults
26 in petitioner's care, the court may order the attachment

1 of the respondent without prior service of the rule to
2 show cause or the petition for a rule to show cause. Bond
3 shall be set unless specifically denied in writing.

4 (2) A petition for a rule to show cause for violation
5 of a protective order shall be treated as an expedited
6 proceeding.

7 (c) Violation of custody, allocation of parental
8 responsibility, or support orders. A violation of remedies
9 described in ~~paragraph~~ ~~paragraphs~~ (5), (6), (8), or (9) of
10 subsection (b) of Section 112A-14 of this Code may be enforced
11 by any remedy provided by Section 607.5 of the Illinois
12 Marriage and Dissolution of Marriage Act. The court may
13 enforce any order for support issued under paragraph (12) of
14 subsection (b) of Section 112A-14 of this Code in the manner
15 provided for under Parts V and VII of the Illinois Marriage and
16 Dissolution of Marriage Act.

17 (d) Actual knowledge. A protective order may be enforced
18 pursuant to this Section if the respondent violates the order
19 after the respondent has actual knowledge of its contents as
20 shown through one of the following means:

21 (1) (Blank).

22 (2) (Blank).

23 (3) By service of a protective order under subsection
24 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

25 (4) By other means demonstrating actual knowledge of
26 the contents of the order.

1 (e) The enforcement of a protective order in civil or
2 criminal court shall not be affected by either of the
3 following:

4 (1) The existence of a separate, correlative order
5 entered under Section 112A-15 of this Code.

6 (2) Any finding or order entered in a conjoined
7 criminal proceeding.

8 (e-5) If a civil no contact order entered under subsection
9 (6) of Section 112A-20 of the Code of Criminal Procedure of
10 1963 conflicts with an order issued pursuant to the Juvenile
11 Court Act of 1987 or the Illinois Marriage and Dissolution of
12 Marriage Act, the conflicting order issued under subsection
13 (6) of Section 112A-20 of the Code of Criminal Procedure of
14 1963 shall be void.

15 (f) Circumstances. The court, when determining whether or
16 not a violation of a protective order has occurred, shall not
17 require physical manifestations of abuse on the person of the
18 victim.

19 (g) Penalties.

20 (1) Except as provided in paragraph (3) of this
21 subsection (g), where the court finds the commission of a
22 crime or contempt of court under subsection ~~subsections~~

23 (a) or (b) of this Section, the penalty shall be the
24 penalty that generally applies in such criminal or
25 contempt proceedings, and may include one or more of the
26 following: incarceration, payment of restitution, a fine,

1 payment of attorneys' fees and costs, or community
2 service.

3 (2) The court shall hear and take into account
4 evidence of any factors in aggravation or mitigation
5 before deciding an appropriate penalty under paragraph (1)
6 of this subsection (g).

7 (3) To the extent permitted by law, the court is
8 encouraged to:

9 (i) increase the penalty for the knowing violation
10 of any protective order over any penalty previously
11 imposed by any court for respondent's violation of any
12 protective order or penal statute involving petitioner
13 as victim and respondent as defendant;

14 (ii) impose a minimum penalty of 24 hours
15 imprisonment for respondent's first violation of any
16 protective order; and

17 (iii) impose a minimum penalty of 48 hours
18 imprisonment for respondent's second or subsequent
19 violation of a protective order

20 unless the court explicitly finds that an increased
21 penalty or that period of imprisonment would be manifestly
22 unjust.

23 (4) In addition to any other penalties imposed for a
24 violation of a protective order, a criminal court may
25 consider evidence of any violations of a protective order:

26 (i) to increase, revoke, or modify the bail bond

1 on an underlying criminal charge pursuant to Section
2 110-6 of this Code;

3 (ii) to revoke or modify an order of probation,
4 conditional discharge, or supervision, pursuant to
5 Section 5-6-4 of the Unified Code of Corrections;

6 (iii) to revoke or modify a sentence of periodic
7 imprisonment, pursuant to Section 5-7-2 of the Unified
8 Code of Corrections.

9 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21.)

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

11 Sec. 112A-23. Enforcement of protective orders.

12 (a) When violation is crime. A violation of any protective
13 order, whether issued in a civil, quasi-criminal proceeding,
14 shall be enforced by a criminal court when:

15 (1) The respondent commits the crime of violation of a
16 domestic violence order of protection pursuant to Section
17 12-3.4 or 12-30 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, by having knowingly violated:

19 (i) remedies described in paragraph ~~paragraphs~~
20 (1), (2), (3), (14), or (14.5) of subsection (b) of
21 Section 112A-14 of this Code,

22 (ii) a remedy, which is substantially similar to
23 the remedies authorized under paragraph ~~paragraphs~~
24 (1), (2), (3), (14), or (14.5) of subsection (b) of
25 Section 214 of the Illinois Domestic Violence Act of

1 1986, in a valid order of protection, which is
2 authorized under the laws of another state, tribe, or
3 United States territory, ~~or~~

4 (iii) or any other remedy when the act constitutes
5 a crime against the protected parties as defined by
6 the Criminal Code of 1961 or the Criminal Code of 2012.

7 Prosecution for a violation of a domestic violence
8 order of protection shall not bar concurrent prosecution
9 for any other crime, including any crime that may have
10 been committed at the time of the violation of the
11 domestic violence order of protection; or

12 (2) The respondent commits the crime of child
13 abduction pursuant to Section 10-5 of the Criminal Code of
14 1961 or the Criminal Code of 2012, by having knowingly
15 violated:

16 (i) remedies described in paragraph ~~paragraphs~~
17 (5), (6), or (8) of subsection (b) of Section 112A-14
18 of this Code, or

19 (ii) a remedy, which is substantially similar to
20 the remedies authorized under paragraph ~~paragraphs~~
21 (1), (5), (6), or (8) of subsection (b) of Section 214
22 of the Illinois Domestic Violence Act of 1986, in a
23 valid domestic violence order of protection, which is
24 authorized under the laws of another state, tribe, or
25 United States territory.

26 (3) The respondent commits the crime of violation of a

1 civil no contact order when the respondent violates
2 Section 12-3.8 of the Criminal Code of 2012. Prosecution
3 for a violation of a civil no contact order shall not bar
4 concurrent prosecution for any other crime, including any
5 crime that may have been committed at the time of the
6 violation of the civil no contact order.

7 (4) The respondent commits the crime of violation of a
8 stalking no contact order when the respondent violates
9 Section 12-3.9 of the Criminal Code of 2012. Prosecution
10 for a violation of a stalking no contact order shall not
11 bar concurrent prosecution for any other crime, including
12 any crime that may have been committed at the time of the
13 violation of the stalking no contact order.

14 (b) When violation is contempt of court. A violation of
15 any valid protective order, whether issued in a civil or
16 criminal proceeding, may be enforced through civil or criminal
17 contempt procedures, as appropriate, by any court with
18 jurisdiction, regardless where the act or acts which violated
19 the protective order were committed, to the extent consistent
20 with the venue provisions of this Article. Nothing in this
21 Article shall preclude any Illinois court from enforcing any
22 valid protective order issued in another state. Illinois
23 courts may enforce protective orders through both criminal
24 prosecution and contempt proceedings, unless the action which
25 is second in time is barred by collateral estoppel or the
26 constitutional prohibition against double jeopardy.

1 (1) In a contempt proceeding where the petition for a
2 rule to show cause sets forth facts evidencing an
3 immediate danger that the respondent will flee the
4 jurisdiction, conceal a child, or inflict physical abuse
5 on the petitioner or minor children or on dependent adults
6 in petitioner's care, the court may order the attachment
7 of the respondent without prior service of the rule to
8 show cause or the petition for a rule to show cause. Bond
9 shall be set unless specifically denied in writing.

10 (2) A petition for a rule to show cause for violation
11 of a protective order shall be treated as an expedited
12 proceeding.

13 (c) Violation of custody, allocation of parental
14 responsibility, or support orders. A violation of remedies
15 described in ~~paragraph paragraphs~~ (5), (6), (8), or (9) of
16 subsection (b) of Section 112A-14 of this Code may be enforced
17 by any remedy provided by Section 607.5 of the Illinois
18 Marriage and Dissolution of Marriage Act. The court may
19 enforce any order for support issued under paragraph (12) of
20 subsection (b) of Section 112A-14 of this Code in the manner
21 provided for under Parts V and VII of the Illinois Marriage and
22 Dissolution of Marriage Act.

23 (d) Actual knowledge. A protective order may be enforced
24 pursuant to this Section if the respondent violates the order
25 after the respondent has actual knowledge of its contents as
26 shown through one of the following means:

1 (1) (Blank).

2 (2) (Blank).

3 (3) By service of a protective order under subsection
4 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

5 (4) By other means demonstrating actual knowledge of
6 the contents of the order.

7 (e) The enforcement of a protective order in civil or
8 criminal court shall not be affected by either of the
9 following:

10 (1) The existence of a separate, correlative order
11 entered under Section 112A-15 of this Code.

12 (2) Any finding or order entered in a conjoined
13 criminal proceeding.

14 (e-5) If a civil no contact order entered under subsection
15 (6) of Section 112A-20 of the Code of Criminal Procedure of
16 1963 conflicts with an order issued pursuant to the Juvenile
17 Court Act of 1987 or the Illinois Marriage and Dissolution of
18 Marriage Act, the conflicting order issued under subsection
19 (6) of Section 112A-20 of the Code of Criminal Procedure of
20 1963 shall be void.

21 (f) Circumstances. The court, when determining whether or
22 not a violation of a protective order has occurred, shall not
23 require physical manifestations of abuse on the person of the
24 victim.

25 (g) Penalties.

26 (1) Except as provided in paragraph (3) of this

1 subsection (g), where the court finds the commission of a
2 crime or contempt of court under subsection ~~subsections~~
3 (a) or (b) of this Section, the penalty shall be the
4 penalty that generally applies in such criminal or
5 contempt proceedings, and may include one or more of the
6 following: incarceration, payment of restitution, a fine,
7 payment of attorneys' fees and costs, or community
8 service.

9 (2) The court shall hear and take into account
10 evidence of any factors in aggravation or mitigation
11 before deciding an appropriate penalty under paragraph (1)
12 of this subsection (g).

13 (3) To the extent permitted by law, the court is
14 encouraged to:

15 (i) increase the penalty for the knowing violation
16 of any protective order over any penalty previously
17 imposed by any court for respondent's violation of any
18 protective order or penal statute involving petitioner
19 as victim and respondent as defendant;

20 (ii) impose a minimum penalty of 24 hours
21 imprisonment for respondent's first violation of any
22 protective order; and

23 (iii) impose a minimum penalty of 48 hours
24 imprisonment for respondent's second or subsequent
25 violation of a protective order

26 unless the court explicitly finds that an increased

1 penalty or that period of imprisonment would be manifestly
2 unjust.

3 (4) In addition to any other penalties imposed for a
4 violation of a protective order, a criminal court may
5 consider evidence of any violations of a protective order:

6 (i) to increase, revoke, or modify the ~~conditions~~
7 ~~of pretrial release~~ bail bond on an underlying
8 criminal charge pursuant to Section 110-6 of this
9 Code;

10 (ii) to revoke or modify an order of probation,
11 conditional discharge, or supervision, pursuant to
12 Section 5-6-4 of the Unified Code of Corrections;

13 (iii) to revoke or modify a sentence of periodic
14 imprisonment, pursuant to Section 5-7-2 of the Unified
15 Code of Corrections.

16 (Source: P.A. 101-652, eff. 1-1-23; 102-184, eff. 1-1-22;
17 102-558, eff. 8-20-21; revised 10-12-21.)

18 (725 ILCS 5/114-1) (from Ch. 38, par. 114-1)

19 Sec. 114-1. Motion to dismiss charge.

20 (a) Upon the written motion of the defendant made prior to
21 trial before or after a plea has been entered the court may
22 dismiss the indictment, information or complaint upon any of
23 the following grounds:

24 (1) The defendant has not been placed on trial in
25 compliance with Section 103-5 of this Code.

1 (2) The prosecution of the offense is barred by
2 Sections 3-3 through 3-8 of the Criminal Code of 2012.

3 (3) The defendant has received immunity from
4 prosecution for the offense charged.

5 (4) The indictment was returned by a Grand Jury which
6 was improperly selected and which results in substantial
7 injustice to the defendant.

8 (5) The indictment was returned by a Grand Jury which
9 acted contrary to Article 112 of this Code and which
10 results in substantial injustice to the defendant.

11 (6) The court in which the charge has been filed does
12 not have jurisdiction.

13 (7) The county is an improper place of trial.

14 (8) The charge does not state an offense.

15 (9) The indictment is based solely upon the testimony
16 of an incompetent witness.

17 (10) The defendant is misnamed in the charge and the
18 misnomer results in substantial injustice to the
19 defendant.

20 (11) The requirements of Section 109-3.1 have not been
21 complied with.

22 (b) The court shall require any motion to dismiss to be
23 filed within a reasonable time after the defendant has been
24 arraigned. Any motion not filed within such time or an
25 extension thereof shall not be considered by the court and the
26 grounds therefor, except as to subsections (a)(6) and (a)(8)

1 of this Section, are waived.

2 (c) If the motion presents only an issue of law the court
3 shall determine it without the necessity of further pleadings.
4 If the motion alleges facts not of record in the case the State
5 shall file an answer admitting or denying each of the factual
6 allegations of the motion.

7 (d) When an issue of fact is presented by a motion to
8 dismiss and the answer of the State the court shall conduct a
9 hearing and determine the issues.

10 (d-5) When a defendant seeks dismissal of the charge upon
11 the ground set forth in subsection (a)(7) of this Section, the
12 defendant shall make a prima facie showing that the county is
13 an improper place of trial. Upon such showing, the State shall
14 have the burden of proving, by a preponderance of the
15 evidence, that the county is the proper place of trial.

16 (d-6) When a defendant seeks dismissal of the charge upon
17 the grounds set forth in subsection (a)(2) of this Section,
18 the prosecution shall have the burden of proving, by a
19 preponderance of the evidence, that the prosecution of the
20 offense is not barred by Sections 3-3 through 3-8 of the
21 Criminal Code of 2012.

22 (e) Dismissal of the charge upon the grounds set forth in
23 subsections (a)(4) through (a)(11) of this Section shall not
24 prevent the return of a new indictment or the filing of a new
25 charge, and upon such dismissal the court may order that the
26 defendant be held in custody or, if the defendant had been

1 previously released on ~~pretrial-release~~ bail, that the
2 ~~pretrial-release~~ bail be continued for a specified time
3 pending the return of a new indictment or the filing of a new
4 charge.

5 (f) If the court determines that the motion to dismiss
6 based upon the grounds set forth in subsections (a)(6) and
7 (a)(7) is well founded it may, instead of dismissal, order the
8 cause transferred to a court of competent jurisdiction or to a
9 proper place of trial.

10 (Source: P.A. 100-434, eff. 1-1-18; 101-652.)

11 (725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

12 Sec. 115-4.1. Absence of defendant.

13 (a) When a defendant after arrest and an initial court
14 appearance for a non-capital felony or a misdemeanor, fails to
15 appear for trial, at the request of the State and after the
16 State has affirmatively proven through substantial evidence
17 that the defendant is willfully avoiding trial, the court may
18 commence trial in the absence of the defendant. Absence of a
19 defendant as specified in this Section shall not be a bar to
20 indictment of a defendant, return of information against a
21 defendant, or arraignment of a defendant for the charge for
22 which ~~pretrial-release~~ bail has been granted. If a defendant
23 fails to appear at arraignment, the court may enter a plea of
24 "not guilty" on his behalf. If a defendant absents himself
25 before trial on a capital felony, trial may proceed as

1 specified in this Section provided that the State certifies
2 that it will not seek a death sentence following conviction.
3 Trial in the defendant's absence shall be by jury unless the
4 defendant had previously waived trial by jury. The absent
5 defendant must be represented by retained or appointed
6 counsel. The court, at the conclusion of all of the
7 proceedings, may order the clerk of the circuit court to pay
8 counsel such sum as the court deems reasonable, from any bond
9 monies which were posted by the defendant with the clerk,
10 after the clerk has first deducted all court costs. If trial
11 had previously commenced in the presence of the defendant and
12 the defendant willfully absents himself for two successive
13 court days, the court shall proceed to trial. All procedural
14 rights guaranteed by the United States Constitution,
15 Constitution of the State of Illinois, statutes of the State
16 of Illinois, and rules of court shall apply to the proceedings
17 the same as if the defendant were present in court and had not
18 either ~~had his or her pretrial release revoked~~ forfeited his
19 bail bond or escaped from custody. The court may set the case
20 for a trial which may be conducted under this Section despite
21 the failure of the defendant to appear at the hearing at which
22 the trial date is set. When such trial date is set the clerk
23 shall send to the defendant, by certified mail at his last
24 known address indicated on his bond slip, notice of the new
25 date which has been set for trial. Such notification shall be
26 required when the defendant was not personally present in open

1 court at the time when the case was set for trial.

2 (b) The absence of a defendant from a trial conducted
3 pursuant to this Section does not operate as a bar to
4 concluding the trial, to a judgment of conviction resulting
5 therefrom, or to a final disposition of the trial in favor of
6 the defendant.

7 (c) Upon a verdict of not guilty, the court shall enter
8 judgment for the defendant. Upon a verdict of guilty, the
9 court shall set a date for the hearing of post-trial motions
10 and shall hear such motion in the absence of the defendant. If
11 post-trial motions are denied, the court shall proceed to
12 conduct a sentencing hearing and to impose a sentence upon the
13 defendant.

14 (d) A defendant who is absent for part of the proceedings
15 of trial, post-trial motions, or sentencing, does not thereby
16 forfeit his right to be present at all remaining proceedings.

17 (e) When a defendant who in his absence has been either
18 convicted or sentenced or both convicted and sentenced appears
19 before the court, he must be granted a new trial or new
20 sentencing hearing if the defendant can establish that his
21 failure to appear in court was both without his fault and due
22 to circumstances beyond his control. A hearing with notice to
23 the State's Attorney on the defendant's request for a new
24 trial or a new sentencing hearing must be held before any such
25 request may be granted. At any such hearing both the defendant
26 and the State may present evidence.

1 (f) If the court grants only the defendant's request for a
2 new sentencing hearing, then a new sentencing hearing shall be
3 held in accordance with the provisions of the Unified Code of
4 Corrections. At any such hearing, both the defendant and the
5 State may offer evidence of the defendant's conduct during his
6 period of absence from the court. The court may impose any
7 sentence authorized by the Unified Code of Corrections and is
8 not in any way limited or restricted by any sentence
9 previously imposed.

10 (g) A defendant whose motion under paragraph (e) for a new
11 trial or new sentencing hearing has been denied may file a
12 notice of appeal therefrom. Such notice may also include a
13 request for review of the judgment and sentence not vacated by
14 the trial court.

15 (Source: P.A. 90-787, eff. 8-14-98; 101-652.)

16 (725 ILCS 5/122-6) (from Ch. 38, par. 122-6)

17 Sec. 122-6. Disposition in trial court.

18 The court may receive proof by affidavits, depositions,
19 oral testimony, or other evidence. In its discretion the court
20 may order the petitioner brought before the court for the
21 hearing. If the court finds in favor of the petitioner, it
22 shall enter an appropriate order with respect to the judgment
23 or sentence in the former proceedings and such supplementary
24 orders as to rearraignment, retrial, custody, ~~conditions of~~
25 ~~pretrial release~~ bail or discharge as may be necessary and

1 proper.

2 (Source: Laws 1963, p. 2836; P.A. 101-652.)

3 (725 ILCS 5/110-1.5 rep.)

4 Section 90. The Code of Criminal Procedure of 1963 is
5 amended by repealing Section 110-1.5.

6 Section 95. The Code of Criminal Procedure of 1963 is
7 amended by reenacting Sections 110-6.3, 110-6.5, 110-7, 110-8,
8 110-9, 110-13, 110-14, 110-15, 110-16, 110-17, and 110-18 as
9 follows:

10 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

11 Sec. 110-6.3. Denial of bail in stalking and aggravated
12 stalking offenses.

13 (a) Upon verified petition by the State, the court shall
14 hold a hearing to determine whether bail should be denied to a
15 defendant who is charged with stalking or aggravated stalking,
16 when it is alleged that the defendant's admission to bail
17 poses a real and present threat to the physical safety of the
18 alleged victim of the offense, and denial of release on bail or
19 personal recognizance is necessary to prevent fulfillment of
20 the threat upon which the charge is based.

21 (1) A petition may be filed without prior notice to
22 the defendant at the first appearance before a judge, or
23 within 21 calendar days, except as provided in Section

1 110-6, after arrest and release of the defendant upon
2 reasonable notice to defendant; provided that while the
3 petition is pending before the court, the defendant if
4 previously released shall not be detained.

5 (2) The hearing shall be held immediately upon the
6 defendant's appearance before the court, unless for good
7 cause shown the defendant or the State seeks a
8 continuance. A continuance on motion of the defendant may
9 not exceed 5 calendar days, and the defendant may be held
10 in custody during the continuance. A continuance on the
11 motion of the State may not exceed 3 calendar days;
12 however, the defendant may be held in custody during the
13 continuance under this provision if the defendant has been
14 previously found to have violated an order of protection
15 or has been previously convicted of, or granted court
16 supervision for, any of the offenses set forth in Sections
17 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-2,
18 12-3.05, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-7.3, 12-7.4,
19 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code
20 of 1961 or the Criminal Code of 2012, against the same
21 person as the alleged victim of the stalking or aggravated
22 stalking offense.

23 (b) The court may deny bail to the defendant when, after
24 the hearing, it is determined that:

25 (1) the proof is evident or the presumption great that
26 the defendant has committed the offense of stalking or

1 aggravated stalking; and

2 (2) the defendant poses a real and present threat to
3 the physical safety of the alleged victim of the offense;
4 and

5 (3) the denial of release on bail or personal
6 recognizance is necessary to prevent fulfillment of the
7 threat upon which the charge is based; and

8 (4) the court finds that no condition or combination
9 of conditions set forth in subsection (b) of Section
10 110-10 of this Code, including mental health treatment at
11 a community mental health center, hospital, or facility of
12 the Department of Human Services, can reasonably assure
13 the physical safety of the alleged victim of the offense.

14 (c) Conduct of the hearings.

15 (1) The hearing on the defendant's culpability and
16 threat to the alleged victim of the offense shall be
17 conducted in accordance with the following provisions:

18 (A) Information used by the court in its findings
19 or stated in or offered at the hearing may be by way of
20 proffer based upon reliable information offered by the
21 State or by defendant. Defendant has the right to be
22 represented by counsel, and if he is indigent, to have
23 counsel appointed for him. Defendant shall have the
24 opportunity to testify, to present witnesses in his
25 own behalf, and to cross-examine witnesses if any are
26 called by the State. The defendant has the right to

1 present witnesses in his favor. When the ends of
2 justice so require, the court may exercise its
3 discretion and compel the appearance of a complaining
4 witness. The court shall state on the record reasons
5 for granting a defense request to compel the presence
6 of a complaining witness. Cross-examination of a
7 complaining witness at the pretrial detention hearing
8 for the purpose of impeaching the witness' credibility
9 is insufficient reason to compel the presence of the
10 witness. In deciding whether to compel the appearance
11 of a complaining witness, the court shall be
12 considerate of the emotional and physical well-being
13 of the witness. The pretrial detention hearing is not
14 to be used for the purposes of discovery, and the post
15 arraignment rules of discovery do not apply. The State
16 shall tender to the defendant, prior to the hearing,
17 copies of defendant's criminal history, if any, if
18 available, and any written or recorded statements and
19 the substance of any oral statements made by any
20 person, if relied upon by the State. The rules
21 concerning the admissibility of evidence in criminal
22 trials do not apply to the presentation and
23 consideration of information at the hearing. At the
24 trial concerning the offense for which the hearing was
25 conducted neither the finding of the court nor any
26 transcript or other record of the hearing shall be

1 admissible in the State's case in chief, but shall be
2 admissible for impeachment, or as provided in Section
3 115-10.1 of this Code, or in a perjury proceeding.

4 (B) A motion by the defendant to suppress evidence
5 or to suppress a confession shall not be entertained.
6 Evidence that proof may have been obtained as the
7 result of an unlawful search and seizure or through
8 improper interrogation is not relevant to this state
9 of the prosecution.

10 (2) The facts relied upon by the court to support a
11 finding that:

12 (A) the defendant poses a real and present threat
13 to the physical safety of the alleged victim of the
14 offense; and

15 (B) the denial of release on bail or personal
16 recognizance is necessary to prevent fulfillment of
17 the threat upon which the charge is based;

18 shall be supported by clear and convincing evidence
19 presented by the State.

20 (d) Factors to be considered in making a determination of
21 the threat to the alleged victim of the offense. The court may,
22 in determining whether the defendant poses, at the time of the
23 hearing, a real and present threat to the physical safety of
24 the alleged victim of the offense, consider but shall not be
25 limited to evidence or testimony concerning:

26 (1) The nature and circumstances of the offense

1 charged;

2 (2) The history and characteristics of the defendant
3 including:

4 (A) Any evidence of the defendant's prior criminal
5 history indicative of violent, abusive or assaultive
6 behavior, or lack of that behavior. The evidence may
7 include testimony or documents received in juvenile
8 proceedings, criminal, quasi-criminal, civil
9 commitment, domestic relations or other proceedings;

10 (B) Any evidence of the defendant's psychological,
11 psychiatric or other similar social history that tends
12 to indicate a violent, abusive, or assaultive nature,
13 or lack of any such history.

14 (3) The nature of the threat which is the basis of the
15 charge against the defendant;

16 (4) Any statements made by, or attributed to the
17 defendant, together with the circumstances surrounding
18 them;

19 (5) The age and physical condition of any person
20 assaulted by the defendant;

21 (6) Whether the defendant is known to possess or have
22 access to any weapon or weapons;

23 (7) Whether, at the time of the current offense or any
24 other offense or arrest, the defendant was on probation,
25 parole, aftercare release, mandatory supervised release or
26 other release from custody pending trial, sentencing,

1 appeal or completion of sentence for an offense under
2 federal or state law;

3 (8) Any other factors, including those listed in
4 Section 110-5 of this Code, deemed by the court to have a
5 reasonable bearing upon the defendant's propensity or
6 reputation for violent, abusive or assaultive behavior, or
7 lack of that behavior.

8 (e) The court shall, in any order denying bail to a person
9 charged with stalking or aggravated stalking:

10 (1) briefly summarize the evidence of the defendant's
11 culpability and its reasons for concluding that the
12 defendant should be held without bail;

13 (2) direct that the defendant be committed to the
14 custody of the sheriff for confinement in the county jail
15 pending trial;

16 (3) direct that the defendant be given a reasonable
17 opportunity for private consultation with counsel, and for
18 communication with others of his choice by visitation,
19 mail and telephone; and

20 (4) direct that the sheriff deliver the defendant as
21 required for appearances in connection with court
22 proceedings.

23 (f) If the court enters an order for the detention of the
24 defendant under subsection (e) of this Section, the defendant
25 shall be brought to trial on the offense for which he is
26 detained within 90 days after the date on which the order for

1 detention was entered. If the defendant is not brought to
2 trial within the 90 day period required by this subsection
3 (f), he shall not be held longer without bail. In computing the
4 90 day period, the court shall omit any period of delay
5 resulting from a continuance granted at the request of the
6 defendant. The court shall immediately notify the alleged
7 victim of the offense that the defendant has been admitted to
8 bail under this subsection.

9 (g) Any person shall be entitled to appeal any order
10 entered under this Section denying bail to the defendant.

11 (h) The State may appeal any order entered under this
12 Section denying any motion for denial of bail.

13 (i) Nothing in this Section shall be construed as
14 modifying or limiting in any way the defendant's presumption
15 of innocence in further criminal proceedings.

16 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
17 98-558, eff. 1-1-14; 101-652, eff. 7-1-21.)

18 (725 ILCS 5/110-6.5)

19 Sec. 110-6.5. Drug testing program. The Chief Judge of the
20 circuit may establish a drug testing program as provided by
21 this Section in any county in the circuit if the county board
22 has approved the establishment of the program and the county
23 probation department or pretrial services agency has consented
24 to administer it. The drug testing program shall be conducted
25 under the following provisions:

1 (a) The court, in the case of a defendant charged with a
2 felony offense or any offense involving the possession or
3 delivery of cannabis or a controlled substance, shall:

4 (1) not consider the release of the defendant on his
5 or her own recognizance, unless the defendant consents to
6 periodic drug testing during the period of release on his
7 or her own recognizance, in accordance with this Section;

8 (2) consider the consent of the defendant to periodic
9 drug testing during the period of release on bail in
10 accordance with this Section as a favorable factor for the
11 defendant in determining the amount of bail, the
12 conditions of release or in considering the defendant's
13 motion to reduce the amount of bail.

14 (b) The drug testing shall be conducted by the pretrial
15 services agency or under the direction of the probation
16 department when a pretrial services agency does not exist in
17 accordance with this Section.

18 (c) A defendant who consents to periodic drug testing as
19 set forth in this Section shall sign an agreement with the
20 court that, during the period of release, the defendant shall
21 refrain from using illegal drugs and that the defendant will
22 comply with the conditions of the testing program. The
23 agreement shall be on a form prescribed by the court and shall
24 be executed at the time of the bail hearing. This agreement
25 shall be made a specific condition of bail.

26 (d) The drug testing program shall be conducted as

1 follows:

2 (1) The testing shall be done by urinalysis for the
3 detection of phencyclidine, heroin, cocaine, methadone and
4 amphetamines.

5 (2) The collection of samples shall be performed under
6 reasonable and sanitary conditions.

7 (3) Samples shall be collected and tested with due
8 regard for the privacy of the individual being tested and
9 in a manner reasonably calculated to prevent substitutions
10 or interference with the collection or testing of reliable
11 samples.

12 (4) Sample collection shall be documented, and the
13 documentation procedures shall include:

14 (i) Labeling of samples so as to reasonably
15 preclude the probability of erroneous identification
16 of test results; and

17 (ii) An opportunity for the defendant to provide
18 information on the identification of prescription or
19 nonprescription drugs used in connection with a
20 medical condition.

21 (5) Sample collection, storage, and transportation to
22 the place of testing shall be performed so as to
23 reasonably preclude the probability of sample
24 contamination or adulteration.

25 (6) Sample testing shall conform to scientifically
26 accepted analytical methods and procedures. Testing shall

1 include verification or confirmation of any positive test
2 result by a reliable analytical method before the result
3 of any test may be used as a basis for any action by the
4 court.

5 (e) The initial sample shall be collected before the
6 defendant's release on bail. Thereafter, the defendant shall
7 report to the pretrial services agency or probation department
8 as required by the agency or department. The pretrial services
9 agency or probation department shall immediately notify the
10 court of any defendant who fails to report for testing.

11 (f) After the initial test, a subsequent confirmed
12 positive test result indicative of continued drug use shall
13 result in the following:

14 (1) Upon the first confirmed positive test result, the
15 pretrial services agency or probation department, shall
16 place the defendant on a more frequent testing schedule
17 and shall warn the defendant of the consequences of
18 continued drug use.

19 (2) A second confirmed positive test result shall be
20 grounds for a hearing before the judge who authorized the
21 release of the defendant in accordance with the provisions
22 of subsection (g) of this Section.

23 (g) The court shall, upon motion of the State or upon its
24 own motion, conduct a hearing in connection with any defendant
25 who fails to appear for testing, fails to cooperate with the
26 persons conducting the testing program, attempts to submit a

1 sample not his or her own or has had a confirmed positive test
2 result indicative of continued drug use for the second or
3 subsequent time after the initial test. The hearing shall be
4 conducted in accordance with the procedures of Section 110-6.

5 Upon a finding by the court that the State has established
6 by clear and convincing evidence that the defendant has
7 violated the drug testing conditions of bail, the court may
8 consider any of the following sanctions:

9 (1) increase the amount of the defendant's bail or
10 conditions of release;

11 (2) impose a jail sentence of up to 5 days;

12 (3) revoke the defendant's bail; or

13 (4) enter such other orders which are within the power
14 of the court as deemed appropriate.

15 (h) The results of any drug testing conducted under this
16 Section shall not be admissible on the issue of the
17 defendant's guilt in connection with any criminal charge.

18 (i) The court may require that the defendant pay for the
19 cost of drug testing.

20 (Source: P.A. 88-677, eff. 12-15-94; 101-652, eff. 7-1-21.)

21 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

22 Sec. 110-7. Deposit of bail security.

23 (a) The person for whom bail has been set shall execute the
24 bail bond and deposit with the clerk of the court before which
25 the proceeding is pending a sum of money equal to 10% of the

1 bail, but in no event shall such deposit be less than \$25. The
2 clerk of the court shall provide a space on each form for a
3 person other than the accused who has provided the money for
4 the posting of bail to so indicate and a space signed by an
5 accused who has executed the bail bond indicating whether a
6 person other than the accused has provided the money for the
7 posting of bail. The form shall also include a written notice
8 to such person who has provided the defendant with the money
9 for the posting of bail indicating that the bail may be used to
10 pay costs, attorney's fees, fines, or other purposes
11 authorized by the court and if the defendant fails to comply
12 with the conditions of the bail bond, the court shall enter an
13 order declaring the bail to be forfeited. The written notice
14 must be: (1) distinguishable from the surrounding text; (2) in
15 bold type or underscored; and (3) in a type size at least 2
16 points larger than the surrounding type. When a person for
17 whom bail has been set is charged with an offense under the
18 Illinois Controlled Substances Act or the Methamphetamine
19 Control and Community Protection Act which is a Class X
20 felony, or making a terrorist threat in violation of Section
21 29D-20 of the Criminal Code of 1961 or the Criminal Code of
22 2012 or an attempt to commit the offense of making a terrorist
23 threat, the court may require the defendant to deposit a sum
24 equal to 100% of the bail. Where any person is charged with a
25 forcible felony while free on bail and is the subject of
26 proceedings under Section 109-3 of this Code the judge

1 conducting the preliminary examination may also conduct a
2 hearing upon the application of the State pursuant to the
3 provisions of Section 110-6 of this Code to increase or revoke
4 the bail for that person's prior alleged offense.

5 (b) Upon depositing this sum and any bond fee authorized
6 by law, the person shall be released from custody subject to
7 the conditions of the bail bond.

8 (c) Once bail has been given and a charge is pending or is
9 thereafter filed in or transferred to a court of competent
10 jurisdiction the latter court shall continue the original bail
11 in that court subject to the provisions of Section 110-6 of
12 this Code.

13 (d) After conviction the court may order that the original
14 bail stand as bail pending appeal or deny, increase or reduce
15 bail subject to the provisions of Section 110-6.2.

16 (e) After the entry of an order by the trial court allowing
17 or denying bail pending appeal either party may apply to the
18 reviewing court having jurisdiction or to a justice thereof
19 sitting in vacation for an order increasing or decreasing the
20 amount of bail or allowing or denying bail pending appeal
21 subject to the provisions of Section 110-6.2.

22 (f) When the conditions of the bail bond have been
23 performed and the accused has been discharged from all
24 obligations in the cause the clerk of the court shall return to
25 the accused or to the defendant's designee by an assignment
26 executed at the time the bail amount is deposited, unless the

1 court orders otherwise, 90% of the sum which had been
2 deposited and shall retain as bail bond costs 10% of the amount
3 deposited. However, in no event shall the amount retained by
4 the clerk as bail bond costs be less than \$5. Notwithstanding
5 the foregoing, in counties with a population of 3,000,000 or
6 more, in no event shall the amount retained by the clerk as
7 bail bond costs exceed \$100. Bail bond deposited by or on
8 behalf of a defendant in one case may be used, in the court's
9 discretion, to satisfy financial obligations of that same
10 defendant incurred in a different case due to a fine, court
11 costs, restitution or fees of the defendant's attorney of
12 record. In counties with a population of 3,000,000 or more,
13 the court shall not order bail bond deposited by or on behalf
14 of a defendant in one case to be used to satisfy financial
15 obligations of that same defendant in a different case until
16 the bail bond is first used to satisfy court costs and
17 attorney's fees in the case in which the bail bond has been
18 deposited and any other unpaid child support obligations are
19 satisfied. In counties with a population of less than
20 3,000,000, the court shall not order bail bond deposited by or
21 on behalf of a defendant in one case to be used to satisfy
22 financial obligations of that same defendant in a different
23 case until the bail bond is first used to satisfy court costs
24 in the case in which the bail bond has been deposited.

25 At the request of the defendant the court may order such
26 90% of defendant's bail deposit, or whatever amount is

1 repayable to defendant from such deposit, to be paid to
2 defendant's attorney of record.

3 (g) If the accused does not comply with the conditions of
4 the bail bond the court having jurisdiction shall enter an
5 order declaring the bail to be forfeited. Notice of such order
6 of forfeiture shall be mailed forthwith to the accused at his
7 last known address. If the accused does not appear and
8 surrender to the court having jurisdiction within 30 days from
9 the date of the forfeiture or within such period satisfy the
10 court that appearance and surrender by the accused is
11 impossible and without his fault the court shall enter
12 judgment for the State if the charge for which the bond was
13 given was a felony or misdemeanor, or if the charge was
14 quasi-criminal or traffic, judgment for the political
15 subdivision of the State which prosecuted the case, against
16 the accused for the amount of the bail and costs of the court
17 proceedings; however, in counties with a population of less
18 than 3,000,000, instead of the court entering a judgment for
19 the full amount of the bond the court may, in its discretion,
20 enter judgment for the cash deposit on the bond, less costs,
21 retain the deposit for further disposition or, if a cash bond
22 was posted for failure to appear in a matter involving
23 enforcement of child support or maintenance, the amount of the
24 cash deposit on the bond, less outstanding costs, may be
25 awarded to the person or entity to whom the child support or
26 maintenance is due. The deposit made in accordance with

1 paragraph (a) shall be applied to the payment of costs. If
2 judgment is entered and any amount of such deposit remains
3 after the payment of costs it shall be applied to payment of
4 the judgment and transferred to the treasury of the municipal
5 corporation wherein the bond was taken if the offense was a
6 violation of any penal ordinance of a political subdivision of
7 this State, or to the treasury of the county wherein the bond
8 was taken if the offense was a violation of any penal statute
9 of this State. The balance of the judgment may be enforced and
10 collected in the same manner as a judgment entered in a civil
11 action.

12 (h) After a judgment for a fine and court costs or either
13 is entered in the prosecution of a cause in which a deposit had
14 been made in accordance with paragraph (a) the balance of such
15 deposit, after deduction of bail bond costs, shall be applied
16 to the payment of the judgment.

17 (i) When a court appearance is required for an alleged
18 violation of the Criminal Code of 1961, the Criminal Code of
19 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish
20 and Aquatic Life Code, the Child Passenger Protection Act, or
21 a comparable offense of a unit of local government as
22 specified in Supreme Court Rule 551, and if the accused does
23 not appear in court on the date set for appearance or any date
24 to which the case may be continued and the court issues an
25 arrest warrant for the accused, based upon his or her failure
26 to appear when having so previously been ordered to appear by

1 the court, the accused upon his or her admission to bail shall
2 be assessed by the court a fee of \$75. Payment of the fee shall
3 be a condition of release unless otherwise ordered by the
4 court. The fee shall be in addition to any bail that the
5 accused is required to deposit for the offense for which the
6 accused has been charged and may not be used for the payment of
7 court costs or fines assessed for the offense. The clerk of the
8 court shall remit \$70 of the fee assessed to the arresting
9 agency who brings the offender in on the arrest warrant. If the
10 Department of State Police is the arresting agency, \$70 of the
11 fee assessed shall be remitted by the clerk of the court to the
12 State Treasurer within one month after receipt for deposit
13 into the State Police Operations Assistance Fund. The clerk of
14 the court shall remit \$5 of the fee assessed to the Circuit
15 Court Clerk Operation and Administrative Fund as provided in
16 Section 27.3d of the Clerks of Courts Act.

17 (Source: P.A. 99-412, eff. 1-1-16; 101-652, eff. 7-1-21.)

18 (725 ILCS 5/110-8) (from Ch. 38, par. 110-8)

19 Sec. 110-8. Cash, stocks, bonds and real estate as
20 security for bail.

21 (a) In lieu of the bail deposit provided for in Section
22 110-7 of this Code any person for whom bail has been set may
23 execute the bail bond with or without sureties which bond may
24 be secured:

25 (1) By a deposit, with the clerk of the court, of an amount

1 equal to the required bail, of cash, or stocks and bonds in
2 which trustees are authorized to invest trust funds under the
3 laws of this State; or

4 (2) By real estate situated in this State with
5 unencumbered equity not exempt owned by the accused or
6 sureties worth double the amount of bail set in the bond.

7 (b) If the bail bond is secured by stocks and bonds the
8 accused or sureties shall file with the bond a sworn schedule
9 which shall be approved by the court and shall contain:

10 (1) A list of the stocks and bonds deposited
11 describing each in sufficient detail that it may be
12 identified;

13 (2) The market value of each stock and bond;

14 (3) The total market value of the stocks and bonds
15 listed;

16 (4) A statement that the affiant is the sole owner of
17 the stocks and bonds listed and they are not exempt from
18 the enforcement of a judgment thereon;

19 (5) A statement that such stocks and bonds have not
20 previously been used or accepted as bail in this State
21 during the 12 months preceding the date of the bail bond;
22 and

23 (6) A statement that such stocks and bonds are
24 security for the appearance of the accused in accordance
25 with the conditions of the bail bond.

26 (c) If the bail bond is secured by real estate the accused

1 or sureties shall file with the bond a sworn schedule which
2 shall contain:

3 (1) A legal description of the real estate;

4 (2) A description of any and all encumbrances on the
5 real estate including the amount of each and the holder
6 thereof;

7 (3) The market value of the unencumbered equity owned
8 by the affiant;

9 (4) A statement that the affiant is the sole owner of
10 such unencumbered equity and that it is not exempt from
11 the enforcement of a judgment thereon;

12 (5) A statement that the real estate has not
13 previously been used or accepted as bail in this State
14 during the 12 months preceding the date of the bail bond;
15 and

16 (6) A statement that the real estate is security for
17 the appearance of the accused in accordance with the
18 conditions of the bail bond.

19 (d) The sworn schedule shall constitute a material part of
20 the bail bond. The affiant commits perjury if in the sworn
21 schedule he makes a false statement which he does not believe
22 to be true. He shall be prosecuted and punished accordingly,
23 or, he may be punished for contempt.

24 (e) A certified copy of the bail bond and schedule of real
25 estate shall be filed immediately in the office of the
26 registrar of titles or recorder of the county in which the real

1 estate is situated and the State shall have a lien on such real
2 estate from the time such copies are filed in the office of the
3 registrar of titles or recorder. The registrar of titles or
4 recorder shall enter, index and record (or register as the
5 case may be) such bail bonds and schedules without requiring
6 any advance fee, which fee shall be taxed as costs in the
7 proceeding and paid out of such costs when collected.

8 (f) When the conditions of the bail bond have been
9 performed and the accused has been discharged from his
10 obligations in the cause, the clerk of the court shall return
11 to him or his sureties the deposit of any cash, stocks or
12 bonds. If the bail bond has been secured by real estate the
13 clerk of the court shall forthwith notify in writing the
14 registrar of titles or recorder and the lien of the bail bond
15 on the real estate shall be discharged.

16 (g) If the accused does not comply with the conditions of
17 the bail bond the court having jurisdiction shall enter an
18 order declaring the bail to be forfeited. Notice of such order
19 of forfeiture shall be mailed forthwith by the clerk of the
20 court to the accused and his sureties at their last known
21 address. If the accused does not appear and surrender to the
22 court having jurisdiction within 30 days from the date of the
23 forfeiture or within such period satisfy the court that
24 appearance and surrender by the accused is impossible and
25 without his fault the court shall enter judgment for the State
26 against the accused and his sureties for the amount of the bail

1 and costs of the proceedings; however, in counties with a
2 population of less than 3,000,000, if the defendant has posted
3 a cash bond, instead of the court entering a judgment for the
4 full amount of the bond the court may, in its discretion, enter
5 judgment for the cash deposit on the bond, less costs, retain
6 the deposit for further disposition or, if a cash bond was
7 posted for failure to appear in a matter involving enforcement
8 of child support or maintenance, the amount of the cash
9 deposit on the bond, less outstanding costs, may be awarded to
10 the person or entity to whom the child support or maintenance
11 is due.

12 (h) When judgment is entered in favor of the State on any
13 bail bond given for a felony or misdemeanor, or judgement for a
14 political subdivision of the state on any bail bond given for a
15 quasi-criminal or traffic offense, the State's Attorney or
16 political subdivision's attorney shall forthwith obtain a
17 certified copy of the judgment and deliver same to the sheriff
18 to be enforced by levy on the stocks or bonds deposited with
19 the clerk of the court and the real estate described in the
20 bail bond schedule. Any cash forfeited under subsection (g) of
21 this Section shall be used to satisfy the judgment and costs
22 and, without necessity of levy, ordered paid into the treasury
23 of the municipal corporation wherein the bail bond was taken
24 if the offense was a violation of any penal ordinance of a
25 political subdivision of this State, or into the treasury of
26 the county wherein the bail bond was taken if the offense was a

1 violation of any penal statute of this State, or to the person
2 or entity to whom child support or maintenance is owed if the
3 bond was taken for failure to appear in a matter involving
4 child support or maintenance. The stocks, bonds and real
5 estate shall be sold in the same manner as in sales for the
6 enforcement of a judgment in civil actions and the proceeds of
7 such sale shall be used to satisfy all court costs, prior
8 encumbrances, if any, and from the balance a sufficient amount
9 to satisfy the judgment shall be paid into the treasury of the
10 municipal corporation wherein the bail bond was taken if the
11 offense was a violation of any penal ordinance of a political
12 subdivision of this State, or into the treasury of the county
13 wherein the bail bond was taken if the offense was a violation
14 of any penal statute of this State. The balance shall be
15 returned to the owner. The real estate so sold may be redeemed
16 in the same manner as real estate may be redeemed after
17 judicial sales or sales for the enforcement of judgments in
18 civil actions.

19 (i) No stocks, bonds or real estate may be used or accepted
20 as bail bond security in this State more than once in any 12
21 month period.

22 (Source: P.A. 89-469, eff. 1-1-97; 101-652, eff. 7-1-21.)

23 (725 ILCS 5/110-9) (from Ch. 38, par. 110-9)

24 Sec. 110-9. Taking of bail by peace officer. When bail has
25 been set by a judicial officer for a particular offense or

1 offender any sheriff or other peace officer may take bail in
2 accordance with the provisions of Section 110-7 or 110-8 of
3 this Code and release the offender to appear in accordance
4 with the conditions of the bail bond, the Notice to Appear or
5 the Summons. The officer shall give a receipt to the offender
6 for the bail so taken and within a reasonable time deposit such
7 bail with the clerk of the court having jurisdiction of the
8 offense. A sheriff or other peace officer taking bail in
9 accordance with the provisions of Section 110-7 or 110-8 of
10 this Code shall accept payments made in the form of currency,
11 and may accept other forms of payment as the sheriff shall by
12 rule authorize. For purposes of this Section, "currency" has
13 the meaning provided in subsection (a) of Section 3 of the
14 Currency Reporting Act.

15 (Source: P.A. 99-618, eff. 1-1-17; 101-652, eff. 7-1-21.)

16 (725 ILCS 5/110-13) (from Ch. 38, par. 110-13)

17 Sec. 110-13. Persons prohibited from furnishing bail
18 security. No attorney at law practicing in this State and no
19 official authorized to admit another to bail or to accept bail
20 shall furnish any part of any security for bail in any criminal
21 action or any proceeding nor shall any such person act as
22 surety for any accused admitted to bail.

23 (Source: Laws 1963, p. 2836; 101-652, eff. 7-1-21.)

24 (725 ILCS 5/110-14) (from Ch. 38, par. 110-14)

1 Sec. 110-14. Credit for incarceration on bailable offense;
2 credit against monetary bail for certain offenses.

3 (a) Any person incarcerated on a bailable offense who does
4 not supply bail and against whom a fine is levied on conviction
5 of the offense shall be allowed a credit of \$30 for each day so
6 incarcerated upon application of the defendant. However, in no
7 case shall the amount so allowed or credited exceed the amount
8 of the fine.

9 (b) Subsection (a) does not apply to a person incarcerated
10 for sexual assault as defined in paragraph (1) of subsection
11 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

12 (c) A person subject to bail on a Category B offense shall
13 have \$30 deducted from his or her 10% cash bond amount every
14 day the person is incarcerated. The sheriff shall calculate
15 and apply this \$30 per day reduction and send notice to the
16 circuit clerk if a defendant's 10% cash bond amount is reduced
17 to \$0, at which point the defendant shall be released upon his
18 or her own recognizance.

19 (d) The court may deny the incarceration credit in
20 subsection (c) of this Section if the person has failed to
21 appear as required before the court and is incarcerated based
22 on a warrant for failure to appear on the same original
23 criminal offense.

24 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19;
25 101-408, eff. 1-1-20; 101-652, eff. 7-1-21.)

1 (725 ILCS 5/110-15) (from Ch. 38, par. 110-15)

2 Sec. 110-15. Applicability of provisions for giving and
3 taking bail. The provisions of Sections 110-7 and 110-8 of
4 this Code are exclusive of other provisions of law for the
5 giving, taking, or enforcement of bail. In all cases where a
6 person is admitted to bail the provisions of Sections 110-7
7 and 110-8 of this Code shall be applicable.

8 However, the Supreme Court may, by rule or order,
9 prescribe a uniform schedule of amounts of bail in all but
10 felony offenses. The uniform schedule shall not require a
11 person cited for violating the Illinois Vehicle Code or a
12 similar provision of a local ordinance for which a violation
13 is a petty offense as defined by Section 5-1-17 of the Unified
14 Code of Corrections, excluding business offenses as defined by
15 Section 5-1-2 of the Unified Code of Corrections or a
16 violation of Section 15-111 or subsection (d) of Section 3-401
17 of the Illinois Vehicle Code, to post bond to secure bail for
18 his or her release. Such uniform schedule may provide that the
19 cash deposit provisions of Section 110-7 shall not apply to
20 bail amounts established for alleged violations punishable by
21 fine alone, and the schedule may further provide that in
22 specified traffic cases a valid Illinois chauffeur's or
23 operator's license must be deposited, in addition to 10% of
24 the amount of the bail specified in the schedule.

25 (Source: P.A. 98-870, eff. 1-1-15; 98-1134, eff. 1-1-15;
26 101-652, eff. 7-1-21.)

1 (725 ILCS 5/110-16) (from Ch. 38, par. 110-16)

2 Sec. 110-16. Bail bond-forfeiture in same case or absents
3 self during trial-not bailable. If a person admitted to bail
4 on a felony charge forfeits his bond and fails to appear in
5 court during the 30 days immediately after such forfeiture, on
6 being taken into custody thereafter he shall not be bailable
7 in the case in question, unless the court finds that his
8 absence was not for the purpose of obstructing justice or
9 avoiding prosecution.

10 (Source: P.A. 77-1447; 101-652, eff. 7-1-21.)

11 (725 ILCS 5/110-17) (from Ch. 38, par. 110-17)

12 Sec. 110-17. Unclaimed bail deposits. Any sum of money
13 deposited by any person to secure his or her release from
14 custody which remains unclaimed by the person entitled to its
15 return for 3 years after the conditions of the bail bond have
16 been performed and the accused has been discharged from all
17 obligations in the cause shall be presumed to be abandoned and
18 subject to disposition under the Revised Uniform Unclaimed
19 Property Act.

20 (Source: P.A. 100-22, eff. 1-1-18; 100-929, eff. 1-1-19;
21 101-81, eff. 7-12-19; 101-652, eff. 7-1-21.)

22 (725 ILCS 5/110-18) (from Ch. 38, par. 110-18)

23 Sec. 110-18. Reimbursement. The sheriff of each county

1 shall certify to the treasurer of each county the number of
2 days that persons had been detained in the custody of the
3 sheriff without a bond being set as a result of an order
4 entered pursuant to Section 110-6.1 of this Code. The county
5 treasurer shall, no later than January 1, annually certify to
6 the Supreme Court the number of days that persons had been
7 detained without bond during the twelve-month period ending
8 November 30. The Supreme Court shall reimburse, from funds
9 appropriated to it by the General Assembly for such purposes,
10 the treasurer of each county an amount of money for deposit in
11 the county general revenue fund at a rate of \$50 per day for
12 each day that persons were detained in custody without bail as
13 a result of an order entered pursuant to Section 110-6.1 of
14 this Code.

15 (Source: P.A. 85-892; 101-652, eff. 7-1-21.)

16 Section 100. The Rights of Crime Victims and Witnesses Act
17 is amended by changing Sections 4 and 4.5 as follows:

18 (725 ILCS 120/4) (from Ch. 38, par. 1404)

19 Sec. 4. Rights of crime victims.

20 (a) Crime victims shall have the following rights:

21 (1) The right to be treated with fairness and respect
22 for their dignity and privacy and to be free from
23 harassment, intimidation, and abuse throughout the
24 criminal justice process.

1 (1.5) The right to notice and to a hearing before a
2 court ruling on a request for access to any of the victim's
3 records, information, or communications which are
4 privileged or confidential by law.

5 (2) The right to timely notification of all court
6 proceedings.

7 (3) The right to communicate with the prosecution.

8 (4) The right to be heard at any post-arraignment
9 court proceeding in which a right of the victim is at issue
10 and any court proceeding involving a post-arraignment
11 release decision, plea, or sentencing.

12 (5) The right to be notified of the conviction, the
13 sentence, the imprisonment and the release of the accused.

14 (6) The right to the timely disposition of the case
15 following the arrest of the accused.

16 (7) The right to be reasonably protected from the
17 accused through the criminal justice process.

18 (7.5) The right to have the safety of the victim and
19 the victim's family considered in denying or fixing the
20 amount of bail, determining whether to release the
21 defendant, and setting conditions of release after arrest
22 and conviction.

23 (8) The right to be present at the trial and all other
24 court proceedings on the same basis as the accused, unless
25 the victim is to testify and the court determines that the
26 victim's testimony would be materially affected if the

1 victim hears other testimony at the trial.

2 (9) The right to have present at all court
3 proceedings, including proceedings under the Juvenile
4 Court Act of 1987, subject to the rules of evidence, an
5 advocate and other support person of the victim's choice.

6 (10) The right to restitution.

7 (b) Any law enforcement agency that investigates an
8 offense committed in this State shall provide a crime victim
9 with a written statement and explanation of the rights of
10 crime victims under this amendatory Act of the 99th General
11 Assembly within 48 hours of law enforcement's initial contact
12 with a victim. The statement shall include information about
13 crime victim compensation, including how to contact the Office
14 of the Illinois Attorney General to file a claim, and
15 appropriate referrals to local and State programs that provide
16 victim services. The content of the statement shall be
17 provided to law enforcement by the Attorney General. Law
18 enforcement shall also provide a crime victim with a sign-off
19 sheet that the victim shall sign and date as an
20 acknowledgement that he or she has been furnished with
21 information and an explanation of the rights of crime victims
22 and compensation set forth in this Act.

23 (b-5) Upon the request of the victim, the law enforcement
24 agency having jurisdiction shall provide a free copy of the
25 police report concerning the victim's incident, as soon as
26 practicable, but in no event later than 5 business days from

1 the request.

2 (c) The Clerk of the Circuit Court shall post the rights of
3 crime victims set forth in Article I, Section 8.1(a) of the
4 Illinois Constitution and subsection (a) of this Section
5 within 3 feet of the door to any courtroom where criminal
6 proceedings are conducted. The clerk may also post the rights
7 in other locations in the courthouse.

8 (d) At any point, the victim has the right to retain a
9 victim's attorney who may be present during all stages of any
10 interview, investigation, or other interaction with
11 representatives of the criminal justice system. Treatment of
12 the victim should not be affected or altered in any way as a
13 result of the victim's decision to exercise this right.

14 (Source: P.A. 99-413, eff. 8-20-15; 100-1087, eff. 1-1-19;
15 101-652.)

16 (725 ILCS 120/4.5)

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

18 Sec. 4.5. Procedures to implement the rights of crime
19 victims. To afford crime victims their rights, law
20 enforcement, prosecutors, judges, and corrections will provide
21 information, as appropriate, of the following procedures:

22 (a) At the request of the crime victim, law enforcement
23 authorities investigating the case shall provide notice of the
24 status of the investigation, except where the State's Attorney
25 determines that disclosure of such information would

1 unreasonably interfere with the investigation, until such time
2 as the alleged assailant is apprehended or the investigation
3 is closed.

4 (a-5) When law enforcement authorities reopen a closed
5 case to resume investigating, they shall provide notice of the
6 reopening of the case, except where the State's Attorney
7 determines that disclosure of such information would
8 unreasonably interfere with the investigation.

9 (b) The office of the State's Attorney:

10 (1) shall provide notice of the filing of an
11 information, the return of an indictment, or the filing of
12 a petition to adjudicate a minor as a delinquent for a
13 violent crime;

14 (2) shall provide timely notice of the date, time, and
15 place of court proceedings; of any change in the date,
16 time, and place of court proceedings; and of any
17 cancellation of court proceedings. Notice shall be
18 provided in sufficient time, wherever possible, for the
19 victim to make arrangements to attend or to prevent an
20 unnecessary appearance at court proceedings;

21 (3) or victim advocate personnel shall provide
22 information of social services and financial assistance
23 available for victims of crime, including information of
24 how to apply for these services and assistance;

25 (3.5) or victim advocate personnel shall provide
26 information about available victim services, including

1 referrals to programs, counselors, and agencies that
2 assist a victim to deal with trauma, loss, and grief;

3 (4) shall assist in having any stolen or other
4 personal property held by law enforcement authorities for
5 evidentiary or other purposes returned as expeditiously as
6 possible, pursuant to the procedures set out in Section
7 115-9 of the Code of Criminal Procedure of 1963;

8 (5) or victim advocate personnel shall provide
9 appropriate employer intercession services to ensure that
10 employers of victims will cooperate with the criminal
11 justice system in order to minimize an employee's loss of
12 pay and other benefits resulting from court appearances;

13 (6) shall provide, whenever possible, a secure waiting
14 area during court proceedings that does not require
15 victims to be in close proximity to defendants or
16 juveniles accused of a violent crime, and their families
17 and friends;

18 (7) shall provide notice to the crime victim of the
19 right to have a translator present at all court
20 proceedings and, in compliance with the federal Americans
21 with Disabilities Act of 1990, the right to communications
22 access through a sign language interpreter or by other
23 means;

24 (8) (blank);

25 (8.5) shall inform the victim of the right to be
26 present at all court proceedings, unless the victim is to

1 testify and the court determines that the victim's
2 testimony would be materially affected if the victim hears
3 other testimony at trial;

4 (9) shall inform the victim of the right to have
5 present at all court proceedings, subject to the rules of
6 evidence and confidentiality, an advocate and other
7 support person of the victim's choice;

8 (9.3) shall inform the victim of the right to retain
9 an attorney, at the victim's own expense, who, upon
10 written notice filed with the clerk of the court and
11 State's Attorney, is to receive copies of all notices,
12 motions, and court orders filed thereafter in the case, in
13 the same manner as if the victim were a named party in the
14 case;

15 (9.5) shall inform the victim of (A) the victim's
16 right under Section 6 of this Act to make a statement at
17 the sentencing hearing; (B) the right of the victim's
18 spouse, guardian, parent, grandparent, and other immediate
19 family and household members under Section 6 of this Act
20 to present a statement at sentencing; and (C) if a
21 presentence report is to be prepared, the right of the
22 victim's spouse, guardian, parent, grandparent, and other
23 immediate family and household members to submit
24 information to the preparer of the presentence report
25 about the effect the offense has had on the victim and the
26 person;

1 (10) at the sentencing shall make a good faith attempt
2 to explain the minimum amount of time during which the
3 defendant may actually be physically imprisoned. The
4 Office of the State's Attorney shall further notify the
5 crime victim of the right to request from the Prisoner
6 Review Board or Department of Juvenile Justice information
7 concerning the release of the defendant;

8 (11) shall request restitution at sentencing and as
9 part of a plea agreement if the victim requests
10 restitution;

11 (12) shall, upon the court entering a verdict of not
12 guilty by reason of insanity, inform the victim of the
13 notification services available from the Department of
14 Human Services, including the statewide telephone number,
15 under subparagraph (d) (2) of this Section;

16 (13) shall provide notice within a reasonable time
17 after receipt of notice from the custodian, of the release
18 of the defendant on bail or personal recognizance or the
19 release from detention of a minor who has been detained;

20 (14) shall explain in nontechnical language the
21 details of any plea or verdict of a defendant, or any
22 adjudication of a juvenile as a delinquent;

23 (15) shall make all reasonable efforts to consult with
24 the crime victim before the Office of the State's Attorney
25 makes an offer of a plea bargain to the defendant or enters
26 into negotiations with the defendant concerning a possible

1 plea agreement, and shall consider the written statement,
2 if prepared prior to entering into a plea agreement. The
3 right to consult with the prosecutor does not include the
4 right to veto a plea agreement or to insist the case go to
5 trial. If the State's Attorney has not consulted with the
6 victim prior to making an offer or entering into plea
7 negotiations with the defendant, the Office of the State's
8 Attorney shall notify the victim of the offer or the
9 negotiations within 2 business days and confer with the
10 victim;

11 (16) shall provide notice of the ultimate disposition
12 of the cases arising from an indictment or an information,
13 or a petition to have a juvenile adjudicated as a
14 delinquent for a violent crime;

15 (17) shall provide notice of any appeal taken by the
16 defendant and information on how to contact the
17 appropriate agency handling the appeal, and how to request
18 notice of any hearing, oral argument, or decision of an
19 appellate court;

20 (18) shall provide timely notice of any request for
21 post-conviction review filed by the defendant under
22 Article 122 of the Code of Criminal Procedure of 1963, and
23 of the date, time and place of any hearing concerning the
24 petition. Whenever possible, notice of the hearing shall
25 be given within 48 hours of the court's scheduling of the
26 hearing; and

1 (19) shall forward a copy of any statement presented
2 under Section 6 to the Prisoner Review Board or Department
3 of Juvenile Justice to be considered in making a
4 determination under Section 3-2.5-85 or subsection (b) of
5 Section 3-3-8 of the Unified Code of Corrections.

6 (c) The court shall ensure that the rights of the victim
7 are afforded.

8 (c-5) The following procedures shall be followed to afford
9 victims the rights guaranteed by Article I, Section 8.1 of the
10 Illinois Constitution:

11 (1) Written notice. A victim may complete a written
12 notice of intent to assert rights on a form prepared by the
13 Office of the Attorney General and provided to the victim
14 by the State's Attorney. The victim may at any time
15 provide a revised written notice to the State's Attorney.
16 The State's Attorney shall file the written notice with
17 the court. At the beginning of any court proceeding in
18 which the right of a victim may be at issue, the court and
19 prosecutor shall review the written notice to determine
20 whether the victim has asserted the right that may be at
21 issue.

22 (2) Victim's retained attorney. A victim's attorney
23 shall file an entry of appearance limited to assertion of
24 the victim's rights. Upon the filing of the entry of
25 appearance and service on the State's Attorney and the
26 defendant, the attorney is to receive copies of all

1 notices, motions and court orders filed thereafter in the
2 case.

3 (3) Standing. The victim has standing to assert the
4 rights enumerated in subsection (a) of Article I, Section
5 8.1 of the Illinois Constitution and the statutory rights
6 under Section 4 of this Act in any court exercising
7 jurisdiction over the criminal case. The prosecuting
8 attorney, a victim, or the victim's retained attorney may
9 assert the victim's rights. The defendant in the criminal
10 case has no standing to assert a right of the victim in any
11 court proceeding, including on appeal.

12 (4) Assertion of and enforcement of rights.

13 (A) The prosecuting attorney shall assert a
14 victim's right or request enforcement of a right by
15 filing a motion or by orally asserting the right or
16 requesting enforcement in open court in the criminal
17 case outside the presence of the jury. The prosecuting
18 attorney shall consult with the victim and the
19 victim's attorney regarding the assertion or
20 enforcement of a right. If the prosecuting attorney
21 decides not to assert or enforce a victim's right, the
22 prosecuting attorney shall notify the victim or the
23 victim's attorney in sufficient time to allow the
24 victim or the victim's attorney to assert the right or
25 to seek enforcement of a right.

26 (B) If the prosecuting attorney elects not to

1 assert a victim's right or to seek enforcement of a
2 right, the victim or the victim's attorney may assert
3 the victim's right or request enforcement of a right
4 by filing a motion or by orally asserting the right or
5 requesting enforcement in open court in the criminal
6 case outside the presence of the jury.

7 (C) If the prosecuting attorney asserts a victim's
8 right or seeks enforcement of a right, and the court
9 denies the assertion of the right or denies the
10 request for enforcement of a right, the victim or
11 victim's attorney may file a motion to assert the
12 victim's right or to request enforcement of the right
13 within 10 days of the court's ruling. The motion need
14 not demonstrate the grounds for a motion for
15 reconsideration. The court shall rule on the merits of
16 the motion.

17 (D) The court shall take up and decide any motion
18 or request asserting or seeking enforcement of a
19 victim's right without delay, unless a specific time
20 period is specified by law or court rule. The reasons
21 for any decision denying the motion or request shall
22 be clearly stated on the record.

23 (5) Violation of rights and remedies.

24 (A) If the court determines that a victim's right
25 has been violated, the court shall determine the
26 appropriate remedy for the violation of the victim's

1 right by hearing from the victim and the parties,
2 considering all factors relevant to the issue, and
3 then awarding appropriate relief to the victim.

4 (A-5) Consideration of an issue of a substantive
5 nature or an issue that implicates the constitutional
6 or statutory right of a victim at a court proceeding
7 labeled as a status hearing shall constitute a per se
8 violation of a victim's right.

9 (B) The appropriate remedy shall include only
10 actions necessary to provide the victim the right to
11 which the victim was entitled and may include
12 reopening previously held proceedings; however, in no
13 event shall the court vacate a conviction. Any remedy
14 shall be tailored to provide the victim an appropriate
15 remedy without violating any constitutional right of
16 the defendant. In no event shall the appropriate
17 remedy be a new trial, damages, or costs.

18 (6) Right to be heard. Whenever a victim has the right
19 to be heard, the court shall allow the victim to exercise
20 the right in any reasonable manner the victim chooses.

21 (7) Right to attend trial. A party must file a written
22 motion to exclude a victim from trial at least 60 days
23 prior to the date set for trial. The motion must state with
24 specificity the reason exclusion is necessary to protect a
25 constitutional right of the party, and must contain an
26 offer of proof. The court shall rule on the motion within

1 30 days. If the motion is granted, the court shall set
2 forth on the record the facts that support its finding
3 that the victim's testimony will be materially affected if
4 the victim hears other testimony at trial.

5 (8) Right to have advocate and support person present
6 at court proceedings.

7 (A) A party who intends to call an advocate as a
8 witness at trial must seek permission of the court
9 before the subpoena is issued. The party must file a
10 written motion at least 90 days before trial that sets
11 forth specifically the issues on which the advocate's
12 testimony is sought and an offer of proof regarding
13 (i) the content of the anticipated testimony of the
14 advocate; and (ii) the relevance, admissibility, and
15 materiality of the anticipated testimony. The court
16 shall consider the motion and make findings within 30
17 days of the filing of the motion. If the court finds by
18 a preponderance of the evidence that: (i) the
19 anticipated testimony is not protected by an absolute
20 privilege; and (ii) the anticipated testimony contains
21 relevant, admissible, and material evidence that is
22 not available through other witnesses or evidence, the
23 court shall issue a subpoena requiring the advocate to
24 appear to testify at an in camera hearing. The
25 prosecuting attorney and the victim shall have 15 days
26 to seek appellate review before the advocate is

1 required to testify at an ex parte in camera
2 proceeding.

3 The prosecuting attorney, the victim, and the
4 advocate's attorney shall be allowed to be present at
5 the ex parte in camera proceeding. If, after
6 conducting the ex parte in camera hearing, the court
7 determines that due process requires any testimony
8 regarding confidential or privileged information or
9 communications, the court shall provide to the
10 prosecuting attorney, the victim, and the advocate's
11 attorney a written memorandum on the substance of the
12 advocate's testimony. The prosecuting attorney, the
13 victim, and the advocate's attorney shall have 15 days
14 to seek appellate review before a subpoena may be
15 issued for the advocate to testify at trial. The
16 presence of the prosecuting attorney at the ex parte
17 in camera proceeding does not make the substance of
18 the advocate's testimony that the court has ruled
19 inadmissible subject to discovery.

20 (B) If a victim has asserted the right to have a
21 support person present at the court proceedings, the
22 victim shall provide the name of the person the victim
23 has chosen to be the victim's support person to the
24 prosecuting attorney, within 60 days of trial. The
25 prosecuting attorney shall provide the name to the
26 defendant. If the defendant intends to call the

1 support person as a witness at trial, the defendant
2 must seek permission of the court before a subpoena is
3 issued. The defendant must file a written motion at
4 least 45 days prior to trial that sets forth
5 specifically the issues on which the support person
6 will testify and an offer of proof regarding: (i) the
7 content of the anticipated testimony of the support
8 person; and (ii) the relevance, admissibility, and
9 materiality of the anticipated testimony.

10 If the prosecuting attorney intends to call the
11 support person as a witness during the State's
12 case-in-chief, the prosecuting attorney shall inform
13 the court of this intent in the response to the
14 defendant's written motion. The victim may choose a
15 different person to be the victim's support person.
16 The court may allow the defendant to inquire about
17 matters outside the scope of the direct examination
18 during cross-examination. If the court allows the
19 defendant to do so, the support person shall be
20 allowed to remain in the courtroom after the support
21 person has testified. A defendant who fails to
22 question the support person about matters outside the
23 scope of direct examination during the State's
24 case-in-chief waives the right to challenge the
25 presence of the support person on appeal. The court
26 shall allow the support person to testify if called as

1 a witness in the defendant's case-in-chief or the
2 State's rebuttal.

3 If the court does not allow the defendant to
4 inquire about matters outside the scope of the direct
5 examination, the support person shall be allowed to
6 remain in the courtroom after the support person has
7 been called by the defendant or the defendant has
8 rested. The court shall allow the support person to
9 testify in the State's rebuttal.

10 If the prosecuting attorney does not intend to
11 call the support person in the State's case-in-chief,
12 the court shall verify with the support person whether
13 the support person, if called as a witness, would
14 testify as set forth in the offer of proof. If the
15 court finds that the support person would testify as
16 set forth in the offer of proof, the court shall rule
17 on the relevance, materiality, and admissibility of
18 the anticipated testimony. If the court rules the
19 anticipated testimony is admissible, the court shall
20 issue the subpoena. The support person may remain in
21 the courtroom after the support person testifies and
22 shall be allowed to testify in rebuttal.

23 If the court excludes the victim's support person
24 during the State's case-in-chief, the victim shall be
25 allowed to choose another support person to be present
26 in court.

1 If the victim fails to designate a support person
2 within 60 days of trial and the defendant has
3 subpoenaed the support person to testify at trial, the
4 court may exclude the support person from the trial
5 until the support person testifies. If the court
6 excludes the support person the victim may choose
7 another person as a support person.

8 (9) Right to notice and hearing before disclosure of
9 confidential or privileged information or records. A
10 defendant who seeks to subpoena records of or concerning
11 the victim that are confidential or privileged by law must
12 seek permission of the court before the subpoena is
13 issued. The defendant must file a written motion and an
14 offer of proof regarding the relevance, admissibility and
15 materiality of the records. If the court finds by a
16 preponderance of the evidence that: (A) the records are
17 not protected by an absolute privilege and (B) the records
18 contain relevant, admissible, and material evidence that
19 is not available through other witnesses or evidence, the
20 court shall issue a subpoena requiring a sealed copy of
21 the records be delivered to the court to be reviewed in
22 camera. If, after conducting an in camera review of the
23 records, the court determines that due process requires
24 disclosure of any portion of the records, the court shall
25 provide copies of what it intends to disclose to the
26 prosecuting attorney and the victim. The prosecuting

1 attorney and the victim shall have 30 days to seek
2 appellate review before the records are disclosed to the
3 defendant. The disclosure of copies of any portion of the
4 records to the prosecuting attorney does not make the
5 records subject to discovery.

6 (10) Right to notice of court proceedings. If the
7 victim is not present at a court proceeding in which a
8 right of the victim is at issue, the court shall ask the
9 prosecuting attorney whether the victim was notified of
10 the time, place, and purpose of the court proceeding and
11 that the victim had a right to be heard at the court
12 proceeding. If the court determines that timely notice was
13 not given or that the victim was not adequately informed
14 of the nature of the court proceeding, the court shall not
15 rule on any substantive issues, accept a plea, or impose a
16 sentence and shall continue the hearing for the time
17 necessary to notify the victim of the time, place and
18 nature of the court proceeding. The time between court
19 proceedings shall not be attributable to the State under
20 Section 103-5 of the Code of Criminal Procedure of 1963.

21 (11) Right to timely disposition of the case. A victim
22 has the right to timely disposition of the case so as to
23 minimize the stress, cost, and inconvenience resulting
24 from the victim's involvement in the case. Before ruling
25 on a motion to continue trial or other court proceeding,
26 the court shall inquire into the circumstances for the

1 request for the delay and, if the victim has provided
2 written notice of the assertion of the right to a timely
3 disposition, and whether the victim objects to the delay.
4 If the victim objects, the prosecutor shall inform the
5 court of the victim's objections. If the prosecutor has
6 not conferred with the victim about the continuance, the
7 prosecutor shall inform the court of the attempts to
8 confer. If the court finds the attempts of the prosecutor
9 to confer with the victim were inadequate to protect the
10 victim's right to be heard, the court shall give the
11 prosecutor at least 3 but not more than 5 business days to
12 confer with the victim. In ruling on a motion to continue,
13 the court shall consider the reasons for the requested
14 continuance, the number and length of continuances that
15 have been granted, the victim's objections and procedures
16 to avoid further delays. If a continuance is granted over
17 the victim's objection, the court shall specify on the
18 record the reasons for the continuance and the procedures
19 that have been or will be taken to avoid further delays.

20 (12) Right to Restitution.

21 (A) If the victim has asserted the right to
22 restitution and the amount of restitution is known at
23 the time of sentencing, the court shall enter the
24 judgment of restitution at the time of sentencing.

25 (B) If the victim has asserted the right to
26 restitution and the amount of restitution is not known

1 at the time of sentencing, the prosecutor shall,
2 within 5 days after sentencing, notify the victim what
3 information and documentation related to restitution
4 is needed and that the information and documentation
5 must be provided to the prosecutor within 45 days
6 after sentencing. Failure to timely provide
7 information and documentation related to restitution
8 shall be deemed a waiver of the right to restitution.
9 The prosecutor shall file and serve within 60 days
10 after sentencing a proposed judgment for restitution
11 and a notice that includes information concerning the
12 identity of any victims or other persons seeking
13 restitution, whether any victim or other person
14 expressly declines restitution, the nature and amount
15 of any damages together with any supporting
16 documentation, a restitution amount recommendation,
17 and the names of any co-defendants and their case
18 numbers. Within 30 days after receipt of the proposed
19 judgment for restitution, the defendant shall file any
20 objection to the proposed judgment, a statement of
21 grounds for the objection, and a financial statement.
22 If the defendant does not file an objection, the court
23 may enter the judgment for restitution without further
24 proceedings. If the defendant files an objection and
25 either party requests a hearing, the court shall
26 schedule a hearing.

1 (13) Access to presentence reports.

2 (A) The victim may request a copy of the
3 presentence report prepared under the Unified Code of
4 Corrections from the State's Attorney. The State's
5 Attorney shall redact the following information before
6 providing a copy of the report:

7 (i) the defendant's mental history and
8 condition;

9 (ii) any evaluation prepared under subsection
10 (b) or (b-5) of Section 5-3-2; and

11 (iii) the name, address, phone number, and
12 other personal information about any other victim.

13 (B) The State's Attorney or the defendant may
14 request the court redact other information in the
15 report that may endanger the safety of any person.

16 (C) The State's Attorney may orally disclose to
17 the victim any of the information that has been
18 redacted if there is a reasonable likelihood that the
19 information will be stated in court at the sentencing.

20 (D) The State's Attorney must advise the victim
21 that the victim must maintain the confidentiality of
22 the report and other information. Any dissemination of
23 the report or information that was not stated at a
24 court proceeding constitutes indirect criminal
25 contempt of court.

26 (14) Appellate relief. If the trial court denies the

1 relief requested, the victim, the victim's attorney, or
2 the prosecuting attorney may file an appeal within 30 days
3 of the trial court's ruling. The trial or appellate court
4 may stay the court proceedings if the court finds that a
5 stay would not violate a constitutional right of the
6 defendant. If the appellate court denies the relief
7 sought, the reasons for the denial shall be clearly stated
8 in a written opinion. In any appeal in a criminal case, the
9 State may assert as error the court's denial of any crime
10 victim's right in the proceeding to which the appeal
11 relates.

12 (15) Limitation on appellate relief. In no case shall
13 an appellate court provide a new trial to remedy the
14 violation of a victim's right.

15 (16) The right to be reasonably protected from the
16 accused throughout the criminal justice process and the
17 right to have the safety of the victim and the victim's
18 family considered in denying or fixing the amount of bail,
19 determining whether to release the defendant, and setting
20 conditions of release after arrest and conviction. A
21 victim of domestic violence, a sexual offense, or stalking
22 may request the entry of a protective order under Article
23 112A of the Code of Criminal Procedure of 1963.

24 (d) Procedures after the imposition of sentence.

25 (1) The Prisoner Review Board shall inform a victim or
26 any other concerned citizen, upon written request, of the

1 prisoner's release on parole, mandatory supervised
2 release, electronic detention, work release, international
3 transfer or exchange, or by the custodian, other than the
4 Department of Juvenile Justice, of the discharge of any
5 individual who was adjudicated a delinquent for a crime
6 from State custody and by the sheriff of the appropriate
7 county of any such person's final discharge from county
8 custody. The Prisoner Review Board, upon written request,
9 shall provide to a victim or any other concerned citizen a
10 recent photograph of any person convicted of a felony,
11 upon his or her release from custody. The Prisoner Review
12 Board, upon written request, shall inform a victim or any
13 other concerned citizen when feasible at least 7 days
14 prior to the prisoner's release on furlough of the times
15 and dates of such furlough. Upon written request by the
16 victim or any other concerned citizen, the State's
17 Attorney shall notify the person once of the times and
18 dates of release of a prisoner sentenced to periodic
19 imprisonment. Notification shall be based on the most
20 recent information as to victim's or other concerned
21 citizen's residence or other location available to the
22 notifying authority.

23 (2) When the defendant has been committed to the
24 Department of Human Services pursuant to Section 5-2-4 or
25 any other provision of the Unified Code of Corrections,
26 the victim may request to be notified by the releasing

1 authority of the approval by the court of an on-grounds
2 pass, a supervised off-grounds pass, an unsupervised
3 off-grounds pass, or conditional release; the release on
4 an off-grounds pass; the return from an off-grounds pass;
5 transfer to another facility; conditional release; escape;
6 death; or final discharge from State custody. The
7 Department of Human Services shall establish and maintain
8 a statewide telephone number to be used by victims to make
9 notification requests under these provisions and shall
10 publicize this telephone number on its website and to the
11 State's Attorney of each county.

12 (3) In the event of an escape from State custody, the
13 Department of Corrections or the Department of Juvenile
14 Justice immediately shall notify the Prisoner Review Board
15 of the escape and the Prisoner Review Board shall notify
16 the victim. The notification shall be based upon the most
17 recent information as to the victim's residence or other
18 location available to the Board. When no such information
19 is available, the Board shall make all reasonable efforts
20 to obtain the information and make the notification. When
21 the escapee is apprehended, the Department of Corrections
22 or the Department of Juvenile Justice immediately shall
23 notify the Prisoner Review Board and the Board shall
24 notify the victim.

25 (4) The victim of the crime for which the prisoner has
26 been sentenced has the right to register with the Prisoner

1 Review Board's victim registry. Victims registered with
2 the Board shall receive reasonable written notice not less
3 than 30 days prior to the parole hearing or target
4 aftercare release date. The victim has the right to submit
5 a victim statement for consideration by the Prisoner
6 Review Board or the Department of Juvenile Justice in
7 writing, on film, videotape, or other electronic means, or
8 in the form of a recording prior to the parole hearing or
9 target aftercare release date, or in person at the parole
10 hearing or aftercare release protest hearing, or by
11 calling the toll-free number established in subsection (f)
12 of this Section. The victim shall be notified within 7
13 days after the prisoner has been granted parole or
14 aftercare release and shall be informed of the right to
15 inspect the registry of parole decisions, established
16 under subsection (g) of Section 3-3-5 of the Unified Code
17 of Corrections. The provisions of this paragraph (4) are
18 subject to the Open Parole Hearings Act. Victim statements
19 provided to the Board shall be confidential and
20 privileged, including any statements received prior to
21 January 1, 2020 (the effective date of Public Act
22 101-288), except if the statement was an oral statement
23 made by the victim at a hearing open to the public.

24 (4-1) The crime victim has the right to submit a
25 victim statement for consideration by the Prisoner Review
26 Board or the Department of Juvenile Justice prior to or at

1 a hearing to determine the conditions of mandatory
2 supervised release of a person sentenced to a determinate
3 sentence or at a hearing on revocation of mandatory
4 supervised release of a person sentenced to a determinate
5 sentence. A victim statement may be submitted in writing,
6 on film, videotape, or other electronic means, or in the
7 form of a recording, or orally at a hearing, or by calling
8 the toll-free number established in subsection (f) of this
9 Section. Victim statements provided to the Board shall be
10 confidential and privileged, including any statements
11 received prior to January 1, 2020 (the effective date of
12 Public Act 101-288), except if the statement was an oral
13 statement made by the victim at a hearing open to the
14 public.

15 (4-2) The crime victim has the right to submit a
16 victim statement to the Prisoner Review Board for
17 consideration at an executive clemency hearing as provided
18 in Section 3-3-13 of the Unified Code of Corrections. A
19 victim statement may be submitted in writing, on film,
20 videotape, or other electronic means, or in the form of a
21 recording prior to a hearing, or orally at a hearing, or by
22 calling the toll-free number established in subsection (f)
23 of this Section. Victim statements provided to the Board
24 shall be confidential and privileged, including any
25 statements received prior to January 1, 2020 (the
26 effective date of Public Act 101-288), except if the

1 statement was an oral statement made by the victim at a
2 hearing open to the public.

3 (5) If a statement is presented under Section 6, the
4 Prisoner Review Board or Department of Juvenile Justice
5 shall inform the victim of any order of discharge pursuant
6 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
7 Corrections.

8 (6) At the written or oral request of the victim of the
9 crime for which the prisoner was sentenced or the State's
10 Attorney of the county where the person seeking parole or
11 aftercare release was prosecuted, the Prisoner Review
12 Board or Department of Juvenile Justice shall notify the
13 victim and the State's Attorney of the county where the
14 person seeking parole or aftercare release was prosecuted
15 of the death of the prisoner if the prisoner died while on
16 parole or aftercare release or mandatory supervised
17 release.

18 (7) When a defendant who has been committed to the
19 Department of Corrections, the Department of Juvenile
20 Justice, or the Department of Human Services is released
21 or discharged and subsequently committed to the Department
22 of Human Services as a sexually violent person and the
23 victim had requested to be notified by the releasing
24 authority of the defendant's discharge, conditional
25 release, death, or escape from State custody, the
26 releasing authority shall provide to the Department of

1 Human Services such information that would allow the
2 Department of Human Services to contact the victim.

3 (8) When a defendant has been convicted of a sex
4 offense as defined in Section 2 of the Sex Offender
5 Registration Act and has been sentenced to the Department
6 of Corrections or the Department of Juvenile Justice, the
7 Prisoner Review Board or the Department of Juvenile
8 Justice shall notify the victim of the sex offense of the
9 prisoner's eligibility for release on parole, aftercare
10 release, mandatory supervised release, electronic
11 detention, work release, international transfer or
12 exchange, or by the custodian of the discharge of any
13 individual who was adjudicated a delinquent for a sex
14 offense from State custody and by the sheriff of the
15 appropriate county of any such person's final discharge
16 from county custody. The notification shall be made to the
17 victim at least 30 days, whenever possible, before release
18 of the sex offender.

19 (e) The officials named in this Section may satisfy some
20 or all of their obligations to provide notices and other
21 information through participation in a statewide victim and
22 witness notification system established by the Attorney
23 General under Section 8.5 of this Act.

24 (f) The Prisoner Review Board shall establish a toll-free
25 number that may be accessed by the crime victim to present a
26 victim statement to the Board in accordance with paragraphs

1 (4), (4-1), and (4-2) of subsection (d).

2 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;
3 102-22, eff. 6-25-21; 102-558, eff. 8-20-21.)

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

5 Sec. 4.5. Procedures to implement the rights of crime
6 victims. To afford crime victims their rights, law
7 enforcement, prosecutors, judges, and corrections will provide
8 information, as appropriate, of the following procedures:

9 (a) At the request of the crime victim, law enforcement
10 authorities investigating the case shall provide notice of the
11 status of the investigation, except where the State's Attorney
12 determines that disclosure of such information would
13 unreasonably interfere with the investigation, until such time
14 as the alleged assailant is apprehended or the investigation
15 is closed.

16 (a-5) When law enforcement authorities reopen a closed
17 case to resume investigating, they shall provide notice of the
18 reopening of the case, except where the State's Attorney
19 determines that disclosure of such information would
20 unreasonably interfere with the investigation.

21 (b) The office of the State's Attorney:

22 (1) shall provide notice of the filing of an
23 information, the return of an indictment, or the filing of
24 a petition to adjudicate a minor as a delinquent for a
25 violent crime;

1 (2) shall provide timely notice of the date, time, and
2 place of court proceedings; of any change in the date,
3 time, and place of court proceedings; and of any
4 cancellation of court proceedings. Notice shall be
5 provided in sufficient time, wherever possible, for the
6 victim to make arrangements to attend or to prevent an
7 unnecessary appearance at court proceedings;

8 (3) or victim advocate personnel shall provide
9 information of social services and financial assistance
10 available for victims of crime, including information of
11 how to apply for these services and assistance;

12 (3.5) or victim advocate personnel shall provide
13 information about available victim services, including
14 referrals to programs, counselors, and agencies that
15 assist a victim to deal with trauma, loss, and grief;

16 (4) shall assist in having any stolen or other
17 personal property held by law enforcement authorities for
18 evidentiary or other purposes returned as expeditiously as
19 possible, pursuant to the procedures set out in Section
20 115-9 of the Code of Criminal Procedure of 1963;

21 (5) or victim advocate personnel shall provide
22 appropriate employer intercession services to ensure that
23 employers of victims will cooperate with the criminal
24 justice system in order to minimize an employee's loss of
25 pay and other benefits resulting from court appearances;

26 (6) shall provide, whenever possible, a secure waiting

1 area during court proceedings that does not require
2 victims to be in close proximity to defendants or
3 juveniles accused of a violent crime, and their families
4 and friends;

5 (7) shall provide notice to the crime victim of the
6 right to have a translator present at all court
7 proceedings and, in compliance with the federal Americans
8 with Disabilities Act of 1990, the right to communications
9 access through a sign language interpreter or by other
10 means;

11 (8) (blank);

12 (8.5) shall inform the victim of the right to be
13 present at all court proceedings, unless the victim is to
14 testify and the court determines that the victim's
15 testimony would be materially affected if the victim hears
16 other testimony at trial;

17 (9) shall inform the victim of the right to have
18 present at all court proceedings, subject to the rules of
19 evidence and confidentiality, an advocate and other
20 support person of the victim's choice;

21 (9.3) shall inform the victim of the right to retain
22 an attorney, at the victim's own expense, who, upon
23 written notice filed with the clerk of the court and
24 State's Attorney, is to receive copies of all notices,
25 motions, and court orders filed thereafter in the case, in
26 the same manner as if the victim were a named party in the

1 case;

2 (9.5) shall inform the victim of (A) the victim's
3 right under Section 6 of this Act to make a statement at
4 the sentencing hearing; (B) the right of the victim's
5 spouse, guardian, parent, grandparent, and other immediate
6 family and household members under Section 6 of this Act
7 to present a statement at sentencing; and (C) if a
8 presentence report is to be prepared, the right of the
9 victim's spouse, guardian, parent, grandparent, and other
10 immediate family and household members to submit
11 information to the preparer of the presentence report
12 about the effect the offense has had on the victim and the
13 person;

14 (10) at the sentencing shall make a good faith attempt
15 to explain the minimum amount of time during which the
16 defendant may actually be physically imprisoned. The
17 Office of the State's Attorney shall further notify the
18 crime victim of the right to request from the Prisoner
19 Review Board or Department of Juvenile Justice information
20 concerning the release of the defendant;

21 (11) shall request restitution at sentencing and as
22 part of a plea agreement if the victim requests
23 restitution;

24 (12) shall, upon the court entering a verdict of not
25 guilty by reason of insanity, inform the victim of the
26 notification services available from the Department of

1 Human Services, including the statewide telephone number,
2 under subparagraph (d) (2) of this Section;

3 (13) shall provide notice within a reasonable time
4 after receipt of notice from the custodian, of the release
5 of the defendant on ~~pretrial release~~ bail or personal
6 recognizance or the release from detention of a minor who
7 has been detained;

8 (14) shall explain in nontechnical language the
9 details of any plea or verdict of a defendant, or any
10 adjudication of a juvenile as a delinquent;

11 (15) shall make all reasonable efforts to consult with
12 the crime victim before the Office of the State's Attorney
13 makes an offer of a plea bargain to the defendant or enters
14 into negotiations with the defendant concerning a possible
15 plea agreement, and shall consider the written statement,
16 if prepared prior to entering into a plea agreement. The
17 right to consult with the prosecutor does not include the
18 right to veto a plea agreement or to insist the case go to
19 trial. If the State's Attorney has not consulted with the
20 victim prior to making an offer or entering into plea
21 negotiations with the defendant, the Office of the State's
22 Attorney shall notify the victim of the offer or the
23 negotiations within 2 business days and confer with the
24 victim;

25 (16) shall provide notice of the ultimate disposition
26 of the cases arising from an indictment or an information,

1 or a petition to have a juvenile adjudicated as a
2 delinquent for a violent crime;

3 (17) shall provide notice of any appeal taken by the
4 defendant and information on how to contact the
5 appropriate agency handling the appeal, and how to request
6 notice of any hearing, oral argument, or decision of an
7 appellate court;

8 (18) shall provide timely notice of any request for
9 post-conviction review filed by the defendant under
10 Article 122 of the Code of Criminal Procedure of 1963, and
11 of the date, time and place of any hearing concerning the
12 petition. Whenever possible, notice of the hearing shall
13 be given within 48 hours of the court's scheduling of the
14 hearing;

15 (19) shall forward a copy of any statement presented
16 under Section 6 to the Prisoner Review Board or Department
17 of Juvenile Justice to be considered in making a
18 determination under Section 3-2.5-85 or subsection (b) of
19 Section 3-3-8 of the Unified Code of Corrections;

20 (20) shall, within a reasonable time, offer to meet
21 with the crime victim regarding the decision of the
22 State's Attorney not to charge an offense, and shall meet
23 with the victim, if the victim agrees. The victim has a
24 right to have an attorney, advocate, and other support
25 person of the victim's choice attend this meeting with the
26 victim; and

1 (21) shall give the crime victim timely notice of any
2 decision not to pursue charges and consider the safety of
3 the victim when deciding how to give such notice.

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, unless the
7 prosecuting attorney objects or the trial court does
8 not allow it, the victim or the victim's attorney may
9 be heard regarding the prosecuting attorney's motion
10 or may file a simultaneous motion to assert or request
11 enforcement of the victim's right. If the victim or
12 the victim's attorney was not allowed to be heard at
13 the hearing regarding the prosecuting attorney's
14 motion, and the court denies the prosecuting
15 attorney's assertion of the right or denies the
16 request for enforcement of a right, the victim or
17 victim's attorney may file a motion to assert the
18 victim's right or to request enforcement of the right
19 within 10 days of the court's ruling. The motion need
20 not demonstrate the grounds for a motion for
21 reconsideration. The court shall rule on the merits of
22 the motion.

23 (D) The court shall take up and decide any motion
24 or request asserting or seeking enforcement of a
25 victim's right without delay, unless a specific time
26 period is specified by law or court rule. The reasons

1 for any decision denying the motion or request shall
2 be clearly stated on the record.

3 (E) No later than January 1, 2023, the Office of
4 the Attorney General shall:

5 (i) designate an administrative authority
6 within the Office of the Attorney General to
7 receive and investigate complaints relating to the
8 provision or violation of the rights of a crime
9 victim as described in Article I, Section 8.1 of
10 the Illinois Constitution and in this Act;

11 (ii) create and administer a course of
12 training for employees and offices of the State of
13 Illinois that fail to comply with provisions of
14 Illinois law pertaining to the treatment of crime
15 victims as described in Article I, Section 8.1 of
16 the Illinois Constitution and in this Act as
17 required by the court under Section 5 of this Act;
18 and

19 (iii) have the authority to make
20 recommendations to employees and offices of the
21 State of Illinois to respond more effectively to
22 the needs of crime victims, including regarding
23 the violation of the rights of a crime victim.

24 (F) Crime victims' rights may also be asserted by
25 filing a complaint for mandamus, injunctive, or
26 declaratory relief in the jurisdiction in which the

1 victim's right is being violated or where the crime is
2 being prosecuted. For complaints or motions filed by
3 or on behalf of the victim, the clerk of court shall
4 waive filing fees that would otherwise be owed by the
5 victim for any court filing with the purpose of
6 enforcing crime victims' rights. If the court denies
7 the relief sought by the victim, the reasons for the
8 denial shall be clearly stated on the record in the
9 transcript of the proceedings, in a written opinion,
10 or in the docket entry, and the victim may appeal the
11 circuit court's decision to the appellate court. The
12 court shall issue prompt rulings regarding victims'
13 rights. Proceedings seeking to enforce victims' rights
14 shall not be stayed or subject to unreasonable delay
15 via continuances.

16 (5) Violation of rights and remedies.

17 (A) If the court determines that a victim's right
18 has been violated, the court shall determine the
19 appropriate remedy for the violation of the victim's
20 right by hearing from the victim and the parties,
21 considering all factors relevant to the issue, and
22 then awarding appropriate relief to the victim.

23 (A-5) Consideration of an issue of a substantive
24 nature or an issue that implicates the constitutional
25 or statutory right of a victim at a court proceeding
26 labeled as a status hearing shall constitute a per se

1 violation of a victim's right.

2 (B) The appropriate remedy shall include only
3 actions necessary to provide the victim the right to
4 which the victim was entitled. Remedies may include,
5 but are not limited to: injunctive relief requiring
6 the victim's right to be afforded; declaratory
7 judgment recognizing or clarifying the victim's
8 rights; a writ of mandamus; and may include reopening
9 previously held proceedings; however, in no event
10 shall the court vacate a conviction. Any remedy shall
11 be tailored to provide the victim an appropriate
12 remedy without violating any constitutional right of
13 the defendant. In no event shall the appropriate
14 remedy to the victim be a new trial or damages.

15 The court shall impose a mandatory training course
16 provided by the Attorney General for the employee under
17 item (ii) of subparagraph (E) of paragraph (4), which must
18 be successfully completed within 6 months of the entry of
19 the court order.

20 This paragraph (5) takes effect January 2, 2023.

21 (6) Right to be heard. Whenever a victim has the right
22 to be heard, the court shall allow the victim to exercise
23 the right in any reasonable manner the victim chooses.

24 (7) Right to attend trial. A party must file a written
25 motion to exclude a victim from trial at least 60 days
26 prior to the date set for trial. The motion must state with

1 specificity the reason exclusion is necessary to protect a
2 constitutional right of the party, and must contain an
3 offer of proof. The court shall rule on the motion within
4 30 days. If the motion is granted, the court shall set
5 forth on the record the facts that support its finding
6 that the victim's testimony will be materially affected if
7 the victim hears other testimony at trial.

8 (8) Right to have advocate and support person present
9 at court proceedings.

10 (A) A party who intends to call an advocate as a
11 witness at trial must seek permission of the court
12 before the subpoena is issued. The party must file a
13 written motion at least 90 days before trial that sets
14 forth specifically the issues on which the advocate's
15 testimony is sought and an offer of proof regarding
16 (i) the content of the anticipated testimony of the
17 advocate; and (ii) the relevance, admissibility, and
18 materiality of the anticipated testimony. The court
19 shall consider the motion and make findings within 30
20 days of the filing of the motion. If the court finds by
21 a preponderance of the evidence that: (i) the
22 anticipated testimony is not protected by an absolute
23 privilege; and (ii) the anticipated testimony contains
24 relevant, admissible, and material evidence that is
25 not available through other witnesses or evidence, the
26 court shall issue a subpoena requiring the advocate to

1 appear to testify at an in camera hearing. The
2 prosecuting attorney and the victim shall have 15 days
3 to seek appellate review before the advocate is
4 required to testify at an ex parte in camera
5 proceeding.

6 The prosecuting attorney, the victim, and the
7 advocate's attorney shall be allowed to be present at
8 the ex parte in camera proceeding. If, after
9 conducting the ex parte in camera hearing, the court
10 determines that due process requires any testimony
11 regarding confidential or privileged information or
12 communications, the court shall provide to the
13 prosecuting attorney, the victim, and the advocate's
14 attorney a written memorandum on the substance of the
15 advocate's testimony. The prosecuting attorney, the
16 victim, and the advocate's attorney shall have 15 days
17 to seek appellate review before a subpoena may be
18 issued for the advocate to testify at trial. The
19 presence of the prosecuting attorney at the ex parte
20 in camera proceeding does not make the substance of
21 the advocate's testimony that the court has ruled
22 inadmissible subject to discovery.

23 (B) If a victim has asserted the right to have a
24 support person present at the court proceedings, the
25 victim shall provide the name of the person the victim
26 has chosen to be the victim's support person to the

1 prosecuting attorney, within 60 days of trial. The
2 prosecuting attorney shall provide the name to the
3 defendant. If the defendant intends to call the
4 support person as a witness at trial, the defendant
5 must seek permission of the court before a subpoena is
6 issued. The defendant must file a written motion at
7 least 45 days prior to trial that sets forth
8 specifically the issues on which the support person
9 will testify and an offer of proof regarding: (i) the
10 content of the anticipated testimony of the support
11 person; and (ii) the relevance, admissibility, and
12 materiality of the anticipated testimony.

13 If the prosecuting attorney intends to call the
14 support person as a witness during the State's
15 case-in-chief, the prosecuting attorney shall inform
16 the court of this intent in the response to the
17 defendant's written motion. The victim may choose a
18 different person to be the victim's support person.
19 The court may allow the defendant to inquire about
20 matters outside the scope of the direct examination
21 during cross-examination. If the court allows the
22 defendant to do so, the support person shall be
23 allowed to remain in the courtroom after the support
24 person has testified. A defendant who fails to
25 question the support person about matters outside the
26 scope of direct examination during the State's

1 case-in-chief waives the right to challenge the
2 presence of the support person on appeal. The court
3 shall allow the support person to testify if called as
4 a witness in the defendant's case-in-chief or the
5 State's rebuttal.

6 If the court does not allow the defendant to
7 inquire about matters outside the scope of the direct
8 examination, the support person shall be allowed to
9 remain in the courtroom after the support person has
10 been called by the defendant or the defendant has
11 rested. The court shall allow the support person to
12 testify in the State's rebuttal.

13 If the prosecuting attorney does not intend to
14 call the support person in the State's case-in-chief,
15 the court shall verify with the support person whether
16 the support person, if called as a witness, would
17 testify as set forth in the offer of proof. If the
18 court finds that the support person would testify as
19 set forth in the offer of proof, the court shall rule
20 on the relevance, materiality, and admissibility of
21 the anticipated testimony. If the court rules the
22 anticipated testimony is admissible, the court shall
23 issue the subpoena. The support person may remain in
24 the courtroom after the support person testifies and
25 shall be allowed to testify in rebuttal.

26 If the court excludes the victim's support person

1 during the State's case-in-chief, the victim shall be
2 allowed to choose another support person to be present
3 in court.

4 If the victim fails to designate a support person
5 within 60 days of trial and the defendant has
6 subpoenaed the support person to testify at trial, the
7 court may exclude the support person from the trial
8 until the support person testifies. If the court
9 excludes the support person the victim may choose
10 another person as a support person.

11 (9) Right to notice and hearing before disclosure of
12 confidential or privileged information or records.

13 (A) A defendant who seeks to subpoena testimony or
14 records of or concerning the victim that are
15 confidential or privileged by law must seek permission
16 of the court before the subpoena is issued. The
17 defendant must file a written motion and an offer of
18 proof regarding the relevance, admissibility and
19 materiality of the testimony or records. If the court
20 finds by a preponderance of the evidence that:

21 (i) the testimony or records are not protected
22 by an absolute privilege and

23 (ii) the testimony or records contain
24 relevant, admissible, and material evidence that
25 is not available through other witnesses or
26 evidence, the court shall issue a subpoena

1 requiring the witness to appear in camera or a
2 sealed copy of the records be delivered to the
3 court to be reviewed in camera. If, after
4 conducting an in camera review of the witness
5 statement or records, the court determines that
6 due process requires disclosure of any potential
7 testimony or any portion of the records, the court
8 shall provide copies of the records that it
9 intends to disclose to the prosecuting attorney
10 and the victim. The prosecuting attorney and the
11 victim shall have 30 days to seek appellate review
12 before the records are disclosed to the defendant,
13 used in any court proceeding, or disclosed to
14 anyone or in any way that would subject the
15 testimony or records to public review. The
16 disclosure of copies of any portion of the
17 testimony or records to the prosecuting attorney
18 under this Section does not make the records
19 subject to discovery or required to be provided to
20 the defendant.

21 (B) A prosecuting attorney who seeks to subpoena
22 information or records concerning the victim that are
23 confidential or privileged by law must first request
24 the written consent of the crime victim. If the victim
25 does not provide such written consent, including where
26 necessary the appropriate signed document required for

1 waiving privilege, the prosecuting attorney must serve
2 the subpoena at least 21 days prior to the date a
3 response or appearance is required to allow the
4 subject of the subpoena time to file a motion to quash
5 or request a hearing. The prosecuting attorney must
6 also send a written notice to the victim at least 21
7 days prior to the response date to allow the victim to
8 file a motion or request a hearing. The notice to the
9 victim shall inform the victim (i) that a subpoena has
10 been issued for confidential information or records
11 concerning the victim, (ii) that the victim has the
12 right to request a hearing prior to the response date
13 of the subpoena, and (iii) how to request the hearing.
14 The notice to the victim shall also include a copy of
15 the subpoena. If requested, a hearing regarding the
16 subpoena shall occur before information or records are
17 provided to the prosecuting attorney.

18 (10) Right to notice of court proceedings. If the
19 victim is not present at a court proceeding in which a
20 right of the victim is at issue, the court shall ask the
21 prosecuting attorney whether the victim was notified of
22 the time, place, and purpose of the court proceeding and
23 that the victim had a right to be heard at the court
24 proceeding. If the court determines that timely notice was
25 not given or that the victim was not adequately informed
26 of the nature of the court proceeding, the court shall not

1 rule on any substantive issues, accept a plea, or impose a
2 sentence and shall continue the hearing for the time
3 necessary to notify the victim of the time, place and
4 nature of the court proceeding. The time between court
5 proceedings shall not be attributable to the State under
6 Section 103-5 of the Code of Criminal Procedure of 1963.

7 (11) Right to timely disposition of the case. A victim
8 has the right to timely disposition of the case so as to
9 minimize the stress, cost, and inconvenience resulting
10 from the victim's involvement in the case. Before ruling
11 on a motion to continue trial or other court proceeding,
12 the court shall inquire into the circumstances for the
13 request for the delay and, if the victim has provided
14 written notice of the assertion of the right to a timely
15 disposition, and whether the victim objects to the delay.
16 If the victim objects, the prosecutor shall inform the
17 court of the victim's objections. If the prosecutor has
18 not conferred with the victim about the continuance, the
19 prosecutor shall inform the court of the attempts to
20 confer. If the court finds the attempts of the prosecutor
21 to confer with the victim were inadequate to protect the
22 victim's right to be heard, the court shall give the
23 prosecutor at least 3 but not more than 5 business days to
24 confer with the victim. In ruling on a motion to continue,
25 the court shall consider the reasons for the requested
26 continuance, the number and length of continuances that

1 have been granted, the victim's objections and procedures
2 to avoid further delays. If a continuance is granted over
3 the victim's objection, the court shall specify on the
4 record the reasons for the continuance and the procedures
5 that have been or will be taken to avoid further delays.

6 (12) Right to Restitution.

7 (A) If the victim has asserted the right to
8 restitution and the amount of restitution is known at
9 the time of sentencing, the court shall enter the
10 judgment of restitution at the time of sentencing.

11 (B) If the victim has asserted the right to
12 restitution and the amount of restitution is not known
13 at the time of sentencing, the prosecutor shall,
14 within 5 days after sentencing, notify the victim what
15 information and documentation related to restitution
16 is needed and that the information and documentation
17 must be provided to the prosecutor within 45 days
18 after sentencing. Failure to timely provide
19 information and documentation related to restitution
20 shall be deemed a waiver of the right to restitution.
21 The prosecutor shall file and serve within 60 days
22 after sentencing a proposed judgment for restitution
23 and a notice that includes information concerning the
24 identity of any victims or other persons seeking
25 restitution, whether any victim or other person
26 expressly declines restitution, the nature and amount

1 of any damages together with any supporting
2 documentation, a restitution amount recommendation,
3 and the names of any co-defendants and their case
4 numbers. Within 30 days after receipt of the proposed
5 judgment for restitution, the defendant shall file any
6 objection to the proposed judgment, a statement of
7 grounds for the objection, and a financial statement.
8 If the defendant does not file an objection, the court
9 may enter the judgment for restitution without further
10 proceedings. If the defendant files an objection and
11 either party requests a hearing, the court shall
12 schedule a hearing.

13 (13) Access to presentence reports.

14 (A) The victim may request a copy of the
15 presentence report prepared under the Unified Code of
16 Corrections from the State's Attorney. The State's
17 Attorney shall redact the following information before
18 providing a copy of the report:

19 (i) the defendant's mental history and
20 condition;

21 (ii) any evaluation prepared under subsection
22 (b) or (b-5) of Section 5-3-2; and

23 (iii) the name, address, phone number, and
24 other personal information about any other victim.

25 (B) The State's Attorney or the defendant may
26 request the court redact other information in the

1 report that may endanger the safety of any person.

2 (C) The State's Attorney may orally disclose to
3 the victim any of the information that has been
4 redacted if there is a reasonable likelihood that the
5 information will be stated in court at the sentencing.

6 (D) The State's Attorney must advise the victim
7 that the victim must maintain the confidentiality of
8 the report and other information. Any dissemination of
9 the report or information that was not stated at a
10 court proceeding constitutes indirect criminal
11 contempt of court.

12 (14) Appellate relief. If the trial court denies the
13 relief requested, the victim, the victim's attorney, or
14 the prosecuting attorney may file an appeal within 30 days
15 of the trial court's ruling. The trial or appellate court
16 may stay the court proceedings if the court finds that a
17 stay would not violate a constitutional right of the
18 defendant. If the appellate court denies the relief
19 sought, the reasons for the denial shall be clearly stated
20 in a written opinion. In any appeal in a criminal case, the
21 State may assert as error the court's denial of any crime
22 victim's right in the proceeding to which the appeal
23 relates.

24 (15) Limitation on appellate relief. In no case shall
25 an appellate court provide a new trial to remedy the
26 violation of a victim's right.

1 (16) The right to be reasonably protected from the
2 accused throughout the criminal justice process and the
3 right to have the safety of the victim and the victim's
4 family considered in denying or fixing the amount of bail,
5 determining whether to release the defendant, and setting
6 conditions of release after arrest and conviction. A
7 victim of domestic violence, a sexual offense, or stalking
8 may request the entry of a protective order under Article
9 112A of the Code of Criminal Procedure of 1963.

10 (d) Procedures after the imposition of sentence.

11 (1) The Prisoner Review Board shall inform a victim or
12 any other concerned citizen, upon written request, of the
13 prisoner's release on parole, mandatory supervised
14 release, electronic detention, work release, international
15 transfer or exchange, or by the custodian, other than the
16 Department of Juvenile Justice, of the discharge of any
17 individual who was adjudicated a delinquent for a crime
18 from State custody and by the sheriff of the appropriate
19 county of any such person's final discharge from county
20 custody. The Prisoner Review Board, upon written request,
21 shall provide to a victim or any other concerned citizen a
22 recent photograph of any person convicted of a felony,
23 upon his or her release from custody. The Prisoner Review
24 Board, upon written request, shall inform a victim or any
25 other concerned citizen when feasible at least 7 days
26 prior to the prisoner's release on furlough of the times

1 and dates of such furlough. Upon written request by the
2 victim or any other concerned citizen, the State's
3 Attorney shall notify the person once of the times and
4 dates of release of a prisoner sentenced to periodic
5 imprisonment. Notification shall be based on the most
6 recent information as to victim's or other concerned
7 citizen's residence or other location available to the
8 notifying authority.

9 (2) When the defendant has been committed to the
10 Department of Human Services pursuant to Section 5-2-4 or
11 any other provision of the Unified Code of Corrections,
12 the victim may request to be notified by the releasing
13 authority of the approval by the court of an on-grounds
14 pass, a supervised off-grounds pass, an unsupervised
15 off-grounds pass, or conditional release; the release on
16 an off-grounds pass; the return from an off-grounds pass;
17 transfer to another facility; conditional release; escape;
18 death; or final discharge from State custody. The
19 Department of Human Services shall establish and maintain
20 a statewide telephone number to be used by victims to make
21 notification requests under these provisions and shall
22 publicize this telephone number on its website and to the
23 State's Attorney of each county.

24 (3) In the event of an escape from State custody, the
25 Department of Corrections or the Department of Juvenile
26 Justice immediately shall notify the Prisoner Review Board

1 of the escape and the Prisoner Review Board shall notify
2 the victim. The notification shall be based upon the most
3 recent information as to the victim's residence or other
4 location available to the Board. When no such information
5 is available, the Board shall make all reasonable efforts
6 to obtain the information and make the notification. When
7 the escapee is apprehended, the Department of Corrections
8 or the Department of Juvenile Justice immediately shall
9 notify the Prisoner Review Board and the Board shall
10 notify the victim.

11 (4) The victim of the crime for which the prisoner has
12 been sentenced has the right to register with the Prisoner
13 Review Board's victim registry. Victims registered with
14 the Board shall receive reasonable written notice not less
15 than 30 days prior to the parole hearing or target
16 aftercare release date. The victim has the right to submit
17 a victim statement for consideration by the Prisoner
18 Review Board or the Department of Juvenile Justice in
19 writing, on film, videotape, or other electronic means, or
20 in the form of a recording prior to the parole hearing or
21 target aftercare release date, or in person at the parole
22 hearing or aftercare release protest hearing, or by
23 calling the toll-free number established in subsection (f)
24 of this Section. The victim shall be notified within 7
25 days after the prisoner has been granted parole or
26 aftercare release and shall be informed of the right to

1 inspect the registry of parole decisions, established
2 under subsection (g) of Section 3-3-5 of the Unified Code
3 of Corrections. The provisions of this paragraph (4) are
4 subject to the Open Parole Hearings Act. Victim statements
5 provided to the Board shall be confidential and
6 privileged, including any statements received prior to
7 ~~January 1, 2020 (the effective date of Public Act 101-288)~~
8 this amendatory Act of the 101st General Assembly, except
9 if the statement was an oral statement made by the victim
10 at a hearing open to the public.

11 (4-1) The crime victim has the right to submit a
12 victim statement for consideration by the Prisoner Review
13 Board or the Department of Juvenile Justice prior to or at
14 a hearing to determine the conditions of mandatory
15 supervised release of a person sentenced to a determinate
16 sentence or at a hearing on revocation of mandatory
17 supervised release of a person sentenced to a determinate
18 sentence. A victim statement may be submitted in writing,
19 on film, videotape, or other electronic means, or in the
20 form of a recording, or orally at a hearing, or by calling
21 the toll-free number established in subsection (f) of this
22 Section. Victim statements provided to the Board shall be
23 confidential and privileged, including any statements
24 received prior to ~~January 1, 2020 (the effective date of~~
25 ~~Public Act 101-288)~~ this amendatory Act of the 101st
26 General Assembly, except if the statement was an oral

1 statement made by the victim at a hearing open to the
2 public.

3 (4-2) The crime victim has the right to submit a
4 victim statement to the Prisoner Review Board for
5 consideration at an executive clemency hearing as provided
6 in Section 3-3-13 of the Unified Code of Corrections. A
7 victim statement may be submitted in writing, on film,
8 videotape, or other electronic means, or in the form of a
9 recording prior to a hearing, or orally at a hearing, or by
10 calling the toll-free number established in subsection (f)
11 of this Section. Victim statements provided to the Board
12 shall be confidential and privileged, including any
13 statements received prior to ~~January 1, 2020~~ (the
14 effective date of ~~Public Act 101-288~~) this amendatory Act
15 of the 101st General Assembly, except if the statement was
16 an oral statement made by the victim at a hearing open to
17 the public.

18 (5) If a statement is presented under Section 6, the
19 Prisoner Review Board or Department of Juvenile Justice
20 shall inform the victim of any order of discharge pursuant
21 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
22 Corrections.

23 (6) At the written or oral request of the victim of the
24 crime for which the prisoner was sentenced or the State's
25 Attorney of the county where the person seeking parole or
26 aftercare release was prosecuted, the Prisoner Review

1 Board or Department of Juvenile Justice shall notify the
2 victim and the State's Attorney of the county where the
3 person seeking parole or aftercare release was prosecuted
4 of the death of the prisoner if the prisoner died while on
5 parole or aftercare release or mandatory supervised
6 release.

7 (7) When a defendant who has been committed to the
8 Department of Corrections, the Department of Juvenile
9 Justice, or the Department of Human Services is released
10 or discharged and subsequently committed to the Department
11 of Human Services as a sexually violent person and the
12 victim had requested to be notified by the releasing
13 authority of the defendant's discharge, conditional
14 release, death, or escape from State custody, the
15 releasing authority shall provide to the Department of
16 Human Services such information that would allow the
17 Department of Human Services to contact the victim.

18 (8) When a defendant has been convicted of a sex
19 offense as defined in Section 2 of the Sex Offender
20 Registration Act and has been sentenced to the Department
21 of Corrections or the Department of Juvenile Justice, the
22 Prisoner Review Board or the Department of Juvenile
23 Justice shall notify the victim of the sex offense of the
24 prisoner's eligibility for release on parole, aftercare
25 release, mandatory supervised release, electronic
26 detention, work release, international transfer or

1 exchange, or by the custodian of the discharge of any
2 individual who was adjudicated a delinquent for a sex
3 offense from State custody and by the sheriff of the
4 appropriate county of any such person's final discharge
5 from county custody. The notification shall be made to the
6 victim at least 30 days, whenever possible, before release
7 of the sex offender.

8 (e) The officials named in this Section may satisfy some
9 or all of their obligations to provide notices and other
10 information through participation in a statewide victim and
11 witness notification system established by the Attorney
12 General under Section 8.5 of this Act.

13 (f) The Prisoner Review Board shall establish a toll-free
14 number that may be accessed by the crime victim to present a
15 victim statement to the Board in accordance with paragraphs
16 (4), (4-1), and (4-2) of subsection (d).

17 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;
18 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.
19 8-20-21.)

20 Section 105. The Pretrial Services Act is amended by
21 changing Sections 11, 20, 22, and 34 as follows:

22 (725 ILCS 185/11) (from Ch. 38, par. 311)

23 Sec. 11. No person shall be interviewed by a pretrial
24 services agency unless he or she has first been apprised of the

1 identity and purpose of the interviewer, the scope of the
2 interview, the right to secure legal advice, and the right to
3 refuse cooperation. Inquiry of the defendant shall carefully
4 exclude questions concerning the details of the current
5 charge. Statements made by the defendant during the interview,
6 or evidence derived therefrom, are admissible in evidence only
7 when the court is considering the imposition of pretrial or
8 posttrial conditions to bail or recognizance, or when
9 considering the modification of a prior release order.

10 (Source: P.A. 84-1449; 101-652.)

11 (725 ILCS 185/20) (from Ch. 38, par. 320)

12 Sec. 20. In preparing and presenting its written reports
13 under Sections 17 and 19, pretrial services agencies shall in
14 appropriate cases include specific recommendations for the
15 setting ~~the conditions~~ , increase, or decrease of ~~pretrial~~
16 ~~release~~ bail; the release of the interviewee on his own
17 recognizance in sums certain; and the imposition of pretrial
18 conditions ~~of pretrial release~~ to bail or recognizance
19 designed to minimize the risks of nonappearance, the
20 commission of new offenses while awaiting trial, and other
21 potential interference with the orderly administration of
22 justice. In establishing objective internal criteria of any
23 such recommendation policies, the agency may utilize so-called
24 "point scales" for evaluating the aforementioned risks, but no
25 interviewee shall be considered as ineligible for particular

1 agency recommendations by sole reference to such procedures.

2 (Source: P.A. 91-357, eff. 7-29-99; 101-652.)

3 (725 ILCS 185/22) (from Ch. 38, par. 322)

4 Sec. 22. If so ordered by the court, the pretrial services
5 agency shall prepare and submit for the court's approval and
6 signature a uniform release order on the uniform form
7 established by the Supreme Court in all cases where an
8 interviewee may be released from custody under conditions
9 contained in an agency report. Such conditions shall become
10 part of the conditions of ~~pretrial release~~ the bail bond. A
11 copy of the uniform release order shall be provided to the
12 defendant and defendant's attorney of record, and the
13 prosecutor.

14 (Source: P.A. 84-1449; 101-652.)

15 (725 ILCS 185/34)

16 Sec. 34. Probation and court services departments
17 considered pretrial services agencies. For the purposes of
18 administering the provisions of Public Act 95-773, known as
19 the Cindy Bischof Law, all probation and court services
20 departments are to be considered pretrial services agencies
21 under this Act and under the ~~pretrial release~~ bail bond
22 provisions of the Code of Criminal Procedure of 1963.

23 (Source: P.A. 96-341, eff. 8-11-09; 101-652.)

1 Section 110. The Quasi-criminal and Misdemeanor Bail Act
2 is amended by changing the title of the Act and Sections 0.01,
3 1, 2, 3, and 5 as follows:

4 (725 ILCS 195/Act title)

5 An Act to authorize designated officers to let persons
6 charged with quasi-criminal offenses and misdemeanors to
7 ~~pretrial release~~ bail and to accept and receipt for fines on
8 pleas of guilty in minor offenses, in accordance with
9 schedules established by rule of court.

10 (725 ILCS 195/0.01) (from Ch. 16, par. 80)

11 Sec. 0.01. Short title. This Act may be cited as the
12 Quasi-criminal and Misdemeanor ~~Pretrial Release~~ Bail Act.

13 (Source: P.A. 86-1324; 101-652.)

14 (725 ILCS 195/1) (from Ch. 16, par. 81)

15 Sec. 1. Whenever in any circuit there shall be in force a
16 rule or order of the Supreme Court establishing a uniform ~~form~~
17 schedule prescribing the ~~conditions of pretrial release~~
18 amounts of bail for specified conservation cases, traffic
19 cases, quasi-criminal offenses and misdemeanors, any general
20 superintendent, chief, captain, lieutenant, or sergeant of
21 police, or other police officer, the sheriff, the circuit
22 clerk, and any deputy sheriff or deputy circuit clerk
23 designated by the Circuit Court for the purpose, are

1 authorized to let to ~~pretrial release~~ bail any person charged
2 with a quasi-criminal offense or misdemeanor and to accept and
3 receipt for bonds or cash bail in accordance with regulations
4 established by rule or order of the Supreme Court. Unless
5 otherwise provided by Supreme Court Rule, no such bail may be
6 posted or accepted in any place other than a police station,
7 sheriff's office or jail, or other county, municipal or other
8 building housing governmental units, or a division
9 headquarters building of the Illinois State Police. Bonds and
10 cash so received shall be delivered to the office of the
11 circuit clerk or that of his designated deputy as provided by
12 regulation. Such cash and securities so received shall be
13 delivered to the office of such clerk or deputy clerk within at
14 least 48 hours of receipt or within the time set for the
15 accused's appearance in court whichever is earliest.

16 In all cases where a person is admitted to bail under a
17 uniform schedule prescribing the amount of bail for specified
18 conservation cases, traffic cases, quasi-criminal offenses and
19 misdemeanors the provisions of Section 110-15 of the "Code of
20 Criminal Procedure of 1963", approved August 14, 1963, as
21 amended by the 75th General Assembly shall be applicable.

22 (Source: P.A. 80-897; 101-652.)

23 (725 ILCS 195/2) (from Ch. 16, par. 82)

24 Sec. 2. The conditions of the ~~pretrial release~~ bail bond
25 or deposit of cash bail shall be that the accused will appear

1 to answer the charge in court at a time and place specified in
2 the ~~pretrial release form~~ bond and thereafter as ordered by
3 the court until discharged on final order of the court and to
4 submit himself to the orders and process of the court. The
5 accused shall be furnished with an official receipt on a form
6 prescribed by rule of court for any cash or other security
7 deposited, and shall receive a copy of the ~~pretrial release~~
8 ~~form~~ bond specifying the time and place of his court
9 appearance.

10 Upon performance of the conditions of the ~~pretrial release~~
11 ~~bond,~~ the ~~pretrial release form~~ bond shall be null and void and
12 ~~the accused shall be released from the conditions of pretrial~~
13 ~~release~~ any cash bail or other security shall be returned to
14 the accused.

15 (Source: Laws 1963, p. 2652; P.A. 101-652.)

16 (725 ILCS 195/3) (from Ch. 16, par. 83)

17 Sec. 3. In lieu of ~~complying with the conditions of~~
18 ~~pretrial release~~ making bond or depositing cash bail as
19 provided in this Act or the deposit of other security
20 authorized by law, any accused person has the right to be
21 brought without unnecessary delay before the nearest or most
22 accessible judge of the circuit to be dealt with according to
23 law.

24 (Source: P.A. 77-1248; 101-652.)

1 (725 ILCS 195/5) (from Ch. 16, par. 85)

2 Sec. 5. Any person authorized to accept ~~pretrial release~~
3 bail or pleas of guilty by this Act who violates any provision
4 of this Act is guilty of a Class B misdemeanor.

5 (Source: P.A. 77-2319; 101-652.)

6 Section 115. The Unified Code of Corrections is amended by
7 changing Sections 5-3-2, 5-5-3.2, 5-6-4, 5-6-4.1, 5-8A-7, and
8 8-2-1 as follows:

9 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

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

11 Sec. 5-3-2. Presentence report.

12 (a) In felony cases, the presentence report shall set
13 forth:

14 (1) the defendant's history of delinquency or
15 criminality, physical and mental history and condition,
16 family situation and background, economic status,
17 education, occupation and personal habits;

18 (2) information about special resources within the
19 community which might be available to assist the
20 defendant's rehabilitation, including treatment centers,
21 residential facilities, vocational training services,
22 correctional manpower programs, employment opportunities,
23 special educational programs, alcohol and drug abuse
24 programming, psychiatric and marriage counseling, and

1 other programs and facilities which could aid the
2 defendant's successful reintegration into society;

3 (3) the effect the offense committed has had upon the
4 victim or victims thereof, and any compensatory benefit
5 that various sentencing alternatives would confer on such
6 victim or victims;

7 (3.5) information provided by the victim's spouse,
8 guardian, parent, grandparent, and other immediate family
9 and household members about the effect the offense
10 committed has had on the victim and on the person
11 providing the information; if the victim's spouse,
12 guardian, parent, grandparent, or other immediate family
13 or household member has provided a written statement, the
14 statement shall be attached to the report;

15 (4) information concerning the defendant's status
16 since arrest, including his record if released on his own
17 recognizance, or the defendant's achievement record if
18 released on a conditional pre-trial supervision program;

19 (5) when appropriate, a plan, based upon the personal,
20 economic and social adjustment needs of the defendant,
21 utilizing public and private community resources as an
22 alternative to institutional sentencing;

23 (6) any other matters that the investigatory officer
24 deems relevant or the court directs to be included;

25 (7) information concerning the defendant's eligibility
26 for a sentence to a county impact incarceration program

1 under Section 5-8-1.2 of this Code; and

2 (8) information concerning the defendant's eligibility
3 for a sentence to an impact incarceration program
4 administered by the Department under Section 5-8-1.1.

5 (b) The investigation shall include a physical and mental
6 examination of the defendant when so ordered by the court. If
7 the court determines that such an examination should be made,
8 it shall issue an order that the defendant submit to
9 examination at such time and place as designated by the court
10 and that such examination be conducted by a physician,
11 psychologist or psychiatrist designated by the court. Such an
12 examination may be conducted in a court clinic if so ordered by
13 the court. The cost of such examination shall be paid by the
14 county in which the trial is held.

15 (b-5) In cases involving felony sex offenses in which the
16 offender is being considered for probation only or any felony
17 offense that is sexually motivated as defined in the Sex
18 Offender Management Board Act in which the offender is being
19 considered for probation only, the investigation shall include
20 a sex offender evaluation by an evaluator approved by the
21 Board and conducted in conformance with the standards
22 developed under the Sex Offender Management Board Act. In
23 cases in which the offender is being considered for any
24 mandatory prison sentence, the investigation shall not include
25 a sex offender evaluation.

26 (c) In misdemeanor, business offense or petty offense

1 cases, except as specified in subsection (d) of this Section,
2 when a presentence report has been ordered by the court, such
3 presentence report shall contain information on the
4 defendant's history of delinquency or criminality and shall
5 further contain only those matters listed in any of paragraphs
6 (1) through (6) of subsection (a) or in subsection (b) of this
7 Section as are specified by the court in its order for the
8 report.

9 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or
10 12-30 of the Criminal Code of 1961 or the Criminal Code of
11 2012, the presentence report shall set forth information about
12 alcohol, drug abuse, psychiatric, and marriage counseling or
13 other treatment programs and facilities, information on the
14 defendant's history of delinquency or criminality, and shall
15 contain those additional 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.

18 (e) Nothing in this Section shall cause the defendant to
19 be held without bail or to have his bail revoked for the
20 purpose of preparing the presentence report or making an
21 examination.

22 (Source: P.A. 101-105, eff. 1-1-20; 102-558, eff. 8-20-21.)

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

24 Sec. 5-3-2. Presentence report.

25 (a) In felony cases, the presentence report shall set

1 forth:

2 (1) the defendant's history of delinquency or
3 criminality, physical and mental history and condition,
4 family situation and background, economic status,
5 education, occupation and personal habits;

6 (2) information about special resources within the
7 community which might be available to assist the
8 defendant's rehabilitation, including treatment centers,
9 residential facilities, vocational training services,
10 correctional manpower programs, employment opportunities,
11 special educational programs, alcohol and drug abuse
12 programming, psychiatric and marriage counseling, and
13 other programs and facilities which could aid the
14 defendant's successful reintegration into society;

15 (3) the effect the offense committed has had upon the
16 victim or victims thereof, and any compensatory benefit
17 that various sentencing alternatives would confer on such
18 victim or victims;

19 (3.5) information provided by the victim's spouse,
20 guardian, parent, grandparent, and other immediate family
21 and household members about the effect the offense
22 committed has had on the victim and on the person
23 providing the information; if the victim's spouse,
24 guardian, parent, grandparent, or other immediate family
25 or household member has provided a written statement, the
26 statement shall be attached to the report;

1 (4) information concerning the defendant's status
2 since arrest, including his record if released on his own
3 recognizance, or the defendant's achievement record if
4 released on a conditional pre-trial supervision program;

5 (5) when appropriate, a plan, based upon the personal,
6 economic and social adjustment needs of the defendant,
7 utilizing public and private community resources as an
8 alternative to institutional sentencing;

9 (6) any other matters that the investigatory officer
10 deems relevant or the court directs to be included;

11 (7) information concerning the defendant's eligibility
12 for a sentence to a county impact incarceration program
13 under Section 5-8-1.2 of this Code; and

14 (8) information concerning the defendant's eligibility
15 for a sentence to an impact incarceration program
16 administered by the Department under Section 5-8-1.1.

17 (b) The investigation shall include a physical and mental
18 examination of the defendant when so ordered by the court. If
19 the court determines that such an examination should be made,
20 it shall issue an order that the defendant submit to
21 examination at such time and place as designated by the court
22 and that such examination be conducted by a physician,
23 psychologist or psychiatrist designated by the court. Such an
24 examination may be conducted in a court clinic if so ordered by
25 the court. The cost of such examination shall be paid by the
26 county in which the trial is held.

1 (b-5) In cases involving felony sex offenses in which the
2 offender is being considered for probation only or any felony
3 offense that is sexually motivated as defined in the Sex
4 Offender Management Board Act in which the offender is being
5 considered for probation only, the investigation shall include
6 a sex offender evaluation by an evaluator approved by the
7 Board and conducted in conformance with the standards
8 developed under the Sex Offender Management Board Act. In
9 cases in which the offender is being considered for any
10 mandatory prison sentence, the investigation shall not include
11 a sex offender evaluation.

12 (c) In misdemeanor, business offense or petty offense
13 cases, except as specified in subsection (d) of this Section,
14 when a presentence report has been ordered by the court, such
15 presentence report shall contain information on the
16 defendant's history of delinquency or criminality and shall
17 further contain only those matters listed in any of paragraphs
18 (1) through (6) of subsection (a) or in subsection (b) of this
19 Section as are specified by the court in its order for the
20 report.

21 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or
22 12-30 of the Criminal Code of 1961 or the Criminal Code of
23 2012, the presentence report shall set forth information about
24 alcohol, drug abuse, psychiatric, and marriage counseling or
25 other treatment programs and facilities, information on the
26 defendant's history of delinquency or criminality, and shall

1 contain those additional matters listed in any of paragraphs
2 (1) through (6) of subsection (a) or in subsection (b) of this
3 Section as are specified by the court.

4 (e) Nothing in this Section shall cause the defendant to
5 be held without ~~pretrial release~~ bail or to have his ~~pretrial~~
6 ~~release~~ bail revoked for the purpose of preparing the
7 presentence report or making an examination.

8 (Source: P.A. 101-105, eff. 1-1-20; 101-652, eff. 1-1-23;
9 102-558, eff. 8-20-21.)

10 (730 ILCS 5/5-5-3.2)

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

12 Sec. 5-5-3.2. Factors in aggravation and extended-term
13 sentencing.

14 (a) The following factors shall be accorded weight in
15 favor of imposing a term of imprisonment or may be considered
16 by the court as reasons to impose a more severe sentence under
17 Section 5-8-1 or Article 4.5 of Chapter V:

18 (1) the defendant's conduct caused or threatened
19 serious harm;

20 (2) the defendant received compensation for committing
21 the offense;

22 (3) the defendant has a history of prior delinquency
23 or criminal activity;

24 (4) the defendant, by the duties of his office or by
25 his position, was obliged to prevent the particular

1 offense committed or to bring the offenders committing it
2 to justice;

3 (5) the defendant held public office at the time of
4 the offense, and the offense related to the conduct of
5 that office;

6 (6) the defendant utilized his professional reputation
7 or position in the community to commit the offense, or to
8 afford him an easier means of committing it;

9 (7) the sentence is necessary to deter others from
10 committing the same crime;

11 (8) the defendant committed the offense against a
12 person 60 years of age or older or such person's property;

13 (9) the defendant committed the offense against a
14 person who has a physical disability or such person's
15 property;

16 (10) by reason of another individual's actual or
17 perceived race, color, creed, religion, ancestry, gender,
18 sexual orientation, physical or mental disability, or
19 national origin, the defendant committed the offense
20 against (i) the person or property of that individual;
21 (ii) the person or property of a person who has an
22 association with, is married to, or has a friendship with
23 the other individual; or (iii) the person or property of a
24 relative (by blood or marriage) of a person described in
25 clause (i) or (ii). For the purposes of this Section,
26 "sexual orientation" has the meaning ascribed to it in

1 paragraph (O-1) of Section 1-103 of the Illinois Human
2 Rights Act;

3 (11) the offense took place in a place of worship or on
4 the grounds of a place of worship, immediately prior to,
5 during or immediately following worship services. For
6 purposes of this subparagraph, "place of worship" shall
7 mean any church, synagogue or other building, structure or
8 place used primarily for religious worship;

9 (12) the defendant was convicted of a felony committed
10 while he was released on bail or his own recognizance
11 pending trial for a prior felony and was convicted of such
12 prior felony, or the defendant was convicted of a felony
13 committed while he was serving a period of probation,
14 conditional discharge, or mandatory supervised release
15 under subsection (d) of Section 5-8-1 for a prior felony;

16 (13) the defendant committed or attempted to commit a
17 felony while he was wearing a bulletproof vest. For the
18 purposes of this paragraph (13), a bulletproof vest is any
19 device which is designed for the purpose of protecting the
20 wearer from bullets, shot or other lethal projectiles;

21 (14) the defendant held a position of trust or
22 supervision such as, but not limited to, family member as
23 defined in Section 11-0.1 of the Criminal Code of 2012,
24 teacher, scout leader, baby sitter, or day care worker, in
25 relation to a victim under 18 years of age, and the
26 defendant committed an offense in violation of Section

1 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
2 11-14.4 except for an offense that involves keeping a
3 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
4 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
5 or 12-16 of the Criminal Code of 1961 or the Criminal Code
6 of 2012 against that victim;

7 (15) the defendant committed an offense related to the
8 activities of an organized gang. For the purposes of this
9 factor, "organized gang" has the meaning ascribed to it in
10 Section 10 of the Streetgang Terrorism Omnibus Prevention
11 Act;

12 (16) the defendant committed an offense in violation
13 of one of the following Sections while in a school,
14 regardless of the time of day or time of year; on any
15 conveyance owned, leased, or contracted by a school to
16 transport students to or from school or a school related
17 activity; on the real property of a school; or on a public
18 way within 1,000 feet of the real property comprising any
19 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
20 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
21 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
22 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
23 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
24 for subdivision (a) (4) or (g) (1), of the Criminal Code of
25 1961 or the Criminal Code of 2012;

26 (16.5) the defendant committed an offense in violation

1 of one of the following Sections while in a day care
2 center, regardless of the time of day or time of year; on
3 the real property of a day care center, regardless of the
4 time of day or time of year; or on a public way within
5 1,000 feet of the real property comprising any day care
6 center, regardless of the time of day or time of year:
7 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
8 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
9 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
10 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
11 18-2, or 33A-2, or Section 12-3.05 except for subdivision
12 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
13 Criminal Code of 2012;

14 (17) the defendant committed the offense by reason of
15 any person's activity as a community policing volunteer or
16 to prevent any person from engaging in activity as a
17 community policing volunteer. For the purpose of this
18 Section, "community policing volunteer" has the meaning
19 ascribed to it in Section 2-3.5 of the Criminal Code of
20 2012;

21 (18) the defendant committed the offense in a nursing
22 home or on the real property comprising a nursing home.
23 For the purposes of this paragraph (18), "nursing home"
24 means a skilled nursing or intermediate long term care
25 facility that is subject to license by the Illinois
26 Department of Public Health under the Nursing Home Care

1 Act, the Specialized Mental Health Rehabilitation Act of
2 2013, the ID/DD Community Care Act, or the MC/DD Act;

3 (19) the defendant was a federally licensed firearm
4 dealer and was previously convicted of a violation of
5 subsection (a) of Section 3 of the Firearm Owners
6 Identification Card Act and has now committed either a
7 felony violation of the Firearm Owners Identification Card
8 Act or an act of armed violence while armed with a firearm;

9 (20) the defendant (i) committed the offense of
10 reckless homicide under Section 9-3 of the Criminal Code
11 of 1961 or the Criminal Code of 2012 or the offense of
12 driving under the influence of alcohol, other drug or
13 drugs, intoxicating compound or compounds or any
14 combination thereof under Section 11-501 of the Illinois
15 Vehicle Code or a similar provision of a local ordinance
16 and (ii) was operating a motor vehicle in excess of 20
17 miles per hour over the posted speed limit as provided in
18 Article VI of Chapter 11 of the Illinois Vehicle Code;

19 (21) the defendant (i) committed the offense of
20 reckless driving or aggravated reckless driving under
21 Section 11-503 of the Illinois Vehicle Code and (ii) was
22 operating a motor vehicle in excess of 20 miles per hour
23 over the posted speed limit as provided in Article VI of
24 Chapter 11 of the Illinois Vehicle Code;

25 (22) the defendant committed the offense against a
26 person that the defendant knew, or reasonably should have

1 known, was a member of the Armed Forces of the United
2 States serving on active duty. For purposes of this clause
3 (22), the term "Armed Forces" means any of the Armed
4 Forces of the United States, including a member of any
5 reserve component thereof or National Guard unit called to
6 active duty;

7 (23) the defendant committed the offense against a
8 person who was elderly or infirm or who was a person with a
9 disability by taking advantage of a family or fiduciary
10 relationship with the elderly or infirm person or person
11 with a disability;

12 (24) the defendant committed any offense under Section
13 11-20.1 of the Criminal Code of 1961 or the Criminal Code
14 of 2012 and possessed 100 or more images;

15 (25) the defendant committed the offense while the
16 defendant or the victim was in a train, bus, or other
17 vehicle used for public transportation;

18 (26) the defendant committed the offense of child
19 pornography or aggravated child pornography, specifically
20 including paragraph (1), (2), (3), (4), (5), or (7) of
21 subsection (a) of Section 11-20.1 of the Criminal Code of
22 1961 or the Criminal Code of 2012 where a child engaged in,
23 solicited for, depicted in, or posed in any act of sexual
24 penetration or bound, fettered, or subject to sadistic,
25 masochistic, or sadomasochistic abuse in a sexual context
26 and specifically including paragraph (1), (2), (3), (4),

1 (5), or (7) of subsection (a) of Section 11-20.1B or
2 Section 11-20.3 of the Criminal Code of 1961 where a child
3 engaged in, solicited for, depicted in, or posed in any
4 act of sexual penetration or bound, fettered, or subject
5 to sadistic, masochistic, or sadomasochistic abuse in a
6 sexual context;

7 (27) the defendant committed the offense of first
8 degree murder, assault, aggravated assault, battery,
9 aggravated battery, robbery, armed robbery, or aggravated
10 robbery against a person who was a veteran and the
11 defendant knew, or reasonably should have known, that the
12 person was a veteran performing duties as a representative
13 of a veterans' organization. For the purposes of this
14 paragraph (27), "veteran" means an Illinois resident who
15 has served as a member of the United States Armed Forces, a
16 member of the Illinois National Guard, or a member of the
17 United States Reserve Forces; and "veterans' organization"
18 means an organization comprised of members of which
19 substantially all are individuals who are veterans or
20 spouses, widows, or widowers of veterans, the primary
21 purpose of which is to promote the welfare of its members
22 and to provide assistance to the general public in such a
23 way as to confer a public benefit;

24 (28) the defendant committed the offense of assault,
25 aggravated assault, battery, aggravated battery, robbery,
26 armed robbery, or aggravated robbery against a person that

1 the defendant knew or reasonably should have known was a
2 letter carrier or postal worker while that person was
3 performing his or her duties delivering mail for the
4 United States Postal Service;

5 (29) the defendant committed the offense of criminal
6 sexual assault, aggravated criminal sexual assault,
7 criminal sexual abuse, or aggravated criminal sexual abuse
8 against a victim with an intellectual disability, and the
9 defendant holds a position of trust, authority, or
10 supervision in relation to the victim;

11 (30) the defendant committed the offense of promoting
12 juvenile prostitution, patronizing a prostitute, or
13 patronizing a minor engaged in prostitution and at the
14 time of the commission of the offense knew that the
15 prostitute or minor engaged in prostitution was in the
16 custody or guardianship of the Department of Children and
17 Family Services;

18 (31) the defendant (i) committed the offense of
19 driving while under the influence of alcohol, other drug
20 or drugs, intoxicating compound or compounds or any
21 combination thereof in violation of Section 11-501 of the
22 Illinois Vehicle Code or a similar provision of a local
23 ordinance and (ii) the defendant during the commission of
24 the offense was driving his or her vehicle upon a roadway
25 designated for one-way traffic in the opposite direction
26 of the direction indicated by official traffic control

1 devices;

2 (32) the defendant committed the offense of reckless
3 homicide while committing a violation of Section 11-907 of
4 the Illinois Vehicle Code;

5 (33) the defendant was found guilty of an
6 administrative infraction related to an act or acts of
7 public indecency or sexual misconduct in the penal
8 institution. In this paragraph (33), "penal institution"
9 has the same meaning as in Section 2-14 of the Criminal
10 Code of 2012; or

11 (34) the defendant committed the offense of leaving
12 the scene of an accident in violation of subsection (b) of
13 Section 11-401 of the Illinois Vehicle Code and the
14 accident resulted in the death of a person and at the time
15 of the offense, the defendant was: (i) driving under the
16 influence of alcohol, other drug or drugs, intoxicating
17 compound or compounds or any combination thereof as
18 defined by Section 11-501 of the Illinois Vehicle Code; or
19 (ii) operating the motor vehicle while using an electronic
20 communication device as defined in Section 12-610.2 of the
21 Illinois Vehicle Code.

22 For the purposes of this Section:

23 "School" is defined as a public or private elementary or
24 secondary school, community college, college, or university.

25 "Day care center" means a public or private State
26 certified and licensed day care center as defined in Section

1 2.09 of the Child Care Act of 1969 that displays a sign in
2 plain view stating that the property is a day care center.

3 "Intellectual disability" means significantly subaverage
4 intellectual functioning which exists concurrently with
5 impairment in adaptive behavior.

6 "Public transportation" means the transportation or
7 conveyance of persons by means available to the general
8 public, and includes paratransit services.

9 "Traffic control devices" means all signs, signals,
10 markings, and devices that conform to the Illinois Manual on
11 Uniform Traffic Control Devices, placed or erected by
12 authority of a public body or official having jurisdiction,
13 for the purpose of regulating, warning, or guiding traffic.

14 (b) The following factors, related to all felonies, may be
15 considered by the court as reasons to impose an extended term
16 sentence under Section 5-8-2 upon any offender:

17 (1) When a defendant is convicted of any felony, after
18 having been previously convicted in Illinois or any other
19 jurisdiction of the same or similar class felony or
20 greater class felony, when such conviction has occurred
21 within 10 years after the previous conviction, excluding
22 time spent in custody, and such charges are separately
23 brought and tried and arise out of different series of
24 acts; or

25 (2) When a defendant is convicted of any felony and
26 the court finds that the offense was accompanied by

1 exceptionally brutal or heinous behavior indicative of
2 wanton cruelty; or

3 (3) When a defendant is convicted of any felony
4 committed against:

5 (i) a person under 12 years of age at the time of
6 the offense or such person's property;

7 (ii) a person 60 years of age or older at the time
8 of the offense or such person's property; or

9 (iii) a person who had a physical disability at
10 the time of the offense or such person's property; or

11 (4) When a defendant is convicted of any felony and
12 the offense involved any of the following types of
13 specific misconduct committed as part of a ceremony, rite,
14 initiation, observance, performance, practice or activity
15 of any actual or ostensible religious, fraternal, or
16 social group:

17 (i) the brutalizing or torturing of humans or
18 animals;

19 (ii) the theft of human corpses;

20 (iii) the kidnapping of humans;

21 (iv) the desecration of any cemetery, religious,
22 fraternal, business, governmental, educational, or
23 other building or property; or

24 (v) ritualized abuse of a child; or

25 (5) When a defendant is convicted of a felony other
26 than conspiracy and the court finds that the felony was

1 committed under an agreement with 2 or more other persons
2 to commit that offense and the defendant, with respect to
3 the other individuals, occupied a position of organizer,
4 supervisor, financier, or any other position of management
5 or leadership, and the court further finds that the felony
6 committed was related to or in furtherance of the criminal
7 activities of an organized gang or was motivated by the
8 defendant's leadership in an organized gang; or

9 (6) When a defendant is convicted of an offense
10 committed while using a firearm with a laser sight
11 attached to it. For purposes of this paragraph, "laser
12 sight" has the meaning ascribed to it in Section 26-7 of
13 the Criminal Code of 2012; or

14 (7) When a defendant who was at least 17 years of age
15 at the time of the commission of the offense is convicted
16 of a felony and has been previously adjudicated a
17 delinquent minor under the Juvenile Court Act of 1987 for
18 an act that if committed by an adult would be a Class X or
19 Class 1 felony when the conviction has occurred within 10
20 years after the previous adjudication, excluding time
21 spent in custody; or

22 (8) When a defendant commits any felony and the
23 defendant used, possessed, exercised control over, or
24 otherwise directed an animal to assault a law enforcement
25 officer engaged in the execution of his or her official
26 duties or in furtherance of the criminal activities of an

1 organized gang in which the defendant is engaged; or

2 (9) When a defendant commits any felony and the
3 defendant knowingly video or audio records the offense
4 with the intent to disseminate the recording.

5 (c) The following factors may be considered by the court
6 as reasons to impose an extended term sentence under Section
7 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
8 offenses:

9 (1) When a defendant is convicted of first degree
10 murder, after having been previously convicted in Illinois
11 of any offense listed under paragraph (c)(2) of Section
12 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
13 occurred within 10 years after the previous conviction,
14 excluding time spent in custody, and the charges are
15 separately brought and tried and arise out of different
16 series of acts.

17 (1.5) When a defendant is convicted of first degree
18 murder, after having been previously convicted of domestic
19 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
20 (720 ILCS 5/12-3.3) committed on the same victim or after
21 having been previously convicted of violation of an order
22 of protection (720 ILCS 5/12-30) in which the same victim
23 was the protected person.

24 (2) When a defendant is convicted of voluntary
25 manslaughter, second degree murder, involuntary
26 manslaughter, or reckless homicide in which the defendant

1 has been convicted of causing the death of more than one
2 individual.

3 (3) When a defendant is convicted of aggravated
4 criminal sexual assault or criminal sexual assault, when
5 there is a finding that aggravated criminal sexual assault
6 or criminal sexual assault was also committed on the same
7 victim by one or more other individuals, and the defendant
8 voluntarily participated in the crime with the knowledge
9 of the participation of the others in the crime, and the
10 commission of the crime was part of a single course of
11 conduct during which there was no substantial change in
12 the nature of the criminal objective.

13 (4) If the victim was under 18 years of age at the time
14 of the commission of the offense, when a defendant is
15 convicted of aggravated criminal sexual assault or
16 predatory criminal sexual assault of a child under
17 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
18 of Section 12-14.1 of the Criminal Code of 1961 or the
19 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

20 (5) When a defendant is convicted of a felony
21 violation of Section 24-1 of the Criminal Code of 1961 or
22 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
23 finding that the defendant is a member of an organized
24 gang.

25 (6) When a defendant was convicted of unlawful use of
26 weapons under Section 24-1 of the Criminal Code of 1961 or

1 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
2 a weapon that is not readily distinguishable as one of the
3 weapons enumerated in Section 24-1 of the Criminal Code of
4 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

5 (7) When a defendant is convicted of an offense
6 involving the illegal manufacture of a controlled
7 substance under Section 401 of the Illinois Controlled
8 Substances Act (720 ILCS 570/401), the illegal manufacture
9 of methamphetamine under Section 25 of the Methamphetamine
10 Control and Community Protection Act (720 ILCS 646/25), or
11 the illegal possession of explosives and an emergency
12 response officer in the performance of his or her duties
13 is killed or injured at the scene of the offense while
14 responding to the emergency caused by the commission of
15 the offense. In this paragraph, "emergency" means a
16 situation in which a person's life, health, or safety is
17 in jeopardy; and "emergency response officer" means a
18 peace officer, community policing volunteer, fireman,
19 emergency medical technician-ambulance, emergency medical
20 technician-intermediate, emergency medical
21 technician-paramedic, ambulance driver, other medical
22 assistance or first aid personnel, or hospital emergency
23 room personnel.

24 (8) When the defendant is convicted of attempted mob
25 action, solicitation to commit mob action, or conspiracy
26 to commit mob action under Section 8-1, 8-2, or 8-4 of the

1 Criminal Code of 2012, where the criminal object is a
2 violation of Section 25-1 of the Criminal Code of 2012,
3 and an electronic communication is used in the commission
4 of the offense. For the purposes of this paragraph (8),
5 "electronic communication" shall have the meaning provided
6 in Section 26.5-0.1 of the Criminal Code of 2012.

7 (d) For the purposes of this Section, "organized gang" has
8 the meaning ascribed to it in Section 10 of the Illinois
9 Streetgang Terrorism Omnibus Prevention Act.

10 (e) The court may impose an extended term sentence under
11 Article 4.5 of Chapter V upon an offender who has been
12 convicted of a felony violation of Section 11-1.20, 11-1.30,
13 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
14 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
15 when the victim of the offense is under 18 years of age at the
16 time of the commission of the offense and, during the
17 commission of the offense, the victim was under the influence
18 of alcohol, regardless of whether or not the alcohol was
19 supplied by the offender; and the offender, at the time of the
20 commission of the offense, knew or should have known that the
21 victim had consumed alcohol.

22 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
23 101-417, eff. 1-1-20; 102-558, eff. 8-20-21.)

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

25 Sec. 5-5-3.2. Factors in aggravation and extended-term

1 sentencing.

2 (a) The following factors shall be accorded weight in
3 favor of imposing a term of imprisonment or may be considered
4 by the court as reasons to impose a more severe sentence under
5 Section 5-8-1 or Article 4.5 of Chapter V:

6 (1) the defendant's conduct caused or threatened
7 serious harm;

8 (2) the defendant received compensation for committing
9 the offense;

10 (3) the defendant has a history of prior delinquency
11 or criminal activity;

12 (4) the defendant, by the duties of his office or by
13 his position, was obliged to prevent the particular
14 offense committed or to bring the offenders committing it
15 to justice;

16 (5) the defendant held public office at the time of
17 the offense, and the offense related to the conduct of
18 that office;

19 (6) the defendant utilized his professional reputation
20 or position in the community to commit the offense, or to
21 afford him an easier means of committing it;

22 (7) the sentence is necessary to deter others from
23 committing the same crime;

24 (8) the defendant committed the offense against a
25 person 60 years of age or older or such person's property;

26 (9) the defendant committed the offense against a

1 person who has a physical disability or such person's
2 property;

3 (10) by reason of another individual's actual or
4 perceived race, color, creed, religion, ancestry, gender,
5 sexual orientation, physical or mental disability, or
6 national origin, the defendant committed the offense
7 against (i) the person or property of that individual;
8 (ii) the person or property of a person who has an
9 association with, is married to, or has a friendship with
10 the other individual; or (iii) the person or property of a
11 relative (by blood or marriage) of a person described in
12 clause (i) or (ii). For the purposes of this Section,
13 "sexual orientation" has the meaning ascribed to it in
14 paragraph (O-1) of Section 1-103 of the Illinois Human
15 Rights Act;

16 (11) the offense took place in a place of worship or on
17 the grounds of a place of worship, immediately prior to,
18 during or immediately following worship services. For
19 purposes of this subparagraph, "place of worship" shall
20 mean any church, synagogue or other building, structure or
21 place used primarily for religious worship;

22 (12) the defendant was convicted of a felony committed
23 while he was ~~on pretrial release~~ released on bail or his
24 own recognizance pending trial for a prior felony and was
25 convicted of such prior felony, or the defendant was
26 convicted of a felony committed while he was serving a

1 period of probation, conditional discharge, or mandatory
2 supervised release under subsection (d) of Section 5-8-1
3 for a prior felony;

4 (13) the defendant committed or attempted to commit a
5 felony while he was wearing a bulletproof vest. For the
6 purposes of this paragraph (13), a bulletproof vest is any
7 device which is designed for the purpose of protecting the
8 wearer from bullets, shot or other lethal projectiles;

9 (14) the defendant held a position of trust or
10 supervision such as, but not limited to, family member as
11 defined in Section 11-0.1 of the Criminal Code of 2012,
12 teacher, scout leader, baby sitter, or day care worker, in
13 relation to a victim under 18 years of age, and the
14 defendant committed an offense in violation of Section
15 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
16 11-14.4 except for an offense that involves keeping a
17 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
18 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
19 or 12-16 of the Criminal Code of 1961 or the Criminal Code
20 of 2012 against that victim;

21 (15) the defendant committed an offense related to the
22 activities of an organized gang. For the purposes of this
23 factor, "organized gang" has the meaning ascribed to it in
24 Section 10 of the Streetgang Terrorism Omnibus Prevention
25 Act;

26 (16) the defendant committed an offense in violation

1 of one of the following Sections while in a school,
2 regardless of the time of day or time of year; on any
3 conveyance owned, leased, or contracted by a school to
4 transport students to or from school or a school related
5 activity; on the real property of a school; or on a public
6 way within 1,000 feet of the real property comprising any
7 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
8 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
9 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
10 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
11 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
12 for subdivision (a)(4) or (g)(1), of the Criminal Code of
13 1961 or the Criminal Code of 2012;

14 (16.5) the defendant committed an offense in violation
15 of one of the following Sections while in a day care
16 center, regardless of the time of day or time of year; on
17 the real property of a day care center, regardless of the
18 time of day or time of year; or on a public way within
19 1,000 feet of the real property comprising any day care
20 center, regardless of the time of day or time of year:
21 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
22 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
23 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
24 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
25 18-2, or 33A-2, or Section 12-3.05 except for subdivision
26 (a)(4) or (g)(1), of the Criminal Code of 1961 or the

1 Criminal Code of 2012;

2 (17) the defendant committed the offense by reason of
3 any person's activity as a community policing volunteer or
4 to prevent any person from engaging in activity as a
5 community policing volunteer. For the purpose of this
6 Section, "community policing volunteer" has the meaning
7 ascribed to it in Section 2-3.5 of the Criminal Code of
8 2012;

9 (18) the defendant committed the offense in a nursing
10 home or on the real property comprising a nursing home.
11 For the purposes of this paragraph (18), "nursing home"
12 means a skilled nursing or intermediate long term care
13 facility that is subject to license by the Illinois
14 Department of Public Health under the Nursing Home Care
15 Act, the Specialized Mental Health Rehabilitation Act of
16 2013, the ID/DD Community Care Act, or the MC/DD Act;

17 (19) the defendant was a federally licensed firearm
18 dealer and was previously convicted of a violation of
19 subsection (a) of Section 3 of the Firearm Owners
20 Identification Card Act and has now committed either a
21 felony violation of the Firearm Owners Identification Card
22 Act or an act of armed violence while armed with a firearm;

23 (20) the defendant (i) committed the offense of
24 reckless homicide under Section 9-3 of the Criminal Code
25 of 1961 or the Criminal Code of 2012 or the offense of
26 driving under the influence of alcohol, other drug or

1 drugs, intoxicating compound or compounds or any
2 combination thereof under Section 11-501 of the Illinois
3 Vehicle Code or a similar provision of a local ordinance
4 and (ii) was operating a motor vehicle in excess of 20
5 miles per hour over the posted speed limit as provided in
6 Article VI of Chapter 11 of the Illinois Vehicle Code;

7 (21) the defendant (i) committed the offense of
8 reckless driving or aggravated reckless driving under
9 Section 11-503 of the Illinois Vehicle Code and (ii) was
10 operating a motor vehicle in excess of 20 miles per hour
11 over the posted speed limit as provided in Article VI of
12 Chapter 11 of the Illinois Vehicle Code;

13 (22) the defendant committed the offense against a
14 person that the defendant knew, or reasonably should have
15 known, was a member of the Armed Forces of the United
16 States serving on active duty. For purposes of this clause
17 (22), the term "Armed Forces" means any of the Armed
18 Forces of the United States, including a member of any
19 reserve component thereof or National Guard unit called to
20 active duty;

21 (23) the defendant committed the offense against a
22 person who was elderly or infirm or who was a person with a
23 disability by taking advantage of a family or fiduciary
24 relationship with the elderly or infirm person or person
25 with a disability;

26 (24) the defendant committed any offense under Section

1 11-20.1 of the Criminal Code of 1961 or the Criminal Code
2 of 2012 and possessed 100 or more images;

3 (25) the defendant committed the offense while the
4 defendant or the victim was in a train, bus, or other
5 vehicle used for public transportation;

6 (26) the defendant committed the offense of child
7 pornography or aggravated child pornography, specifically
8 including paragraph (1), (2), (3), (4), (5), or (7) of
9 subsection (a) of Section 11-20.1 of the Criminal Code of
10 1961 or the Criminal Code of 2012 where a child engaged in,
11 solicited for, depicted in, or posed in any act of sexual
12 penetration or bound, fettered, or subject to sadistic,
13 masochistic, or sadomasochistic abuse in a sexual context
14 and specifically including paragraph (1), (2), (3), (4),
15 (5), or (7) of subsection (a) of Section 11-20.1B or
16 Section 11-20.3 of the Criminal Code of 1961 where a child
17 engaged in, solicited for, depicted in, or posed in any
18 act of sexual penetration or bound, fettered, or subject
19 to sadistic, masochistic, or sadomasochistic abuse in a
20 sexual context;

21 (27) the defendant committed the offense of first
22 degree murder, assault, aggravated assault, battery,
23 aggravated battery, robbery, armed robbery, or aggravated
24 robbery against a person who was a veteran and the
25 defendant knew, or reasonably should have known, that the
26 person was a veteran performing duties as a representative

1 of a veterans' organization. For the purposes of this
2 paragraph (27), "veteran" means an Illinois resident who
3 has served as a member of the United States Armed Forces, a
4 member of the Illinois National Guard, or a member of the
5 United States Reserve Forces; and "veterans' organization"
6 means an organization comprised of members of which
7 substantially all are individuals who are veterans or
8 spouses, widows, or widowers of veterans, the primary
9 purpose of which is to promote the welfare of its members
10 and to provide assistance to the general public in such a
11 way as to confer a public benefit;

12 (28) the defendant committed the offense of assault,
13 aggravated assault, battery, aggravated battery, robbery,
14 armed robbery, or aggravated robbery against a person that
15 the defendant knew or reasonably should have known was a
16 letter carrier or postal worker while that person was
17 performing his or her duties delivering mail for the
18 United States Postal Service;

19 (29) the defendant committed the offense of criminal
20 sexual assault, aggravated criminal sexual assault,
21 criminal sexual abuse, or aggravated criminal sexual abuse
22 against a victim with an intellectual disability, and the
23 defendant holds a position of trust, authority, or
24 supervision in relation to the victim;

25 (30) the defendant committed the offense of promoting
26 juvenile prostitution, patronizing a prostitute, or

1 patronizing a minor engaged in prostitution and at the
2 time of the commission of the offense knew that the
3 prostitute or minor engaged in prostitution was in the
4 custody or guardianship of the Department of Children and
5 Family Services;

6 (31) the defendant (i) committed the offense of
7 driving while under the influence of alcohol, other drug
8 or drugs, intoxicating compound or compounds or any
9 combination thereof in violation of Section 11-501 of the
10 Illinois Vehicle Code or a similar provision of a local
11 ordinance and (ii) the defendant during the commission of
12 the offense was driving his or her vehicle upon a roadway
13 designated for one-way traffic in the opposite direction
14 of the direction indicated by official traffic control
15 devices;

16 (32) the defendant committed the offense of reckless
17 homicide while committing a violation of Section 11-907 of
18 the Illinois Vehicle Code;

19 (33) the defendant was found guilty of an
20 administrative infraction related to an act or acts of
21 public indecency or sexual misconduct in the penal
22 institution. In this paragraph (33), "penal institution"
23 has the same meaning as in Section 2-14 of the Criminal
24 Code of 2012; or

25 (34) the defendant committed the offense of leaving
26 the scene of an accident in violation of subsection (b) of

1 Section 11-401 of the Illinois Vehicle Code and the
2 accident resulted in the death of a person and at the time
3 of the offense, the defendant was: (i) driving under the
4 influence of alcohol, other drug or drugs, intoxicating
5 compound or compounds or any combination thereof as
6 defined by Section 11-501 of the Illinois Vehicle Code; or
7 (ii) operating the motor vehicle while using an electronic
8 communication device as defined in Section 12-610.2 of the
9 Illinois Vehicle Code.

10 For the purposes of this Section:

11 "School" is defined as a public or private elementary or
12 secondary school, community college, college, or university.

13 "Day care center" means a public or private State
14 certified and licensed day care center as defined in Section
15 2.09 of the Child Care Act of 1969 that displays a sign in
16 plain view stating that the property is a day care center.

17 "Intellectual disability" means significantly subaverage
18 intellectual functioning which exists concurrently with
19 impairment in adaptive behavior.

20 "Public transportation" means the transportation or
21 conveyance of persons by means available to the general
22 public, and includes paratransit services.

23 "Traffic control devices" means all signs, signals,
24 markings, and devices that conform to the Illinois Manual on
25 Uniform Traffic Control Devices, placed or erected by
26 authority of a public body or official having jurisdiction,

1 for the purpose of regulating, warning, or guiding traffic.

2 (b) The following factors, related to all felonies, may be
3 considered by the court as reasons to impose an extended term
4 sentence under Section 5-8-2 upon any offender:

5 (1) When a defendant is convicted of any felony, after
6 having been previously convicted in Illinois or any other
7 jurisdiction of the same or similar class felony or
8 greater class felony, when such conviction has occurred
9 within 10 years after the previous conviction, excluding
10 time spent in custody, and such charges are separately
11 brought and tried and arise out of different series of
12 acts; or

13 (2) When a defendant is convicted of any felony and
14 the court finds that the offense was accompanied by
15 exceptionally brutal or heinous behavior indicative of
16 wanton cruelty; or

17 (3) When a defendant is convicted of any felony
18 committed against:

19 (i) a person under 12 years of age at the time of
20 the offense or such person's property;

21 (ii) a person 60 years of age or older at the time
22 of the offense or such person's property; or

23 (iii) a person who had a physical disability at
24 the time of the offense or such person's property; or

25 (4) When a defendant is convicted of any felony and
26 the offense involved any of the following types of

1 specific misconduct committed as part of a ceremony, rite,
2 initiation, observance, performance, practice or activity
3 of any actual or ostensible religious, fraternal, or
4 social group:

5 (i) the brutalizing or torturing of humans or
6 animals;

7 (ii) the theft of human corpses;

8 (iii) the kidnapping of humans;

9 (iv) the desecration of any cemetery, religious,
10 fraternal, business, governmental, educational, or
11 other building or property; or

12 (v) ritualized abuse of a child; or

13 (5) When a defendant is convicted of a felony other
14 than conspiracy and the court finds that the felony was
15 committed under an agreement with 2 or more other persons
16 to commit that offense and the defendant, with respect to
17 the other individuals, occupied a position of organizer,
18 supervisor, financier, or any other position of management
19 or leadership, and the court further finds that the felony
20 committed was related to or in furtherance of the criminal
21 activities of an organized gang or was motivated by the
22 defendant's leadership in an organized gang; or

23 (6) When a defendant is convicted of an offense
24 committed while using a firearm with a laser sight
25 attached to it. For purposes of this paragraph, "laser
26 sight" has the meaning ascribed to it in Section 26-7 of

1 the Criminal Code of 2012; or

2 (7) When a defendant who was at least 17 years of age
3 at the time of the commission of the offense is convicted
4 of a felony and has been previously adjudicated a
5 delinquent minor under the Juvenile Court Act of 1987 for
6 an act that if committed by an adult would be a Class X or
7 Class 1 felony when the conviction has occurred within 10
8 years after the previous adjudication, excluding time
9 spent in custody; or

10 (8) When a defendant commits any felony and the
11 defendant used, possessed, exercised control over, or
12 otherwise directed an animal to assault a law enforcement
13 officer engaged in the execution of his or her official
14 duties or in furtherance of the criminal activities of an
15 organized gang in which the defendant is engaged; or

16 (9) When a defendant commits any felony and the
17 defendant knowingly video or audio records the offense
18 with the intent to disseminate the recording.

19 (c) The following factors may be considered by the court
20 as reasons to impose an extended term sentence under Section
21 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
22 offenses:

23 (1) When a defendant is convicted of first degree
24 murder, after having been previously convicted in Illinois
25 of any offense listed under paragraph (c)(2) of Section
26 5-5-3 (730 ILCS 5/5-5-3), when that conviction has

1 occurred within 10 years after the previous conviction,
2 excluding time spent in custody, and the charges are
3 separately brought and tried and arise out of different
4 series of acts.

5 (1.5) When a defendant is convicted of first degree
6 murder, after having been previously convicted of domestic
7 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
8 (720 ILCS 5/12-3.3) committed on the same victim or after
9 having been previously convicted of violation of an order
10 of protection (720 ILCS 5/12-30) in which the same victim
11 was the protected person.

12 (2) When a defendant is convicted of voluntary
13 manslaughter, second degree murder, involuntary
14 manslaughter, or reckless homicide in which the defendant
15 has been convicted of causing the death of more than one
16 individual.

17 (3) When a defendant is convicted of aggravated
18 criminal sexual assault or criminal sexual assault, when
19 there is a finding that aggravated criminal sexual assault
20 or criminal sexual assault was also committed on the same
21 victim by one or more other individuals, and the defendant
22 voluntarily participated in the crime with the knowledge
23 of the participation of the others in the crime, and the
24 commission of the crime was part of a single course of
25 conduct during which there was no substantial change in
26 the nature of the criminal objective.

1 (4) If the victim was under 18 years of age at the time
2 of the commission of the offense, when a defendant is
3 convicted of aggravated criminal sexual assault or
4 predatory criminal sexual assault of a child under
5 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
6 of Section 12-14.1 of the Criminal Code of 1961 or the
7 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

8 (5) When a defendant is convicted of a felony
9 violation of Section 24-1 of the Criminal Code of 1961 or
10 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
11 finding that the defendant is a member of an organized
12 gang.

13 (6) When a defendant was convicted of unlawful use of
14 weapons under Section 24-1 of the Criminal Code of 1961 or
15 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
16 a weapon that is not readily distinguishable as one of the
17 weapons enumerated in Section 24-1 of the Criminal Code of
18 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

19 (7) When a defendant is convicted of an offense
20 involving the illegal manufacture of a controlled
21 substance under Section 401 of the Illinois Controlled
22 Substances Act (720 ILCS 570/401), the illegal manufacture
23 of methamphetamine under Section 25 of the Methamphetamine
24 Control and Community Protection Act (720 ILCS 646/25), or
25 the illegal possession of explosives and an emergency
26 response officer in the performance of his or her duties

1 is killed or injured at the scene of the offense while
2 responding to the emergency caused by the commission of
3 the offense. In this paragraph, "emergency" means a
4 situation in which a person's life, health, or safety is
5 in jeopardy; and "emergency response officer" means a
6 peace officer, community policing volunteer, fireman,
7 emergency medical technician-ambulance, emergency medical
8 technician-intermediate, emergency medical
9 technician-paramedic, ambulance driver, other medical
10 assistance or first aid personnel, or hospital emergency
11 room personnel.

12 (8) When the defendant is convicted of attempted mob
13 action, solicitation to commit mob action, or conspiracy
14 to commit mob action under Section 8-1, 8-2, or 8-4 of the
15 Criminal Code of 2012, where the criminal object is a
16 violation of Section 25-1 of the Criminal Code of 2012,
17 and an electronic communication is used in the commission
18 of the offense. For the purposes of this paragraph (8),
19 "electronic communication" shall have the meaning provided
20 in Section 26.5-0.1 of the Criminal Code of 2012.

21 (d) For the purposes of this Section, "organized gang" has
22 the meaning ascribed to it in Section 10 of the Illinois
23 Streetgang Terrorism Omnibus Prevention Act.

24 (e) The court may impose an extended term sentence under
25 Article 4.5 of Chapter V upon an offender who has been
26 convicted of a felony violation of Section 11-1.20, 11-1.30,

1 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
2 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
3 when the victim of the offense is under 18 years of age at the
4 time of the commission of the offense and, during the
5 commission of the offense, the victim was under the influence
6 of alcohol, regardless of whether or not the alcohol was
7 supplied by the offender; and the offender, at the time of the
8 commission of the offense, knew or should have known that the
9 victim had consumed alcohol.

10 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;
11 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; 101-652, eff.
12 1-1-23; 102-558, eff. 8-20-21.)

13 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

14 Sec. 5-6-4. Violation, Modification or Revocation of
15 Probation, of Conditional Discharge or Supervision or of a
16 sentence of county impact incarceration - Hearing.

17 (a) Except in cases where conditional discharge or
18 supervision was imposed for a petty offense as defined in
19 Section 5-1-17, when a petition is filed charging a violation
20 of a condition, the court may:

21 (1) in the case of probation violations, order the
22 issuance of a notice to the offender to be present by the
23 County Probation Department or such other agency
24 designated by the court to handle probation matters; and
25 in the case of conditional discharge or supervision

1 violations, such notice to the offender shall be issued by
2 the Circuit Court Clerk; and in the case of a violation of
3 a sentence of county impact incarceration, such notice
4 shall be issued by the Sheriff;

5 (2) order a summons to the offender to be present for
6 hearing; or

7 (3) order a warrant for the offender's arrest where
8 there is danger of his fleeing the jurisdiction or causing
9 serious harm to others or when the offender fails to
10 answer a summons or notice from the clerk of the court or
11 Sheriff.

12 Personal service of the petition for violation of
13 probation or the issuance of such warrant, summons or notice
14 shall toll the period of probation, conditional discharge,
15 supervision, or sentence of county impact incarceration until
16 the final determination of the charge, and the term of
17 probation, conditional discharge, supervision, or sentence of
18 county impact incarceration shall not run until the hearing
19 and disposition of the petition for violation.

20 (b) The court shall conduct a hearing of the alleged
21 violation. The court shall admit the offender to ~~pretrial~~
22 ~~release~~ bail pending the hearing unless the alleged violation
23 is itself a criminal offense in which case the offender shall
24 be admitted to ~~pretrial-release~~ bail on such terms as are
25 provided in the Code of Criminal Procedure of 1963, as
26 amended. In any case where an offender remains incarcerated

1 only as a result of his alleged violation of the court's
2 earlier order of probation, supervision, conditional
3 discharge, or county impact incarceration such hearing shall
4 be held within 14 days of the onset of said incarceration,
5 unless the alleged violation is the commission of another
6 offense by the offender during the period of probation,
7 supervision or conditional discharge in which case such
8 hearing shall be held within the time limits described in
9 Section 103-5 of the Code of Criminal Procedure of 1963, as
10 amended.

11 (c) The State has the burden of going forward with the
12 evidence and proving the violation by the preponderance of the
13 evidence. The evidence shall be presented in open court with
14 the right of confrontation, cross-examination, and
15 representation by counsel.

16 (d) Probation, conditional discharge, periodic
17 imprisonment and supervision shall not be revoked for failure
18 to comply with conditions of a sentence or supervision, which
19 imposes financial obligations upon the offender unless such
20 failure is due to his willful refusal to pay.

21 (e) If the court finds that the offender has violated a
22 condition at any time prior to the expiration or termination
23 of the period, it may continue him on the existing sentence,
24 with or without modifying or enlarging the conditions, or may
25 impose any other sentence that was available under Article 4.5
26 of Chapter V of this Code or Section 11-501 of the Illinois

1 Vehicle Code at the time of initial sentencing. If the court
2 finds that the person has failed to successfully complete his
3 or her sentence to a county impact incarceration program, the
4 court may impose any other sentence that was available under
5 Article 4.5 of Chapter V of this Code or Section 11-501 of the
6 Illinois Vehicle Code at the time of initial sentencing,
7 except for a sentence of probation or conditional discharge.
8 If the court finds that the offender has violated paragraph
9 (8.6) of subsection (a) of Section 5-6-3, the court shall
10 revoke the probation of the offender. If the court finds that
11 the offender has violated subsection (o) of Section 5-6-3.1,
12 the court shall revoke the supervision of the offender.

13 (f) The conditions of probation, of conditional discharge,
14 of supervision, or of a sentence of county impact
15 incarceration may be modified by the court on motion of the
16 supervising agency or on its own motion or at the request of
17 the offender after notice and a hearing.

18 (g) A judgment revoking supervision, probation,
19 conditional discharge, or a sentence of county impact
20 incarceration is a final appealable order.

21 (h) Resentencing after revocation of probation,
22 conditional discharge, supervision, or a sentence of county
23 impact incarceration shall be under Article 4. The term on
24 probation, conditional discharge or supervision shall not be
25 credited by the court against a sentence of imprisonment or
26 periodic imprisonment unless the court orders otherwise. The

1 amount of credit to be applied against a sentence of
2 imprisonment or periodic imprisonment when the defendant
3 served a term or partial term of periodic imprisonment shall
4 be calculated upon the basis of the actual days spent in
5 confinement rather than the duration of the term.

6 (i) Instead of filing a violation of probation,
7 conditional discharge, supervision, or a sentence of county
8 impact incarceration, an agent or employee of the supervising
9 agency with the concurrence of his or her supervisor may serve
10 on the defendant a Notice of Intermediate Sanctions. The
11 Notice shall contain the technical violation or violations
12 involved, the date or dates of the violation or violations,
13 and the intermediate sanctions to be imposed. Upon receipt of
14 the Notice, the defendant shall immediately accept or reject
15 the intermediate sanctions. If the sanctions are accepted,
16 they shall be imposed immediately. If the intermediate
17 sanctions are rejected or the defendant does not respond to
18 the Notice, a violation of probation, conditional discharge,
19 supervision, or a sentence of county impact incarceration
20 shall be immediately filed with the court. The State's
21 Attorney and the sentencing court shall be notified of the
22 Notice of Sanctions. Upon successful completion of the
23 intermediate sanctions, a court may not revoke probation,
24 conditional discharge, supervision, or a sentence of county
25 impact incarceration or impose additional sanctions for the
26 same violation. A notice of intermediate sanctions may not be

1 issued for any violation of probation, conditional discharge,
2 supervision, or a sentence of county impact incarceration
3 which could warrant an additional, separate felony charge. The
4 intermediate sanctions shall include a term of home detention
5 as provided in Article 8A of Chapter V of this Code for
6 multiple or repeat violations of the terms and conditions of a
7 sentence of probation, conditional discharge, or supervision.

8 (j) When an offender is re-sentenced after revocation of
9 probation that was imposed in combination with a sentence of
10 imprisonment for the same offense, the aggregate of the
11 sentences may not exceed the maximum term authorized under
12 Article 4.5 of Chapter V.

13 (k) (1) On and after the effective date of this amendatory
14 Act of the 101st General Assembly, this subsection (k) shall
15 apply to arrest warrants in Cook County only. An arrest
16 warrant issued under paragraph (3) of subsection (a) when the
17 underlying conviction is for the offense of theft, retail
18 theft, or possession of a controlled substance shall remain
19 active for a period not to exceed 10 years from the date the
20 warrant was issued unless a motion to extend the warrant is
21 filed by the office of the State's Attorney or by, or on behalf
22 of, the agency supervising the wanted person. A motion to
23 extend the warrant shall be filed within one year before the
24 warrant expiration date and notice shall be provided to the
25 office of the sheriff.

26 (2) If a motion to extend a warrant issued under paragraph

1 (3) of subsection (a) is not filed, the warrant shall be
2 quashed and recalled as a matter of law under paragraph (1) of
3 this subsection (k) and the wanted person's period of
4 probation, conditional discharge, or supervision shall
5 terminate unsatisfactorily as a matter of law.

6 (Source: P.A. 101-406, eff. 1-1-20; 101-652.)

7 (730 ILCS 5/5-6-4.1) (from Ch. 38, par. 1005-6-4.1)

8 Sec. 5-6-4.1. Violation, Modification or Revocation of
9 Conditional Discharge or Supervision - Hearing.)

10 (a) In cases where a defendant was placed upon supervision
11 or conditional discharge for the commission of a petty
12 offense, upon the oral or written motion of the State, or on
13 the court's own motion, which charges that a violation of a
14 condition of that conditional discharge or supervision has
15 occurred, the court may:

16 (1) Conduct a hearing instanter if the offender is
17 present in court;

18 (2) Order the issuance by the court clerk of a notice
19 to the offender to be present for a hearing for violation;

20 (3) Order summons to the offender to be present; or

21 (4) Order a warrant for the offender's arrest.

22 The oral motion, if the defendant is present, or the
23 issuance of such warrant, summons or notice shall toll the
24 period of conditional discharge or supervision until the final
25 determination of the charge, and the term of conditional

1 discharge or supervision shall not run until the hearing and
2 disposition of the petition for violation.

3 (b) The Court shall admit the offender to ~~pretrial release~~
4 bail pending the hearing.

5 (c) The State has the burden of going forward with the
6 evidence and proving the violation by the preponderance of the
7 evidence. The evidence shall be presented in open court with
8 the right of confrontation, cross-examination, and
9 representation by counsel.

10 (d) Conditional discharge or supervision shall not be
11 revoked for failure to comply with the conditions of the
12 discharge or supervision which imposed financial obligations
13 upon the offender unless such failure is due to his wilful
14 refusal to pay.

15 (e) If the court finds that the offender has violated a
16 condition at any time prior to the expiration or termination
17 of the period, it may continue him on the existing sentence or
18 supervision with or without modifying or enlarging the
19 conditions, or may impose any other sentence that was
20 available under Article 4.5 of Chapter V of this Code or
21 Section 11-501 of the Illinois Vehicle Code at the time of
22 initial sentencing.

23 (f) The conditions of conditional discharge and of
24 supervision may be modified by the court on motion of the
25 probation officer or on its own motion or at the request of the
26 offender after notice to the defendant and a hearing.

1 (g) A judgment revoking supervision is a final appealable
2 order.

3 (h) Resentencing after revocation of conditional discharge
4 or of supervision shall be under Article 4. Time served on
5 conditional discharge or supervision shall be credited by the
6 court against a sentence of imprisonment or periodic
7 imprisonment unless the court orders otherwise.

8 (Source: P.A. 95-1052, eff. 7-1-09; 101-652.)

9 (730 ILCS 5/5-8A-7)

10 Sec. 5-8A-7. Domestic violence surveillance program. If
11 the Prisoner Review Board, Department of Corrections,
12 Department of Juvenile Justice, or court (the supervising
13 authority) orders electronic surveillance as a condition of
14 parole, aftercare release, mandatory supervised release, early
15 release, probation, or conditional discharge for a violation
16 of an order of protection or as a condition of ~~pretrial release~~
17 bail for a person charged with a violation of an order of
18 protection, the supervising authority shall use the best
19 available global positioning technology to track domestic
20 violence offenders. Best available technology must have
21 real-time and interactive capabilities that facilitate the
22 following objectives: (1) immediate notification to the
23 supervising authority of a breach of a court ordered exclusion
24 zone; (2) notification of the breach to the offender; and (3)
25 communication between the supervising authority, law

1 enforcement, and the victim, regarding the breach. The
2 supervising authority may also require that the electronic
3 surveillance ordered under this Section monitor the
4 consumption of alcohol or drugs.

5 (Source: P.A. 99-628, eff. 1-1-17; 99-797, eff. 8-12-16;
6 100-201, eff. 8-18-17; 101-652.)

7 (730 ILCS 5/8-2-1) (from Ch. 38, par. 1008-2-1)

8 Sec. 8-2-1. Saving Clause.

9 The repeal of Acts or parts of Acts enumerated in Section
10 8-5-1 does not: (1) affect any offense committed, act done,
11 prosecution pending, penalty, punishment or forfeiture
12 incurred, or rights, powers or remedies accrued under any law
13 in effect immediately prior to the effective date of this
14 Code; (2) impair, avoid, or affect any grant or conveyance
15 made or right acquired or cause of action then existing under
16 any such repealed Act or amendment thereto; (3) affect or
17 impair the validity of any ~~pretrial release~~ bail or other bond
18 or other obligation issued or sold and constituting a valid
19 obligation of the issuing authority immediately prior to the
20 effective date of this Code; (4) the validity of any contract;
21 or (5) the validity of any tax levied under any law in effect
22 prior to the effective date of this Code. The repeal of any
23 validating Act or part thereof shall not avoid the effect of
24 the validation. No Act repealed by Section 8-5-1 shall repeal
25 any Act or part thereof which embraces the same or a similar

1 subject matter as the Act repealed.

2 (Source: P.A. 78-255; 101-652.)

3 Section 120. The Probation and Probation Officers Act is
4 amended by changing Section 18 as follows:

5 (730 ILCS 110/18)

6 Sec. 18. Probation and court services departments
7 considered pretrial services agencies. For the purposes of
8 administering the provisions of Public Act 95-773, known as
9 the Cindy Bischof Law, all probation and court services
10 departments are to be considered pretrial services agencies
11 under the Pretrial Services Act and under the ~~pretrial release~~
12 bail bond provisions of the Code of Criminal Procedure of
13 1963.

14 (Source: P.A. 96-341, eff. 8-11-09; 101-652.)

15 Section 125. The County Jail Act is amended by changing
16 Section 5 as follows:

17 (730 ILCS 125/5) (from Ch. 75, par. 105)

18 Sec. 5. Costs of maintaining prisoners.

19 (a) Except as provided in subsections (b) and (c), all
20 costs of maintaining persons committed for violations of
21 Illinois law, shall be the responsibility of the county.
22 Except as provided in subsection (b), all costs of maintaining

1 persons committed under any ordinance or resolution of a unit
2 of local government, including medical costs, is the
3 responsibility of the unit of local government enacting the
4 ordinance or resolution, and arresting the person.

5 (b) If a person who is serving a term of mandatory
6 supervised release for a felony is incarcerated in a county
7 jail, the Illinois Department of Corrections shall pay the
8 county in which that jail is located one-half of the cost of
9 incarceration, as calculated by the Governor's Office of
10 Management and Budget and the county's chief financial
11 officer, for each day that the person remains in the county
12 jail after notice of the incarceration is given to the
13 Illinois Department of Corrections by the county, provided
14 that (i) the Illinois Department of Corrections has issued a
15 warrant for an alleged violation of mandatory supervised
16 release by the person; (ii) if the person is incarcerated on a
17 new charge, unrelated to the offense for which he or she is on
18 mandatory supervised release, there has been a court hearing
19 at which ~~the conditions of pretrial release have~~ bail has been
20 set on the new charge; (iii) the county has notified the
21 Illinois Department of Corrections that the person is
22 incarcerated in the county jail, which notice shall not be
23 given until the bail hearing has concluded, if the person is
24 incarcerated on a new charge; and (iv) the person remains
25 incarcerated in the county jail for more than 48 hours after
26 the notice has been given to the Department of Corrections by

1 the county. Calculation of the per diem cost shall be agreed
2 upon prior to the passage of the annual State budget.

3 (c) If a person who is serving a term of mandatory
4 supervised release is incarcerated in a county jail, following
5 an arrest on a warrant issued by the Illinois Department of
6 Corrections, solely for violation of a condition of mandatory
7 supervised release and not on any new charges for a new
8 offense, then the Illinois Department of Corrections shall pay
9 the medical costs incurred by the county in securing treatment
10 for that person, for any injury or condition other than one
11 arising out of or in conjunction with the arrest of the person
12 or resulting from the conduct of county personnel, while he or
13 she remains in the county jail on the warrant issued by the
14 Illinois Department of Corrections.

15 (Source: P.A. 94-678, eff. 1-1-06; 94-1094, eff. 1-26-07;
16 101-652.)

17 Section 130. The County Jail Good Behavior Allowance Act
18 is amended by changing Section 3 as follows:

19 (730 ILCS 130/3) (from Ch. 75, par. 32)

20 Sec. 3. The good behavior of any person who commences a
21 sentence of confinement in a county jail for a fixed term of
22 imprisonment after January 1, 1987 shall entitle such person
23 to a good behavior allowance, except that: (1) a person who
24 inflicted physical harm upon another person in committing the

1 offense for which he is confined shall receive no good
2 behavior allowance; and (2) a person sentenced for an offense
3 for which the law provides a mandatory minimum sentence shall
4 not receive any portion of a good behavior allowance that
5 would reduce the sentence below the mandatory minimum; and (3)
6 a person sentenced to a county impact incarceration program;
7 and (4) a person who is convicted of criminal sexual assault
8 under subdivision (a)(3) of Section 11-1.20 or paragraph
9 (a)(3) of Section 12-13 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, criminal sexual abuse, or aggravated
11 criminal sexual abuse shall receive no good behavior
12 allowance. The good behavior allowance provided for in this
13 Section shall not apply to individuals sentenced for a felony
14 to probation or conditional discharge where a condition of
15 such probation or conditional discharge is that the individual
16 serve a sentence of periodic imprisonment or to individuals
17 sentenced under an order of court for civil contempt.

18 Such good behavior allowance shall be cumulative and
19 awarded as provided in this Section.

20 The good behavior allowance rate shall be cumulative and
21 awarded on the following basis:

22 The prisoner shall receive one day of good behavior
23 allowance for each day of service of sentence in the county
24 jail, and one day of good behavior allowance for each day of
25 incarceration in the county jail before sentencing for the
26 offense that he or she is currently serving sentence but was

1 unable to ~~comply with the conditions of pretrial release~~ post
2 bail before sentencing, except that a prisoner serving a
3 sentence of periodic imprisonment under Section 5-7-1 of the
4 Unified Code of Corrections shall only be eligible to receive
5 good behavior allowance if authorized by the sentencing judge.
6 Each day of good behavior allowance shall reduce by one day the
7 prisoner's period of incarceration set by the court. For the
8 purpose of calculating a prisoner's good behavior allowance, a
9 fractional part of a day shall not be calculated as a day of
10 service of sentence in the county jail unless the fractional
11 part of the day is over 12 hours in which case a whole day
12 shall be credited on the good behavior allowance.

13 If consecutive sentences are served and the time served
14 amounts to a total of one year or more, the good behavior
15 allowance shall be calculated on a continuous basis throughout
16 the entire time served beginning on the first date of sentence
17 or incarceration, as the case may be.

18 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13;
19 101-652.)

20 Section 135. The Code of Civil Procedure is amended by
21 changing Sections 10-106, 10-125, 10-127, 10-135, 10-136, and
22 21-103 as follows:

23 (735 ILCS 5/10-106) (from Ch. 110, par. 10-106)

24 Sec. 10-106. Grant of relief - Penalty. Unless it shall

1 appear from the complaint itself, or from the documents
2 thereto annexed, that the party can neither be discharged,
3 admitted to ~~pretrial release~~ bail nor otherwise relieved, the
4 court shall forthwith award relief by habeas corpus. Any judge
5 empowered to grant relief by habeas corpus who shall corruptly
6 refuse to grant the relief when legally applied for in a case
7 where it may lawfully be granted, or who shall for the purpose
8 of oppression unreasonably delay the granting of such relief
9 shall, for every such offense, forfeit to the prisoner or
10 party affected a sum not exceeding \$1,000.

11 (Source: P.A. 83-707; 101-652.)

12 (735 ILCS 5/10-125) (from Ch. 110, par. 10-125)

13 Sec. 10-125. New commitment. In all cases where the
14 imprisonment is for a criminal, or supposed criminal matter,
15 if it appears to the court that there is sufficient legal cause
16 for the commitment of the prisoner, although such commitment
17 may have been informally made, or without due authority, or
18 the process may have been executed by a person not duly
19 authorized, the court shall make a new commitment in proper
20 form, and direct it to the proper officer, or admit the party
21 to ~~pretrial release~~ bail if the case is ~~eligible for pretrial~~
22 ~~release~~ bailable. The court shall also, when necessary, take
23 the recognizance of all material witnesses against the
24 prisoner, as in other cases. The recognizances shall be in the
25 form provided by law, and returned as other recognizances. If

1 any judge shall neglect or refuse to bind any such prisoner or
2 witness by recognizance, or to return a recognizance when
3 taken as hereinabove stated, he or she shall be guilty of a
4 Class A misdemeanor in office, and be proceeded against
5 accordingly.

6 (Source: P.A. 82-280; 101-652.)

7 (735 ILCS 5/10-127) (from Ch. 110, par. 10-127)

8 Sec. 10-127. Grant of habeas corpus. It is not lawful for
9 any court, on a second order of habeas corpus obtained by such
10 prisoner, to discharge the prisoner, if he or she is clearly
11 and specifically charged in the warrant of commitment with a
12 criminal offense; but the court shall, on the return of such
13 second order, have power only to admit such prisoner to
14 ~~pretrial release~~ bail where the offense is ~~eligible for~~
15 ~~pretrial release~~ bailable by law, or remand him or her to
16 prison where the offense is not ~~eligible for pretrial release~~
17 bailable, or being ~~eligible for pretrial release~~ bailable,
18 where such prisoner fails to ~~comply with the terms of pretrial~~
19 ~~release~~ give the bail required.

20 (Source: P.A. 82-280; 101-652.)

21 (735 ILCS 5/10-135) (from Ch. 110, par. 10-135)

22 Sec. 10-135. Habeas corpus to testify. The several courts
23 having authority to grant relief by habeas corpus, may enter
24 orders, when necessary, to bring before them any prisoner to

1 testify, or to be surrendered in discharge of ~~pretrial release~~
2 bail, or for trial upon any criminal charge lawfully pending
3 in the same court or to testify in a criminal proceeding in
4 another state as provided for by Section 2 of the "Uniform Act
5 to secure the attendance of witnesses from within or without a
6 state in criminal proceedings", approved July 23, 1959, as
7 heretofore or hereafter amended; and the order may be directed
8 to any county in the State, and there be served and returned by
9 any officer to whom it is directed.

10 (Source: P.A. 82-280; 101-652.)

11 (735 ILCS 5/10-136) (from Ch. 110, par. 10-136)

12 Sec. 10-136. Prisoner remanded or punished. After a
13 prisoner has given his or her testimony, or been surrendered,
14 or his or her ~~pretrial release~~ bail discharged, or he or she
15 has been tried for the crime with which he or she is charged,
16 he or she shall be returned to the jail or other place of
17 confinement from which he or she was taken for that purpose. If
18 such prisoner is convicted of a crime punishable with death or
19 imprisonment in the penitentiary, he or she may be punished
20 accordingly; but in any case where the prisoner has been taken
21 from the penitentiary, and his or her punishment is by
22 imprisonment, the time of such imprisonment shall not commence
23 to run until the expiration of the time of service under any
24 former sentence.

25 (Source: P.A. 82-280; 101-652.)

1 (735 ILCS 5/21-103)

2 (Text of Section before 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 bail under subsections (b) through (d) of
12 Section 110-10 of the Code of Criminal Procedure of 1963,
13 or a similar provision of a law in another state or
14 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;
12 102-538, eff. 8-20-21.)

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

14 Sec. 21-103. Notice by publication.

15 (a) Previous notice shall be given of the intended
16 application by publishing a notice thereof in some newspaper
17 published in the municipality in which the person resides if
18 the municipality is in a county with a population under
19 2,000,000, or if the person does not reside in a municipality
20 in a county with a population under 2,000,000, or if no
21 newspaper is published in the municipality or if the person
22 resides in a county with a population of 2,000,000 or more,
23 then in some newspaper published in the county where the
24 person resides, or if no newspaper is published in that
25 county, then in some convenient newspaper published in this

1 State. The notice shall be inserted for 3 consecutive weeks
2 after filing, the first insertion to be at least 6 weeks before
3 the return day upon which the petition is to be heard, and
4 shall be signed by the petitioner or, in case of a minor, the
5 minor's parent or guardian, and shall set forth the return day
6 of court on which the petition is to be heard and the name
7 sought to be assumed.

8 (b) The publication requirement of subsection (a) shall
9 not be required in any application for a change of name
10 involving a minor if, before making judgment under this
11 Article, reasonable notice and opportunity to be heard is
12 given to any parent whose parental rights have not been
13 previously terminated and to any person who has physical
14 custody of the child. If any of these persons are outside this
15 State, notice and opportunity to be heard shall be given under
16 Section 21-104.

17 (b-3) The publication requirement of subsection (a) shall
18 not be required in any application for a change of name
19 involving a person who has received a judgment for dissolution
20 of marriage or declaration of invalidity of marriage and
21 wishes to change his or her name to resume the use of his or
22 her former or maiden name.

23 (b-5) Upon motion, the court may issue an order directing
24 that the notice and publication requirement be waived for a
25 change of name involving a person who files with the court a
26 written declaration that the person believes that publishing

1 notice of the name change would put the person at risk of
2 physical harm or discrimination. The person must provide
3 evidence to support the claim that publishing notice of the
4 name change would put the person at risk of physical harm or
5 discrimination.

6 (c) The Director of the Illinois State Police or his or her
7 designee may apply to the circuit court for an order directing
8 that the notice and publication requirements of this Section
9 be waived if the Director or his or her designee certifies that
10 the name change being sought is intended to protect a witness
11 during and following a criminal investigation or proceeding.

12 (c-1) The court may enter a written order waiving the
13 publication requirement of subsection (a) if:

14 (i) the petitioner is 18 years of age or older; and
15 (ii) concurrent with the petition, the petitioner
16 files with the court a statement, verified under oath as
17 provided under Section 1-109 of this Code, attesting that
18 the petitioner is or has been a person protected under the
19 Illinois Domestic Violence Act of 1986, the Stalking No
20 Contact Order Act, the Civil No Contact Order Act, Article
21 112A of the Code of Criminal Procedure of 1963, a
22 condition of ~~pretrial-release~~ bail under subsections (b)
23 through (d) of Section 110-10 of the Code of Criminal
24 Procedure of 1963, or a similar provision of a law in
25 another state or jurisdiction.

26 The petitioner may attach to the statement any supporting

1 documents, including relevant court orders.

2 (c-2) If the petitioner files a statement attesting that
3 disclosure of the petitioner's address would put the
4 petitioner or any member of the petitioner's family or
5 household at risk or reveal the confidential address of a
6 shelter for domestic violence victims, that address may be
7 omitted from all documents filed with the court, and the
8 petitioner may designate an alternative address for service.

9 (c-3) Court administrators may allow domestic abuse
10 advocates, rape crisis advocates, and victim advocates to
11 assist petitioners in the preparation of name changes under
12 subsection (c-1).

13 (c-4) If the publication requirements of subsection (a)
14 have been waived, the circuit court shall enter an order
15 impounding the case.

16 (d) The maximum rate charged for publication of a notice
17 under this Section may not exceed the lowest classified rate
18 paid by commercial users for comparable space in the newspaper
19 in which the notice appears and shall include all cash
20 discounts, multiple insertion discounts, and similar benefits
21 extended to the newspaper's regular customers.

22 (Source: P.A. 101-81, eff. 7-12-19; 101-203, eff. 1-1-20;
23 101-652, eff. 1-1-23; 102-538, eff. 8-20-21; revised
24 10-12-21.)

25 Section 140. The Civil No Contact Order Act is amended by

1 changing Section 220 as follows:

2 (740 ILCS 22/220)

3 Sec. 220. Enforcement of a civil no contact order.

4 (a) Nothing in this Act shall preclude any Illinois court
5 from enforcing a valid protective order issued in another
6 state.

7 (b) Illinois courts may enforce civil no contact orders
8 through both criminal proceedings and civil contempt
9 proceedings, unless the action which is second in time is
10 barred by collateral estoppel or the constitutional
11 prohibition against double jeopardy.

12 (b-1) The court shall not hold a school district or
13 private or non-public school or any of its employees in civil
14 or criminal contempt unless the school district or private or
15 non-public school has been allowed to intervene.

16 (b-2) The court may hold the parents, guardian, or legal
17 custodian of a minor respondent in civil or criminal contempt
18 for a violation of any provision of any order entered under
19 this Act for conduct of the minor respondent in violation of
20 this Act if the parents, guardian, or legal custodian
21 directed, encouraged, or assisted the respondent minor in such
22 conduct.

23 (c) Criminal prosecution. A violation of any civil no
24 contact order, whether issued in a civil or criminal
25 proceeding, shall be enforced by a criminal court when the

1 respondent commits the crime of violation of a civil no
2 contact order pursuant to Section 219 by having knowingly
3 violated:

4 (1) remedies described in Section 213 and included in
5 a civil no contact order; or

6 (2) a provision of an order, which is substantially
7 similar to provisions of Section 213, in a valid civil no
8 contact order which is authorized under the laws of
9 another state, tribe, or United States territory.

10 Prosecution for a violation of a civil no contact order
11 shall not bar a concurrent prosecution for any other crime,
12 including any crime that may have been committed at the time of
13 the violation of the civil no contact order.

14 (d) Contempt of court. A violation of any valid Illinois
15 civil no contact order, whether issued in a civil or criminal
16 proceeding, may be enforced through civil or criminal contempt
17 procedures, as appropriate, by any court with jurisdiction,
18 regardless of where the act or acts which violated the civil no
19 contact order were committed, to the extent consistent with
20 the venue provisions of this Act.

21 (1) In a contempt proceeding where the petition for a
22 rule to show cause or petition for adjudication of
23 criminal contempt sets forth facts evidencing an immediate
24 danger that the respondent will flee the jurisdiction or
25 inflict physical abuse on the petitioner or minor children
26 or on dependent adults in the petitioner's care, the court

1 may order the attachment of the respondent without prior
2 service of the petition for a rule to show cause, the rule
3 to show cause, the petition for adjudication of criminal
4 contempt or the adjudication of criminal contempt.
5 ~~Conditions of release~~ Bond shall be set unless
6 specifically denied in writing.

7 (2) A petition for a rule to show cause or a petition
8 for adjudication of criminal contempt for violation of a
9 civil no contact order shall be treated as an expedited
10 proceeding.

11 (e) Actual knowledge. A civil no contact order may be
12 enforced pursuant to this Section if the respondent violates
13 the order after the respondent has actual knowledge of its
14 contents as shown through one of the following means:

15 (1) by service, delivery, or notice under Section 208;

16 (2) by notice under Section 218;

17 (3) by service of a civil no contact order under
18 Section 218; or

19 (4) by other means demonstrating actual knowledge of
20 the contents of the order.

21 (f) The enforcement of a civil no contact order in civil or
22 criminal court shall not be affected by either of the
23 following:

24 (1) the existence of a separate, correlative order,
25 entered under Section 202; or

26 (2) any finding or order entered in a conjoined

1 criminal proceeding.

2 (g) Circumstances. The court, when determining whether or
3 not a violation of a civil no contact order has occurred, shall
4 not require physical manifestations of abuse on the person of
5 the victim.

6 (h) Penalties.

7 (1) Except as provided in paragraph (3) of this
8 subsection, where the court finds the commission of a
9 crime or contempt of court under subsection (a) or (b) of
10 this Section, the penalty shall be the penalty that
11 generally applies in such criminal or contempt
12 proceedings, and may include one or more of the following:
13 incarceration, payment of restitution, a fine, payment of
14 attorneys' fees and costs, or community service.

15 (2) The court shall hear and take into account
16 evidence of any factors in aggravation or mitigation
17 before deciding an appropriate penalty under paragraph (1)
18 of this subsection.

19 (3) To the extent permitted by law, the court is
20 encouraged to:

21 (i) increase the penalty for the knowing violation
22 of any civil no contact order over any penalty
23 previously imposed by any court for respondent's
24 violation of any civil no contact order or penal
25 statute involving petitioner as victim and respondent
26 as defendant;

1 (ii) impose a minimum penalty of 24 hours
2 imprisonment for respondent's first violation of any
3 civil no contact order; and

4 (iii) impose a minimum penalty of 48 hours
5 imprisonment for respondent's second or subsequent
6 violation of a civil no contact order unless the court
7 explicitly finds that an increased penalty or that
8 period of imprisonment would be manifestly unjust.

9 (4) In addition to any other penalties imposed for a
10 violation of a civil no contact order, a criminal court
11 may consider evidence of any previous violations of a
12 civil no contact order:

13 (i) to increase, revoke or modify the ~~conditions~~
14 ~~of pretrial release~~ bail bond on an underlying
15 criminal charge pursuant to Section 110-6 of the Code
16 of Criminal Procedure of 1963;

17 (ii) to revoke or modify an order of probation,
18 conditional discharge or supervision, pursuant to
19 Section 5-6-4 of the Unified Code of Corrections; or

20 (iii) to revoke or modify a sentence of periodic
21 imprisonment, pursuant to Section 5-7-2 of the Unified
22 Code of Corrections.

23 (Source: P.A. 96-311, eff. 1-1-10; 97-294, eff. 1-1-12;
24 101-652.)

25 Section 145. The Illinois Domestic Violence Act of 1986 is

1 amended by changing Sections 223 and 301 as follows:

2 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

3 Sec. 223. Enforcement of orders of protection.

4 (a) When violation is crime. A violation of any order of
5 protection, whether issued in a civil or criminal proceeding,
6 shall be enforced by a criminal court when:

7 (1) The respondent commits the crime of violation of
8 an order of protection pursuant to Section 12-3.4 or 12-30
9 of the Criminal Code of 1961 or the Criminal Code of 2012,
10 by having knowingly violated:

11 (i) remedies described in paragraphs (1), (2),
12 (3), (14), or (14.5) of subsection (b) of Section 214
13 of this Act; or

14 (ii) a remedy, which is substantially similar to
15 the remedies authorized under paragraphs (1), (2),
16 (3), (14), and (14.5) of subsection (b) of Section 214
17 of this Act, in a valid order of protection which is
18 authorized under the laws of another state, tribe, or
19 United States territory; or

20 (iii) any other remedy when the act constitutes a
21 crime against the protected parties as defined by the
22 Criminal Code of 1961 or the Criminal Code of 2012.

23 Prosecution for a violation of an order of protection
24 shall not bar concurrent prosecution for any other crime,
25 including any crime that may have been committed at the

1 time of the violation of the order of protection; or

2 (2) The respondent commits the crime of child
3 abduction pursuant to Section 10-5 of the Criminal Code of
4 1961 or the Criminal Code of 2012, by having knowingly
5 violated:

6 (i) remedies described in paragraphs (5), (6) or
7 (8) of subsection (b) of Section 214 of this Act; or

8 (ii) a remedy, which is substantially similar to
9 the remedies authorized under paragraphs (5), (6), or
10 (8) of subsection (b) of Section 214 of this Act, in a
11 valid order of protection which is authorized under
12 the laws of another state, tribe, or United States
13 territory.

14 (b) When violation is contempt of court. A violation of
15 any valid Illinois order of protection, whether issued in a
16 civil or criminal proceeding, may be enforced through civil or
17 criminal contempt procedures, as appropriate, by any court
18 with jurisdiction, regardless where the act or acts which
19 violated the order of protection were committed, to the extent
20 consistent with the venue provisions of this Act. Nothing in
21 this Act shall preclude any Illinois court from enforcing any
22 valid order of protection issued in another state. Illinois
23 courts may enforce orders of protection through both criminal
24 prosecution and contempt proceedings, unless the action which
25 is second in time is barred by collateral estoppel or the
26 constitutional prohibition against double jeopardy.

1 (1) In a contempt proceeding where the petition for a
2 rule to show cause sets forth facts evidencing an
3 immediate danger that the respondent will flee the
4 jurisdiction, conceal a child, or inflict physical abuse
5 on the petitioner or minor children or on dependent adults
6 in petitioner's care, the court may order the attachment
7 of the respondent without prior service of the rule to
8 show cause or the petition for a rule to show cause.
9 ~~Conditions of release~~ Bond shall be set unless
10 specifically denied in writing.

11 (2) A petition for a rule to show cause for violation
12 of an order of protection shall be treated as an expedited
13 proceeding.

14 (b-1) The court shall not hold a school district or
15 private or non-public school or any of its employees in civil
16 or criminal contempt unless the school district or private or
17 non-public school has been allowed to intervene.

18 (b-2) The court may hold the parents, guardian, or legal
19 custodian of a minor respondent in civil or criminal contempt
20 for a violation of any provision of any order entered under
21 this Act for conduct of the minor respondent in violation of
22 this Act if the parents, guardian, or legal custodian
23 directed, encouraged, or assisted the respondent minor in such
24 conduct.

25 (c) Violation of custody or support orders or temporary or
26 final judgments allocating parental responsibilities. A

1 violation of remedies described in paragraphs (5), (6), (8),
2 or (9) of subsection (b) of Section 214 of this Act may be
3 enforced by any remedy provided by Section 607.5 of the
4 Illinois Marriage and Dissolution of Marriage Act. The court
5 may enforce any order for support issued under paragraph (12)
6 of subsection (b) of Section 214 in the manner provided for
7 under Parts V and VII of the Illinois Marriage and Dissolution
8 of Marriage Act.

9 (d) Actual knowledge. An order of protection may be
10 enforced pursuant to this Section if the respondent violates
11 the order after the respondent has actual knowledge of its
12 contents as shown through one of the following means:

13 (1) By service, delivery, or notice under Section 210.

14 (2) By notice under Section 210.1 or 211.

15 (3) By service of an order of protection under Section
16 222.

17 (4) By other means demonstrating actual knowledge of
18 the contents of the order.

19 (e) The enforcement of an order of protection in civil or
20 criminal court shall not be affected by either of the
21 following:

22 (1) The existence of a separate, correlative order,
23 entered under Section 215.

24 (2) Any finding or order entered in a conjoined
25 criminal proceeding.

26 (f) Circumstances. The court, when determining whether or

1 not a violation of an order of protection has occurred, shall
2 not require physical manifestations of abuse on the person of
3 the victim.

4 (g) Penalties.

5 (1) Except as provided in paragraph (3) of this
6 subsection, where the court finds the commission of a
7 crime or contempt of court under subsections (a) or (b) of
8 this Section, the penalty shall be the penalty that
9 generally applies in such criminal or contempt
10 proceedings, and may include one or more of the following:
11 incarceration, payment of restitution, a fine, payment of
12 attorneys' fees and costs, or community service.

13 (2) The court shall hear and take into account
14 evidence of any factors in aggravation or mitigation
15 before deciding an appropriate penalty under paragraph (1)
16 of this subsection.

17 (3) To the extent permitted by law, the court is
18 encouraged to:

19 (i) increase the penalty for the knowing violation
20 of any order of protection over any penalty previously
21 imposed by any court for respondent's violation of any
22 order of protection or penal statute involving
23 petitioner as victim and respondent as defendant;

24 (ii) impose a minimum penalty of 24 hours
25 imprisonment for respondent's first violation of any
26 order of protection; and

1 (iii) impose a minimum penalty of 48 hours
2 imprisonment for respondent's second or subsequent
3 violation of an order of protection
4 unless the court explicitly finds that an increased
5 penalty or that period of imprisonment would be manifestly
6 unjust.

7 (4) In addition to any other penalties imposed for a
8 violation of an order of protection, a criminal court may
9 consider evidence of any violations of an order of
10 protection:

11 (i) to increase, revoke or modify the ~~conditions~~
12 ~~of pretrial release~~ bail bond on an underlying
13 criminal charge pursuant to Section 110-6 of the Code
14 of Criminal Procedure of 1963;

15 (ii) to revoke or modify an order of probation,
16 conditional discharge or supervision, pursuant to
17 Section 5-6-4 of the Unified Code of Corrections;

18 (iii) to revoke or modify a sentence of periodic
19 imprisonment, pursuant to Section 5-7-2 of the Unified
20 Code of Corrections.

21 (5) In addition to any other penalties, the court
22 shall impose an additional fine of \$20 as authorized by
23 Section 5-9-1.11 of the Unified Code of Corrections upon
24 any person convicted of or placed on supervision for a
25 violation of an order of protection. The additional fine
26 shall be imposed for each violation of this Section.

1 (Source: P.A. 99-90, eff. 1-1-16; 101-652.)

2 (750 ILCS 60/301) (from Ch. 40, par. 2313-1)

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

4 Sec. 301. Arrest without warrant.

5 (a) Any law enforcement officer may make an arrest without
6 warrant if the officer has probable cause to believe that the
7 person has committed or is committing any crime, including but
8 not limited to violation of an order of protection, under
9 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, even if the crime was not committed in
11 the presence of the officer.

12 (b) The law enforcement officer may verify the existence
13 of an order of protection by telephone or radio communication
14 with his or her law enforcement agency or by referring to the
15 copy of the order, or order of protection described on a Hope
16 Card under Section 219.5, provided by the petitioner or
17 respondent.

18 (c) Any law enforcement officer may make an arrest without
19 warrant if the officer has reasonable grounds to believe a
20 defendant at liberty under the provisions of subdivision
21 (d) (1) or (d) (2) of Section 110-10 of the Code of Criminal
22 Procedure of 1963 has violated a condition of his or her bail
23 bond or recognizance.

24 (Source: P.A. 102-481, eff. 1-1-22.)

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

2 Sec. 301. Arrest without warrant.

3 (a) Any law enforcement officer may make an arrest without
4 warrant if the officer has probable cause to believe that the
5 person has committed or is committing any crime, including but
6 not limited to violation of an order of protection, under
7 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, even if the crime was not committed in
9 the presence of the officer.

10 (b) The law enforcement officer may verify the existence
11 of an order of protection by telephone or radio communication
12 with his or her law enforcement agency or by referring to the
13 copy of the order, or order of protection described on a Hope
14 Card under Section 219.5, provided by the petitioner or
15 respondent.

16 (c) Any law enforcement officer may make an arrest without
17 warrant if the officer has reasonable grounds to believe a
18 defendant at liberty under the provisions of subdivision
19 (d)(1) or (d)(2) of Section 110-10 of the Code of Criminal
20 Procedure of 1963 has violated a condition of his or her
21 ~~pretrial release~~ bail bond or recognizance.

22 (Source: P.A. 101-652, eff. 1-1-23; 102-481, eff. 1-1-22;
23 revised 10-14-21.)

24 Section 150. The Industrial and Linen Supplies Marking Law
25 is amended by changing Section 11 as follows:

1 (765 ILCS 1045/11) (from Ch. 140, par. 111)

2 Sec. 11. Search warrant.

3 Whenever the registrant, or officer, or authorized agent
4 of any firm, partnership or corporation which is a registrant
5 under this Act, takes an oath before any circuit court, that he
6 has reason to believe that any supplies are being unlawfully
7 used, sold, or secreted in any place, the court shall issue a
8 search warrant to any police officer authorizing such officer
9 to search the premises wherein it is alleged such articles may
10 be found and take into custody any person in whose possession
11 the articles are found. Any person so seized shall be taken
12 without unnecessary delay before the court issuing the search
13 warrant. The court is empowered to impose ~~conditions of~~
14 ~~pretrial release~~ bail on any such person to compel his
15 attendance at any continued hearing.

16 (Source: P.A. 77-1273; 101-652.)

17 Section 155. The Illinois Torture Inquiry and Relief
18 Commission Act is amended by changing Section 50 as follows:

19 (775 ILCS 40/50)

20 Sec. 50. Post-commission judicial review.

21 (a) If the Commission concludes there is sufficient
22 evidence of torture to merit judicial review, the Chair of the
23 Commission shall request the Chief Judge of the Circuit Court

1 of Cook County for assignment to a trial judge for
2 consideration. The court may receive proof by affidavits,
3 depositions, oral testimony, or other evidence. In its
4 discretion the court may order the petitioner brought before
5 the court for the hearing. Notwithstanding the status of any
6 other postconviction proceedings relating to the petitioner,
7 if the court finds in favor of the petitioner, it shall enter
8 an appropriate order with respect to the judgment or sentence
9 in the former proceedings and such supplementary orders as to
10 rearraignment, retrial, custody, ~~pretrial release~~ bail or
11 discharge, or for such relief as may be granted under a
12 petition for a certificate of innocence, as may be necessary
13 and proper.

14 (b) The State's Attorney, or the State's Attorney's
15 designee, shall represent the State at the hearing before the
16 assigned judge.

17 (Source: P.A. 96-223, eff. 8-10-09; 101-652.)

18 Section 160. The Unemployment Insurance Act is amended by
19 changing Section 602 as follows:

20 (820 ILCS 405/602) (from Ch. 48, par. 432)

21 Sec. 602. Discharge for misconduct - Felony.

22 A. An individual shall be ineligible for benefits for the
23 week in which he has been discharged for misconduct connected
24 with his work and, thereafter, until he has become reemployed

1 and has had earnings equal to or in excess of his current
2 weekly benefit amount in each of four calendar weeks which are
3 either for services in employment, or have been or will be
4 reported pursuant to the provisions of the Federal Insurance
5 Contributions Act by each employing unit for which such
6 services are performed and which submits a statement
7 certifying to that fact. The requalification requirements of
8 the preceding sentence shall be deemed to have been satisfied,
9 as of the date of reinstatement, if, subsequent to his
10 discharge by an employing unit for misconduct connected with
11 his work, such individual is reinstated by such employing
12 unit. For purposes of this subsection, the term "misconduct"
13 means the deliberate and willful violation of a reasonable
14 rule or policy of the employing unit, governing the
15 individual's behavior in performance of his work, provided
16 such violation has harmed the employing unit or other
17 employees or has been repeated by the individual despite a
18 warning or other explicit instruction from the employing unit.
19 The previous definition notwithstanding, "misconduct" shall
20 include any of the following work-related circumstances:

21 1. Falsification of an employment application, or any
22 other documentation provided to the employer, to obtain
23 employment through subterfuge.

24 2. Failure to maintain licenses, registrations, and
25 certifications reasonably required by the employer, or
26 those that the individual is required to possess by law,

1 to perform his or her regular job duties, unless the
2 failure is not within the control of the individual.

3 3. Knowing, repeated violation of the attendance
4 policies of the employer that are in compliance with State
5 and federal law following a written warning for an
6 attendance violation, unless the individual can
7 demonstrate that he or she has made a reasonable effort to
8 remedy the reason or reasons for the violations or that
9 the reason or reasons for the violations were out of the
10 individual's control. Attendance policies of the employer
11 shall be reasonable and provided to the individual in
12 writing, electronically, or via posting in the workplace.

13 4. Damaging the employer's property through conduct
14 that is grossly negligent.

15 5. Refusal to obey an employer's reasonable and lawful
16 instruction, unless the refusal is due to the lack of
17 ability, skills, or training for the individual required
18 to obey the instruction or the instruction would result in
19 an unsafe act.

20 6. Consuming alcohol or illegal or non-prescribed
21 prescription drugs, or using an impairing substance in an
22 off-label manner, on the employer's premises during
23 working hours in violation of the employer's policies.

24 7. Reporting to work under the influence of alcohol,
25 illegal or non-prescribed prescription drugs, or an
26 impairing substance used in an off-label manner in

1 violation of the employer's policies, unless the
2 individual is compelled to report to work by the employer
3 outside of scheduled and on-call working hours and informs
4 the employer that he or she is under the influence of
5 alcohol, illegal or non-prescribed prescription drugs, or
6 an impairing substance used in an off-label manner in
7 violation of the employer's policies.

8 8. Grossly negligent conduct endangering the safety of
9 the individual or co-workers.

10 For purposes of paragraphs 4 and 8, conduct is "grossly
11 negligent" when the individual is, or reasonably should be,
12 aware of a substantial risk that the conduct will result in the
13 harm sought to be prevented and the conduct constitutes a
14 substantial deviation from the standard of care a reasonable
15 person would exercise in the situation.

16 Nothing in paragraph 6 or 7 prohibits the lawful use of
17 over-the-counter drug products as defined in Section 206 of
18 the Illinois Controlled Substances Act, provided that the
19 medication does not affect the safe performance of the
20 employee's work duties.

21 B. Notwithstanding any other provision of this Act, no
22 benefit rights shall accrue to any individual based upon wages
23 from any employer for service rendered prior to the day upon
24 which such individual was discharged because of the commission
25 of a felony in connection with his work, or because of theft in
26 connection with his work, for which the employer was in no way

1 responsible; provided, that the employer notified the Director
2 of such possible ineligibility within the time limits
3 specified by regulations of the Director, and that the
4 individual has admitted his commission of the felony or theft
5 to a representative of the Director, or has signed a written
6 admission of such act and such written admission has been
7 presented to a representative of the Director, or such act has
8 resulted in a conviction or order of supervision by a court of
9 competent jurisdiction; and provided further, that if by
10 reason of such act, he is in legal custody, held on ~~pretrial~~
11 ~~release~~ bail or is a fugitive from justice, the determination
12 of his benefit rights shall be held in abeyance pending the
13 result of any legal proceedings arising therefrom.

14 (Source: P.A. 99-488, eff. 1-3-16; 101-652.)

15 Section 995. No acceleration or delay. Where this Act
16 makes changes in a statute that is represented in this Act by
17 text that is not yet or no longer in effect (for example, a
18 Section represented by multiple versions), the use of that
19 text does not accelerate or delay the taking effect of (i) the
20 changes made by this Act or (ii) provisions derived from any
21 other Public Act.

22 Section 999. Effective date. This Act takes effect upon
23 becoming law.

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