



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB4158

Introduced 2/9/2022, by Sen. Chapin Rose

#### SYNOPSIS AS INTRODUCED:

See Index

Restores certain provisions of Code of Criminal Procedure of 1963 to the form in which they existed before their amendment by Public Act 101-652 by amendment or reenactment. Retains provisions that crime victims shall be given notice by the State's Attorney's office of the preliminary hearing as required in the Rights of Crime Victims and Witnesses Act and shall be informed of their opportunity at this hearing to obtain an order of protection under the Protective Orders Article of the Code of Criminal Procedure of 1963. Amends the Statute on Statutes to provide that whenever there is a reference in any Act to the term "pretrial release", "denial of pretrial release", "conditions of pretrial release", or "violations of the conditions of pretrial release", the terms shall be construed to mean "bail", "denial of bail", "conditions of bail", or "forfeiture of bail" respectively. Effective immediately.

LRB102 26222 RLC 36045 b

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 Statute on Statutes is amended by changing  
5 Section 1.43 as follows:

6 (5 ILCS 70/1.43)

7 (This Section may contain text from a Public Act with a  
8 delayed effective date)

9 Sec. 1.43. Reference to "pretrial release", "denial of  
10 pretrial release", "conditions of release", or "violations of  
11 the conditions of release" ~~bail, bail bond, or conditions of~~  
12 ~~bail~~. Whenever there is a reference in any Act to the terms  
13 "release", "denial of release", "conditions of release", or  
14 "violations of the conditions of release", the terms shall be  
15 construed to mean "bail", "denial of bail", "conditions of  
16 bail", or "forfeiture of bail" respectively. ~~"bail", "bail~~  
17 ~~bond", or "conditions of bail", these terms shall be construed~~  
18 ~~as "pretrial release" or "conditions of pretrial release".~~

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

20 Section 10. The Code of Criminal Procedure of 1963 is  
21 amended by changing the heading of Article 110 and by changing  
22 Sections 102-6, 102-7, 103-5, 103-7, 103-9, 104-13, 104-17,

1 106D-1, 107-4, 107-9, 109-1, 109-2, 109-3, 109-3.1, 110-1,  
2 110-2, 110-3, 110-4, 110-5, 110-5.2, 110-6, 110-6.1, 110-6.2,  
3 110-6.4, 110-10, 110-11, 110-12, 111-2, 112A-23, 114-1,  
4 115-4.1, and 122-6 as follows:

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

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

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

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

16 (725 ILCS 5/102-7) (from Ch. 38, par. 102-7)

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

18 "~~Conditions of pretrial release~~" "Bail bond" means ~~the~~  
19 ~~conditions established by the court~~ an undertaking secured by  
20 bail entered into by a person in custody by which he binds  
21 himself to comply with such conditions as are set forth  
22 therein.

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

1 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

2 Sec. 103-5. Speedy trial.)

3 (a) Every person in custody in this State for an alleged  
4 offense shall be tried by the court having jurisdiction within  
5 120 days from the date he or she was taken into custody unless  
6 delay is occasioned by the defendant, by an examination for  
7 fitness ordered pursuant to Section 104-13 of this Act, by a  
8 fitness hearing, by an adjudication of unfitness to stand  
9 trial, by a continuance allowed pursuant to Section 114-4 of  
10 this Act after a court's determination of the defendant's  
11 physical incapacity for trial, or by an interlocutory appeal.  
12 Delay shall be considered to be agreed to by the defendant  
13 unless he or she objects to the delay by making a written  
14 demand for trial or an oral demand for trial on the record. The  
15 provisions of this subsection (a) do not apply to a person on  
16 ~~pretrial release~~ bail or recognizance for an offense but who  
17 is in custody for a violation of his or her parole, aftercare  
18 release, or mandatory supervised release for another offense.

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

24 (b) Every person on ~~pretrial release~~ bail or recognizance  
25 shall be tried by the court having jurisdiction within 160  
26 days from the date defendant demands trial unless delay is

1 occasioned by the defendant, by an examination for fitness  
2 ordered pursuant to Section 104-13 of this Act, by a fitness  
3 hearing, by an adjudication of unfitness to stand trial, by a  
4 continuance allowed pursuant to Section 114-4 of this Act  
5 after a court's determination of the defendant's physical  
6 incapacity for trial, or by an interlocutory appeal. The  
7 defendant's failure to appear for any court date set by the  
8 court operates to waive the defendant's demand for trial made  
9 under this subsection.

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

20 (c) If the court determines that the State has exercised  
21 without success due diligence to obtain evidence material to  
22 the case and that there are reasonable grounds to believe that  
23 such evidence may be obtained at a later day the court may  
24 continue the cause on application of the State for not more  
25 than an additional 60 days. If the court determines that the  
26 State has exercised without success due diligence to obtain

1 results of DNA testing that is material to the case and that  
2 there are reasonable grounds to believe that such results may  
3 be obtained at a later day, the court may continue the cause on  
4 application of the State for not more than an additional 120  
5 days.

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

10 (e) If a person is simultaneously in custody upon more  
11 than one charge pending against him in the same county, or  
12 simultaneously demands trial upon more than one charge pending  
13 against him in the same county, he shall be tried, or adjudged  
14 guilty after waiver of trial, upon at least one such charge  
15 before expiration relative to any of such pending charges of  
16 the period prescribed by subsections (a) and (b) of this  
17 Section. Such person shall be tried upon all of the remaining  
18 charges thus pending within 160 days from the date on which  
19 judgment relative to the first charge thus prosecuted is  
20 rendered pursuant to the Unified Code of Corrections or, if  
21 such trial upon such first charge is terminated without  
22 judgment and there is no subsequent trial of, or adjudication  
23 of guilt after waiver of trial of, such first charge within a  
24 reasonable time, the person shall be tried upon all of the  
25 remaining charges thus pending within 160 days from the date  
26 on which such trial is terminated; if either such period of 160

1 days expires without the commencement of trial of, or  
2 adjudication of guilt after waiver of trial of, any of such  
3 remaining charges thus pending, such charge or charges shall  
4 be dismissed and barred for want of prosecution unless delay  
5 is occasioned by the defendant, by an examination for fitness  
6 ordered pursuant to Section 104-13 of this Act, by a fitness  
7 hearing, by an adjudication of unfitness for trial, by a  
8 continuance allowed pursuant to Section 114-4 of this Act  
9 after a court's determination of the defendant's physical  
10 incapacity for trial, or by an interlocutory appeal; provided,  
11 however, that if the court determines that the State has  
12 exercised without success due diligence to obtain evidence  
13 material to the case and that there are reasonable grounds to  
14 believe that such evidence may be obtained at a later day the  
15 court may continue the cause on application of the State for  
16 not more than an additional 60 days.

17 (f) Delay occasioned by the defendant shall temporarily  
18 suspend for the time of the delay the period within which a  
19 person shall be tried as prescribed by subsections (a), (b),  
20 or (e) of this Section and on the day of expiration of the  
21 delay the said period shall continue at the point at which it  
22 was suspended. Where such delay occurs within 21 days of the  
23 end of the period within which a person shall be tried as  
24 prescribed by subsections (a), (b), or (e) of this Section,  
25 the court may continue the cause on application of the State  
26 for not more than an additional 21 days beyond the period

1 prescribed by subsections (a), (b), or (e). This subsection  
2 (f) shall become effective on, and apply to persons charged  
3 with alleged offenses committed on or after, March 1, 1977.  
4 (Source: P.A. 98-558, eff. 1-1-14; 101-652.)

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

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

7 Every sheriff, chief of police or other person who is in  
8 charge of any jail, police station or other building where  
9 persons under arrest are held in custody pending  
10 investigation, ~~pretrial-release~~ bail or other criminal  
11 proceedings, shall post in every room, other than cells, of  
12 such buildings where persons are held in custody, in  
13 conspicuous places where it may be seen and read by persons in  
14 custody and others, a poster, printed in large type,  
15 containing a verbatim copy in the English language of the  
16 provisions of Sections 103-2, 103-3, 103-4, 109-1, 110-2,  
17 110-4, and sub-parts (a) and (b) of Sections 110-7 and 113-3 of  
18 this Code. Each person who is in charge of any courthouse or  
19 other building in which any trial of an offense is conducted  
20 shall post in each room primarily used for such trials and in  
21 each room in which defendants are confined or wait, pending  
22 trial, in conspicuous places where it may be seen and read by  
23 persons in custody and others, a poster, printed in large  
24 type, containing a verbatim copy in the English language of  
25 the provisions of Sections 103-6, 113-1, 113-4 and 115-1 and



1 of subparts (a) and (b) of Section 113-3 of this Code.

2 (Source: Laws 1965, p. 2622; P.A. 101-652.)

3 (725 ILCS 5/103-9) (from Ch. 38, par. 103-9)

4 Sec. 103-9. Bail bondsmen. No bail bondsman from any state  
5 may seize or transport unwillingly any person found in this  
6 State who is allegedly in violation of a bail bond posted in  
7 some other state ~~or conditions of pretrial release~~. The return  
8 of any such person to another state may be accomplished only as  
9 provided by the laws of this State. Any bail bondsman who  
10 violates this Section is fully subject to the criminal and  
11 civil penalties provided by the laws of this State for his  
12 actions.

13 (Source: P.A. 84-694; 101-652.)

14 (725 ILCS 5/104-13) (from Ch. 38, par. 104-13)

15 Sec. 104-13. Fitness Examination.

16 (a) When the issue of fitness involves the defendant's  
17 mental condition, the court shall order an examination of the  
18 defendant by one or more licensed physicians, clinical  
19 psychologists, or psychiatrists chosen by the court. No  
20 physician, clinical psychologist or psychiatrist employed by  
21 the Department of Human Services shall be ordered to perform,  
22 in his official capacity, an examination under this Section.

23 (b) If the issue of fitness involves the defendant's  
24 physical condition, the court shall appoint one or more

1 physicians and in addition, such other experts as it may deem  
2 appropriate to examine the defendant and to report to the  
3 court regarding the defendant's condition.

4 (c) An examination ordered under this Section shall be  
5 given at the place designated by the person who will conduct  
6 the examination, except that if the defendant is being held in  
7 custody, the examination shall take place at such location as  
8 the court directs. No examinations under this Section shall be  
9 ordered to take place at mental health or developmental  
10 disabilities facilities operated by the Department of Human  
11 Services. If the defendant fails to keep appointments without  
12 reasonable cause or if the person conducting the examination  
13 reports to the court that diagnosis requires hospitalization  
14 or extended observation, the court may order the defendant  
15 admitted to an appropriate facility for an examination, other  
16 than a screening examination, for not more than 7 days. The  
17 court may, upon a showing of good cause, grant an additional 7  
18 days to complete the examination.

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

22 (e) Upon request by the defense and if the defendant is  
23 indigent, the court may appoint, in addition to the expert or  
24 experts chosen pursuant to subsection (a) of this Section, a  
25 qualified expert selected by the defendant to examine him and  
26 to make a report as provided in Section 104-15. Upon the filing

1 with the court of a verified statement of services rendered,  
2 the court shall enter an order on the county board to pay such  
3 expert a reasonable fee stated in the order.

4 (Source: P.A. 89-507, eff. 7-1-97; 101-652.)

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

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

7 (a) If the defendant is eligible to be or has been released  
8 on ~~pretrial release~~ bail or on his own recognizance, the court  
9 shall select the least physically restrictive form of  
10 treatment therapeutically appropriate and consistent with the  
11 treatment plan. The placement may be ordered either on an  
12 inpatient or an outpatient basis.

13 (b) If the defendant's disability is mental, the court may  
14 order him placed for treatment in the custody of the  
15 Department of Human Services, or the court may order him  
16 placed in the custody of any other appropriate public or  
17 private mental health facility or treatment program which has  
18 agreed to provide treatment to the defendant. If the court  
19 orders the defendant placed in the custody of the Department  
20 of Human Services, the Department shall evaluate the defendant  
21 to determine to which secure facility the defendant shall be  
22 transported and, within 20 days of the transmittal by the  
23 clerk of the circuit court of the placement court order,  
24 notify the sheriff of the designated facility. Upon receipt of  
25 that notice, the sheriff shall promptly transport the

1 defendant to the designated facility. If the defendant is  
2 placed in the custody of the Department of Human Services, the  
3 defendant shall be placed in a secure setting. During the  
4 period of time required to determine the appropriate placement  
5 the defendant shall remain in jail. If during the course of  
6 evaluating the defendant for placement, the Department of  
7 Human Services determines that the defendant is currently fit  
8 to stand trial, it shall immediately notify the court and  
9 shall submit a written report within 7 days. In that  
10 circumstance the placement shall be held pending a court  
11 hearing on the Department's report. Otherwise, upon completion  
12 of the placement process, the sheriff shall be notified and  
13 shall transport the defendant to the designated facility. If,  
14 within 20 days of the transmittal by the clerk of the circuit  
15 court of the placement court order, the Department fails to  
16 notify the sheriff of the identity of the facility to which the  
17 defendant shall be transported, the sheriff shall contact a  
18 designated person within the Department to inquire about when  
19 a placement will become available at the designated facility  
20 and bed availability at other facilities. If, within 20 days  
21 of the transmittal by the clerk of the circuit court of the  
22 placement court order, the Department fails to notify the  
23 sheriff of the identity of the facility to which the defendant  
24 shall be transported, the sheriff shall notify the Department  
25 of its intent to transfer the defendant to the nearest secure  
26 mental health facility operated by the Department and inquire

1 as to the status of the placement evaluation and availability  
2 for admission to such facility operated by the Department by  
3 contacting a designated person within the Department. The  
4 Department shall respond to the sheriff within 2 business days  
5 of the notice and inquiry by the sheriff seeking the transfer  
6 and the Department shall provide the sheriff with the status  
7 of the evaluation, information on bed and placement  
8 availability, and an estimated date of admission for the  
9 defendant and any changes to that estimated date of admission.  
10 If the Department notifies the sheriff during the 2 business  
11 day period of a facility operated by the Department with  
12 placement availability, the sheriff shall promptly transport  
13 the defendant to that facility. The placement may be ordered  
14 either on an inpatient or an outpatient basis.

15 (c) If the defendant's disability is physical, the court  
16 may order him placed under the supervision of the Department  
17 of Human Services which shall place and maintain the defendant  
18 in a suitable treatment facility or program, or the court may  
19 order him placed in an appropriate public or private facility  
20 or treatment program which has agreed to provide treatment to  
21 the defendant. The placement may be ordered either on an  
22 inpatient or an outpatient basis.

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

1           (1) a certified copy of the order to undergo  
2 treatment. Accompanying the certified copy of the order to  
3 undergo treatment shall be the complete copy of any report  
4 prepared under Section 104-15 of this Code or other report  
5 prepared by a forensic examiner for the court;

6           (2) the county and municipality in which the offense  
7 was committed;

8           (3) the county and municipality in which the arrest  
9 took place;

10          (4) a copy of the arrest report, criminal charges,  
11 arrest record; and

12          (5) all additional matters which the Court directs the  
13 clerk to transmit.

14          (e) Within 30 days of entry of an order to undergo  
15 treatment, the person supervising the defendant's treatment  
16 shall file with the court, the State, and the defense a report  
17 assessing the facility's or program's capacity to provide  
18 appropriate treatment for the defendant and indicating his  
19 opinion as to the probability of the defendant's attaining  
20 fitness within a period of time from the date of the finding of  
21 unfitness. For a defendant charged with a felony, the period  
22 of time shall be one year. For a defendant charged with a  
23 misdemeanor, the period of time shall be no longer than the  
24 sentence if convicted of the most serious offense. If the  
25 report indicates that there is a substantial probability that  
26 the defendant will attain fitness within the time period, the

1 treatment supervisor shall also file a treatment plan which  
2 shall include:

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

4 (2) A description of treatment goals with respect to  
5 rendering the defendant fit, a specification of the  
6 proposed treatment modalities, and an estimated timetable  
7 for attainment of the goals;

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

10 (Source: P.A. 99-140, eff. 1-1-16; 100-27, eff. 1-1-18;  
11 101-652.)

12 (725 ILCS 5/106D-1)

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

14 Sec. 106D-1. Defendant's appearance by closed circuit  
15 television and video conference.

16 (a) Whenever the appearance in person in court, in either  
17 a civil or criminal proceeding, is required of anyone held in a  
18 place of custody or confinement operated by the State or any of  
19 its political subdivisions, including counties and  
20 municipalities, the chief judge of the circuit by rule may  
21 permit the personal appearance to be made by means of two-way  
22 audio-visual communication, including closed circuit  
23 television and computerized video conference, in the following  
24 proceedings:

25 (1) the initial appearance before a judge on a

- 1 criminal complaint, at which bail will be set;
- 2 (2) the waiver of a preliminary hearing;
- 3 (3) the arraignment on an information or indictment at  
4 which a plea of not guilty will be entered;
- 5 (4) the presentation of a jury waiver;
- 6 (5) any status hearing;
- 7 (6) any hearing conducted under the Sexually Violent  
8 Persons Commitment Act at which no witness testimony will  
9 be taken; and
- 10 (7) at any hearing at which no witness testimony will  
11 be taken conducted under the following:
- 12 (A) Section 104-20 of this Code (90-day hearings);
- 13 (B) Section 104-22 of this Code (trial with  
14 special provisions and assistance);
- 15 (C) Section 104-25 of this Code (discharge  
16 hearing); or
- 17 (D) Section 5-2-4 of the Unified Code of  
18 Corrections (proceedings after acquittal by reason of  
19 insanity).
- 20 (b) The two-way audio-visual communication facilities must  
21 provide two-way audio-visual communication between the court  
22 and the place of custody or confinement, and must include a  
23 secure line over which the person in custody and his or her  
24 counsel, if any, may communicate.
- 25 (c) Nothing in this Section shall be construed to prohibit  
26 other court appearances through the use of two-way



1 audio-visual communication, upon waiver of any right the  
2 person in custody or confinement may have to be present  
3 physically.

4 (d) Nothing in this Section shall be construed to  
5 establish a right of any person held in custody or confinement  
6 to appear in court through two-way audio-visual communication  
7 or to require that any governmental entity, or place of  
8 custody or confinement, provide two-way audio-visual  
9 communication.

10 (Source: P.A. 102-486, eff. 8-20-21.)

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

12 Sec. 106D-1. Defendant's appearance by closed circuit  
13 television and video conference.

14 (a) Whenever the appearance in person in court, in either  
15 a civil or criminal proceeding, is required of anyone held in a  
16 place of custody or confinement operated by the State or any of  
17 its political subdivisions, including counties and  
18 municipalities, the chief judge of the circuit by rule may  
19 permit the personal appearance to be made by means of two-way  
20 audio-visual communication, including closed circuit  
21 television and computerized video conference, in the following  
22 proceedings:

23 (1) the initial appearance before a judge on a  
24 criminal complaint, at which ~~the conditions of pretrial~~  
25 ~~release~~ bail will be set;

- 1 (2) the waiver of a preliminary hearing;
- 2 (3) the arraignment on an information or indictment at  
3 which a plea of not guilty will be entered;
- 4 (4) the presentation of a jury waiver;
- 5 (5) any status hearing;
- 6 (6) any hearing conducted under the Sexually Violent  
7 Persons Commitment Act at which no witness testimony will  
8 be taken; and
- 9 (7) at any hearing at which no witness testimony will  
10 be taken conducted under the following:
- 11 (A) Section 104-20 of this Code (90-day hearings);
- 12 (B) Section 104-22 of this Code (trial with  
13 special provisions and assistance);
- 14 (C) Section 104-25 of this Code (discharge  
15 hearing); or
- 16 (D) Section 5-2-4 of the Unified Code of  
17 Corrections (proceedings after acquittal by reason of  
18 insanity).
- 19 (b) The two-way audio-visual communication facilities must  
20 provide two-way audio-visual communication between the court  
21 and the place of custody or confinement, and must include a  
22 secure line over which the person in custody and his or her  
23 counsel, if any, may communicate.
- 24 (c) Nothing in this Section shall be construed to prohibit  
25 other court appearances through the use of two-way  
26 audio-visual communication, upon waiver of any right the

1 person in custody or confinement may have to be present  
2 physically.

3 (d) Nothing in this Section shall be construed to  
4 establish a right of any person held in custody or confinement  
5 to appear in court through two-way audio-visual communication  
6 or to require that any governmental entity, or place of  
7 custody or confinement, provide two-way audio-visual  
8 communication.

9 (Source: P.A. 101-652, eff. 1-1-23; 102-486, eff. 8-20-21;  
10 revised 10-12-21.)

11 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

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

13 Sec. 107-4. Arrest by peace officer from other  
14 jurisdiction.

15 (a) As used in this Section:

16 (1) "State" means any State of the United States and  
17 the District of Columbia.

18 (2) "Peace Officer" means any peace officer or member  
19 of any duly organized State, County, or Municipal peace  
20 unit, any police force of another State, the United States  
21 Department of Defense, or any police force whose members,  
22 by statute, are granted and authorized to exercise powers  
23 similar to those conferred upon any peace officer employed  
24 by a law enforcement agency of this State.

25 (3) "Fresh pursuit" means the immediate pursuit of a

1 person who is endeavoring to avoid arrest.

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

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

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

26 (b) Any peace officer of another State who enters this

1 State in fresh pursuit and continues within this State in  
2 fresh pursuit of a person in order to arrest him on the ground  
3 that he has committed an offense in the other State has the  
4 same authority to arrest and hold the person in custody as  
5 peace officers of this State have to arrest and hold a person  
6 in custody on the ground that he has committed an offense in  
7 this State.

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

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

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

22 Sec. 107-4. Arrest by peace officer from other  
23 jurisdiction.

24 (a) As used in this Section:

25 (1) "State" means any State of the United States and

1 the District of Columbia.

2 (2) "Peace Officer" means any peace officer or member  
3 of any duly organized State, County, or Municipal peace  
4 unit, any police force of another State, the United States  
5 Department of Defense, or any police force whose members,  
6 by statute, are granted and authorized to exercise powers  
7 similar to those conferred upon any peace officer employed  
8 by a law enforcement agency of this State.

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

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

13 (a-3) Any peace officer employed by a law enforcement  
14 agency of this State may conduct temporary questioning  
15 pursuant to Section 107-14 of this Code and may make arrests in  
16 any jurisdiction within this State: (1) if the officer is  
17 engaged in the investigation of criminal activity that  
18 occurred in the officer's primary jurisdiction and the  
19 temporary questioning or arrest relates to, arises from, or is  
20 conducted pursuant to that investigation; or (2) if the  
21 officer, while on duty as a peace officer, becomes personally  
22 aware of the immediate commission of a felony or misdemeanor  
23 violation of the laws of this State; or (3) if the officer,  
24 while on duty as a peace officer, is requested by an  
25 appropriate State or local law enforcement official to render  
26 aid or assistance to the requesting law enforcement agency

1 that is outside the officer's primary jurisdiction; or (4) in  
2 accordance with Section 2605-580 of the Illinois State Police  
3 Law of the Civil Administrative Code of Illinois. While acting  
4 pursuant to this subsection, an officer has the same authority  
5 as within his or her own jurisdiction.

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

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

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

1 If the court determines that the arrest was unlawful it shall  
2 discharge the person arrested.

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

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

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

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

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

11 (1) State the name of the accused if known, and if not  
12 known the accused may be designated by any name or  
13 description by which he can be identified with reasonable  
14 certainty;

15 (2) State the offense with which the accused is  
16 charged;

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

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

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

25 (c) A warrant shall be issued by the court for the arrest



1 of the person complained against if it appears from the  
2 contents of the complaint and the examination of the  
3 complainant or other witnesses, if any, that the person  
4 against whom the complaint was made has committed an offense.

5 (d) The warrant of arrest shall:

6 (1) Be in writing;

7 (2) Specify the name, sex and birth date of the person  
8 to be arrested or if his name, sex or birth date is  
9 unknown, shall designate such person by any name or  
10 description by which he can be identified with reasonable  
11 certainty;

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

13 (4) State the date when issued and the municipality or  
14 county where issued;

15 (5) Be signed by the judge of the court with the title  
16 of his office;

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

21 (7) Specify the ~~conditions of pretrial release~~ amount  
22 of bail; and

23 (8) Specify any geographical limitation placed on the  
24 execution of the warrant, but such limitation shall not be  
25 expressed in mileage.

26 (e) The warrant shall be directed to all peace officers in

1 the State. It shall be executed by the peace officer, or by a  
2 private person specially named therein, at any location within  
3 the geographic limitation for execution placed on the warrant.  
4 If no geographic limitation is placed on the warrant, then it  
5 may be executed anywhere in the State.

6 (f) The arrest warrant may be issued electronically or  
7 electromagnetically by use of electronic mail or a facsimile  
8 transmission machine and any arrest warrant shall have the  
9 same validity as a written warrant.

10 (Source: P.A. 101-239, eff. 1-1-20; 101-652.)

11 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

12 Sec. 109-1. Person arrested; ~~release from law enforcement~~  
13 ~~custody and court appearance; geographical constraints prevent~~  
14 ~~in-person appearances.~~

15 (a) A person arrested with or without a warrant ~~for an~~  
16 ~~offense for which pretrial release may be denied under~~  
17 ~~paragraphs (1) through (6) of Section 110-6.1~~ shall be taken  
18 without unnecessary delay before the nearest and most  
19 accessible judge in that county, except when such county is a  
20 participant in a regional jail authority, in which event such  
21 person may be taken to the nearest and most accessible judge,  
22 irrespective of the county where such judge presides, and a  
23 charge shall be filed. Whenever a person arrested either with  
24 or without a warrant is required to be taken before a judge, a  
25 charge may be filed against such person by way of a two-way

1 closed circuit television system, except that a hearing to  
2 deny ~~pretrial release~~ bail to the defendant may not be  
3 conducted by way of closed circuit television.

4 ~~(a-1) Law enforcement shall issue a citation in lieu of~~  
5 ~~eustodial arrest, upon proper identification, for those~~  
6 ~~accused of traffic and Class B and C criminal misdemeanor~~  
7 ~~offenses, or of petty and business offenses, who pose no~~  
8 ~~obvious threat to the community or any person, or who have no~~  
9 ~~obvious medical or mental health issues that pose a risk to~~  
10 ~~their own safety. Those released on citation shall be~~  
11 ~~scheduled into court within 21 days.~~

12 ~~(a-3) A person arrested with or without a warrant for an~~  
13 ~~offense for which pretrial release may not be denied may,~~  
14 ~~except as otherwise provided in this Code, be released by the~~  
15 ~~officer without appearing before a judge. The releasing~~  
16 ~~officer shall issue the person a summons to appear within 21~~  
17 ~~days. A presumption in favor of pretrial release shall be~~  
18 ~~applied by an arresting officer in the exercise of his or her~~  
19 ~~discretion under this Section.~~

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

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

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

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

10           (3) ~~schedule~~ Schedule a preliminary hearing in  
11 appropriate cases;

12           (4) ~~admit~~ Admit the defendant to ~~pretrial release~~ bail  
13 in accordance with the provisions of Article ~~110/5~~ 110 of  
14 this Code, ~~or upon verified petition of the State, proceed~~  
15 ~~with the setting of a detention hearing as provided in~~  
16 ~~Section 110-6.1;~~ and

17           (5) Order the confiscation of the person's passport or  
18 impose travel restrictions on a defendant arrested for  
19 first degree murder or other violent crime as defined in  
20 Section 3 of the Rights of Crime Victims and Witnesses  
21 Act, if the judge determines, based on the factors in  
22 Section 110-5 of this Code, that this will reasonably  
23 ensure the appearance of the defendant and compliance by  
24 the defendant with all conditions of release.

25           (c) The court may issue an order of protection in  
26 accordance with the provisions of Article 112A of this Code.

1 Crime victims shall be given notice by the State's Attorney's  
2 office of this hearing as required in paragraph (2) of  
3 subsection (b) of the Rights of Crime Victims and Witnesses  
4 Act and shall be informed of their opportunity at this hearing  
5 to obtain an order of protection under Article 112A of this  
6 Code.

7 (d) At the initial appearance of a defendant in any  
8 criminal proceeding, the court must advise the defendant in  
9 open court that any foreign national who is arrested or  
10 detained has the right to have notice of the arrest or  
11 detention given to his or her country's consular  
12 representatives and the right to communicate with those  
13 consular representatives if the notice has not already been  
14 provided. The court must make a written record of so advising  
15 the defendant.

16 (e) If consular notification is not provided to a  
17 defendant before his or her first appearance in court, the  
18 court shall grant any reasonable request for a continuance of  
19 the proceedings to allow contact with the defendant's  
20 consulate. Any delay caused by the granting of the request by a  
21 defendant shall temporarily suspend for the time of the delay  
22 the period within which a person shall be tried as prescribed  
23 by subsections (a), (b), or (e) of Section 103-5 of this Code  
24 and on the day of the expiration of delay the period shall  
25 continue at the point at which it was suspended.

26 ~~(f) At the hearing at which conditions of pretrial release~~

1 ~~are determined, the person charged shall be present in person~~  
2 ~~rather than by video phone or any other form of electronic~~  
3 ~~communication, unless the physical health and safety of the~~  
4 ~~person would be endangered by appearing in court or the~~  
5 ~~accused waives the right to be present in person.~~

6 ~~(g) Defense counsel shall be given adequate opportunity to~~  
7 ~~confer with Defendant prior to any hearing in which conditions~~  
8 ~~of release or the detention of the Defendant is to be~~  
9 ~~considered, with a physical accommodation made to facilitate~~  
10 ~~attorney/client consultation.~~

11 (Source: P.A. 99-78, eff. 7-20-15; 99-190, eff. 1-1-16; 100-1,  
12 eff. 1-1-18; 101-652.)

13 (725 ILCS 5/109-2) (from Ch. 38, par. 109-2)

14 Sec. 109-2. Person arrested in another county. (a) Any  
15 person arrested in a county other than the one in which a  
16 warrant for his arrest was issued shall be taken without  
17 unnecessary delay before the nearest and most accessible judge  
18 in the county where the arrest was made or, if no additional  
19 delay is created, before the nearest and most accessible judge  
20 in the county from which the warrant was issued. ~~Upon arrival~~  
21 ~~in the county in which the warrant was issued, the status of~~  
22 ~~the arrested person's release status shall be determined by~~  
23 ~~the release revocation process described in Section 110-6. He~~  
24 shall be admitted to bail in the amount specified in the  
25 warrant or, for offenses other than felonies, in an amount as

1 set by the judge, and such bail shall be conditioned on his  
2 appearing in the court issuing the warrant on a certain date.

3 The judge may hold a hearing to determine if the defendant is  
4 the same person as named in the warrant.

5 (b) Notwithstanding the provisions of subsection (a), any  
6 person arrested in a county other than the one in which a  
7 warrant for his arrest was issued, may waive the right to be  
8 taken before a judge in the county where the arrest was made.  
9 If a person so arrested waives such right, the arresting  
10 agency shall surrender such person to a law enforcement agency  
11 of the county that issued the warrant without unnecessary  
12 delay. The provisions of Section 109-1 shall then apply to the  
13 person so arrested.

14 ~~(c) If a defendant is charged with a felony offense, but~~  
15 ~~has a warrant in another county, the defendant shall be taken~~  
16 ~~to the county that issued the warrant within 72 hours of the~~  
17 ~~completion of condition or detention hearing, so that release~~  
18 ~~or detention status can be resolved. This provision shall not~~  
19 ~~apply to warrants issued outside of Illinois.~~

20 (Source: P.A. 86-298; 101-652.)

21 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

22 Sec. 109-3. Preliminary examination.)

23 (a) The judge shall hold the defendant to answer to the  
24 court having jurisdiction of the offense if from the evidence  
25 it appears there is probable cause to believe an offense has

1 been committed by the defendant, as provided in Section  
2 109-3.1 of this Code, if the offense is a felony.

3 (b) If the defendant waives preliminary examination the  
4 judge shall hold him to answer and may, or on the demand of the  
5 prosecuting attorney shall, cause the witnesses for the State  
6 to be examined. After hearing the testimony if it appears that  
7 there is not probable cause to believe the defendant guilty of  
8 any offense the judge shall discharge him.

9 (c) During the examination of any witness or when the  
10 defendant is making a statement or testifying the judge may  
11 and on the request of the defendant or State shall exclude all  
12 other witnesses. He may also cause the witnesses to be kept  
13 separate and to be prevented from communicating with each  
14 other until all are examined.

15 (d) If the defendant is held to answer the judge may  
16 require any material witness for the State or defendant to  
17 enter into a written undertaking to appear at the trial, and  
18 may provide for the forfeiture of a sum certain in the event  
19 the witness does not appear at the trial. Any witness who  
20 refuses to execute a recognizance may be committed by the  
21 judge to the custody of the sheriff until trial or further  
22 order of the court having jurisdiction of the cause. Any  
23 witness who executes a recognizance and fails to comply with  
24 its terms shall, in addition to any forfeiture provided in the  
25 recognizance, be subject to the penalty provided in Section  
26 32-10 of the Criminal Code of 2012 for violation of ~~the~~



1 ~~conditions of pretrial release~~ bail bond.

2 (e) During preliminary hearing or examination the  
3 defendant may move for an order of suppression of evidence  
4 pursuant to Section 114-11 or 114-12 of this Act or for other  
5 reasons, and may move for dismissal of the charge pursuant to  
6 Section 114-1 of this Act or for other reasons.

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

8 (725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

9 Sec. 109-3.1. Persons Charged with Felonies. (a) In any  
10 case involving a person charged with a felony in this State,  
11 alleged to have been committed on or after January 1, 1984, the  
12 provisions of this Section shall apply.

13 (b) Every person in custody in this State for the alleged  
14 commission of a felony shall receive either a preliminary  
15 examination as provided in Section 109-3 or an indictment by  
16 Grand Jury as provided in Section 111-2, within 30 days from  
17 the date he or she was taken into custody. Every person on  
18 ~~pretrial release~~ bail or recognizance for the alleged  
19 commission of a felony shall receive either a preliminary  
20 examination as provided in Section 109-3 or an indictment by  
21 Grand Jury as provided in Section 111-2, within 60 days from  
22 the date he or she was arrested.

23 The provisions of this paragraph shall not apply in the  
24 following situations:

25 (1) when delay is occasioned by the defendant; or

1 (2) when the defendant has been indicted by the Grand Jury  
2 on the felony offense for which he or she was initially taken  
3 into custody or on an offense arising from the same  
4 transaction or conduct of the defendant that was the basis for  
5 the felony offense or offenses initially charged; or

6 (3) when a competency examination is ordered by the court;  
7 or

8 (4) when a competency hearing is held; or

9 (5) when an adjudication of incompetency for trial has  
10 been made; or

11 (6) when the case has been continued by the court under  
12 Section 114-4 of this Code after a determination that the  
13 defendant is physically incompetent to stand trial.

14 (c) Delay occasioned by the defendant shall temporarily  
15 suspend, for the time of the delay, the period within which the  
16 preliminary examination must be held. On the day of expiration  
17 of the delay the period in question shall continue at the point  
18 at which it was suspended.

19 (Source: P.A. 83-644; 101-652.)

20 (725 ILCS 5/Art. 110 heading)

21 ARTICLE 110. ~~PRETRIAL RELEASE~~ BAIL

22 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

23 Sec. 110-1. Definitions. (a) ~~(Blank)~~. "Security" is that  
24 which is required to be pledged to insure the payment of bail.

1 (b) "Sureties" encompasses the monetary and nonmonetary  
2 requirements set by the court as conditions for release either  
3 before or after conviction. "Surety" is one who executes a  
4 bail bond and binds himself to pay the bail if the person in  
5 custody fails to comply with all conditions of the bail bond.

6 (c) The phrase "for which a sentence of imprisonment,  
7 without conditional and revocable release, shall be imposed by  
8 law as a consequence of conviction" means an offense for which  
9 a sentence of imprisonment, without probation, periodic  
10 imprisonment or conditional discharge, is required by law upon  
11 conviction.

12 (d) ~~(Blank.)~~ "Real and present threat to the physical  
13 safety of any person or persons", as used in this Article,  
14 includes a threat to the community, person, persons or class  
15 of persons.

16 ~~(e) Willful flight means planning or attempting to~~  
17 ~~intentionally evade prosecution by concealing oneself. Simple~~  
18 ~~past non appearance in court alone is not evidence of future~~  
19 ~~intent to evade prosecution.~~

20 (Source: P.A. 85-892; 101-652.)

21 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

22 Sec. 110-2. Release on own recognizance.

23 ~~(a) It is presumed that a defendant is entitled to release~~  
24 ~~on personal recognizance on the condition that the defendant~~  
25 ~~attend all required court proceedings and the defendant does~~

1 ~~not commit any criminal offense, and complies with all terms~~  
2 ~~of pretrial release, including, but not limited to, orders of~~  
3 ~~protection under both Section 112A-4 of this Code and Section~~  
4 ~~214 of the Illinois Domestic Violence Act of 1986, all civil no~~  
5 ~~contact orders, and all stalking no contact orders.~~

6 ~~(b) Additional conditions of release, including those~~  
7 ~~highlighted above, shall be set only when it is determined~~  
8 ~~that they are necessary to assure the defendant's appearance~~  
9 ~~in court, assure the defendant does not commit any criminal~~  
10 ~~offense, and complies with all conditions of pretrial release.~~

11 ~~(c) Detention only shall be imposed when it is determined~~  
12 ~~that the defendant poses a specific, real and present threat~~  
13 ~~to a person, or has a high likelihood of willful flight. If the~~  
14 ~~court deems that the defendant is to be released on personal~~  
15 ~~recognizance, the court may require that a written~~  
16 ~~admonishment be signed by~~ When from all the circumstances the  
17 court is of the opinion that the defendant will appear as  
18 required either before or after conviction and the defendant  
19 will not pose a danger to any person or the community and that  
20 the defendant will comply with all conditions of bond, which  
21 shall include the defendant's current address with a written  
22 admonishment to the defendant ~~requiring~~ that he or she must  
23 comply with the provisions of Section 110-12 of this Code  
24 regarding any change in his or her address. ~~The,~~ the defendant  
25 may be released on his or her own recognizance ~~upon signature.~~  
26 The defendant's address shall at all times remain a matter of

1 public record with the clerk of the court. A failure to appear  
2 as required by such recognizance shall constitute an offense  
3 subject to the penalty provided in Section 32-10 of the  
4 Criminal Code of 2012 for violation of the ~~conditions of~~  
5 ~~pretrial release~~ bail bond, and any obligated sum fixed in the  
6 recognizance shall be forfeited and collected in accordance  
7 with subsection (g) of Section 110-7 of this Code.

8 ~~(d) If, after the procedures set out in Section 110-6.1,~~  
9 ~~the court decides to detain the defendant, the Court must make~~  
10 ~~a written finding as to why less restrictive conditions would~~  
11 ~~not assure safety to the community and assure the defendant's~~  
12 ~~appearance in court. At each subsequent appearance of the~~  
13 ~~defendant before the Court, the judge must find that continued~~  
14 ~~detention or the current set of conditions imposed are~~  
15 ~~necessary to avoid the specific, real and present threat to~~  
16 ~~any person or of willful flight from prosecution to continue~~  
17 ~~detention of the defendant. The court is not required to be~~  
18 ~~presented with new information or a change in circumstance to~~  
19 ~~consider reconsidering pretrial detention on current~~  
20 ~~conditions.~~

21 ~~(e)~~ This Section shall be liberally construed to  
22 effectuate the purpose of relying upon contempt of court  
23 proceedings or criminal sanctions instead of financial loss to  
24 assure the appearance of the defendant, and that the defendant  
25 will not pose a danger to any person or the community and that  
26 the defendant will ~~not pose~~ comply with all conditions of

1 bond. Monetary bail should be set only when it is determined  
2 that no other conditions of release will reasonably assure the  
3 defendant's appearance in court, that the defendant does not  
4 present a danger to any person or the community and that the  
5 defendant will comply with all conditions of ~~pretrial release~~  
6 bond.

7 The State may appeal any order permitting release by  
8 personal recognizance.

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

10 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

11 Sec. 110-3. ~~Options for warrant alternatives~~ Issuance of  
12 warrant.

13 ~~(a) Upon failure to comply with any condition of pretrial~~  
14 ~~release~~ a bail bond or recognizance the court having  
15 jurisdiction at the time of such failure may, ~~on its own motion~~  
16 ~~or upon motion from the State, issue an order to show cause as~~  
17 ~~to why he or she shall not be subject to revocation of pretrial~~  
18 ~~release, or for sanctions, as provided in Section 110-6.~~  
19 ~~Nothing in this Section prohibits the court from issuing a~~  
20 ~~warrant under subsection (c) upon failure to comply with any~~  
21 ~~condition of pretrial release or recognizance.~~

22 ~~(b) The order issued by the court shall state the facts~~  
23 ~~alleged to constitute the hearing to show cause or otherwise~~  
24 ~~why the person is subject to revocation of pretrial release. A~~  
25 ~~certified copy of the order shall be served upon the person at~~

1 ~~least 48 hours in advance of the scheduled hearing.~~

2 ~~(c) If the person does not appear at the hearing to show~~  
3 ~~cause or absconds, the court may, in addition to any other~~  
4 ~~action provided by law, issue a warrant for the arrest of the~~  
5 ~~person at liberty on pretrial release bail or his own~~  
6 ~~recognizance. The contents of such a warrant shall be the same~~  
7 ~~as required for an arrest warrant issued upon complaint ~~and~~~~  
8 ~~may modify any previously imposed conditions placed upon the~~  
9 ~~person, rather than revoking pretrial release or issuing a~~  
10 ~~warrant for the person in accordance with the requirements in~~  
11 ~~subsections (d) and (e) of Section 110-5. When a defendant is~~  
12 ~~at liberty on pretrial release bail or his own recognizance on~~  
13 ~~a felony charge and fails to appear in court as directed, the~~  
14 ~~court ~~may~~ shall issue a warrant for the arrest of such person~~  
15 ~~after his or her failure to appear at the show for cause~~  
16 ~~hearing as provided in this Section. Such warrant shall be~~  
17 ~~noted with a directive to peace officers to arrest the person~~  
18 ~~and hold such person without pretrial release bail and to~~  
19 ~~deliver such person before the court for further proceedings.~~

20 ~~(d) If the order as described in Subsection B is issued, a~~  
21 ~~failure to appear shall not be recorded until the Defendant~~  
22 ~~fails to appear at the hearing to show cause. For the purpose~~  
23 ~~of any risk assessment or future evaluation of risk of willful~~  
24 ~~flight or risk of failure to appear, a non-appearance in court~~  
25 ~~eured by an appearance at the hearing to show cause shall not~~  
26 ~~be considered as evidence of future likelihood appearance in~~

1 ~~court.~~ A defendant who is arrested or surrenders within 30  
2 days of the issuance of such warrant shall not be bailable in  
3 the case in question unless he shows by the preponderance of  
4 the evidence that his failure to appear was not intentional.

5 (Source: P.A. 86-298; 86-984; 86-1028; 101-652.)

6 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

7 Sec. 110-4. ~~Pretrial release~~ Bailable Offenses.

8 (a) ~~All persons charged with an offense shall be eligible~~  
9 ~~for pretrial release before conviction. Pretrial release may~~  
10 ~~only be denied when a person is charged with an offense listed~~  
11 ~~in Section 110-6.1 or when the defendant has a high likelihood~~  
12 ~~of willful flight, and after the court has held a hearing under~~  
13 ~~Section 110-6.1.~~ All persons shall be bailable before  
14 conviction, except the following offenses where the proof is  
15 evident or the presumption great that the defendant is guilty  
16 of the offense: capital offenses; offenses for which a  
17 sentence of life imprisonment may be imposed as a consequence  
18 of conviction; felony offenses for which a sentence of  
19 imprisonment, without conditional and revocable release, shall  
20 be imposed by law as a consequence of conviction, where the  
21 court after a hearing, determines that the release of the  
22 defendant would pose a real and present threat to the physical  
23 safety of any person or persons; stalking or aggravated  
24 stalking, where the court, after a hearing, determines that  
25 the release of the defendant would pose a real and present



1 threat to the physical safety of the alleged victim of the  
2 offense and denial of bail is necessary to prevent fulfillment  
3 of the threat upon which the charge is based; or unlawful use  
4 of weapons in violation of item (4) of subsection (a) of  
5 Section 24-1 of the Criminal Code of 1961 or the Criminal Code  
6 of 2012 when that offense occurred in a school or in any  
7 conveyance owned, leased, or contracted by a school to  
8 transport students to or from school or a school-related  
9 activity, or on any public way within 1,000 feet of real  
10 property comprising any school, where the court, after a  
11 hearing, determines that the release of the defendant would  
12 pose a real and present threat to the physical safety of any  
13 person and denial of bail is necessary to prevent fulfillment  
14 of that threat; or making a terrorist threat in violation of  
15 Section 29D-20 of the Criminal Code of 1961 or the Criminal  
16 Code of 2012 or an attempt to commit the offense of making a  
17 terrorist threat, where the court, after a hearing, determines  
18 that the release of the defendant would pose a real and present  
19 threat to the physical safety of any person and denial of bail  
20 is necessary to prevent fulfillment of that threat.

21 (b) A person seeking ~~pretrial~~ release on bail who is  
22 charged with a capital offense or an offense for which a  
23 sentence of life imprisonment may be imposed shall not be  
24 ~~eligible for release pretrial~~ bailable until a hearing is held  
25 wherein such person has the burden of demonstrating that the  
26 proof of his guilt is not evident and the presumption is not

1 great.

2 (c) Where it is alleged that ~~pretrial~~ bail should be  
3 denied to a person upon the grounds that the person presents a  
4 real and present threat to the physical safety of any person or  
5 persons, the burden of proof of such allegations shall be upon  
6 the State.

7 (d) When it is alleged that ~~pretrial~~ bail should be denied  
8 to a person charged with stalking or aggravated stalking upon  
9 the grounds set forth in Section 110-6.3 of this Code, the  
10 burden of proof of those allegations shall be upon the State.  
11 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

12 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

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

14 Sec. 110-5. Determining the amount of bail and conditions  
15 of release.

16 (a) In determining the amount of monetary bail or  
17 conditions of release, if any, which will reasonably assure  
18 the appearance of a defendant as required or the safety of any  
19 other person or the community and the likelihood of compliance  
20 by the defendant with all the conditions of bail, the court  
21 shall, on the basis of available information, take into  
22 account such matters as the nature and circumstances of the  
23 offense charged, whether the evidence shows that as part of  
24 the offense there was a use of violence or threatened use of  
25 violence, whether the offense involved corruption of public

1 officials or employees, whether there was physical harm or  
2 threats of physical harm to any public official, public  
3 employee, judge, prosecutor, juror or witness, senior citizen,  
4 child, or person with a disability, whether evidence shows  
5 that during the offense or during the arrest the defendant  
6 possessed or used a firearm, machine gun, explosive or metal  
7 piercing ammunition or explosive bomb device or any military  
8 or paramilitary armament, whether the evidence shows that the  
9 offense committed was related to or in furtherance of the  
10 criminal activities of an organized gang or was motivated by  
11 the defendant's membership in or allegiance to an organized  
12 gang, the condition of the victim, any written statement  
13 submitted by the victim or proffer or representation by the  
14 State regarding the impact which the alleged criminal conduct  
15 has had on the victim and the victim's concern, if any, with  
16 further contact with the defendant if released on bail,  
17 whether the offense was based on racial, religious, sexual  
18 orientation or ethnic hatred, the likelihood of the filing of  
19 a greater charge, the likelihood of conviction, the sentence  
20 applicable upon conviction, the weight of the evidence against  
21 such defendant, whether there exists motivation or ability to  
22 flee, whether there is any verification as to prior residence,  
23 education, or family ties in the local jurisdiction, in  
24 another county, state or foreign country, the defendant's  
25 employment, financial resources, character and mental  
26 condition, past conduct, prior use of alias names or dates of

1 birth, and length of residence in the community, the consent  
2 of the defendant to periodic drug testing in accordance with  
3 Section 110-6.5, whether a foreign national defendant is  
4 lawfully admitted in the United States of America, whether the  
5 government of the foreign national maintains an extradition  
6 treaty with the United States by which the foreign government  
7 will extradite to the United States its national for a trial  
8 for a crime allegedly committed in the United States, whether  
9 the defendant is currently subject to deportation or exclusion  
10 under the immigration laws of the United States, whether the  
11 defendant, although a United States citizen, is considered  
12 under the law of any foreign state a national of that state for  
13 the purposes of extradition or non-extradition to the United  
14 States, the amount of unrecovered proceeds lost as a result of  
15 the alleged offense, the source of bail funds tendered or  
16 sought to be tendered for bail, whether from the totality of  
17 the court's consideration, the loss of funds posted or sought  
18 to be posted for bail will not deter the defendant from flight,  
19 whether the evidence shows that the defendant is engaged in  
20 significant possession, manufacture, or delivery of a  
21 controlled substance or cannabis, either individually or in  
22 consort with others, whether at the time of the offense  
23 charged he or she was on bond or pre-trial release pending  
24 trial, probation, periodic imprisonment or conditional  
25 discharge pursuant to this Code or the comparable Code of any  
26 other state or federal jurisdiction, whether the defendant is

1 on bond or pre-trial release pending the imposition or  
2 execution of sentence or appeal of sentence for any offense  
3 under the laws of Illinois or any other state or federal  
4 jurisdiction, whether the defendant is under parole, aftercare  
5 release, mandatory supervised release, or work release from  
6 the Illinois Department of Corrections or Illinois Department  
7 of Juvenile Justice or any penal institution or corrections  
8 department of any state or federal jurisdiction, the  
9 defendant's record of convictions, whether the defendant has  
10 been convicted of a misdemeanor or ordinance offense in  
11 Illinois or similar offense in other state or federal  
12 jurisdiction within the 10 years preceding the current charge  
13 or convicted of a felony in Illinois, whether the defendant  
14 was convicted of an offense in another state or federal  
15 jurisdiction that would be a felony if committed in Illinois  
16 within the 20 years preceding the current charge or has been  
17 convicted of such felony and released from the penitentiary  
18 within 20 years preceding the current charge if a penitentiary  
19 sentence was imposed in Illinois or other state or federal  
20 jurisdiction, the defendant's records of juvenile adjudication  
21 of delinquency in any jurisdiction, any record of appearance  
22 or failure to appear by the defendant at court proceedings,  
23 whether there was flight to avoid arrest or prosecution,  
24 whether the defendant escaped or attempted to escape to avoid  
25 arrest, whether the defendant refused to identify himself or  
26 herself, or whether there was a refusal by the defendant to be

1 fingerprinted as required by law. Information used by the  
2 court in its findings or stated in or offered in connection  
3 with this Section may be by way of proffer based upon reliable  
4 information offered by the State or defendant. All evidence  
5 shall be admissible if it is relevant and reliable regardless  
6 of whether it would be admissible under the rules of evidence  
7 applicable at criminal trials. If the State presents evidence  
8 that the offense committed by the defendant was related to or  
9 in furtherance of the criminal activities of an organized gang  
10 or was motivated by the defendant's membership in or  
11 allegiance to an organized gang, and if the court determines  
12 that the evidence may be substantiated, the court shall  
13 prohibit the defendant from associating with other members of  
14 the organized gang as a condition of bail or release. For the  
15 purposes of this Section, "organized gang" has the meaning  
16 ascribed to it in Section 10 of the Illinois Streetgang  
17 Terrorism Omnibus Prevention Act.

18 (a-5) There shall be a presumption that any conditions of  
19 release imposed shall be non-monetary in nature and the court  
20 shall impose the least restrictive conditions or combination  
21 of conditions necessary to reasonably assure the appearance of  
22 the defendant for further court proceedings and protect the  
23 integrity of the judicial proceedings from a specific threat  
24 to a witness or participant. Conditions of release may  
25 include, but not be limited to, electronic home monitoring,  
26 curfews, drug counseling, stay-away orders, and in-person

1 reporting. The court shall consider the defendant's  
2 socio-economic circumstance when setting conditions of release  
3 or imposing monetary bail.

4 (b) The amount of bail shall be:

5 (1) Sufficient to assure compliance with the  
6 conditions set forth in the bail bond, which shall include  
7 the defendant's current address with a written  
8 admonishment to the defendant that he or she must comply  
9 with the provisions of Section 110-12 regarding any change  
10 in his or her address. The defendant's address shall at  
11 all times remain a matter of public record with the clerk  
12 of the court.

13 (2) Not oppressive.

14 (3) Considerate of the financial ability of the  
15 accused.

16 (4) When a person is charged with a drug related  
17 offense involving possession or delivery of cannabis or  
18 possession or delivery of a controlled substance as  
19 defined in the Cannabis Control Act, the Illinois  
20 Controlled Substances Act, or the Methamphetamine Control  
21 and Community Protection Act, the full street value of the  
22 drugs seized shall be considered. "Street value" shall be  
23 determined by the court on the basis of a proffer by the  
24 State based upon reliable information of a law enforcement  
25 official contained in a written report as to the amount  
26 seized and such proffer may be used by the court as to the

1 current street value of the smallest unit of the drug  
2 seized.

3 (b-5) Upon the filing of a written request demonstrating  
4 reasonable cause, the State's Attorney may request a source of  
5 bail hearing either before or after the posting of any funds.  
6 If the hearing is granted, before the posting of any bail, the  
7 accused must file a written notice requesting that the court  
8 conduct a source of bail hearing. The notice must be  
9 accompanied by justifying affidavits stating the legitimate  
10 and lawful source of funds for bail. At the hearing, the court  
11 shall inquire into any matters stated in any justifying  
12 affidavits, and may also inquire into matters appropriate to  
13 the determination which shall include, but are not limited to,  
14 the following:

15 (1) the background, character, reputation, and  
16 relationship to the accused of any surety; and

17 (2) the source of any money or property deposited by  
18 any surety, and whether any such money or property  
19 constitutes the fruits of criminal or unlawful conduct;  
20 and

21 (3) the source of any money posted as cash bail, and  
22 whether any such money constitutes the fruits of criminal  
23 or unlawful conduct; and

24 (4) the background, character, reputation, and  
25 relationship to the accused of the person posting cash  
26 bail.



1           Upon setting the hearing, the court shall examine, under  
2 oath, any persons who may possess material information.

3           The State's Attorney has a right to attend the hearing, to  
4 call witnesses and to examine any witness in the proceeding.  
5 The court shall, upon request of the State's Attorney,  
6 continue the proceedings for a reasonable period to allow the  
7 State's Attorney to investigate the matter raised in any  
8 testimony or affidavit. If the hearing is granted after the  
9 accused has posted bail, the court shall conduct a hearing  
10 consistent with this subsection (b-5). At the conclusion of  
11 the hearing, the court must issue an order either approving or  
12 ~~of~~ disapproving the bail.

13           (c) When a person is charged with an offense punishable by  
14 fine only the amount of the bail shall not exceed double the  
15 amount of the maximum penalty.

16           (d) When a person has been convicted of an offense and only  
17 a fine has been imposed the amount of the bail shall not exceed  
18 double the amount of the fine.

19           (e) The State may appeal any order granting bail or  
20 setting a given amount for bail.

21           (f) When a person is charged with a violation of an order  
22 of protection under Section 12-3.4 or 12-30 of the Criminal  
23 Code of 1961 or the Criminal Code of 2012 or when a person is  
24 charged with domestic battery, aggravated domestic battery,  
25 kidnapping, aggravated kidnaping, unlawful restraint,  
26 aggravated unlawful restraint, stalking, aggravated stalking,

1 cyberstalking, harassment by telephone, harassment through  
2 electronic communications, or an attempt to commit first  
3 degree murder committed against an intimate partner regardless  
4 whether an order of protection has been issued against the  
5 person,

6 (1) whether the alleged incident involved harassment  
7 or abuse, as defined in the Illinois Domestic Violence Act  
8 of 1986;

9 (2) whether the person has a history of domestic  
10 violence, as defined in the Illinois Domestic Violence  
11 Act, or a history of other criminal acts;

12 (3) based on the mental health of the person;

13 (4) whether the person has a history of violating the  
14 orders of any court or governmental entity;

15 (5) whether the person has been, or is, potentially a  
16 threat to any other person;

17 (6) whether the person has access to deadly weapons or  
18 a history of using deadly weapons;

19 (7) whether the person has a history of abusing  
20 alcohol or any controlled substance;

21 (8) based on the severity of the alleged incident that  
22 is the basis of the alleged offense, including, but not  
23 limited to, the duration of the current incident, and  
24 whether the alleged incident involved the use of a weapon,  
25 physical injury, sexual assault, strangulation, abuse  
26 during the alleged victim's pregnancy, abuse of pets, or

1 forcible entry to gain access to the alleged victim;

2 (9) whether a separation of the person from the  
3 alleged victim or a termination of the relationship  
4 between the person and the alleged victim has recently  
5 occurred or is pending;

6 (10) whether the person has exhibited obsessive or  
7 controlling behaviors toward the alleged victim,  
8 including, but not limited to, stalking, surveillance, or  
9 isolation of the alleged victim or victim's family member  
10 or members;

11 (11) whether the person has expressed suicidal or  
12 homicidal ideations;

13 (12) based on any information contained in the  
14 complaint and any police reports, affidavits, or other  
15 documents accompanying the complaint,

16 the court may, in its discretion, order the respondent to  
17 undergo a risk assessment evaluation using a recognized,  
18 evidence-based instrument conducted by an Illinois Department  
19 of Human Services approved partner abuse intervention program  
20 provider, pretrial service, probation, or parole agency. These  
21 agencies shall have access to summaries of the defendant's  
22 criminal history, which shall not include victim interviews or  
23 information, for the risk evaluation. Based on the information  
24 collected from the 12 points to be considered at a bail hearing  
25 under this subsection (f), the results of any risk evaluation  
26 conducted and the other circumstances of the violation, the

1 court may order that the person, as a condition of bail, be  
2 placed under electronic surveillance as provided in Section  
3 5-8A-7 of the Unified Code of Corrections. Upon making a  
4 determination whether or not to order the respondent to  
5 undergo a risk assessment evaluation or to be placed under  
6 electronic surveillance and risk assessment, the court shall  
7 document in the record the court's reasons for making those  
8 determinations. The cost of the electronic surveillance and  
9 risk assessment shall be paid by, or on behalf, of the  
10 defendant. As used in this subsection (f), "intimate partner"  
11 means a spouse or a current or former partner in a cohabitation  
12 or dating relationship.

13 (Source: P.A. 99-143, eff. 7-27-15; 100-1, eff. 1-1-18;  
14 revised 7-12-19.)

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

16 Sec. 110-5. Determining the amount of bail and conditions  
17 of release.

18 (a) In determining ~~which~~ the amount of monetary bail or  
19 conditions of ~~pretrial~~ release, if any, which will reasonably  
20 assure the appearance of a defendant as required or the safety  
21 of any other person or the community and the likelihood of  
22 compliance by the defendant with all the conditions of  
23 ~~pretrial-release~~ bail, the court shall, on the basis of  
24 available information, take into account such matters as~~+~~

25 ~~(1)~~ the nature and circumstances of the offense

1 charged;

2 ~~(2) the weight of the evidence against the eligible~~  
3 ~~defendant, except that the court may consider the~~  
4 ~~admissibility of any evidence sought to be excluded;~~

5 ~~(3) the history and characteristics of the eligible~~  
6 ~~defendant, including:~~

7 ~~(A) the eligible defendant's character, physical~~  
8 ~~and mental condition, family ties, employment,~~  
9 ~~financial resources, length of residence in the~~  
10 ~~community, community ties, past relating to drug or~~  
11 ~~alcohol abuse, conduct, history criminal history, and~~  
12 ~~record concerning appearance at court proceedings; and~~

13 ~~(B) whether, at the time of the current offense or~~  
14 ~~arrest, the eligible defendant was on probation,~~  
15 ~~parole, or on other release pending trial, sentencing,~~  
16 ~~appeal, or completion of sentence for an offense under~~  
17 ~~federal law, or the law of this or any other state;~~

18 ~~(4) the nature and seriousness of the specific, real~~  
19 ~~and present threat to any person that would be posed by the~~  
20 ~~eligible defendant's release, if applicable; as required~~  
21 ~~under paragraph (7.5) of Section 4 of the Rights of Crime~~  
22 ~~Victims and Witnesses Act; and~~

23 ~~(5) the nature and seriousness of the risk of~~  
24 ~~obstructing or attempting to obstruct the criminal justice~~  
25 ~~process that would be posed by the eligible defendant's~~  
26 ~~release, if applicable.~~

1       ~~(b) The court shall impose any conditions that are~~  
2 ~~mandatory under Section 110-10. The court may impose any~~  
3 ~~conditions that are permissible under Section 110-10., whether~~  
4 the evidence shows that as part of the offense there was a use  
5 of violence or threatened use of violence, whether the offense  
6 involved corruption of public officials or employees, whether  
7 there was physical harm or threats of physical harm to any  
8 public official, public employee, judge, prosecutor, juror or  
9 witness, senior citizen, child, or person with a disability,  
10 whether evidence shows that during the offense or during the  
11 arrest the defendant possessed or used a firearm, machine gun,  
12 explosive or metal piercing ammunition or explosive bomb  
13 device or any military or paramilitary armament, whether the  
14 evidence shows that the offense committed was related to or in  
15 furtherance of the criminal activities of an organized gang or  
16 was motivated by the defendant's membership in or allegiance  
17 to an organized gang, the condition of the victim, any written  
18 statement submitted by the victim or proffer or representation  
19 by the State regarding the impact which the alleged criminal  
20 conduct has had on the victim and the victim's concern, if any,  
21 with further contact with the defendant if released on bail,  
22 whether the offense was based on racial, religious, sexual  
23 orientation or ethnic hatred, the likelihood of the filing of  
24 a greater charge, the likelihood of conviction, the sentence  
25 applicable upon conviction, the weight of the evidence against  
26 such defendant, whether there exists motivation or ability to

1 flee, whether there is any verification as to prior residence,  
2 education, or family ties in the local jurisdiction, in  
3 another county, state or foreign country, the defendant's  
4 employment, financial resources, character and mental  
5 condition, past conduct, prior use of alias names or dates of  
6 birth, and length of residence in the community, the consent  
7 of the defendant to periodic drug testing in accordance with  
8 Section 110-6.5, whether a foreign national defendant is  
9 lawfully admitted in the United States of America, whether the  
10 government of the foreign national maintains an extradition  
11 treaty with the United States by which the foreign government  
12 will extradite to the United States its national for a trial  
13 for a crime allegedly committed in the United States, whether  
14 the defendant is currently subject to deportation or exclusion  
15 under the immigration laws of the United States, whether the  
16 defendant, although a United States citizen, is considered  
17 under the law of any foreign state a national of that state for  
18 the purposes of extradition or non-extradition to the United  
19 States, the amount of unrecovered proceeds lost as a result of  
20 the alleged offense, the source of bail funds tendered or  
21 sought to be tendered for bail, whether from the totality of  
22 the court's consideration, the loss of funds posted or sought  
23 to be posted for bail will not deter the defendant from flight,  
24 whether the evidence shows that the defendant is engaged in  
25 significant possession, manufacture, or delivery of a  
26 controlled substance or cannabis, either individually or in

1 consort with others, whether at the time of the offense  
2 charged he or she was on bond or pre-trial release pending  
3 trial, probation, periodic imprisonment or conditional  
4 discharge pursuant to this Code or the comparable Code of any  
5 other state or federal jurisdiction, whether the defendant is  
6 on bond or pre-trial release pending the imposition or  
7 execution of sentence or appeal of sentence for any offense  
8 under the laws of Illinois or any other state or federal  
9 jurisdiction, whether the defendant is under parole, aftercare  
10 release, mandatory supervised release, or work release from  
11 the Illinois Department of Corrections or Illinois Department  
12 of Juvenile Justice or any penal institution or corrections  
13 department of any state or federal jurisdiction, the  
14 defendant's record of convictions, whether the defendant has  
15 been convicted of a misdemeanor or ordinance offense in  
16 Illinois or similar offense in other state or federal  
17 jurisdiction within the 10 years preceding the current charge  
18 or convicted of a felony in Illinois, whether the defendant  
19 was convicted of an offense in another state or federal  
20 jurisdiction that would be a felony if committed in Illinois  
21 within the 20 years preceding the current charge or has been  
22 convicted of such felony and released from the penitentiary  
23 within 20 years preceding the current charge if a penitentiary  
24 sentence was imposed in Illinois or other state or federal  
25 jurisdiction, the defendant's records of juvenile adjudication  
26 of delinquency in any jurisdiction, any record of appearance



1 or failure to appear by the defendant at court proceedings,  
2 whether there was flight to avoid arrest or prosecution,  
3 whether the defendant escaped or attempted to escape to avoid  
4 arrest, whether the defendant refused to identify himself or  
5 herself, or whether there was a refusal by the defendant to be  
6 fingerprinted as required by law. Information used by the  
7 court in its findings or stated in or offered in connection  
8 with this Section may be by way of proffer based upon reliable  
9 information offered by the State or defendant. All evidence  
10 shall be admissible if it is relevant and reliable regardless  
11 of whether it would be admissible under the rules of evidence  
12 applicable at criminal trials. If the State presents evidence  
13 that the offense committed by the defendant was related to or  
14 in furtherance of the criminal activities of an organized gang  
15 or was motivated by the defendant's membership in or  
16 allegiance to an organized gang, and if the court determines  
17 that the evidence may be substantiated, the court shall  
18 prohibit the defendant from associating with other members of  
19 the organized gang as a condition of bail or release. For the  
20 purposes of this Section, "organized gang" has the meaning  
21 ascribed to it in Section 10 of the Illinois Streetgang  
22 Terrorism Omnibus Prevention Act.

23 (a-5) There shall be a presumption that any conditions of  
24 release imposed shall be non-monetary in nature and the court  
25 shall impose the least restrictive conditions or combination  
26 of conditions necessary to reasonably assure the appearance of

1 the defendant for further court proceedings and protect the  
2 integrity of the judicial proceedings from a specific threat  
3 to a witness or participant. Conditions of release may  
4 include, but not be limited to, electronic home monitoring,  
5 curfews, drug counseling, stay-away orders, and in-person  
6 reporting. The court shall consider the defendant's  
7 socio-economic circumstance when setting conditions of release  
8 or imposing monetary bail.

9 (b) The amount of bail shall be:

10 (1) Sufficient to assure compliance with the  
11 conditions set forth in the bail bond, which shall include  
12 the defendant's current address with a written  
13 admonishment to the defendant that he or she must comply  
14 with the provisions of Section 110-12 regarding any change  
15 in his or her address. The defendant's address shall at  
16 all times remain a matter of public record with the clerk  
17 of the court.

18 (2) Not oppressive.

19 (3) Considerate of the financial ability of the  
20 accused.

21 (4) When a person is charged with a drug related  
22 offense involving possession or delivery of cannabis or  
23 possession or delivery of a controlled substance as  
24 defined in the Cannabis Control Act, the Illinois  
25 Controlled Substances Act, or the Methamphetamine Control  
26 and Community Protection Act, the full street value of the

1 drugs seized shall be considered. "Street value" shall be  
2 determined by the court on the basis of a proffer by the  
3 State based upon reliable information of a law enforcement  
4 official contained in a written report as to the amount  
5 seized and such proffer may be used by the court as to the  
6 current street value of the smallest unit of the drug  
7 seized.

8 (b-5) Upon the filing of a written request demonstrating  
9 reasonable cause, the State's Attorney may request a source of  
10 bail hearing either before or after the posting of any funds.  
11 If the hearing is granted, before the posting of any bail, the  
12 accused must file a written notice requesting that the court  
13 conduct a source of bail hearing. The notice must be  
14 accompanied by justifying affidavits stating the legitimate  
15 and lawful source of funds for bail. At the hearing, the court  
16 shall inquire into any matters stated in any justifying  
17 affidavits, and may also inquire into matters appropriate to  
18 the determination which shall include, but are not limited to,  
19 the following:

20 (1) the background, character, reputation, and  
21 relationship to the accused of any surety; and

22 (2) the source of any money or property deposited by  
23 any surety, and whether any such money or property  
24 constitutes the fruits of criminal or unlawful conduct;  
25 and

26 (3) the source of any money posted as cash bail, and

1 whether any such money constitutes the fruits of criminal  
2 or unlawful conduct; and

3 (4) the background, character, reputation, and  
4 relationship to the accused of the person posting cash  
5 bail.

6 Upon setting the hearing, the court shall examine, under  
7 oath, any persons who may possess material information.

8 The State's Attorney has a right to attend the hearing, to  
9 call witnesses and to examine any witness in the proceeding.

10 The court shall, upon request of the State's Attorney,  
11 continue the proceedings for a reasonable period to allow the  
12 State's Attorney to investigate the matter raised in any  
13 testimony or affidavit. If the hearing is granted after the  
14 accused has posted bail, the court shall conduct a hearing  
15 consistent with this subsection (b-5). At the conclusion of  
16 the hearing, the court must issue an order either approving of  
17 disapproving the bail.

18 (c) When a person is charged with an offense punishable by  
19 fine only the amount of the bail shall not exceed double the  
20 amount of the maximum penalty.

21 (d) When a person has been convicted of an offense and only  
22 a fine has been imposed the amount of the bail shall not exceed  
23 double the amount of the fine.

24 (e) The State may appeal any order granting bail or  
25 setting a given amount for bail.

26 (f) ~~(b)~~ When a person is charged with a violation of an

1 order of protection under Section 12-3.4 or 12-30 of the  
2 Criminal Code of 1961 or the Criminal Code of 2012 or when a  
3 person is charged with domestic battery, aggravated domestic  
4 battery, kidnapping, aggravated kidnaping, unlawful restraint,  
5 aggravated unlawful restraint, stalking, aggravated stalking,  
6 cyberstalking, harassment by telephone, harassment through  
7 electronic communications, or an attempt to commit first  
8 degree murder committed against an intimate partner regardless  
9 whether an order of protection has been issued against the  
10 person,

11 (1) whether the alleged incident involved harassment  
12 or abuse, as defined in the Illinois Domestic Violence Act  
13 of 1986;

14 (2) whether the person has a history of domestic  
15 violence, as defined in the Illinois Domestic Violence  
16 Act, or a history of other criminal acts;

17 (3) based on the mental health of the person;

18 (4) whether the person has a history of violating the  
19 orders of any court or governmental entity;

20 (5) whether the person has been, or is, potentially a  
21 threat to any other person;

22 (6) whether the person has access to deadly weapons or  
23 a history of using deadly weapons;

24 (7) whether the person has a history of abusing  
25 alcohol or any controlled substance;

26 (8) based on the severity of the alleged incident that

1 is the basis of the alleged offense, including, but not  
2 limited to, the duration of the current incident, and  
3 whether the alleged incident involved the use of a weapon,  
4 physical injury, sexual assault, strangulation, abuse  
5 during the alleged victim's pregnancy, abuse of pets, or  
6 forcible entry to gain access to the alleged victim;

7 (9) whether a separation of the person from the ~~victim~~  
8 ~~of abuse~~ alleged victim or a termination of the  
9 relationship between the person and the ~~victim of abuse~~  
10 alleged victim has recently occurred or is pending;

11 (10) whether the person has exhibited obsessive or  
12 controlling behaviors toward the ~~victim of abuse~~ alleged  
13 victim, including, but not limited to, stalking,  
14 surveillance, or isolation of the ~~victim of abuse~~ alleged  
15 victim or victim's family member or members;

16 (11) whether the person has expressed suicidal or  
17 homicidal ideations;

18 ~~(11.5) any other factors deemed by the court to have a~~  
19 ~~reasonable bearing upon the defendant's propensity or~~  
20 ~~reputation for violent, abusive or assaultive behavior, or~~  
21 ~~lack of that behavior~~

22 (12) based on any information contained in the  
23 complaint and any police reports, affidavits, or other  
24 documents accompanying the complaint,  
25 the court may, in its discretion, order the respondent to  
26 undergo a risk assessment evaluation using a recognized,

1 evidence-based instrument conducted by an Illinois Department  
2 of Human Services approved partner abuse intervention program  
3 provider, pretrial service, probation, or parole agency. These  
4 agencies shall have access to summaries of the defendant's  
5 criminal history, which shall not include victim interviews or  
6 information, for the risk evaluation. Based on the information  
7 collected from the 12 points to be considered at a bail hearing  
8 under this subsection (f), the results of any risk evaluation  
9 conducted and the other circumstances of the violation, the  
10 court may order that the person, as a condition of bail, be  
11 placed under electronic surveillance as provided in Section  
12 5-8A-7 of the Unified Code of Corrections. Upon making a  
13 determination whether or not to order the respondent to  
14 undergo a risk assessment evaluation or to be placed under  
15 electronic surveillance and risk assessment, the court shall  
16 document in the record the court's reasons for making those  
17 determinations. The cost of the electronic surveillance and  
18 risk assessment shall be paid by, or on behalf, of the  
19 defendant. As used in this subsection (f), "intimate partner"  
20 means a spouse or a current or former partner in a cohabitation  
21 or dating relationship.

22 ~~(c) In cases of stalking or aggravated stalking under~~  
23 ~~Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the~~  
24 ~~court may consider the following additional factors:~~

25 ~~(1) Any evidence of the defendant's prior criminal~~  
26 ~~history indicative of violent, abusive or assaultive~~

1 ~~behavior, or lack of that behavior. The evidence may~~  
2 ~~include testimony or documents received in juvenile~~  
3 ~~proceedings, criminal, quasi-criminal, civil commitment,~~  
4 ~~domestic relations or other proceedings;~~

5 ~~(2) Any evidence of the defendant's psychological,~~  
6 ~~psychiatric or other similar social history that tends to~~  
7 ~~indicate a violent, abusive, or assaultive nature, or lack~~  
8 ~~of any such history.~~

9 ~~(3) The nature of the threat which is the basis of the~~  
10 ~~charge against the defendant;~~

11 ~~(4) Any statements made by, or attributed to the~~  
12 ~~defendant, together with the circumstances surrounding~~  
13 ~~them;~~

14 ~~(5) The age and physical condition of any person~~  
15 ~~allegedly assaulted by the defendant;~~

16 ~~(6) Whether the defendant is known to possess or have~~  
17 ~~access to any weapon or weapons;~~

18 ~~(7) Any other factors deemed by the court to have a~~  
19 ~~reasonable bearing upon the defendant's propensity or~~  
20 ~~reputation for violent, abusive or assaultive behavior, or~~  
21 ~~lack of that behavior.~~

22 ~~(d) The Court may use a regularly validated risk~~  
23 ~~assessment tool to aid its determination of appropriate~~  
24 ~~conditions of release as provided for in Section 110-6.4. Risk~~  
25 ~~assessment tools may not be used as the sole basis to deny~~  
26 ~~pretrial release. If a risk assessment tool is used, the~~



1 ~~defendant's counsel shall be provided with the information and~~  
2 ~~scoring system of the risk assessment tool used to arrive at~~  
3 ~~the determination. The defendant retains the right to~~  
4 ~~challenge the validity of a risk assessment tool used by the~~  
5 ~~court and to present evidence relevant to the defendant's~~  
6 ~~challenge.~~

7 ~~(e) If a person remains in pretrial detention after his or~~  
8 ~~her pretrial conditions hearing after having been ordered~~  
9 ~~released with pretrial conditions, the court shall hold a~~  
10 ~~hearing to determine the reason for continued detention. If~~  
11 ~~the reason for continued detention is due to the~~  
12 ~~unavailability or the defendant's ineligibility for one or~~  
13 ~~more pretrial conditions previously ordered by the court or~~  
14 ~~directed by a pretrial services agency, the court shall reopen~~  
15 ~~the conditions of release hearing to determine what available~~  
16 ~~pretrial conditions exist that will reasonably assure the~~  
17 ~~appearance of a defendant as required or the safety of any~~  
18 ~~other person and the likelihood of compliance by the defendant~~  
19 ~~with all the conditions of pretrial release. The inability of~~  
20 ~~Defendant to pay for a condition of release or any other~~  
21 ~~ineligibility for a condition of pretrial release shall not be~~  
22 ~~used as a justification for the pretrial detention of that~~  
23 ~~Defendant.~~

24 ~~(f) Prior to the defendant's first appearance, the Court~~  
25 ~~shall appoint the public defender or a licensed attorney at~~  
26 ~~law of this State to represent the Defendant for purposes of~~

1 ~~that hearing, unless the defendant has obtained licensed~~  
2 ~~counsel for themselves.~~

3 ~~(g) Electronic monitoring, GPS monitoring, or home~~  
4 ~~confinement can only be imposed condition of pretrial release~~  
5 ~~if a no less restrictive condition of release or combination~~  
6 ~~of less restrictive condition of release would reasonably~~  
7 ~~ensure the appearance of the defendant for later hearings or~~  
8 ~~protect an identifiable person or persons from imminent threat~~  
9 ~~of serious physical harm.~~

10 ~~(h) If the court imposes electronic monitoring, GPS~~  
11 ~~monitoring, or home confinement the court shall set forth in~~  
12 ~~the record the basis for its finding. A defendant shall be~~  
13 ~~given custodial credit for each day he or she was subjected to~~  
14 ~~that program, at the same rate described in subsection (b) of~~  
15 ~~Section 5-4.5-100 of the unified code of correction.~~

16 ~~(i) If electronic monitoring, GPS monitoring, or home~~  
17 ~~confinement is imposed, the court shall determine every 60~~  
18 ~~days if no less restrictive condition of release or~~  
19 ~~combination of less restrictive conditions of release would~~  
20 ~~reasonably ensure the appearance, or continued appearance, of~~  
21 ~~the defendant for later hearings or protect an identifiable~~  
22 ~~person or persons from imminent threat of serious physical~~  
23 ~~harm. If the court finds that there are less restrictive~~  
24 ~~conditions of release, the court shall order that the~~  
25 ~~condition be removed.~~

26 (g) ~~(j)~~ Crime Victims shall be given notice by the State's

1 Attorney's office of this hearing as required in paragraph (1)  
2 of subsection (b) of Section 4.5 of the Rights of Crime Victims  
3 and Witnesses Act and shall be informed of their opportunity  
4 at this hearing to obtain an order of protection under Article  
5 112A of this Code.

6 (Source: P.A. 100-1, eff. 1-1-18; 101-652, eff. 1-1-23.)

7 (725 ILCS 5/110-5.2)

8 Sec. 110-5.2. ~~Pretrial release~~ Bail; pregnant pre-trial  
9 detainee.

10 (a) It is the policy of this State that a pre-trial  
11 detainee shall not be required to deliver a child while in  
12 custody absent a finding by the court that continued pre-trial  
13 custody is necessary to protect the public or the victim of the  
14 offense on which the charge is based.

15 (b) If the court reasonably believes that a pre-trial  
16 detainee will give birth while in custody, the court shall  
17 order an alternative to custody unless, after a hearing, the  
18 court determines:

19 (1) that the release of the pregnant pre-trial  
20 detainee would pose a real and present threat to the  
21 physical safety of the alleged victim of the offense and  
22 continuing custody is necessary to prevent the fulfillment  
23 of the threat upon which the charge is based; or

24 (2) that the release of the pregnant pre-trial  
25 detainee would pose a real and present threat to the

1 physical safety of any person or persons or the general  
2 public.

3 (c) The court may order a pregnant or post-partum detainee  
4 to be subject to electronic monitoring as a condition of  
5 pre-trial release or order other condition or combination of  
6 conditions the court reasonably determines are in the best  
7 interest of the detainee and the public.

8 (d) This Section shall be applicable to a pregnant  
9 pre-trial detainee in custody on or after the effective date  
10 of this amendatory Act of the 100th General Assembly.

11 (Source: P.A. 100-630, eff. 1-1-19; 101-652.)

12 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

13 Sec. 110-6. ~~Revocation of pretrial release, modification~~  
14 ~~of conditions of pretrial release, and sanctions for~~  
15 ~~violations of conditions of pretrial release~~ Modification of  
16 bail or conditions.

17 (a) ~~When a defendant is granted pretrial release under~~  
18 ~~this section, that pretrial release may be revoked only under~~  
19 ~~the following conditions:~~

20 ~~(1) if the defendant is charged with a detainable~~  
21 ~~felony as defined in 110-6.1, a defendant may be detained~~  
22 ~~after the State files a verified petition for such a~~  
23 ~~hearing, and gives the defendant notice as prescribed in~~  
24 ~~110-6.1; or~~

25 ~~(2) in accordance with subsection (b) of this section.~~

1       ~~(b) Revocation due to a new criminal charge: If an~~  
2 ~~individual, while on pretrial release for a Felony or Class A~~  
3 ~~misdemeanor under this Section, is charged with a new felony~~  
4 ~~or Class A misdemeanor under the Criminal Code of 2012, the~~  
5 ~~court may, on its own motion or motion of the state, begin~~  
6 ~~proceedings to revoke the individual's' pretrial release.~~

7       ~~(1) When the defendant is charged with a felony or~~  
8 ~~class A misdemeanor offense and while free on pretrial~~  
9 ~~release bail is charged with a subsequent felony or class~~  
10 ~~A misdemeanor offense that is alleged to have occurred~~  
11 ~~during the defendant's pretrial release, the state may~~  
12 ~~file a verified petition for revocation of pretrial~~  
13 ~~release.~~

14       ~~(2) When a defendant on pretrial release is charged~~  
15 ~~with a violation of an order of protection issued under~~  
16 ~~Section 112A 14 of this Code, or Section 214 of the~~  
17 ~~Illinois Domestic Violence Act of 1986 or previously was~~  
18 ~~convicted of a violation of an order of protection under~~  
19 ~~Section 12 3.4 or 12 30 of the Criminal Code of 1961 or the~~  
20 ~~Criminal Code of 2012, and the subject of the order of~~  
21 ~~protection is the same person as the victim in the~~  
22 ~~underlying matter, the state shall file a verified~~  
23 ~~petition for revocation of pretrial release.~~

24       ~~(3) Upon the filing of this petition, the court shall~~  
25 ~~order the transfer of the defendant and the application to~~  
26 ~~the court before which the previous felony matter is~~

1 ~~pending. The defendant shall be held without bond pending~~  
2 ~~transfer to and a hearing before such court. The defendant~~  
3 ~~shall be transferred to the court before which the~~  
4 ~~previous matter is pending without unnecessary delay. In~~  
5 ~~no event shall the time between the filing of the state's~~  
6 ~~petition for revocation and the defendant's appearance~~  
7 ~~before the court before which the previous matter is~~  
8 ~~pending exceed 72 hours.~~

9 ~~(4) The court before which the previous felony matter~~  
10 ~~is pending may revoke the defendant's pretrial release~~  
11 ~~only if it finds, after considering all relevant~~  
12 ~~circumstances including, but not limited to, the nature~~  
13 ~~and seriousness of the violation or criminal act alleged,~~  
14 ~~by the court finds clear and convincing evidence that no~~  
15 ~~condition or combination of conditions of release would~~  
16 ~~reasonably assure the appearance of the defendant for~~  
17 ~~later hearings or prevent the defendant from being charged~~  
18 ~~with a subsequent felony or class A misdemeanor.~~

19 ~~(5) In lieu of revocation, the court may release the~~  
20 ~~defendant pre-trial, with or without modification of~~  
21 ~~conditions of pretrial release.~~

22 ~~(6) If the case that caused the revocation is~~  
23 ~~dismissed, the defendant is found not guilty in the case~~  
24 ~~causing the revocation, or the defendant completes a~~  
25 ~~lawfully imposed sentence on the case causing the~~  
26 ~~revocation, the court shall, without unnecessary delay,~~

1 ~~hold a hearing on conditions of release pursuant to~~  
2 ~~section 110-5 and release the defendant with or without~~  
3 ~~modification of conditions of pretrial release.~~

4 ~~(7) Both the state and the defense may appeal an order~~  
5 ~~revoking pretrial release or denying a petition for~~  
6 ~~revocation of release.~~

7 ~~(c) Violations other than re arrest for a felony or class~~  
8 ~~A misdemeanor. If a defendant:~~

9 ~~(1) fails to appear in court as required by their~~  
10 ~~conditions of release;~~

11 ~~(2) is charged with a class B or C misdemeanor, petty~~  
12 ~~offense, traffic offense, or ordinance violation that is~~  
13 ~~alleged to have occurred during the defendant's pretrial~~  
14 ~~release; or~~

15 ~~(3) violates any other condition of release set by the~~  
16 ~~court,~~

17 ~~the court shall follow the procedures set forth in Section~~  
18 ~~110-3 to ensure the defendant's appearance in court to address~~  
19 ~~the violation.~~

20 ~~(d) When a defendant appears in court for a notice to show~~  
21 ~~cause hearing, or after being arrested on a warrant issued~~  
22 ~~because of a failure to appear at a notice to show cause~~  
23 ~~hearing, or after being arrested for an offense other than a~~  
24 ~~felony or class A misdemeanor, the state may file a verified~~  
25 ~~petition requesting a hearing for sanctions.~~

26 ~~(e) During the hearing for sanctions, the defendant shall~~

1 ~~be represented by counsel and have an opportunity to be heard~~  
2 ~~regarding the violation and evidence in mitigation. The court~~  
3 ~~shall only impose sanctions if it finds by clear and~~  
4 ~~convincing evidence that:~~

5 ~~1. The defendant committed an act that violated a term~~  
6 ~~of their pretrial release;~~

7 ~~2. The defendant had actual knowledge that their~~  
8 ~~action would violate a court order;~~

9 ~~3. The violation of the court order was willful; and~~

10 ~~4. The violation was not caused by a lack of access to~~  
11 ~~financial monetary resources.~~

12 ~~(f) Sanctions: sanctions for violations of pretrial~~  
13 ~~release may include:~~

14 ~~1. A verbal or written admonishment from the court;~~

15 ~~2. Imprisonment in the county jail for a period not~~  
16 ~~exceeding 30 days;~~

17 ~~3. A fine of not more than \$200; or~~

18 ~~4. A modification of the defendant's pretrial~~  
19 ~~conditions.~~

20 ~~(g) Modification of Pretrial Conditions~~

21 ~~(a) The court may, at any time, after motion by either~~  
22 ~~party or on its own motion, remove previously set~~  
23 ~~conditions of pretrial release, subject to the provisions~~  
24 ~~in section (e). The court may only add or increase~~  
25 ~~conditions of pretrial release at a hearing under this~~  
26 ~~Section, in a warrant issued under Section 110 3, or upon~~



1 ~~motion from the state.~~

2 ~~(b) Modification of conditions of release regarding~~  
3 ~~contact with victims or witnesses. The court shall not~~  
4 ~~remove a previously set condition of bond regulating~~  
5 ~~contact with a victim or witness in the case, unless the~~  
6 ~~subject of the condition has been given notice of the~~  
7 ~~hearing as required in paragraph (1) of subsection (b) of~~  
8 ~~Section 4.5 of the Rights of Crime Victims and Witnesses~~  
9 ~~Act. If the subject of the condition of release is not~~  
10 ~~present, the court shall follow the procedures of~~  
11 ~~paragraph (10) of subsection (c-1) of the Rights of Crime~~  
12 ~~Victims and Witnesses Act.~~

13 (a-1) ~~(h)~~ Notice to Victims: Crime Victims shall be given  
14 notice by the State's Attorney's office of all hearings in  
15 this section as required in paragraph (1) of subsection (b) of  
16 Section 4.5 of the Rights of Crime Victims and Witnesses Act  
17 and shall be informed of their opportunity at these hearing to  
18 obtain an order of protection under Article 112A of this Code.  
19 Upon verified application by the State or the defendant or on  
20 its own motion the court before which the proceeding is  
21 pending may increase or reduce the amount of bail or may alter  
22 the conditions of the bail bond or grant bail where it has been  
23 previously revoked or denied. If bail has been previously  
24 revoked pursuant to subsection (f) of this Section or if bail  
25 has been denied to the defendant pursuant to subsection (e) of  
26 Section 110-6.1 or subsection (e) of Section 110-6.3, the

1 defendant shall be required to present a verified application  
2 setting forth in detail any new facts not known or obtainable  
3 at the time of the previous revocation or denial of bail  
4 proceedings. If the court grants bail where it has been  
5 previously revoked or denied, the court shall state on the  
6 record of the proceedings the findings of facts and conclusion  
7 of law upon which such order is based.

8 (a-5) In addition to any other available motion or  
9 procedure under this Code, a person in custody solely for a  
10 Category B offense due to an inability to post monetary bail  
11 shall be brought before the court at the next available court  
12 date or 7 calendar days from the date bail was set, whichever  
13 is earlier, for a rehearing on the amount or conditions of bail  
14 or release pending further court proceedings. The court may  
15 reconsider conditions of release for any other person whose  
16 inability to post monetary bail is the sole reason for  
17 continued incarceration, including a person in custody for a  
18 Category A offense or a Category A offense and a Category B  
19 offense. The court may deny the rehearing permitted under this  
20 subsection (a-5) if the person has failed to appear as  
21 required before the court and is incarcerated based on a  
22 warrant for failure to appear on the same original criminal  
23 offense.

24 (b) Violation of the conditions of Section 110-10 of this  
25 Code or any special conditions of bail as ordered by the court  
26 shall constitute grounds for the court to increase the amount

1 of bail, or otherwise alter the conditions of bail, or, where  
2 the alleged offense committed on bail is a forcible felony in  
3 Illinois or a Class 2 or greater offense under the Illinois  
4 Controlled Substances Act, the Cannabis Control Act, or the  
5 Methamphetamine Control and Community Protection Act, revoke  
6 bail pursuant to the appropriate provisions of subsection (e)  
7 of this Section.

8 (c) Reasonable notice of such application by the defendant  
9 shall be given to the State.

10 (d) Reasonable notice of such application by the State  
11 shall be given to the defendant, except as provided in  
12 subsection (e).

13 (e) Upon verified application by the State stating facts  
14 or circumstances constituting a violation or a threatened  
15 violation of any of the conditions of the bail bond the court  
16 may issue a warrant commanding any peace officer to bring the  
17 defendant without unnecessary delay before the court for a  
18 hearing on the matters set forth in the application. If the  
19 actual court before which the proceeding is pending is absent  
20 or otherwise unavailable another court may issue a warrant  
21 pursuant to this Section. When the defendant is charged with a  
22 felony offense and while free on bail is charged with a  
23 subsequent felony offense and is the subject of a proceeding  
24 set forth in Section 109-1 or 109-3 of this Code, upon the  
25 filing of a verified petition by the State alleging a  
26 violation of Section 110-10 (a) (4) of this Code, the court

1 shall without prior notice to the defendant, grant leave to  
2 file such application and shall order the transfer of the  
3 defendant and the application without unnecessary delay to the  
4 court before which the previous felony matter is pending for a  
5 hearing as provided in subsection (b) or this subsection of  
6 this Section. The defendant shall be held without bond pending  
7 transfer to and a hearing before such court. At the conclusion  
8 of the hearing based on a violation of the conditions of  
9 Section 110-10 of this Code or any special conditions of bail  
10 as ordered by the court the court may enter an order increasing  
11 the amount of bail or alter the conditions of bail as deemed  
12 appropriate.

13 (f) Where the alleged violation consists of the violation  
14 of one or more felony statutes of any jurisdiction which would  
15 be a forcible felony in Illinois or a Class 2 or greater  
16 offense under the Illinois Controlled Substances Act, the  
17 Cannabis Control Act, or the Methamphetamine Control and  
18 Community Protection Act and the defendant is on bail for the  
19 alleged commission of a felony, or where the defendant is on  
20 bail for a felony domestic battery (enhanced pursuant to  
21 subsection (b) of Section 12-3.2 of the Criminal Code of 1961  
22 or the Criminal Code of 2012), aggravated domestic battery,  
23 aggravated battery, unlawful restraint, aggravated unlawful  
24 restraint or domestic battery in violation of item (1) of  
25 subsection (a) of Section 12-3.2 of the Criminal Code of 1961  
26 or the Criminal Code of 2012 against a family or household

1 member as defined in Section 112A-3 of this Code and the  
2 violation is an offense of domestic battery against the same  
3 victim the court shall, on the motion of the State or its own  
4 motion, revoke bail in accordance with the following  
5 provisions:

6 (1) The court shall hold the defendant without bail  
7 pending the hearing on the alleged breach; however, if the  
8 defendant is not admitted to bail the hearing shall be  
9 commenced within 10 days from the date the defendant is  
10 taken into custody or the defendant may not be held any  
11 longer without bail, unless delay is occasioned by the  
12 defendant. Where defendant occasions the delay, the  
13 running of the 10 day period is temporarily suspended and  
14 resumes at the termination of the period of delay. Where  
15 defendant occasions the delay with 5 or fewer days  
16 remaining in the 10 day period, the court may grant a  
17 period of up to 5 additional days to the State for good  
18 cause shown. The State, however, shall retain the right to  
19 proceed to hearing on the alleged violation at any time,  
20 upon reasonable notice to the defendant and the court.

21 (2) At a hearing on the alleged violation the State  
22 has the burden of going forward and proving the violation  
23 by clear and convincing evidence. The evidence shall be  
24 presented in open court with the opportunity to testify,  
25 to present witnesses in his behalf, and to cross-examine  
26 witnesses if any are called by the State, and

1 representation by counsel and if the defendant is indigent  
2 to have counsel appointed for him. The rules of evidence  
3 applicable in criminal trials in this State shall not  
4 govern the admissibility of evidence at such hearing.  
5 Information used by the court in its findings or stated in  
6 or offered in connection with hearings for increase or  
7 revocation of bail may be by way of proffer based upon  
8 reliable information offered by the State or defendant.  
9 All evidence shall be admissible if it is relevant and  
10 reliable regardless of whether it would be admissible  
11 under the rules of evidence applicable at criminal trials.  
12 A motion by the defendant to suppress evidence or to  
13 suppress a confession shall not be entertained at such a  
14 hearing. Evidence that proof may have been obtained as a  
15 result of an unlawful search and seizure or through  
16 improper interrogation is not relevant to this hearing.

17 (3) Upon a finding by the court that the State has  
18 established by clear and convincing evidence that the  
19 defendant has committed a forcible felony or a Class 2 or  
20 greater offense under the Illinois Controlled Substances  
21 Act, the Cannabis Control Act, or the Methamphetamine  
22 Control and Community Protection Act while admitted to  
23 bail, or where the defendant is on bail for a felony  
24 domestic battery (enhanced pursuant to subsection (b) of  
25 Section 12-3.2 of the Criminal Code of 1961 or the  
26 Criminal Code of 2012), aggravated domestic battery,

1 aggravated battery, unlawful restraint, aggravated  
2 unlawful restraint or domestic battery in violation of  
3 item (1) of subsection (a) of Section 12-3.2 of the  
4 Criminal Code of 1961 or the Criminal Code of 2012 against  
5 a family or household member as defined in Section 112A-3  
6 of this Code and the violation is an offense of domestic  
7 battery, against the same victim, the court shall revoke  
8 the bail of the defendant and hold the defendant for trial  
9 without bail. Neither the finding of the court nor any  
10 transcript or other record of the hearing shall be  
11 admissible in the State's case in chief, but shall be  
12 admissible for impeachment, or as provided in Section  
13 115-10.1 of this Code or in a perjury proceeding.

14 (4) If the bail of any defendant is revoked pursuant  
15 to paragraph (f) (3) of this Section, the defendant may  
16 demand and shall be entitled to be brought to trial on the  
17 offense with respect to which he was formerly released on  
18 bail within 90 days after the date on which his bail was  
19 revoked. If the defendant is not brought to trial within  
20 the 90 day period required by the preceding sentence, he  
21 shall not be held longer without bail. In computing the 90  
22 day period, the court shall omit any period of delay  
23 resulting from a continuance granted at the request of the  
24 defendant.

25 (5) If the defendant either is arrested on a warrant  
26 issued pursuant to this Code or is arrested for an

1 unrelated offense and it is subsequently discovered that  
2 the defendant is a subject of another warrant or warrants  
3 issued pursuant to this Code, the defendant shall be  
4 transferred promptly to the court which issued such  
5 warrant. If, however, the defendant appears initially  
6 before a court other than the court which issued such  
7 warrant, the non-issuing court shall not alter the amount  
8 of bail set on such warrant unless the court sets forth on  
9 the record of proceedings the conclusions of law and facts  
10 which are the basis for such altering of another court's  
11 bond. The non-issuing court shall not alter another courts  
12 bail set on a warrant unless the interests of justice and  
13 public safety are served by such action.

14 (g) The State may appeal any order where the court has  
15 increased or reduced the amount of bail or altered the  
16 conditions of the bail bond or granted bail where it has  
17 previously been revoked.

18 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19;  
19 101-652.)

20 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

21 Sec. 110-6.1. Denial of ~~pretrial release~~ bail in  
22 non-probationable felony offenses.

23 (a) Upon verified petition by the State, the court shall  
24 hold a hearing ~~and may deny~~ to determine whether bail should be  
25 denied to a defendant pretrial release only if:



1           ~~(1) the defendant~~ who is charged with a ~~forcible~~  
2 felony offense for which a sentence of imprisonment,  
3 without probation, periodic imprisonment or conditional  
4 discharge, is required by law upon conviction, ~~and~~ when it  
5 is alleged that the defendant's ~~pretrial release poses a~~  
6 ~~specific, real and present threat to any person or the~~  
7 ~~community.~~ admission to bail poses a real and present  
8 threat to the physical safety of any person or persons .

9           ~~(2) the defendant is charged with stalking or~~  
10 ~~aggravated stalking and it is alleged that the defendant's~~  
11 ~~pre-trial release poses a real and present threat to the~~  
12 ~~physical safety of a victim of the alleged offense, and~~  
13 ~~denial of release is necessary to prevent fulfillment of~~  
14 ~~the threat upon which the charge is based;~~

15           ~~(3) the victim of abuse was a family or household~~  
16 ~~member as defined by paragraph (6) of Section 103 of the~~  
17 ~~Illinois Domestic Violence Act of 1986, and the person~~  
18 ~~charged, at the time of the alleged offense, was subject~~  
19 ~~to the terms of an order of protection issued under~~  
20 ~~Section 112A-14 of this Code, or Section 214 of the~~  
21 ~~Illinois Domestic Violence Act of 1986 or previously was~~  
22 ~~convicted of a violation of an order of protection under~~  
23 ~~Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the~~  
24 ~~Criminal Code of 2012 or a violent crime if the victim was~~  
25 ~~a family or household member as defined by paragraph (6)~~  
26 ~~of the Illinois Domestic Violence Act of 1986 at the time~~

1 ~~of the offense or a violation of a substantially similar~~  
2 ~~municipal ordinance or law of this or any other state or~~  
3 ~~the United States if the victim was a family or household~~  
4 ~~member as defined by paragraph (6) of Section 103 of the~~  
5 ~~Illinois Domestic Violence Act of 1986 at the time of the~~  
6 ~~offense, and it is alleged that the defendant's pre trial~~  
7 ~~release poses a real and present threat to the physical~~  
8 ~~safety of any person or persons;~~

9 ~~(4) the defendant is charged with domestic battery or~~  
10 ~~aggravated domestic battery under Section 12-3.2 or 12-3.3~~  
11 ~~of the Criminal Code of 2012 and it is alleged that the~~  
12 ~~defendant's pretrial release poses a real and present~~  
13 ~~threat to the physical safety of any person or persons;~~

14 ~~(5) the defendant is charged with any offense under~~  
15 ~~Article 11 of the Criminal Code of 2012, except for~~  
16 ~~Sections 11-30, 11-35, 11-40, and 11-45 of the Criminal~~  
17 ~~Code of 2012, or similar provisions of the Criminal Code~~  
18 ~~of 1961 and it is alleged that the defendant's pretrial~~  
19 ~~release poses a real and present threat to the physical~~  
20 ~~safety of any person or persons;~~

21 ~~(6) the defendant is charged with any of these~~  
22 ~~violations under the Criminal Code of 2012 and it is~~  
23 ~~alleged that the defendant's pretrial releases poses a~~  
24 ~~real and present threat to the physical safety of any~~  
25 ~~specifically identifiable person or persons.~~

26 ~~(A) Section 24-1.2 (aggravated discharge of a~~

1 ~~firearm);~~

2 ~~(B) Section 24-2.5 (aggravated discharge of a~~  
3 ~~machine gun or a firearm equipped with a device~~  
4 ~~designed or use for silencing the report of a~~  
5 ~~firearm);~~

6 ~~(C) Section 24-1.5 (reckless discharge of a~~  
7 ~~firearm);~~

8 ~~(D) Section 24-1.7 (armed habitual criminal);~~

9 ~~(E) Section 24-2.2-2 (manufacture, sale or~~  
10 ~~transfer of bullets or shells represented to be armor~~  
11 ~~piercing bullets, dragon's breath shotgun shells, bolo~~  
12 ~~shells or flechette shells);~~

13 ~~(F) Section 24-3 (unlawful sale or delivery of~~  
14 ~~firearms);~~

15 ~~(G) Section 24-3.3 (unlawful sale or delivery of~~  
16 ~~firearms on the premises of any school);~~

17 ~~(H) Section 24-34 (unlawful sale of firearms by~~  
18 ~~liquor license);~~

19 ~~(I) Section 24-3.5 (unlawful purchase of a~~  
20 ~~firearm);~~

21 ~~(J) Section 24-3A (gunrunning); or~~

22 ~~(K) Section on 24-3B (firearms trafficking);~~

23 ~~(L) Section 10-9 (b) (involuntary servitude);~~

24 ~~(M) Section 10-9 (c) (involuntary sexual servitude~~  
25 ~~of a minor);~~

26 ~~(N) Section 10-9(d) (trafficking in persons);~~

1           ~~(0) Non-probationable violations: (i) (unlawful~~  
2           ~~use or possession of weapons by felons or persons in~~  
3           ~~the Custody of the Department of Corrections~~  
4           ~~facilities (Section 24-1.1), (ii) aggravated unlawful~~  
5           ~~use of a weapon (Section 24-1.6, or (iii) aggravated~~  
6           ~~possession of a stolen firearm (Section 24-3.9);~~  
7           ~~(7) the person has a high likelihood of willful flight~~  
8           ~~to avoid prosecution and is charged with:~~

9           ~~(A) Any felony described in Sections (a)(1)~~  
10           ~~through (a)(5) of this Section; or~~

11           ~~(B) A felony offense other than a Class 4 offense.~~

12           ~~(b) If the charged offense is a felony, the Court shall~~  
13           ~~hold a hearing pursuant to 109-3 of this Code to~~  
14           ~~determine whether there is probable cause the~~  
15           ~~defendant has committed an offense, unless a grand~~  
16           ~~jury has returned a true bill of indictment against~~  
17           ~~the defendant. If there is a finding of no probable~~  
18           ~~cause, the defendant shall be released. No such~~  
19           ~~finding is necessary if the defendant is charged with~~  
20           ~~a misdemeanor.~~

21           ~~(c) Timing of petition.~~

22           (1) A petition may be filed without prior notice to  
23           the defendant at the first appearance before a judge, or  
24           within the 21 calendar days, except as provided in Section  
25           110-6, after arrest and release of the defendant upon  
26           reasonable notice to defendant; provided that while such

1 petition is pending before the court, the defendant if  
2 previously released shall not be detained.

3 ~~(2) (2) Upon filing, the court shall immediately hold~~  
4 ~~a hearing on the petition unless a continuance is~~  
5 ~~requested. If a continuance is requested, the hearing~~  
6 ~~shall be held within 48 hours of the defendant's first~~  
7 ~~appearance if the defendant is charged with a Class X,~~  
8 ~~Class 1, Class 2, or Class 3 felony, and within 24 hours if~~  
9 ~~the defendant is charged with a Class 4 or misdemeanor~~  
10 ~~offense. The Court may deny and or grant the request for~~  
11 ~~continuance. If the court decides to grant the~~  
12 ~~continuance, the Court retains the discretion to detain or~~  
13 ~~release the defendant in the time between the filing of~~  
14 ~~the petition and the hearing.~~

15 ~~(d) Contents of petition.~~

16 ~~(1) The petition shall be verified by the State and~~  
17 ~~shall state the grounds upon which it contends the~~  
18 ~~defendant should be denied pretrial release, including the~~  
19 ~~identity of the specific person or persons the State~~  
20 ~~believes the defendant poses a danger to.~~

21 ~~(2) Only one petition may be filed under this Section.~~

22 ~~(e) Eligibility: All defendants shall be presumed eligible~~  
23 ~~for pretrial release, and the State shall bear the burden of~~  
24 ~~proving by clear and convincing evidence that: The hearing~~  
25 ~~shall be held immediately upon the defendant's appearance~~  
26 ~~before the court, unless for good cause shown the defendant or~~

1 the State seeks a continuance. A continuance on motion of the  
2 defendant may not exceed 5 calendar days, and a continuance on  
3 the motion of the State may not exceed 3 calendar days. The  
4 defendant may be held in custody during such continuance.

5 (b) The court may deny bail to the defendant where, after  
6 the hearing, it is determined that:

7 (1) the proof is evident or the presumption great that  
8 the defendant has committed an offense ~~listed in~~  
9 ~~paragraphs (1) through (6) of subsection (a)~~ for which a  
10 sentence of imprisonment, without probation, periodic  
11 imprisonment or conditional discharge, must be imposed by  
12 law as a consequence of conviction, and

13 (2) the defendant poses a real and present threat to  
14 the physical safety of ~~a specific, identifiable~~ any person  
15 or persons, by conduct which may include, but is not  
16 limited to, a forcible felony, the obstruction of justice,  
17 intimidation, injury, ~~or abuse as defined by paragraph (1)~~  
18 ~~of Section 103 of the Illinois Domestic Violence Act of~~  
19 ~~1986~~ physical harm, an offense under the Illinois  
20 Controlled Substances Act which is a Class X felony, or an  
21 offense under the Methamphetamine Control and Community  
22 Protection Act which is a Class X felony, and

23 (3) the court finds that no condition or combination  
24 of conditions set forth in subsection (b) of Section  
25 110-10 of this Article ~~can mitigate the real and present~~  
26 ~~threat to the safety of any~~ , can reasonably assure the

1 physical safety of any other person or persons ~~or the~~  
2 ~~defendant's willful flight.~~

3 ~~(f)~~ (c) Conduct of the hearings.

4 (1) ~~Prior to the hearing the State shall tender to the~~  
5 ~~defendant copies of defendant's criminal history~~  
6 ~~available, any written or recorded statements, and the~~  
7 ~~substance of any oral statements made by any person, if~~  
8 ~~relied upon by the State in its petition, and any police~~  
9 ~~reports in the State's Attorney's possession at the time~~  
10 ~~of the hearing that are required to be disclosed to the~~  
11 ~~defense under Illinois Supreme Court rules. The hearing on~~  
12 ~~the defendant's culpability and dangerousness shall be~~  
13 ~~conducted in accordance with the following provisions:~~

14 ~~(2) The State or defendant may present evidence at the~~  
15 ~~hearing (A) Information used by the court in its findings~~  
16 ~~or stated in or offered at such hearing may be by way of~~  
17 ~~proffer based upon reliable information offered by the~~  
18 ~~State or by defendant.~~

19 ~~(3) The defendant Defendant has the right to be~~  
20 ~~represented by counsel, and if he ~~or she~~ is indigent, to~~  
21 ~~have counsel appointed for him ~~or her~~. The defendant.~~  
22 ~~Defendant shall have the opportunity to testify, to~~  
23 ~~present witnesses ~~on~~ in his ~~or her~~ own behalf, and to~~  
24 ~~cross-examine ~~any~~ witnesses ~~that~~ if any are called by the~~  
25 ~~State.~~

26 ~~(4) If the defense seeks to call the complaining~~

1 ~~witness as a witness in its favor, it shall petition the~~  
2 ~~court for permission.~~ The defendant has the right to  
3 present witnesses in his favor. When the ends of justice  
4 so require, the court may ~~exercise~~ exercises its  
5 discretion and compel the appearance of a complaining  
6 witness. The court shall state on the record reasons for  
7 granting a defense request to compel the presence of a  
8 complaining witness. ~~In making a determination under this~~  
9 ~~section, the court shall state on the record the reason~~  
10 ~~for granting a defense request to compel the presence of a~~  
11 ~~complaining witness, and only grant the request if the~~  
12 ~~court finds by clear and convincing evidence that the~~  
13 ~~defendant will be materially prejudiced if the complaining~~  
14 ~~witness does not appear.~~ Cross-examination of a  
15 complaining witness at the pretrial detention hearing for  
16 the purpose of impeaching the witness' credibility is  
17 insufficient reason to compel the presence of the witness.  
18 In deciding whether to compel the appearance of a  
19 complaining witness, the court shall be considerate of the  
20 emotional and physical well-being of the witness. The  
21 pre-trial detention hearing is not to be used for purposes  
22 of discovery, and the post arraignment rules of discovery  
23 do not apply. The State shall tender to the defendant,  
24 prior to the hearing, copies of defendant's criminal  
25 history, if any, if available, and any written or recorded  
26 statements and the substance of any oral statements made



1 by any person, if relied upon by the State in its petition.

2 ~~(5)~~ The rules concerning the admissibility of evidence  
3 in criminal trials do not apply to the presentation and  
4 consideration of information at the hearing. At the trial  
5 concerning the offense for which the hearing was conducted  
6 neither the finding of the court nor any transcript or  
7 other record of the hearing shall be admissible in the  
8 State's case in chief, but shall be admissible for  
9 impeachment, or as provided in Section 115-10.1 of this  
10 Code, or in a perjury proceeding.

11 ~~(6)~~ ~~The (B)~~ A motion by the defendant ~~may not move~~ to  
12 suppress evidence or to suppress a confession, ~~however,~~  
13 ~~evidence~~ shall not be entertained. Evidence that proof ~~of~~  
14 ~~the charged crime~~ may have been obtained as the result of  
15 an unlawful search ~~or~~ and seizure, ~~or both,~~ or through  
16 improper interrogation, ~~is~~ not relevant ~~in assessing the~~  
17 ~~weight of the evidence against the defendant~~ to this state  
18 of the prosecution.

19 ~~(7)~~ ~~Decisions regarding release, conditions of release~~  
20 ~~and detention prior trial should be individualized, and no~~  
21 ~~single factor or standard should be used exclusively to~~  
22 ~~make a condition or detention decision.~~

23 (2) The facts relied upon by the court to support a  
24 finding that the defendant poses a real and present threat  
25 to the physical safety of any person or persons shall be  
26 supported by clear and convincing evidence presented by

1 the State.

2 ~~(g)~~ (d) Factors to be considered in making a determination  
3 of dangerousness. The court may, in determining whether the  
4 defendant poses a ~~specific, imminent~~ real and present threat  
5 ~~of serious~~ to the physical ~~harm to an identifiable~~ safety of  
6 any person or persons, consider but shall not be limited to  
7 evidence or testimony concerning:

8 (1) The nature and circumstances of any offense  
9 charged, including whether the offense is a crime of  
10 violence, involving a weapon, ~~or a sex offense.~~

11 (2) The history and characteristics of the defendant  
12 including:

13 (A) Any evidence of the defendant's prior criminal  
14 history indicative of violent, abusive or assaultive  
15 behavior, or lack of such behavior. Such evidence may  
16 include testimony or documents received in juvenile  
17 proceedings, criminal, quasi-criminal, civil  
18 commitment, domestic relations or other proceedings.

19 (B) Any evidence of the defendant's psychological,  
20 psychiatric or other similar social history which  
21 tends to indicate a violent, abusive, or assaultive  
22 nature, or lack of any such history.

23 (3) The identity of any person or persons to whose  
24 safety the defendant is believed to pose a threat, and the  
25 nature of the threat;

26 (4) Any statements made by, or attributed to the

1 defendant, together with the circumstances surrounding  
2 them;

3 (5) The age and physical condition of any person  
4 assaulted by the defendant;

5 ~~(6) The age and physical condition of any victim or~~  
6 ~~complaining witness;~~

7 ~~(7)~~ Whether the defendant is known to possess or have  
8 access to any weapon or weapons;

9 ~~(8)~~ (7) Whether, at the time of the current offense or  
10 any other offense or arrest, the defendant was on  
11 probation, parole, aftercare release, mandatory supervised  
12 release or other release from custody pending trial,  
13 sentencing, appeal or completion of sentence for an  
14 offense under federal or state law;

15 ~~(9)~~ (8) Any other factors, including those listed in  
16 Section 110-5 of this Article deemed by the court to have a  
17 reasonable bearing upon the defendant's propensity or  
18 reputation for violent, abusive or assaultive behavior, or  
19 lack of such behavior.

20 ~~(h)~~ (e) Detention order. The court shall, in any order for  
21 detention:

22 (1) briefly summarize the evidence of the defendant's  
23 ~~guilt or innocence,~~ culpability and ~~the court's~~ its  
24 reasons for concluding that the defendant should be ~~denied~~  
25 ~~pretrial release~~ held without bail;

26 (2) direct that the defendant be committed to the

1 custody of the sheriff for confinement in the county jail  
2 pending trial;

3 (3) direct that the defendant be given a reasonable  
4 opportunity for private consultation with counsel, and for  
5 communication with others of his ~~or her~~ choice by  
6 visitation, mail and telephone; and

7 (4) direct that the sheriff deliver the defendant as  
8 required for appearances in connection with court  
9 proceedings.

10 ~~(i) Detention.~~ (f) If the court enters an order for the  
11 detention of the defendant pursuant to subsection (e) of this  
12 Section, the defendant shall be brought to trial on the  
13 offense for which he is detained within 90 days after the date  
14 on which the order for detention was entered. If the defendant  
15 is not brought to trial within the 90 day period required by  
16 the preceding sentence, he shall not be ~~denied pretrial~~  
17 ~~release~~ held longer without bail. In computing the 90 day  
18 period, the court shall omit any period of delay resulting  
19 from a continuance granted at the request of the defendant.

20 ~~(j)~~ (g) Rights of the defendant. Any person shall be  
21 entitled to appeal any order entered under this Section  
22 denying ~~pretrial release~~ bail to the defendant.

23 ~~(k) Appeal.~~ (h) The State may appeal any order entered  
24 under this Section denying any motion for denial of ~~pretrial~~  
25 ~~release~~ bail.

26 ~~(l) Presumption of innocence.~~ (i) Nothing in this Section

1 shall be construed as modifying or limiting in any way the  
2 defendant's presumption of innocence in further criminal  
3 proceedings.

4 (j) ~~(m)~~ Victim notice.

5 (1) Crime Victims shall be given notice by the State's  
6 Attorney's office of this hearing as required in paragraph  
7 (1) of subsection (b) of Section 4.5 of the Rights of Crime  
8 Victims and Witnesses Act and shall be informed of their  
9 opportunity at this hearing to obtain an order of  
10 protection under Article 112A of this Code.

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

12 (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

13 Sec. 110-6.2. Post-conviction Detention.

14 (a) The court may order that a person who has been found  
15 guilty of an offense and who is waiting imposition or  
16 execution of sentence be held without ~~release~~ bond unless the  
17 court finds by clear and convincing evidence that the person  
18 is not likely to flee or pose a danger to any other person or  
19 the community if released under Sections 110-5 and 110-10 of  
20 this Act.

21 (b) The court may order that person who has been found  
22 guilty of an offense and sentenced to a term of imprisonment be  
23 held without ~~release~~ bond unless the court finds by clear and  
24 convincing evidence that:

25 (1) the person is not likely to flee or pose a danger

1 to the safety of any other person or the community if  
2 released on bond pending appeal; and

3 (2) that the appeal is not for purpose of delay and  
4 raises a substantial question of law or fact likely to  
5 result in reversal or an order for a new trial.

6 (Source: P.A. 96-1200, eff. 7-22-10; 101-652.)

7 (725 ILCS 5/110-6.4)

8 Sec. 110-6.4. Statewide risk-assessment tool. The Supreme  
9 Court may establish a statewide risk-assessment tool to be  
10 used in proceedings to assist the court in establishing  
11 ~~conditions of pretrial release~~ bail for a defendant by  
12 assessing the defendant's likelihood of appearing at future  
13 court proceedings or determining if the defendant poses a real  
14 and present threat to the physical safety of any person or  
15 persons. The Supreme Court shall consider establishing a  
16 risk-assessment tool that does not discriminate on the basis  
17 of race, gender, educational level, socio-economic status, or  
18 neighborhood. If a risk-assessment tool is utilized within a  
19 circuit that does not require a personal interview to be  
20 completed, the Chief Judge of the circuit or the director of  
21 the pretrial services agency may exempt the requirement under  
22 Section 9 and subsection (a) of Section 7 of the Pretrial  
23 Services Act.

24 For the purpose of this Section, "risk-assessment tool"  
25 means an empirically validated, evidence-based screening

1 instrument that demonstrates reduced instances of a  
2 defendant's failure to appear for further court proceedings or  
3 prevents future criminal activity.

4 (Source: P.A. 100-1, eff. 1-1-18; 100-863, eff. 8-14-18;  
5 101-652.)

6 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

7 Sec. 110-10. Conditions of ~~pretrial release~~ bail bond.

8 (a) If a person is released prior to conviction, either  
9 upon payment of bail security or on his or her own  
10 recognizance, the conditions of ~~pretrial release~~ the bail bond  
11 shall be that he or she will:

12 (1) Appear to answer the charge in the court having  
13 jurisdiction on a day certain and thereafter as ordered by  
14 the court until discharged or final order of the court;

15 (2) Submit himself or herself to the orders and  
16 process of the court;

17 (3) ~~(Blank);~~ Not depart this State without leave of  
18 the court;

19 (4) Not violate any criminal statute of any  
20 jurisdiction;

21 (5) At a time and place designated by the court,  
22 surrender all firearms in his or her possession to a law  
23 enforcement officer designated by the court to take  
24 custody of and impound the firearms and physically  
25 surrender his or her Firearm Owner's Identification Card

1 to the clerk of the circuit court when the offense the  
2 person has been charged with is a forcible felony,  
3 stalking, aggravated stalking, domestic battery, any  
4 violation of the Illinois Controlled Substances Act, the  
5 Methamphetamine Control and Community Protection Act, or  
6 the Cannabis Control Act that is classified as a Class 2 or  
7 greater felony, or any felony violation of Article 24 of  
8 the Criminal Code of 1961 or the Criminal Code of 2012; the  
9 court may, however, forgo the imposition of this condition  
10 when the circumstances of the case clearly do not warrant  
11 it or when its imposition would be impractical; if the  
12 Firearm Owner's Identification Card is confiscated, the  
13 clerk of the circuit court shall mail the confiscated card  
14 to the Illinois State Police; all legally possessed  
15 firearms shall be returned to the person upon the charges  
16 being dismissed, or if the person is found not guilty,  
17 unless the finding of not guilty is by reason of insanity;  
18 and

19 (6) At a time and place designated by the court,  
20 submit to a psychological evaluation when the person has  
21 been charged with a violation of item (4) of subsection  
22 (a) of Section 24-1 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012 and that violation occurred in a  
24 school or in any conveyance owned, leased, or contracted  
25 by a school to transport students to or from school or a  
26 school-related activity, or on any public way within 1,000



1 feet of real property comprising any school.

2 Psychological evaluations ordered pursuant to this Section  
3 shall be completed promptly and made available to the State,  
4 the defendant, and the court. As a further condition of  
5 ~~pretrial release~~ bail under these circumstances, the court  
6 shall order the defendant to refrain from entering upon the  
7 property of the school, including any conveyance owned,  
8 leased, or contracted by a school to transport students to or  
9 from school or a school-related activity, or on any public way  
10 within 1,000 feet of real property comprising any school. Upon  
11 receipt of the psychological evaluation, either the State or  
12 the defendant may request a change in the conditions of  
13 ~~pretrial release~~ bail, pursuant to Section 110-6 of this Code.  
14 The court may change the conditions of ~~pretrial release~~ bail  
15 to include a requirement that the defendant follow the  
16 recommendations of the psychological evaluation, including  
17 undergoing psychiatric treatment. The conclusions of the  
18 psychological evaluation and any statements elicited from the  
19 defendant during its administration are not admissible as  
20 evidence of guilt during the course of any trial on the charged  
21 offense, unless the defendant places his or her mental  
22 competency in issue.

23 (b) The court may impose other conditions, such as the  
24 following, if the court finds that such conditions are  
25 reasonably necessary to assure the defendant's appearance in  
26 court, protect the public from the defendant, or prevent the

1 defendant's unlawful interference with the orderly  
2 administration of justice:

3 ~~(0.05) Not depart this State without leave of the~~  
4 ~~court;~~

5 (1) Report to or appear in person before such person  
6 or agency as the court may direct;

7 (2) Refrain from possessing a firearm or other  
8 dangerous weapon;

9 (3) Refrain from approaching or communicating with  
10 particular persons or classes of persons;

11 (4) Refrain from going to certain described  
12 geographical areas or premises;

13 (5) Refrain from engaging in certain activities or  
14 indulging in intoxicating liquors or in certain drugs;

15 (6) Undergo treatment for drug addiction or  
16 alcoholism;

17 (7) Undergo medical or psychiatric treatment;

18 (8) Work or pursue a course of study or vocational  
19 training;

20 (9) Attend or reside in a facility designated by the  
21 court;

22 (10) Support his or her dependents;

23 (11) If a minor resides with his or her parents or in a  
24 foster home, attend school, attend a non-residential  
25 program for youths, and contribute to his or her own  
26 support at home or in a foster home;

1 (12) Observe any curfew ordered by the court;

2 (13) Remain in the custody of such designated person  
3 or organization agreeing to supervise his release. Such  
4 third party custodian shall be responsible for notifying  
5 the court if the defendant fails to observe the conditions  
6 of release which the custodian has agreed to monitor, and  
7 shall be subject to contempt of court for failure so to  
8 notify the court;

9 (14) Be placed under direct supervision of the  
10 Pretrial Services Agency, Probation Department or Court  
11 Services Department in a pretrial bond home supervision  
12 capacity with or without the use of an approved electronic  
13 monitoring device subject to Article 8A of Chapter V of  
14 the Unified Code of Corrections;

15 (14.1) The court ~~may~~ shall impose upon a defendant who  
16 is charged with any alcohol, cannabis, methamphetamine, or  
17 controlled substance violation and is placed under direct  
18 supervision of the Pretrial Services Agency, Probation  
19 Department or Court Services Department in a pretrial bond  
20 home supervision capacity with the use of an approved  
21 monitoring device, as a condition of such ~~pretrial~~  
22 ~~monitoring~~ bail bond, a fee that represents costs  
23 incidental to the electronic monitoring for each day of  
24 such ~~pretrial~~ bail supervision ordered by the court,  
25 unless after determining the inability of the defendant to  
26 pay the fee, the court assesses a lesser fee or no fee as

1 the case may be. The fee shall be collected by the clerk of  
2 the circuit court, except as provided in an administrative  
3 order of the Chief Judge of the circuit court. The clerk of  
4 the circuit court shall pay all monies collected from this  
5 fee to the county treasurer for deposit in the substance  
6 abuse services fund under Section 5-1086.1 of the Counties  
7 Code, except as provided in an administrative order of the  
8 Chief Judge of the circuit court.

9 The Chief Judge of the circuit court of the county may  
10 by administrative order establish a program for electronic  
11 monitoring of offenders with regard to drug-related and  
12 alcohol-related offenses, in which a vendor supplies and  
13 monitors the operation of the electronic monitoring  
14 device, and collects the fees on behalf of the county. The  
15 program shall include provisions for indigent offenders  
16 and the collection of unpaid fees. The program shall not  
17 unduly burden the offender and shall be subject to review  
18 by the Chief Judge.

19 The Chief Judge of the circuit court may suspend any  
20 additional charges or fees for late payment, interest, or  
21 damage to any device;

22 (14.2) The court ~~may~~ shall impose upon all defendants,  
23 including those defendants subject to paragraph (14.1)  
24 above, placed under direct supervision of the Pretrial  
25 Services Agency, Probation Department or Court Services  
26 Department in a pretrial bond home supervision capacity

1 with the use of an approved monitoring device, as a  
2 condition of such ~~release~~ bail bond, a fee which shall  
3 represent costs incidental to such electronic monitoring  
4 for each day of such bail supervision ordered by the  
5 court, unless after determining the inability of the  
6 defendant to pay the fee, the court assesses a lesser fee  
7 or no fee as the case may be. The fee shall be collected by  
8 the clerk of the circuit court, except as provided in an  
9 administrative order of the Chief Judge of the circuit  
10 court. The clerk of the circuit court shall pay all monies  
11 collected from this fee to the county treasurer who shall  
12 use the monies collected to defray the costs of  
13 corrections. The county treasurer shall deposit the fee  
14 collected in the county working cash fund under Section  
15 6-27001 or Section 6-29002 of the Counties Code, as the  
16 case may be, except as provided in an administrative order  
17 of the Chief Judge of the circuit court.

18 The Chief Judge of the circuit court of the county may  
19 by administrative order establish a program for electronic  
20 monitoring of offenders with regard to drug-related and  
21 alcohol-related offenses, in which a vendor supplies and  
22 monitors the operation of the electronic monitoring  
23 device, and collects the fees on behalf of the county. The  
24 program shall include provisions for indigent offenders  
25 and the collection of unpaid fees. The program shall not  
26 unduly burden the offender and shall be subject to review

1 by the Chief Judge.

2 The Chief Judge of the circuit court may suspend any  
3 additional charges or fees for late payment, interest, or  
4 damage to any device;

5 (14.3) The Chief Judge of the Judicial Circuit may  
6 establish reasonable fees to be paid by a person receiving  
7 pretrial services while under supervision of a pretrial  
8 services agency, probation department, or court services  
9 department. Reasonable fees may be charged for pretrial  
10 services including, but not limited to, pretrial  
11 supervision, diversion programs, electronic monitoring,  
12 victim impact services, drug and alcohol testing, DNA  
13 testing, GPS electronic monitoring, assessments and  
14 evaluations related to domestic violence and other  
15 victims, and victim mediation services. The person  
16 receiving pretrial services may be ordered to pay all  
17 costs incidental to pretrial services in accordance with  
18 his or her ability to pay those costs;

19 (14.4) For persons charged with violating Section  
20 11-501 of the Illinois Vehicle Code, refrain from  
21 operating a motor vehicle not equipped with an ignition  
22 interlock device, as defined in Section 1-129.1 of the  
23 Illinois Vehicle Code, pursuant to the rules promulgated  
24 by the Secretary of State for the installation of ignition  
25 interlock devices. Under this condition the court may  
26 allow a defendant who is not self-employed to operate a

1 vehicle owned by the defendant's employer that is not  
2 equipped with an ignition interlock device in the course  
3 and scope of the defendant's employment;

4 (15) Comply with the terms and conditions of an order  
5 of protection issued by the court under the Illinois  
6 Domestic Violence Act of 1986 or an order of protection  
7 issued by the court of another state, tribe, or United  
8 States territory;

9 (16) ~~(Blank);~~ and Under Section 110-6.5 comply with  
10 the conditions of the drug testing program; and

11 (17) Such other reasonable conditions as the court may  
12 impose.

13 (c) When a person is charged with an offense under Section  
14 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
15 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
16 Criminal Code of 2012, involving a victim who is a minor under  
17 18 years of age living in the same household with the defendant  
18 at the time of the offense, in granting bail or releasing the  
19 defendant on his own recognizance, the judge shall impose  
20 conditions to restrict the defendant's access to the victim  
21 which may include, but are not limited to conditions that he  
22 will:

23 1. Vacate the household.

24 2. Make payment of temporary support to his  
25 dependents.

26 3. Refrain from contact or communication with the

1 child victim, except as ordered by the court.

2 (d) When a person is charged with a criminal offense and  
3 the victim is a family or household member as defined in  
4 Article 112A, conditions shall be imposed at the time of the  
5 defendant's release on bond that restrict the defendant's  
6 access to the victim. Unless provided otherwise by the court,  
7 the restrictions shall include requirements that the defendant  
8 do the following:

9 (1) refrain from contact or communication with the  
10 victim for a minimum period of 72 hours following the  
11 defendant's release; and

12 (2) refrain from entering or remaining at the victim's  
13 residence for a minimum period of 72 hours following the  
14 defendant's release.

15 (e) Local law enforcement agencies shall develop  
16 standardized ~~pretrial release~~ bond forms for use in cases  
17 involving family or household members as defined in Article  
18 112A, including specific conditions of ~~pretrial release~~ bond  
19 as provided in subsection (d). Failure of any law enforcement  
20 department to develop or use those forms shall in no way limit  
21 the applicability and enforcement of subsections (d) and (f).

22 (f) If the defendant is ~~released~~ admitted to bail after  
23 conviction ~~following appeal or other post-conviction~~  
24 ~~proceeding,~~ the conditions of the ~~pretrial release~~ bail bond  
25 shall be that he will, in addition to the conditions set forth  
26 in subsections (a) and (b) hereof:



- 1 (1) Duly prosecute his appeal;
- 2 (2) Appear at such time and place as the court may
- 3 direct;
- 4 (3) Not depart this State without leave of the court;
- 5 (4) Comply with such other reasonable conditions as
- 6 the court may impose; and
- 7 (5) If the judgment is affirmed or the cause reversed
- 8 and remanded for a new trial, forthwith surrender to the
- 9 officer from whose custody he was ~~released~~ bailed.

10 (g) Upon a finding of guilty for any felony offense, the

11 defendant shall physically surrender, at a time and place

12 designated by the court, any and all firearms in his or her

13 possession and his or her Firearm Owner's Identification Card

14 as a condition of ~~being released~~ remaining on bond pending

15 sentencing.

16 (h) In the event the defendant is ~~denied pretrial release~~

17 unable to post bond, the court may impose a no contact

18 provision with the victim or other interested party that shall

19 be enforced while the defendant remains in custody.

20 (Source: P.A. 101-138, eff. 1-1-20; 101-652.)

21 (725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

22 Sec. 110-11. ~~Pretrial release~~ Bail on a new trial. If the

23 judgment of conviction is reversed and the cause remanded for

24 a new trial the trial court may order that the ~~conditions of~~

25 ~~pretrial release~~ bail stand pending such trial, or ~~modify the~~

1 ~~conditions of pretrial release~~ reduce or increase bail.

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

3 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

4 Sec. 110-12. Notice of change of address.

5 A defendant who has been admitted to ~~pretrial release~~ bail  
6 shall file a written notice with the clerk of the court before  
7 which the proceeding is pending of any change in his or her  
8 address within 24 hours after such change, except that a  
9 defendant who has been admitted to ~~pretrial release~~ bail for a  
10 forcible felony as defined in Section 2-8 of the Criminal Code  
11 of 2012 shall file a written notice with the clerk of the court  
12 before which the proceeding is pending and the clerk shall  
13 immediately deliver a time stamped copy of the written notice  
14 to the State's Attorney charged with the prosecution within 24  
15 hours prior to such change. The address of a defendant who has  
16 been admitted to ~~pretrial release~~ bail shall at all times  
17 remain a matter of public record with the clerk of the court.

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

19 (725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

20 Sec. 111-2. Commencement of prosecutions.

21 (a) All prosecutions of felonies shall be by information  
22 or by indictment. No prosecution may be pursued by information  
23 unless a preliminary hearing has been held or waived in  
24 accordance with Section 109-3 and at that hearing probable

1 cause to believe the defendant committed an offense was found,  
2 and the provisions of Section 109-3.1 of this Code have been  
3 complied with.

4 (b) All other prosecutions may be by indictment,  
5 information or complaint.

6 (c) Upon the filing of an information or indictment in  
7 open court charging the defendant with the commission of a sex  
8 offense defined in any Section of Article 11 of the Criminal  
9 Code of 1961 or the Criminal Code of 2012, and a minor as  
10 defined in Section 1-3 of the Juvenile Court Act of 1987 is  
11 alleged to be the victim of the commission of the acts of the  
12 defendant in the commission of such offense, the court may  
13 appoint a guardian ad litem for the minor as provided in  
14 Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile Court Act of  
15 1987.

16 (d) Upon the filing of an information or indictment in  
17 open court, the court shall immediately issue a warrant for  
18 the arrest of each person charged with an offense directed to a  
19 peace officer or some other person specifically named  
20 commanding him to arrest such person.

21 (e) When the offense is ~~eligible for pretrial release~~  
22 bailable, the judge shall endorse on the warrant the  
23 ~~conditions of pretrial release~~ amount of bail required by the  
24 order of the court, and if the court orders the process  
25 returnable forthwith, the warrant shall require that the  
26 accused be arrested and brought immediately into court.

1 (f) Where the prosecution of a felony is by information or  
2 complaint after preliminary hearing, or after a waiver of  
3 preliminary hearing in accordance with paragraph (a) of this  
4 Section, such prosecution may be for all offenses, arising  
5 from the same transaction or conduct of a defendant even  
6 though the complaint or complaints filed at the preliminary  
7 hearing charged only one or some of the offenses arising from  
8 that transaction or conduct.

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

10 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

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

12 Sec. 112A-23. Enforcement of protective orders.

13 (a) When violation is crime. A violation of any protective  
14 order, whether issued in a civil, quasi-criminal proceeding,  
15 shall be enforced by a criminal court when:

16 (1) The respondent commits the crime of violation of a  
17 domestic violence order of protection pursuant to Section  
18 12-3.4 or 12-30 of the Criminal Code of 1961 or the  
19 Criminal Code of 2012, by having knowingly violated:

20 (i) remedies described in paragraph ~~paragraphs~~  
21 (1), (2), (3), (14), or (14.5) of subsection (b) of  
22 Section 112A-14 of this Code,

23 (ii) a remedy, which is substantially similar to  
24 the remedies authorized under paragraph ~~paragraphs~~  
25 (1), (2), (3), (14), or (14.5) of subsection (b) of

1 Section 214 of the Illinois Domestic Violence Act of  
2 1986, in a valid order of protection, which is  
3 authorized under the laws of another state, tribe, or  
4 United States territory, or

5 (iii) any other remedy when the act constitutes a  
6 crime against the protected parties as defined by the  
7 Criminal Code of 1961 or the Criminal Code of 2012.

8 Prosecution for a violation of a domestic violence  
9 order of protection shall not bar concurrent prosecution  
10 for any other crime, including any crime that may have  
11 been committed at the time of the violation of the  
12 domestic violence order of protection; or

13 (2) The respondent commits the crime of child  
14 abduction pursuant to Section 10-5 of the Criminal Code of  
15 1961 or the Criminal Code of 2012, by having knowingly  
16 violated:

17 (i) remedies described in paragraph ~~paragraphs~~  
18 (5), (6), or (8) of subsection (b) of Section 112A-14  
19 of this Code, or

20 (ii) a remedy, which is substantially similar to  
21 the remedies authorized under paragraph ~~paragraphs~~  
22 (1), (5), (6), or (8) of subsection (b) of Section 214  
23 of the Illinois Domestic Violence Act of 1986, in a  
24 valid domestic violence order of protection, which is  
25 authorized under the laws of another state, tribe, or  
26 United States territory.

1           (3) The respondent commits the crime of violation of a  
2           civil no contact order when the respondent violates  
3           Section 12-3.8 of the Criminal Code of 2012. Prosecution  
4           for a violation of a civil no contact order shall not bar  
5           concurrent prosecution for any other crime, including any  
6           crime that may have been committed at the time of the  
7           violation of the civil no contact order.

8           (4) The respondent commits the crime of violation of a  
9           stalking no contact order when the respondent violates  
10          Section 12-3.9 of the Criminal Code of 2012. Prosecution  
11          for a violation of a stalking no contact order shall not  
12          bar concurrent prosecution for any other crime, including  
13          any crime that may have been committed at the time of the  
14          violation of the stalking no contact order.

15          (b) When violation is contempt of court. A violation of  
16          any valid protective order, whether issued in a civil or  
17          criminal proceeding, may be enforced through civil or criminal  
18          contempt procedures, as appropriate, by any court with  
19          jurisdiction, regardless where the act or acts which violated  
20          the protective order were committed, to the extent consistent  
21          with the venue provisions of this Article. Nothing in this  
22          Article shall preclude any Illinois court from enforcing any  
23          valid protective order issued in another state. Illinois  
24          courts may enforce protective orders through both criminal  
25          prosecution and contempt proceedings, unless the action which  
26          is second in time is barred by collateral estoppel or the

1 constitutional prohibition against double jeopardy.

2 (1) In a contempt proceeding where the petition for a  
3 rule to show cause sets forth facts evidencing an  
4 immediate danger that the respondent will flee the  
5 jurisdiction, conceal a child, or inflict physical abuse  
6 on the petitioner or minor children or on dependent adults  
7 in petitioner's care, the court may order the attachment  
8 of the respondent without prior service of the rule to  
9 show cause or the petition for a rule to show cause. Bond  
10 shall be set unless specifically denied in writing.

11 (2) A petition for a rule to show cause for violation  
12 of a protective order shall be treated as an expedited  
13 proceeding.

14 (c) Violation of custody, allocation of parental  
15 responsibility, or support orders. A violation of remedies  
16 described in ~~paragraph paragraphs~~ (5), (6), (8), or (9) of  
17 subsection (b) of Section 112A-14 of this Code may be enforced  
18 by any remedy provided by Section 607.5 of the Illinois  
19 Marriage and Dissolution of Marriage Act. The court may  
20 enforce any order for support issued under paragraph (12) of  
21 subsection (b) of Section 112A-14 of this Code in the manner  
22 provided for under Parts V and VII of the Illinois Marriage and  
23 Dissolution of Marriage Act.

24 (d) Actual knowledge. A protective order may be enforced  
25 pursuant to this Section if the respondent violates the order  
26 after the respondent has actual knowledge of its contents as

1 shown through one of the following means:

2 (1) (Blank).

3 (2) (Blank).

4 (3) By service of a protective order under subsection  
5 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

6 (4) By other means demonstrating actual knowledge of  
7 the contents of the order.

8 (e) The enforcement of a protective order in civil or  
9 criminal court shall not be affected by either of the  
10 following:

11 (1) The existence of a separate, correlative order  
12 entered under Section 112A-15 of this Code.

13 (2) Any finding or order entered in a conjoined  
14 criminal proceeding.

15 (e-5) If a civil no contact order entered under subsection  
16 (6) of Section 112A-20 of the Code of Criminal Procedure of  
17 1963 conflicts with an order issued pursuant to the Juvenile  
18 Court Act of 1987 or the Illinois Marriage and Dissolution of  
19 Marriage Act, the conflicting order issued under subsection  
20 (6) of Section 112A-20 of the Code of Criminal Procedure of  
21 1963 shall be void.

22 (f) Circumstances. The court, when determining whether or  
23 not a violation of a protective order has occurred, shall not  
24 require physical manifestations of abuse on the person of the  
25 victim.

26 (g) Penalties.



1           (1) Except as provided in paragraph (3) of this  
2 subsection (g), where the court finds the commission of a  
3 crime or contempt of court under subsection ~~subsections~~  
4 (a) or (b) of this Section, the penalty shall be the  
5 penalty that generally applies in such criminal or  
6 contempt proceedings, and may include one or more of the  
7 following: incarceration, payment of restitution, a fine,  
8 payment of attorneys' fees and costs, or community  
9 service.

10           (2) The court shall hear and take into account  
11 evidence of any factors in aggravation or mitigation  
12 before deciding an appropriate penalty under paragraph (1)  
13 of this subsection (g).

14           (3) To the extent permitted by law, the court is  
15 encouraged to:

16           (i) increase the penalty for the knowing violation  
17 of any protective order over any penalty previously  
18 imposed by any court for respondent's violation of any  
19 protective order or penal statute involving petitioner  
20 as victim and respondent as defendant;

21           (ii) impose a minimum penalty of 24 hours  
22 imprisonment for respondent's first violation of any  
23 protective order; and

24           (iii) impose a minimum penalty of 48 hours  
25 imprisonment for respondent's second or subsequent  
26 violation of a protective order

1 unless the court explicitly finds that an increased  
2 penalty or that period of imprisonment would be manifestly  
3 unjust.

4 (4) In addition to any other penalties imposed for a  
5 violation of a protective order, a criminal court may  
6 consider evidence of any violations of a protective order:

7 (i) to increase, revoke, or modify the bail bond  
8 on an underlying criminal charge pursuant to Section  
9 110-6 of this 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. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21.)

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

18 Sec. 112A-23. Enforcement of protective orders.

19 (a) When violation is crime. A violation of any protective  
20 order, whether issued in a civil, quasi-criminal proceeding,  
21 shall be enforced by a criminal court when:

22 (1) The respondent commits the crime of violation of a  
23 domestic violence order of protection pursuant to Section  
24 12-3.4 or 12-30 of the Criminal Code of 1961 or the  
25 Criminal Code of 2012, by having knowingly violated:

1 (i) remedies described in paragraph ~~paragraphs~~  
2 (1), (2), (3), (14), or (14.5) of subsection (b) of  
3 Section 112A-14 of this Code,

4 (ii) a remedy, which is substantially similar to  
5 the remedies authorized under paragraph ~~paragraphs~~  
6 (1), (2), (3), (14), or (14.5) of subsection (b) of  
7 Section 214 of the Illinois Domestic Violence Act of  
8 1986, in a valid order of protection, which is  
9 authorized under the laws of another state, tribe, or  
10 United States territory, ~~or~~

11 (iii) or any other remedy when the act constitutes  
12 a crime against the protected parties as defined by  
13 the Criminal Code of 1961 or the Criminal Code of 2012.

14 Prosecution for a violation of a domestic violence  
15 order of protection shall not bar concurrent prosecution  
16 for any other crime, including any crime that may have  
17 been committed at the time of the violation of the  
18 domestic violence order of protection; or

19 (2) The respondent commits the crime of child  
20 abduction pursuant to Section 10-5 of the Criminal Code of  
21 1961 or the Criminal Code of 2012, by having knowingly  
22 violated:

23 (i) remedies described in paragraph ~~paragraphs~~  
24 (5), (6), or (8) of subsection (b) of Section 112A-14  
25 of this Code, or

26 (ii) a remedy, which is substantially similar to

1 the remedies authorized under paragraph ~~paragraphs~~  
2 (1), (5), (6), or (8) of subsection (b) of Section 214  
3 of the Illinois Domestic Violence Act of 1986, in a  
4 valid domestic violence order of protection, which is  
5 authorized under the laws of another state, tribe, or  
6 United States territory.

7 (3) The respondent commits the crime of violation of a  
8 civil no contact order when the respondent violates  
9 Section 12-3.8 of the Criminal Code of 2012. Prosecution  
10 for a violation of a civil no contact order shall not bar  
11 concurrent prosecution for any other crime, including any  
12 crime that may have been committed at the time of the  
13 violation of the civil no contact order.

14 (4) The respondent commits the crime of violation of a  
15 stalking no contact order when the respondent violates  
16 Section 12-3.9 of the Criminal Code of 2012. Prosecution  
17 for a violation of a stalking no contact order shall not  
18 bar concurrent prosecution for any other crime, including  
19 any crime that may have been committed at the time of the  
20 violation of the stalking no contact order.

21 (b) When violation is contempt of court. A violation of  
22 any valid protective order, whether issued in a civil or  
23 criminal proceeding, may be enforced through civil or criminal  
24 contempt procedures, as appropriate, by any court with  
25 jurisdiction, regardless where the act or acts which violated  
26 the protective order were committed, to the extent consistent

1 with the venue provisions of this Article. Nothing in this  
2 Article shall preclude any Illinois court from enforcing any  
3 valid protective order issued in another state. Illinois  
4 courts may enforce protective orders through both criminal  
5 prosecution and contempt proceedings, unless the action which  
6 is second in time is barred by collateral estoppel or the  
7 constitutional prohibition against double jeopardy.

8 (1) In a contempt proceeding where the petition for a  
9 rule to show cause sets forth facts evidencing an  
10 immediate danger that the respondent will flee the  
11 jurisdiction, conceal a child, or inflict physical abuse  
12 on the petitioner or minor children or on dependent adults  
13 in petitioner's care, the court may order the attachment  
14 of the respondent without prior service of the rule to  
15 show cause or the petition for a rule to show cause. Bond  
16 shall be set unless specifically denied in writing.

17 (2) A petition for a rule to show cause for violation  
18 of a protective order shall be treated as an expedited  
19 proceeding.

20 (c) Violation of custody, allocation of parental  
21 responsibility, or support orders. A violation of remedies  
22 described in paragraph ~~paragraphs~~ (5), (6), (8), or (9) of  
23 subsection (b) of Section 112A-14 of this Code may be enforced  
24 by any remedy provided by Section 607.5 of the Illinois  
25 Marriage and Dissolution of Marriage Act. The court may  
26 enforce any order for support issued under paragraph (12) of

1 subsection (b) of Section 112A-14 of this Code in the manner  
2 provided for under Parts V and VII of the Illinois Marriage and  
3 Dissolution of Marriage Act.

4 (d) Actual knowledge. A protective order may be enforced  
5 pursuant to this Section if the respondent violates the order  
6 after the respondent has actual knowledge of its contents as  
7 shown through one of the following means:

8 (1) (Blank).

9 (2) (Blank).

10 (3) By service of a protective order under subsection  
11 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

12 (4) By other means demonstrating actual knowledge of  
13 the contents of the order.

14 (e) The enforcement of a protective order in civil or  
15 criminal court shall not be affected by either of the  
16 following:

17 (1) The existence of a separate, correlative order  
18 entered under Section 112A-15 of this Code.

19 (2) Any finding or order entered in a conjoined  
20 criminal proceeding.

21 (e-5) If a civil no contact order entered under subsection  
22 (6) of Section 112A-20 of the Code of Criminal Procedure of  
23 1963 conflicts with an order issued pursuant to the Juvenile  
24 Court Act of 1987 or the Illinois Marriage and Dissolution of  
25 Marriage Act, the conflicting order issued under subsection  
26 (6) of Section 112A-20 of the Code of Criminal Procedure of

1 1963 shall be void.

2 (f) Circumstances. The court, when determining whether or  
3 not a violation of a protective order has occurred, shall not  
4 require physical manifestations of abuse on the person of the  
5 victim.

6 (g) Penalties.

7 (1) Except as provided in paragraph (3) of this  
8 subsection (g), where the court finds the commission of a  
9 crime or contempt of court under subsection ~~subsections~~  
10 (a) or (b) of this Section, the penalty shall be the  
11 penalty that generally applies in such criminal or  
12 contempt proceedings, and may include one or more of the  
13 following: incarceration, payment of restitution, a fine,  
14 payment of attorneys' fees and costs, or community  
15 service.

16 (2) The court shall hear and take into account  
17 evidence of any factors in aggravation or mitigation  
18 before deciding an appropriate penalty under paragraph (1)  
19 of this subsection (g).

20 (3) To the extent permitted by law, the court is  
21 encouraged to:

22 (i) increase the penalty for the knowing violation  
23 of any protective order over any penalty previously  
24 imposed by any court for respondent's violation of any  
25 protective order or penal statute involving petitioner  
26 as victim and respondent as defendant;

1           (ii) impose a minimum penalty of 24 hours  
2 imprisonment for respondent's first violation of any  
3 protective order; and

4           (iii) impose a minimum penalty of 48 hours  
5 imprisonment for respondent's second or subsequent  
6 violation of a protective order

7 unless the court explicitly finds that an increased  
8 penalty or that period of imprisonment would be manifestly  
9 unjust.

10          (4) In addition to any other penalties imposed for a  
11 violation of a protective order, a criminal court may  
12 consider evidence of any violations of a protective 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 this  
16 Code;

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;

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. 101-652, eff. 1-1-23; 102-184, eff. 1-1-22;  
24 102-558, eff. 8-20-21; revised 10-12-21.)

25           (725 ILCS 5/114-1) (from Ch. 38, par. 114-1)



1           Sec. 114-1. Motion to dismiss charge.

2           (a) Upon the written motion of the defendant made prior to  
3 trial before or after a plea has been entered the court may  
4 dismiss the indictment, information or complaint upon any of  
5 the following grounds:

6           (1) The defendant has not been placed on trial in  
7 compliance with Section 103-5 of this Code.

8           (2) The prosecution of the offense is barred by  
9 Sections 3-3 through 3-8 of the Criminal Code of 2012.

10           (3) The defendant has received immunity from  
11 prosecution for the offense charged.

12           (4) The indictment was returned by a Grand Jury which  
13 was improperly selected and which results in substantial  
14 injustice to the defendant.

15           (5) The indictment was returned by a Grand Jury which  
16 acted contrary to Article 112 of this Code and which  
17 results in substantial injustice to the defendant.

18           (6) The court in which the charge has been filed does  
19 not have jurisdiction.

20           (7) The county is an improper place of trial.

21           (8) The charge does not state an offense.

22           (9) The indictment is based solely upon the testimony  
23 of an incompetent witness.

24           (10) The defendant is misnamed in the charge and the  
25 misnomer results in substantial injustice to the  
26 defendant.

1           (11) The requirements of Section 109-3.1 have not been  
2           complied with.

3           (b) The court shall require any motion to dismiss to be  
4           filed within a reasonable time after the defendant has been  
5           arraigned. Any motion not filed within such time or an  
6           extension thereof shall not be considered by the court and the  
7           grounds therefor, except as to subsections (a)(6) and (a)(8)  
8           of this Section, are waived.

9           (c) If the motion presents only an issue of law the court  
10          shall determine it without the necessity of further pleadings.  
11          If the motion alleges facts not of record in the case the State  
12          shall file an answer admitting or denying each of the factual  
13          allegations of the motion.

14          (d) When an issue of fact is presented by a motion to  
15          dismiss and the answer of the State the court shall conduct a  
16          hearing and determine the issues.

17          (d-5) When a defendant seeks dismissal of the charge upon  
18          the ground set forth in subsection (a)(7) of this Section, the  
19          defendant shall make a prima facie showing that the county is  
20          an improper place of trial. Upon such showing, the State shall  
21          have the burden of proving, by a preponderance of the  
22          evidence, that the county is the proper place of trial.

23          (d-6) When a defendant seeks dismissal of the charge upon  
24          the grounds set forth in subsection (a)(2) of this Section,  
25          the prosecution shall have the burden of proving, by a  
26          preponderance of the evidence, that the prosecution of the

1 offense is not barred by Sections 3-3 through 3-8 of the  
2 Criminal Code of 2012.

3 (e) Dismissal of the charge upon the grounds set forth in  
4 subsections (a)(4) through (a)(11) of this Section shall not  
5 prevent the return of a new indictment or the filing of a new  
6 charge, and upon such dismissal the court may order that the  
7 defendant be held in custody or, if the defendant had been  
8 previously released on ~~pretrial-release~~ bail, that the  
9 ~~pretrial-release~~ bail be continued for a specified time  
10 pending the return of a new indictment or the filing of a new  
11 charge.

12 (f) If the court determines that the motion to dismiss  
13 based upon the grounds set forth in subsections (a)(6) and  
14 (a)(7) is well founded it may, instead of dismissal, order the  
15 cause transferred to a court of competent jurisdiction or to a  
16 proper place of trial.

17 (Source: P.A. 100-434, eff. 1-1-18; 101-652.)

18 (725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

19 Sec. 115-4.1. Absence of defendant.

20 (a) When a defendant after arrest and an initial court  
21 appearance for a non-capital felony or a misdemeanor, fails to  
22 appear for trial, at the request of the State and after the  
23 State has affirmatively proven through substantial evidence  
24 that the defendant is willfully avoiding trial, the court may  
25 commence trial in the absence of the defendant. Absence of a

1 defendant as specified in this Section shall not be a bar to  
2 indictment of a defendant, return of information against a  
3 defendant, or arraignment of a defendant for the charge for  
4 which ~~pretrial release~~ bail has been granted. If a defendant  
5 fails to appear at arraignment, the court may enter a plea of  
6 "not guilty" on his behalf. If a defendant absents himself  
7 before trial on a capital felony, trial may proceed as  
8 specified in this Section provided that the State certifies  
9 that it will not seek a death sentence following conviction.  
10 Trial in the defendant's absence shall be by jury unless the  
11 defendant had previously waived trial by jury. The absent  
12 defendant must be represented by retained or appointed  
13 counsel. The court, at the conclusion of all of the  
14 proceedings, may order the clerk of the circuit court to pay  
15 counsel such sum as the court deems reasonable, from any bond  
16 monies which were posted by the defendant with the clerk,  
17 after the clerk has first deducted all court costs. If trial  
18 had previously commenced in the presence of the defendant and  
19 the defendant willfully absents himself for two successive  
20 court days, the court shall proceed to trial. All procedural  
21 rights guaranteed by the United States Constitution,  
22 Constitution of the State of Illinois, statutes of the State  
23 of Illinois, and rules of court shall apply to the proceedings  
24 the same as if the defendant were present in court and had not  
25 either ~~had his or her pretrial release revoked~~ forfeited his  
26 bail bond or escaped from custody. The court may set the case

1 for a trial which may be conducted under this Section despite  
2 the failure of the defendant to appear at the hearing at which  
3 the trial date is set. When such trial date is set the clerk  
4 shall send to the defendant, by certified mail at his last  
5 known address indicated on his bond slip, notice of the new  
6 date which has been set for trial. Such notification shall be  
7 required when the defendant was not personally present in open  
8 court at the time when the case was set for trial.

9 (b) The absence of a defendant from a trial conducted  
10 pursuant to this Section does not operate as a bar to  
11 concluding the trial, to a judgment of conviction resulting  
12 therefrom, or to a final disposition of the trial in favor of  
13 the defendant.

14 (c) Upon a verdict of not guilty, the court shall enter  
15 judgment for the defendant. Upon a verdict of guilty, the  
16 court shall set a date for the hearing of post-trial motions  
17 and shall hear such motion in the absence of the defendant. If  
18 post-trial motions are denied, the court shall proceed to  
19 conduct a sentencing hearing and to impose a sentence upon the  
20 defendant.

21 (d) A defendant who is absent for part of the proceedings  
22 of trial, post-trial motions, or sentencing, does not thereby  
23 forfeit his right to be present at all remaining proceedings.

24 (e) When a defendant who in his absence has been either  
25 convicted or sentenced or both convicted and sentenced appears  
26 before the court, he must be granted a new trial or new

1 sentencing hearing if the defendant can establish that his  
2 failure to appear in court was both without his fault and due  
3 to circumstances beyond his control. A hearing with notice to  
4 the State's Attorney on the defendant's request for a new  
5 trial or a new sentencing hearing must be held before any such  
6 request may be granted. At any such hearing both the defendant  
7 and the State may present evidence.

8 (f) If the court grants only the defendant's request for a  
9 new sentencing hearing, then a new sentencing hearing shall be  
10 held in accordance with the provisions of the Unified Code of  
11 Corrections. At any such hearing, both the defendant and the  
12 State may offer evidence of the defendant's conduct during his  
13 period of absence from the court. The court may impose any  
14 sentence authorized by the Unified Code of Corrections and is  
15 not in any way limited or restricted by any sentence  
16 previously imposed.

17 (g) A defendant whose motion under paragraph (e) for a new  
18 trial or new sentencing hearing has been denied may file a  
19 notice of appeal therefrom. Such notice may also include a  
20 request for review of the judgment and sentence not vacated by  
21 the trial court.

22 (Source: P.A. 90-787, eff. 8-14-98; 101-652.)

23 (725 ILCS 5/122-6) (from Ch. 38, par. 122-6)

24 Sec. 122-6. Disposition in trial court.

25 The court may receive proof by affidavits, depositions,

1 oral testimony, or other evidence. In its discretion the court  
2 may order the petitioner brought before the court for the  
3 hearing. If the court finds in favor of the petitioner, it  
4 shall enter an appropriate order with respect to the judgment  
5 or sentence in the former proceedings and such supplementary  
6 orders as to rearraignment, retrial, custody, ~~conditions of~~  
7 ~~pretrial release~~ bail or discharge as may be necessary and  
8 proper.

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

10 (725 ILCS 5/110-1.5 rep.)

11 Section 15. The Code of Criminal Procedure of 1963 is  
12 amended by repealing Section 110-1.5.

13 Section 20. The Code of Criminal Procedure of 1963 is  
14 amended by changing Sections 103-2, 103-3, and 108-8 as  
15 follows:

16 (725 ILCS 5/103-2) (from Ch. 38, par. 103-2)

17 Sec. 103-2. Treatment while in custody.

18 (a) On being taken into custody every person shall have  
19 the right to remain silent.

20 (b) No unlawful means of any kind shall be used to obtain a  
21 statement, admission or confession from any person in custody.

22 (c) Persons in custody shall be treated humanely and  
23 provided with proper food, shelter and, if required, medical

1 treatment ~~without unreasonable delay if the need for the~~  
2 ~~treatment is apparent.~~

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

4 (725 ILCS 5/103-3) (from Ch. 38, par. 103-3)

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

6 Sec. 103-3. Right to communicate with attorney and family;  
7 transfers.

8 (a) Persons who are arrested shall have the right to  
9 communicate with an attorney of their choice and a member of  
10 their family by making a reasonable number of telephone calls  
11 or in any other reasonable manner. Such communication shall be  
12 permitted within a reasonable time after arrival at the first  
13 place of custody.

14 (b) In the event the accused is transferred to a new place  
15 of custody his right to communicate with an attorney and a  
16 member of his family is renewed.

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

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

19 Sec. 103-3. Right to communicate with attorney and family;  
20 transfers.

21 (a) ~~(Blank)~~. Persons who are arrested shall have the right  
22 to communicate with an attorney of their choice and a member of  
23 their family by making a reasonable number of telephone calls  
24 or in any other reasonable manner. Such communication shall be



1 permitted within a reasonable time after arrival at the first  
2 place of custody.

3 ~~(a-5) Persons who are in police custody have the right to~~  
4 ~~communicate free of charge with an attorney of their choice~~  
5 ~~and members of their family as soon as possible upon being~~  
6 ~~taken into police custody, but no later than three hours after~~  
7 ~~arrival at the first place of custody. Persons in police~~  
8 ~~eustody must be given:~~

9 ~~(1) access to use a telephone via a land line or~~  
10 ~~cellular phone to make three phone calls; and~~

11 ~~(2) the ability to retrieve phone numbers contained in~~  
12 ~~his or her contact list on his or her cellular phone prior~~  
13 ~~to the phone being placed into inventory.~~

14 ~~(a-10) In accordance with Section 103-7, at every facility~~  
15 ~~where a person is in police custody a sign containing, at~~  
16 ~~minimum, the following information in bold block type must be~~  
17 ~~posted in a conspicuous place:~~

18 ~~(1) a short statement notifying persons who are in~~  
19 ~~police custody of their right to have access to a phone~~  
20 ~~within three hours after being taken into police custody;~~  
21 ~~and~~

22 ~~(2) persons who are in police custody have the right~~  
23 ~~to make three phone calls within three hours after being~~  
24 ~~taken into custody, at no charge.~~

25 ~~(a-15) In addition to the information listed in subsection~~  
26 ~~(a-10), if the place of custody is located in a jurisdiction~~

1 ~~where the court has appointed the public defender or other~~  
2 ~~attorney to represent persons who are in police custody, the~~  
3 ~~telephone number to the public defender or appointed~~  
4 ~~attorney's office must also be displayed. The telephone call~~  
5 ~~to the public defender or other attorney must not be~~  
6 ~~monitored, eavesdropped upon, or recorded.~~

7 (b) ~~(Blank)~~. In the event the accused is transferred to a  
8 new place of custody his right to communicate with an attorney  
9 and a member of his family is renewed.

10 ~~(c) In the event a person who is in police custody is~~  
11 ~~transferred to a new place of custody, his or her right to make~~  
12 ~~telephone calls under this Section within three hours after~~  
13 ~~arrival is renewed.~~

14 ~~(d) In this Section "custody" means the restriction of a~~  
15 ~~person's freedom of movement by a law enforcement officer's~~  
16 ~~exercise of his or her lawful authority.~~

17 ~~(e) The three hours requirement shall not apply while the~~  
18 ~~person in police custody is asleep, unconscious, or otherwise~~  
19 ~~incapacitated.~~

20 ~~(f) Nothing in this Section shall interfere with a~~  
21 ~~person's rights or override procedures required in the Bill of~~  
22 ~~Rights of the Illinois and US Constitutions, including but not~~  
23 ~~limited to Fourth Amendment search and seizure rights, Fifth~~  
24 ~~Amendment due process rights and rights to be free from~~  
25 ~~self-incrimination and Sixth Amendment right to counsel.~~

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

1 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

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

3 Sec. 108-8. Use of force in execution of search warrant.

4 (a) All necessary and reasonable force may be used to  
5 effect an entry into any building or property or part thereof  
6 to execute a search warrant.

7 (b) The court issuing a warrant may authorize the officer  
8 executing the warrant to make entry without first knocking and  
9 announcing his or her office if it finds, based upon a showing  
10 of specific facts, the existence of the following exigent  
11 circumstances:

12 (1) That the officer reasonably believes that if  
13 notice were given a weapon would be used:

14 (i) against the officer executing the search  
15 warrant; or

16 (ii) against another person.

17 (2) That if notice were given there is an imminent  
18 "danger" that evidence will be destroyed.

19 (Source: P.A. 92-502, eff. 12-19-01.)

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

21 Sec. 108-8. Use of force in execution of search warrant.

22 (a) All necessary and reasonable force may be used to  
23 effect an entry into any building or property or part thereof  
24 to execute a search warrant.

1 (b) The court issuing a warrant may authorize the officer  
2 executing the warrant to make entry without first knocking and  
3 announcing his or her office if it finds, based upon a showing  
4 of specific facts, the existence of the following exigent  
5 circumstances:

6 (1) That the officer reasonably believes that if  
7 notice were given a weapon would be used:

8 (i) against the officer executing the search  
9 warrant; or

10 (ii) against another person.

11 (2) That if notice were given there is an imminent  
12 "danger" that evidence will be destroyed.

13 ~~(c) Prior to the issuing of a warrant under subsection~~  
14 ~~(b), the officer must attest that:~~

15 ~~(1) prior to entering the location described in the~~  
16 ~~search warrant, a supervising officer will ensure that~~  
17 ~~each participating member is assigned a body worn camera~~  
18 ~~and is following policies and procedures in accordance~~  
19 ~~with Section 10-20 of the Law Enforcement Officer Worn~~  
20 ~~Body Camera Act; provided that the law enforcement agency~~  
21 ~~has implemented body worn camera in accordance with~~  
22 ~~Section 10-15 of the Law Enforcement Officer Worn Body~~  
23 ~~Camera Act. If a law enforcement agency has not~~  
24 ~~implemented a body camera in accordance with Section 10-15~~  
25 ~~of the Law Enforcement Officer Worn Body Camera Act, the~~  
26 ~~officer must attest that the interaction authorized by the~~

1 ~~warrant is otherwise recorded;~~

2 ~~(2) steps were taken in planning the search to ensure~~  
3 ~~accuracy and plan for children or other vulnerable people~~  
4 ~~on-site; and~~

5 ~~(3) if an officer becomes aware the search warrant was~~  
6 ~~executed at an address, unit, or apartment different from~~  
7 ~~the location listed on the search warrant, that member~~  
8 ~~will immediately notify a supervisor who will ensure an~~  
9 ~~internal investigation ensues.~~

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

11 Section 25. The Code of Criminal Procedure of 1963 is  
12 amended by reenacting Sections 110-6.3, 110-6.5, 110-7, 110-8,  
13 110-9, 110-13, 110-14, 110-15, 110-16, 110-17, and 110-18 as  
14 follows:

15 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

16 Sec. 110-6.3. Denial of bail in stalking and aggravated  
17 stalking offenses.

18 (a) Upon verified petition by the State, the court shall  
19 hold a hearing to determine whether bail should be denied to a  
20 defendant who is charged with stalking or aggravated stalking,  
21 when it is alleged that the defendant's admission to bail  
22 poses a real and present threat to the physical safety of the  
23 alleged victim of the offense, and denial of release on bail or  
24 personal recognizance is necessary to prevent fulfillment of

1 the threat upon which the charge is based.

2 (1) A petition may be filed without prior notice to  
3 the defendant at the first appearance before a judge, or  
4 within 21 calendar days, except as provided in Section  
5 110-6, after arrest and release of the defendant upon  
6 reasonable notice to defendant; provided that while the  
7 petition is pending before the court, the defendant if  
8 previously released shall not be detained.

9 (2) The hearing shall be held immediately upon the  
10 defendant's appearance before the court, unless for good  
11 cause shown the defendant or the State seeks a  
12 continuance. A continuance on motion of the defendant may  
13 not exceed 5 calendar days, and the defendant may be held  
14 in custody during the continuance. A continuance on the  
15 motion of the State may not exceed 3 calendar days;  
16 however, the defendant may be held in custody during the  
17 continuance under this provision if the defendant has been  
18 previously found to have violated an order of protection  
19 or has been previously convicted of, or granted court  
20 supervision for, any of the offenses set forth in Sections  
21 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-2,  
22 12-3.05, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-7.3, 12-7.4,  
23 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code  
24 of 1961 or the Criminal Code of 2012, against the same  
25 person as the alleged victim of the stalking or aggravated  
26 stalking offense.

1 (b) The court may deny bail to the defendant when, after  
2 the hearing, it is determined that:

3 (1) the proof is evident or the presumption great that  
4 the defendant has committed the offense of stalking or  
5 aggravated stalking; and

6 (2) the defendant poses a real and present threat to  
7 the physical safety of the alleged victim of the offense;  
8 and

9 (3) the denial of release on bail or personal  
10 recognizance is necessary to prevent fulfillment of the  
11 threat upon which the charge is based; and

12 (4) the court finds that no condition or combination  
13 of conditions set forth in subsection (b) of Section  
14 110-10 of this Code, including mental health treatment at  
15 a community mental health center, hospital, or facility of  
16 the Department of Human Services, can reasonably assure  
17 the physical safety of the alleged victim of the offense.

18 (c) Conduct of the hearings.

19 (1) The hearing on the defendant's culpability and  
20 threat to the alleged victim of the offense shall be  
21 conducted in accordance with the following provisions:

22 (A) Information used by the court in its findings  
23 or stated in or offered at the hearing may be by way of  
24 proffer based upon reliable information offered by the  
25 State or by defendant. Defendant has the right to be  
26 represented by counsel, and if he is indigent, to have

1 counsel appointed for him. Defendant shall have the  
2 opportunity to testify, to present witnesses in his  
3 own behalf, and to cross-examine witnesses if any are  
4 called by the State. The defendant has the right to  
5 present witnesses in his favor. When the ends of  
6 justice so require, the court may exercise its  
7 discretion and compel the appearance of a complaining  
8 witness. The court shall state on the record reasons  
9 for granting a defense request to compel the presence  
10 of a complaining witness. Cross-examination of a  
11 complaining witness at the pretrial detention hearing  
12 for the purpose of impeaching the witness' credibility  
13 is insufficient reason to compel the presence of the  
14 witness. In deciding whether to compel the appearance  
15 of a complaining witness, the court shall be  
16 considerate of the emotional and physical well-being  
17 of the witness. The pretrial detention hearing is not  
18 to be used for the purposes of discovery, and the post  
19 arraignment rules of discovery do not apply. The State  
20 shall tender to the defendant, prior to the hearing,  
21 copies of defendant's criminal history, if any, if  
22 available, and any written or recorded statements and  
23 the substance of any oral statements made by any  
24 person, if relied upon by the State. The rules  
25 concerning the admissibility of evidence in criminal  
26 trials do not apply to the presentation and



1 consideration of information at the hearing. At the  
2 trial concerning the offense for which the hearing was  
3 conducted neither the finding of the court nor any  
4 transcript or other record of the hearing shall be  
5 admissible in the State's case in chief, but shall be  
6 admissible for impeachment, or as provided in Section  
7 115-10.1 of this Code, or in a perjury proceeding.

8 (B) A motion by the defendant to suppress evidence  
9 or to suppress a confession shall not be entertained.  
10 Evidence that proof may have been obtained as the  
11 result of an unlawful search and seizure or through  
12 improper interrogation is not relevant to this state  
13 of the prosecution.

14 (2) The facts relied upon by the court to support a  
15 finding that:

16 (A) the defendant poses a real and present threat  
17 to the physical safety of the alleged victim of the  
18 offense; and

19 (B) the denial of release on bail or personal  
20 recognizance is necessary to prevent fulfillment of  
21 the threat upon which the charge is based;

22 shall be supported by clear and convincing evidence  
23 presented by the State.

24 (d) Factors to be considered in making a determination of  
25 the threat to the alleged victim of the offense. The court may,  
26 in determining whether the defendant poses, at the time of the

1 hearing, a real and present threat to the physical safety of  
2 the alleged victim of the offense, consider but shall not be  
3 limited to evidence or testimony concerning:

4 (1) The nature and circumstances of the offense  
5 charged;

6 (2) The history and characteristics of the defendant  
7 including:

8 (A) Any evidence of the defendant's prior criminal  
9 history indicative of violent, abusive or assaultive  
10 behavior, or lack of that behavior. The evidence may  
11 include testimony or documents received in juvenile  
12 proceedings, criminal, quasi-criminal, civil  
13 commitment, domestic relations or other proceedings;

14 (B) Any evidence of the defendant's psychological,  
15 psychiatric or other similar social history that tends  
16 to indicate a violent, abusive, or assaultive nature,  
17 or lack of any such history.

18 (3) The nature of the threat which is the basis of the  
19 charge against the defendant;

20 (4) Any statements made by, or attributed to the  
21 defendant, together with the circumstances surrounding  
22 them;

23 (5) The age and physical condition of any person  
24 assaulted by the defendant;

25 (6) Whether the defendant is known to possess or have  
26 access to any weapon or weapons;

1           (7) Whether, at the time of the current offense or any  
2 other offense or arrest, the defendant was on probation,  
3 parole, aftercare release, mandatory supervised release or  
4 other release from custody pending trial, sentencing,  
5 appeal or completion of sentence for an offense under  
6 federal or state law;

7           (8) Any other factors, including those listed in  
8 Section 110-5 of this Code, deemed by the court to have a  
9 reasonable bearing upon the defendant's propensity or  
10 reputation for violent, abusive or assaultive behavior, or  
11 lack of that behavior.

12           (e) The court shall, in any order denying bail to a person  
13 charged with stalking or aggravated stalking:

14           (1) briefly summarize the evidence of the defendant's  
15 culpability and its reasons for concluding that the  
16 defendant should be held without bail;

17           (2) direct that the defendant be committed to the  
18 custody of the sheriff for confinement in the county jail  
19 pending trial;

20           (3) direct that the defendant be given a reasonable  
21 opportunity for private consultation with counsel, and for  
22 communication with others of his choice by visitation,  
23 mail and telephone; and

24           (4) direct that the sheriff deliver the defendant as  
25 required for appearances in connection with court  
26 proceedings.

1 (f) If the court enters an order for the detention of the  
2 defendant under subsection (e) of this Section, the defendant  
3 shall be brought to trial on the offense for which he is  
4 detained within 90 days after the date on which the order for  
5 detention was entered. If the defendant is not brought to  
6 trial within the 90 day period required by this subsection  
7 (f), he shall not be held longer without bail. In computing the  
8 90 day period, the court shall omit any period of delay  
9 resulting from a continuance granted at the request of the  
10 defendant. The court shall immediately notify the alleged  
11 victim of the offense that the defendant has been admitted to  
12 bail under this subsection.

13 (g) Any person shall be entitled to appeal any order  
14 entered under this Section denying bail to the defendant.

15 (h) The State may appeal any order entered under this  
16 Section denying any motion for denial of bail.

17 (i) Nothing in this Section shall be construed as  
18 modifying or limiting in any way the defendant's presumption  
19 of innocence in further criminal proceedings.

20 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;  
21 98-558, eff. 1-1-14; 101-652, eff. 7-1-21.)

22 (725 ILCS 5/110-6.5)

23 Sec. 110-6.5. Drug testing program. The Chief Judge of the  
24 circuit may establish a drug testing program as provided by  
25 this Section in any county in the circuit if the county board

1 has approved the establishment of the program and the county  
2 probation department or pretrial services agency has consented  
3 to administer it. The drug testing program shall be conducted  
4 under the following provisions:

5 (a) The court, in the case of a defendant charged with a  
6 felony offense or any offense involving the possession or  
7 delivery of cannabis or a controlled substance, shall:

8 (1) not consider the release of the defendant on his  
9 or her own recognizance, unless the defendant consents to  
10 periodic drug testing during the period of release on his  
11 or her own recognizance, in accordance with this Section;

12 (2) consider the consent of the defendant to periodic  
13 drug testing during the period of release on bail in  
14 accordance with this Section as a favorable factor for the  
15 defendant in determining the amount of bail, the  
16 conditions of release or in considering the defendant's  
17 motion to reduce the amount of bail.

18 (b) The drug testing shall be conducted by the pretrial  
19 services agency or under the direction of the probation  
20 department when a pretrial services agency does not exist in  
21 accordance with this Section.

22 (c) A defendant who consents to periodic drug testing as  
23 set forth in this Section shall sign an agreement with the  
24 court that, during the period of release, the defendant shall  
25 refrain from using illegal drugs and that the defendant will  
26 comply with the conditions of the testing program. The

1 agreement shall be on a form prescribed by the court and shall  
2 be executed at the time of the bail hearing. This agreement  
3 shall be made a specific condition of bail.

4 (d) The drug testing program shall be conducted as  
5 follows:

6 (1) The testing shall be done by urinalysis for the  
7 detection of phencyclidine, heroin, cocaine, methadone and  
8 amphetamines.

9 (2) The collection of samples shall be performed under  
10 reasonable and sanitary conditions.

11 (3) Samples shall be collected and tested with due  
12 regard for the privacy of the individual being tested and  
13 in a manner reasonably calculated to prevent substitutions  
14 or interference with the collection or testing of reliable  
15 samples.

16 (4) Sample collection shall be documented, and the  
17 documentation procedures shall include:

18 (i) Labeling of samples so as to reasonably  
19 preclude the probability of erroneous identification  
20 of test results; and

21 (ii) An opportunity for the defendant to provide  
22 information on the identification of prescription or  
23 nonprescription drugs used in connection with a  
24 medical condition.

25 (5) Sample collection, storage, and transportation to  
26 the place of testing shall be performed so as to

1 reasonably preclude the probability of sample  
2 contamination or adulteration.

3 (6) Sample testing shall conform to scientifically  
4 accepted analytical methods and procedures. Testing shall  
5 include verification or confirmation of any positive test  
6 result by a reliable analytical method before the result  
7 of any test may be used as a basis for any action by the  
8 court.

9 (e) The initial sample shall be collected before the  
10 defendant's release on bail. Thereafter, the defendant shall  
11 report to the pretrial services agency or probation department  
12 as required by the agency or department. The pretrial services  
13 agency or probation department shall immediately notify the  
14 court of any defendant who fails to report for testing.

15 (f) After the initial test, a subsequent confirmed  
16 positive test result indicative of continued drug use shall  
17 result in the following:

18 (1) Upon the first confirmed positive test result, the  
19 pretrial services agency or probation department, shall  
20 place the defendant on a more frequent testing schedule  
21 and shall warn the defendant of the consequences of  
22 continued drug use.

23 (2) A second confirmed positive test result shall be  
24 grounds for a hearing before the judge who authorized the  
25 release of the defendant in accordance with the provisions  
26 of subsection (g) of this Section.

1 (g) The court shall, upon motion of the State or upon its  
2 own motion, conduct a hearing in connection with any defendant  
3 who fails to appear for testing, fails to cooperate with the  
4 persons conducting the testing program, attempts to submit a  
5 sample not his or her own or has had a confirmed positive test  
6 result indicative of continued drug use for the second or  
7 subsequent time after the initial test. The hearing shall be  
8 conducted in accordance with the procedures of Section 110-6.

9 Upon a finding by the court that the State has established  
10 by clear and convincing evidence that the defendant has  
11 violated the drug testing conditions of bail, the court may  
12 consider any of the following sanctions:

13 (1) increase the amount of the defendant's bail or  
14 conditions of release;

15 (2) impose a jail sentence of up to 5 days;

16 (3) revoke the defendant's bail; or

17 (4) enter such other orders which are within the power  
18 of the court as deemed appropriate.

19 (h) The results of any drug testing conducted under this  
20 Section shall not be admissible on the issue of the  
21 defendant's guilt in connection with any criminal charge.

22 (i) The court may require that the defendant pay for the  
23 cost of drug testing.

24 (Source: P.A. 88-677, eff. 12-15-94; 101-652, eff. 7-1-21.)

25 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)



1           Sec. 110-7. Deposit of bail security.

2           (a) The person for whom bail has been set shall execute the  
3 bail bond and deposit with the clerk of the court before which  
4 the proceeding is pending a sum of money equal to 10% of the  
5 bail, but in no event shall such deposit be less than \$25. The  
6 clerk of the court shall provide a space on each form for a  
7 person other than the accused who has provided the money for  
8 the posting of bail to so indicate and a space signed by an  
9 accused who has executed the bail bond indicating whether a  
10 person other than the accused has provided the money for the  
11 posting of bail. The form shall also include a written notice  
12 to such person who has provided the defendant with the money  
13 for the posting of bail indicating that the bail may be used to  
14 pay costs, attorney's fees, fines, or other purposes  
15 authorized by the court and if the defendant fails to comply  
16 with the conditions of the bail bond, the court shall enter an  
17 order declaring the bail to be forfeited. The written notice  
18 must be: (1) distinguishable from the surrounding text; (2) in  
19 bold type or underscored; and (3) in a type size at least 2  
20 points larger than the surrounding type. When a person for  
21 whom bail has been set is charged with an offense under the  
22 Illinois Controlled Substances Act or the Methamphetamine  
23 Control and Community Protection Act which is a Class X  
24 felony, or making a terrorist threat in violation of Section  
25 29D-20 of the Criminal Code of 1961 or the Criminal Code of  
26 2012 or an attempt to commit the offense of making a terrorist

1 threat, the court may require the defendant to deposit a sum  
2 equal to 100% of the bail. Where any person is charged with a  
3 forcible felony while free on bail and is the subject of  
4 proceedings under Section 109-3 of this Code the judge  
5 conducting the preliminary examination may also conduct a  
6 hearing upon the application of the State pursuant to the  
7 provisions of Section 110-6 of this Code to increase or revoke  
8 the bail for that person's prior alleged offense.

9 (b) Upon depositing this sum and any bond fee authorized  
10 by law, the person shall be released from custody subject to  
11 the conditions of the bail bond.

12 (c) Once bail has been given and a charge is pending or is  
13 thereafter filed in or transferred to a court of competent  
14 jurisdiction the latter court shall continue the original bail  
15 in that court subject to the provisions of Section 110-6 of  
16 this Code.

17 (d) After conviction the court may order that the original  
18 bail stand as bail pending appeal or deny, increase or reduce  
19 bail subject to the provisions of Section 110-6.2.

20 (e) After the entry of an order by the trial court allowing  
21 or denying bail pending appeal either party may apply to the  
22 reviewing court having jurisdiction or to a justice thereof  
23 sitting in vacation for an order increasing or decreasing the  
24 amount of bail or allowing or denying bail pending appeal  
25 subject to the provisions of Section 110-6.2.

26 (f) When the conditions of the bail bond have been

1 performed and the accused has been discharged from all  
2 obligations in the cause the clerk of the court shall return to  
3 the accused or to the defendant's designee by an assignment  
4 executed at the time the bail amount is deposited, unless the  
5 court orders otherwise, 90% of the sum which had been  
6 deposited and shall retain as bail bond costs 10% of the amount  
7 deposited. However, in no event shall the amount retained by  
8 the clerk as bail bond costs be less than \$5. Notwithstanding  
9 the foregoing, in counties with a population of 3,000,000 or  
10 more, in no event shall the amount retained by the clerk as  
11 bail bond costs exceed \$100. Bail bond deposited by or on  
12 behalf of a defendant in one case may be used, in the court's  
13 discretion, to satisfy financial obligations of that same  
14 defendant incurred in a different case due to a fine, court  
15 costs, restitution or fees of the defendant's attorney of  
16 record. In counties with a population of 3,000,000 or more,  
17 the court shall not order bail bond deposited by or on behalf  
18 of a defendant in one case to be used to satisfy financial  
19 obligations of that same defendant in a different case until  
20 the bail bond is first used to satisfy court costs and  
21 attorney's fees in the case in which the bail bond has been  
22 deposited and any other unpaid child support obligations are  
23 satisfied. In counties with a population of less than  
24 3,000,000, the court shall not order bail bond deposited by or  
25 on behalf of a defendant in one case to be used to satisfy  
26 financial obligations of that same defendant in a different

1 case until the bail bond is first used to satisfy court costs  
2 in the case in which the bail bond has been deposited.

3 At the request of the defendant the court may order such  
4 90% of defendant's bail deposit, or whatever amount is  
5 repayable to defendant from such deposit, to be paid to  
6 defendant's attorney of record.

7 (g) If the accused does not comply with the conditions of  
8 the bail bond the court having jurisdiction shall enter an  
9 order declaring the bail to be forfeited. Notice of such order  
10 of forfeiture shall be mailed forthwith to the accused at his  
11 last known address. If the accused does not appear and  
12 surrender to the court having jurisdiction within 30 days from  
13 the date of the forfeiture or within such period satisfy the  
14 court that appearance and surrender by the accused is  
15 impossible and without his fault the court shall enter  
16 judgment for the State if the charge for which the bond was  
17 given was a felony or misdemeanor, or if the charge was  
18 quasi-criminal or traffic, judgment for the political  
19 subdivision of the State which prosecuted the case, against  
20 the accused for the amount of the bail and costs of the court  
21 proceedings; however, in counties with a population of less  
22 than 3,000,000, instead of the court entering a judgment for  
23 the full amount of the bond the court may, in its discretion,  
24 enter judgment for the cash deposit on the bond, less costs,  
25 retain the deposit for further disposition or, if a cash bond  
26 was posted for failure to appear in a matter involving

1 enforcement of child support or maintenance, the amount of the  
2 cash deposit on the bond, less outstanding costs, may be  
3 awarded to the person or entity to whom the child support or  
4 maintenance is due. The deposit made in accordance with  
5 paragraph (a) shall be applied to the payment of costs. If  
6 judgment is entered and any amount of such deposit remains  
7 after the payment of costs it shall be applied to payment of  
8 the judgment and transferred to the treasury of the municipal  
9 corporation wherein the bond was taken if the offense was a  
10 violation of any penal ordinance of a political subdivision of  
11 this State, or to the treasury of the county wherein the bond  
12 was taken if the offense was a violation of any penal statute  
13 of this State. The balance of the judgment may be enforced and  
14 collected in the same manner as a judgment entered in a civil  
15 action.

16 (h) After a judgment for a fine and court costs or either  
17 is entered in the prosecution of a cause in which a deposit had  
18 been made in accordance with paragraph (a) the balance of such  
19 deposit, after deduction of bail bond costs, shall be applied  
20 to the payment of the judgment.

21 (i) When a court appearance is required for an alleged  
22 violation of the Criminal Code of 1961, the Criminal Code of  
23 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish  
24 and Aquatic Life Code, the Child Passenger Protection Act, or  
25 a comparable offense of a unit of local government as  
26 specified in Supreme Court Rule 551, and if the accused does

1 not appear in court on the date set for appearance or any date  
2 to which the case may be continued and the court issues an  
3 arrest warrant for the accused, based upon his or her failure  
4 to appear when having so previously been ordered to appear by  
5 the court, the accused upon his or her admission to bail shall  
6 be assessed by the court a fee of \$75. Payment of the fee shall  
7 be a condition of release unless otherwise ordered by the  
8 court. The fee shall be in addition to any bail that the  
9 accused is required to deposit for the offense for which the  
10 accused has been charged and may not be used for the payment of  
11 court costs or fines assessed for the offense. The clerk of the  
12 court shall remit \$70 of the fee assessed to the arresting  
13 agency who brings the offender in on the arrest warrant. If the  
14 Department of State Police is the arresting agency, \$70 of the  
15 fee assessed shall be remitted by the clerk of the court to the  
16 State Treasurer within one month after receipt for deposit  
17 into the State Police Operations Assistance Fund. The clerk of  
18 the court shall remit \$5 of the fee assessed to the Circuit  
19 Court Clerk Operation and Administrative Fund as provided in  
20 Section 27.3d of the Clerks of Courts Act.

21 (Source: P.A. 99-412, eff. 1-1-16; 101-652, eff. 7-1-21.)

22 (725 ILCS 5/110-8) (from Ch. 38, par. 110-8)

23 Sec. 110-8. Cash, stocks, bonds and real estate as  
24 security for bail.

25 (a) In lieu of the bail deposit provided for in Section

1 110-7 of this Code any person for whom bail has been set may  
2 execute the bail bond with or without sureties which bond may  
3 be secured:

4 (1) By a deposit, with the clerk of the court, of an amount  
5 equal to the required bail, of cash, or stocks and bonds in  
6 which trustees are authorized to invest trust funds under the  
7 laws of this State; or

8 (2) By real estate situated in this State with  
9 unencumbered equity not exempt owned by the accused or  
10 sureties worth double the amount of bail set in the bond.

11 (b) If the bail bond is secured by stocks and bonds the  
12 accused or sureties shall file with the bond a sworn schedule  
13 which shall be approved by the court and shall contain:

14 (1) A list of the stocks and bonds deposited  
15 describing each in sufficient detail that it may be  
16 identified;

17 (2) The market value of each stock and bond;

18 (3) The total market value of the stocks and bonds  
19 listed;

20 (4) A statement that the affiant is the sole owner of  
21 the stocks and bonds listed and they are not exempt from  
22 the enforcement of a judgment thereon;

23 (5) A statement that such stocks and bonds have not  
24 previously been used or accepted as bail in this State  
25 during the 12 months preceding the date of the bail bond;  
26 and

1           (6) A statement that such stocks and bonds are  
2 security for the appearance of the accused in accordance  
3 with the conditions of the bail bond.

4           (c) If the bail bond is secured by real estate the accused  
5 or sureties shall file with the bond a sworn schedule which  
6 shall contain:

7                 (1) A legal description of the real estate;

8                 (2) A description of any and all encumbrances on the  
9 real estate including the amount of each and the holder  
10 thereof;

11                (3) The market value of the unencumbered equity owned  
12 by the affiant;

13                (4) A statement that the affiant is the sole owner of  
14 such unencumbered equity and that it is not exempt from  
15 the enforcement of a judgment thereon;

16                (5) A statement that the real estate has not  
17 previously been used or accepted as bail in this State  
18 during the 12 months preceding the date of the bail bond;  
19 and

20                (6) A statement that the real estate is security for  
21 the appearance of the accused in accordance with the  
22 conditions of the bail bond.

23           (d) The sworn schedule shall constitute a material part of  
24 the bail bond. The affiant commits perjury if in the sworn  
25 schedule he makes a false statement which he does not believe  
26 to be true. He shall be prosecuted and punished accordingly,



1 or, he may be punished for contempt.

2 (e) A certified copy of the bail bond and schedule of real  
3 estate shall be filed immediately in the office of the  
4 registrar of titles or recorder of the county in which the real  
5 estate is situated and the State shall have a lien on such real  
6 estate from the time such copies are filed in the office of the  
7 registrar of titles or recorder. The registrar of titles or  
8 recorder shall enter, index and record (or register as the  
9 case may be) such bail bonds and schedules without requiring  
10 any advance fee, which fee shall be taxed as costs in the  
11 proceeding and paid out of such costs when collected.

12 (f) When the conditions of the bail bond have been  
13 performed and the accused has been discharged from his  
14 obligations in the cause, the clerk of the court shall return  
15 to him or his sureties the deposit of any cash, stocks or  
16 bonds. If the bail bond has been secured by real estate the  
17 clerk of the court shall forthwith notify in writing the  
18 registrar of titles or recorder and the lien of the bail bond  
19 on the real estate shall be discharged.

20 (g) If the accused does not comply with the conditions of  
21 the bail bond the court having jurisdiction shall enter an  
22 order declaring the bail to be forfeited. Notice of such order  
23 of forfeiture shall be mailed forthwith by the clerk of the  
24 court to the accused and his sureties at their last known  
25 address. If the accused does not appear and surrender to the  
26 court having jurisdiction within 30 days from the date of the

1 forfeiture or within such period satisfy the court that  
2 appearance and surrender by the accused is impossible and  
3 without his fault the court shall enter judgment for the State  
4 against the accused and his sureties for the amount of the bail  
5 and costs of the proceedings; however, in counties with a  
6 population of less than 3,000,000, if the defendant has posted  
7 a cash bond, instead of the court entering a judgment for the  
8 full amount of the bond the court may, in its discretion, enter  
9 judgment for the cash deposit on the bond, less costs, retain  
10 the deposit for further disposition or, if a cash bond was  
11 posted for failure to appear in a matter involving enforcement  
12 of child support or maintenance, the amount of the cash  
13 deposit on the bond, less outstanding costs, may be awarded to  
14 the person or entity to whom the child support or maintenance  
15 is due.

16 (h) When judgment is entered in favor of the State on any  
17 bail bond given for a felony or misdemeanor, or judgement for a  
18 political subdivision of the state on any bail bond given for a  
19 quasi-criminal or traffic offense, the State's Attorney or  
20 political subdivision's attorney shall forthwith obtain a  
21 certified copy of the judgment and deliver same to the sheriff  
22 to be enforced by levy on the stocks or bonds deposited with  
23 the clerk of the court and the real estate described in the  
24 bail bond schedule. Any cash forfeited under subsection (g) of  
25 this Section shall be used to satisfy the judgment and costs  
26 and, without necessity of levy, ordered paid into the treasury

1 of the municipal corporation wherein the bail bond was taken  
2 if the offense was a violation of any penal ordinance of a  
3 political subdivision of this State, or into the treasury of  
4 the county wherein the bail bond was taken if the offense was a  
5 violation of any penal statute of this State, or to the person  
6 or entity to whom child support or maintenance is owed if the  
7 bond was taken for failure to appear in a matter involving  
8 child support or maintenance. The stocks, bonds and real  
9 estate shall be sold in the same manner as in sales for the  
10 enforcement of a judgment in civil actions and the proceeds of  
11 such sale shall be used to satisfy all court costs, prior  
12 encumbrances, if any, and from the balance a sufficient amount  
13 to satisfy the judgment shall be paid into the treasury of the  
14 municipal corporation wherein the bail bond was taken if the  
15 offense was a violation of any penal ordinance of a political  
16 subdivision of this State, or into the treasury of the county  
17 wherein the bail bond was taken if the offense was a violation  
18 of any penal statute of this State. The balance shall be  
19 returned to the owner. The real estate so sold may be redeemed  
20 in the same manner as real estate may be redeemed after  
21 judicial sales or sales for the enforcement of judgments in  
22 civil actions.

23 (i) No stocks, bonds or real estate may be used or accepted  
24 as bail bond security in this State more than once in any 12  
25 month period.

26 (Source: P.A. 89-469, eff. 1-1-97; 101-652, eff. 7-1-21.)

1 (725 ILCS 5/110-9) (from Ch. 38, par. 110-9)

2 Sec. 110-9. Taking of bail by peace officer. When bail has  
3 been set by a judicial officer for a particular offense or  
4 offender any sheriff or other peace officer may take bail in  
5 accordance with the provisions of Section 110-7 or 110-8 of  
6 this Code and release the offender to appear in accordance  
7 with the conditions of the bail bond, the Notice to Appear or  
8 the Summons. The officer shall give a receipt to the offender  
9 for the bail so taken and within a reasonable time deposit such  
10 bail with the clerk of the court having jurisdiction of the  
11 offense. A sheriff or other peace officer taking bail in  
12 accordance with the provisions of Section 110-7 or 110-8 of  
13 this Code shall accept payments made in the form of currency,  
14 and may accept other forms of payment as the sheriff shall by  
15 rule authorize. For purposes of this Section, "currency" has  
16 the meaning provided in subsection (a) of Section 3 of the  
17 Currency Reporting Act.

18 (Source: P.A. 99-618, eff. 1-1-17; 101-652, eff. 7-1-21.)

19 (725 ILCS 5/110-13) (from Ch. 38, par. 110-13)

20 Sec. 110-13. Persons prohibited from furnishing bail  
21 security. No attorney at law practicing in this State and no  
22 official authorized to admit another to bail or to accept bail  
23 shall furnish any part of any security for bail in any criminal  
24 action or any proceeding nor shall any such person act as

1 surety for any accused admitted to bail.

2 (Source: Laws 1963, p. 2836; 101-652, eff. 7-1-21.)

3 (725 ILCS 5/110-14) (from Ch. 38, par. 110-14)

4 Sec. 110-14. Credit for incarceration on bailable offense;  
5 credit against monetary bail for certain offenses.

6 (a) Any person incarcerated on a bailable offense who does  
7 not supply bail and against whom a fine is levied on conviction  
8 of the offense shall be allowed a credit of \$30 for each day so  
9 incarcerated upon application of the defendant. However, in no  
10 case shall the amount so allowed or credited exceed the amount  
11 of the fine.

12 (b) Subsection (a) does not apply to a person incarcerated  
13 for sexual assault as defined in paragraph (1) of subsection  
14 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

15 (c) A person subject to bail on a Category B offense shall  
16 have \$30 deducted from his or her 10% cash bond amount every  
17 day the person is incarcerated. The sheriff shall calculate  
18 and apply this \$30 per day reduction and send notice to the  
19 circuit clerk if a defendant's 10% cash bond amount is reduced  
20 to \$0, at which point the defendant shall be released upon his  
21 or her own recognizance.

22 (d) The court may deny the incarceration credit in  
23 subsection (c) of this Section if the person has failed to  
24 appear as required before the court and is incarcerated based  
25 on a warrant for failure to appear on the same original

1 criminal offense.

2 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19;  
3 101-408, eff. 1-1-20; 101-652, eff. 7-1-21.)

4 (725 ILCS 5/110-15) (from Ch. 38, par. 110-15)

5 Sec. 110-15. Applicability of provisions for giving and  
6 taking bail. The provisions of Sections 110-7 and 110-8 of  
7 this Code are exclusive of other provisions of law for the  
8 giving, taking, or enforcement of bail. In all cases where a  
9 person is admitted to bail the provisions of Sections 110-7  
10 and 110-8 of this Code shall be applicable.

11 However, the Supreme Court may, by rule or order,  
12 prescribe a uniform schedule of amounts of bail in all but  
13 felony offenses. The uniform schedule shall not require a  
14 person cited for violating the Illinois Vehicle Code or a  
15 similar provision of a local ordinance for which a violation  
16 is a petty offense as defined by Section 5-1-17 of the Unified  
17 Code of Corrections, excluding business offenses as defined by  
18 Section 5-1-2 of the Unified Code of Corrections or a  
19 violation of Section 15-111 or subsection (d) of Section 3-401  
20 of the Illinois Vehicle Code, to post bond to secure bail for  
21 his or her release. Such uniform schedule may provide that the  
22 cash deposit provisions of Section 110-7 shall not apply to  
23 bail amounts established for alleged violations punishable by  
24 fine alone, and the schedule may further provide that in  
25 specified traffic cases a valid Illinois chauffeur's or

1 operator's license must be deposited, in addition to 10% of  
2 the amount of the bail specified in the schedule.

3 (Source: P.A. 98-870, eff. 1-1-15; 98-1134, eff. 1-1-15;  
4 101-652, eff. 7-1-21.)

5 (725 ILCS 5/110-16) (from Ch. 38, par. 110-16)

6 Sec. 110-16. Bail bond-forfeiture in same case or absents  
7 self during trial-not bailable. If a person admitted to bail  
8 on a felony charge forfeits his bond and fails to appear in  
9 court during the 30 days immediately after such forfeiture, on  
10 being taken into custody thereafter he shall not be bailable  
11 in the case in question, unless the court finds that his  
12 absence was not for the purpose of obstructing justice or  
13 avoiding prosecution.

14 (Source: P.A. 77-1447; 101-652, eff. 7-1-21.)

15 (725 ILCS 5/110-17) (from Ch. 38, par. 110-17)

16 Sec. 110-17. Unclaimed bail deposits. Any sum of money  
17 deposited by any person to secure his or her release from  
18 custody which remains unclaimed by the person entitled to its  
19 return for 3 years after the conditions of the bail bond have  
20 been performed and the accused has been discharged from all  
21 obligations in the cause shall be presumed to be abandoned and  
22 subject to disposition under the Revised Uniform Unclaimed  
23 Property Act.

24 (Source: P.A. 100-22, eff. 1-1-18; 100-929, eff. 1-1-19;

1 101-81, eff. 7-12-19; 101-652, eff. 7-1-21.)

2 (725 ILCS 5/110-18) (from Ch. 38, par. 110-18)

3 Sec. 110-18. Reimbursement. The sheriff of each county  
4 shall certify to the treasurer of each county the number of  
5 days that persons had been detained in the custody of the  
6 sheriff without a bond being set as a result of an order  
7 entered pursuant to Section 110-6.1 of this Code. The county  
8 treasurer shall, no later than January 1, annually certify to  
9 the Supreme Court the number of days that persons had been  
10 detained without bond during the twelve-month period ending  
11 November 30. The Supreme Court shall reimburse, from funds  
12 appropriated to it by the General Assembly for such purposes,  
13 the treasurer of each county an amount of money for deposit in  
14 the county general revenue fund at a rate of \$50 per day for  
15 each day that persons were detained in custody without bail as  
16 a result of an order entered pursuant to Section 110-6.1 of  
17 this Code.

18 (Source: P.A. 85-892; 101-652, eff. 7-1-21.)

19 Section 95. No acceleration or delay. Where this Act makes  
20 changes in a statute that is represented in this Act by text  
21 that is not yet or no longer in effect (for example, a Section  
22 represented by multiple versions), the use of that text does  
23 not accelerate or delay the taking effect of (i) the changes  
24 made by this Act or (ii) provisions derived from any other



1 Public Act.

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.

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