



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4336

Introduced 1/16/2024, by Rep. John M. Cabello

#### SYNOPSIS AS INTRODUCED:

See Index

Restores the statutes to the form in which they existed before their amendment by Public Acts 101-652, 102-28, and 102-1104, with certain exceptions. Amends the Criminal Code of 2012 concerning aggravating factors for which the death penalty may be imposed. Amends the Code of Criminal Procedure of 1963. Eliminates a provision that abolishes the sentence of death. Transfers unobligated and unexpended moneys remaining in the Death Penalty Abolition Fund into the reestablished Capital Litigation Trust Fund. Enacts the Capital Crimes Litigation Act of 2024 and amends the State Appellate Defender Act to add provisions concerning the restoration of the death penalty. Amends the General Provisions, Downstate Police, Downstate Firefighter, Chicago Police, Chicago Firefighter, Illinois Municipal Retirement Fund (IMRF), State Employees, and State Universities Articles of the Illinois Pension Code. With regard to police officers, firefighters, and similar public safety employees, removes Tier 2 limitations on the amount of salary for annuity purposes; provides that the automatic annual increases to a retirement pension or survivor pension are calculated under the Tier 1 formulas; and provides that the amount of and eligibility for a retirement annuity are calculated under the Tier 1 provisions. Amends the State Finance Act to make conforming changes. Amends the Public Safety Employee Benefits Act concerning health insurance plans of police officers and firefighters. Makes other conforming changes. Amends the State Mandates Act to require implementation of the amendatory changes to the Illinois Pension Code without reimbursement. Makes other changes. Effective immediately.

LRB103 35348 RLC 65412 b

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning public safety.

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

4 Article 1.

5 Section 1-1. Short title. This Article may be cited as the  
6 Capital Crimes Litigation Act of 2024. References in this  
7 Article to "this Act" mean this Article.

8 Section 1-5. Appointment of trial counsel in death penalty  
9 cases. If an indigent defendant is charged with an offense for  
10 which a sentence of death is authorized, and the State's  
11 Attorney has not, at or before arraignment, filed a  
12 certificate indicating he or she will not seek the death  
13 penalty or stated on the record in open court that the death  
14 penalty will not be sought, the trial court shall immediately  
15 appoint the Public Defender, or any other qualified attorney  
16 or attorneys as the Illinois Supreme Court shall by rule  
17 provide, to represent the defendant as trial counsel. If the  
18 Public Defender is appointed, he or she shall immediately  
19 assign the attorney or attorneys who are public defenders to  
20 represent the defendant. The counsel shall meet the  
21 qualifications as the Supreme Court shall by rule provide. At  
22 the request of court appointed counsel in a case in which the

1 death penalty is sought, attorneys employed by the State  
2 Appellate Defender may enter an appearance for the limited  
3 purpose of assisting counsel appointed under this Section.

4 Section 1-10. Court appointed trial counsel; compensation  
5 and expenses.

6 (a) This Section applies only to compensation and expenses  
7 of trial counsel appointed by the court as set forth in Section  
8 1-5, other than public defenders, for the period after  
9 arraignment and so long as the State's Attorney has not, at any  
10 time, filed a certificate indicating he or she will not seek  
11 the death penalty or stated on the record in open court that  
12 the death penalty will not be sought.

13 (a-5) Litigation budget.

14 (1) In a case in which the State has filed a statement  
15 of intent to seek the death penalty, the court shall  
16 require appointed counsel, including those appointed in  
17 Cook County, after counsel has had adequate time to review  
18 the case and prior to engaging trial assistance, to submit  
19 a proposed estimated litigation budget for court approval,  
20 that will be subject to modification in light of facts and  
21 developments that emerge as the case proceeds. Case  
22 budgets should be submitted ex parte and filed and  
23 maintained under seal in order to protect the defendant's  
24 right to effective assistance of counsel, right not to  
25 incriminate him or herself and all applicable privileges.

1 Case budgets shall be reviewed and approved by the judge  
2 assigned to try the case. As provided under subsection (c)  
3 of this Section, petitions for compensation shall be  
4 reviewed by both the trial judge and the presiding judge  
5 or the presiding judge's designee.

6 (2) The litigation budget shall serve purposes  
7 comparable to those of private retainer agreements by  
8 confirming both the court's and the attorney's  
9 expectations regarding fees and expenses. Consideration  
10 should be given to employing an ex parte pretrial  
11 conference in order to facilitate reaching agreement on a  
12 litigation budget at the earliest opportunity.

13 (3) The budget shall be incorporated into a sealed  
14 initial pretrial order that reflects the understandings of  
15 the court and counsel regarding all matters affecting  
16 counsel compensation and reimbursement and payments for  
17 investigative, expert and other services, including, but  
18 not limited to, the following matters:

19 (A) the hourly rate at which counsel will be  
20 compensated;

21 (B) the hourly rate at which private  
22 investigators, other than investigators employed by  
23 the Office of the State Appellate Defender, will be  
24 compensated; and

25 (C) the best preliminary estimate that can be made  
26 of the cost of all services, including, but not

1           limited to, counsel, expert, and investigative  
2           services that are likely to be needed through the  
3           guilt and penalty phases of the trial. The court shall  
4           have discretion to require that budgets be prepared  
5           for shorter intervals of time.

6           (4) Appointed counsel may obtain, subject to later  
7           review, investigative, expert, or other services without  
8           prior authorization if necessary for an adequate defense.  
9           If the services are obtained, the presiding judge or the  
10          presiding judge's designee shall consider in an ex parte  
11          proceeding that timely procurement of necessary services  
12          could not await prior authorization. If an ex parte  
13          hearing is requested by defense counsel or deemed  
14          necessary by the trial judge prior to modifying a budget,  
15          the ex parte hearing shall be before the presiding judge  
16          or the presiding judge's designee. The judge may then  
17          authorize the services nunc pro tunc. If the presiding  
18          judge or the presiding judge's designee finds that the  
19          services were not reasonable, payment may be denied.

20          (5) An approved budget shall guide counsel's use of  
21          time and resources by indicating the services for which  
22          compensation is authorized. The case budget shall be  
23          re-evaluated when justified by changed or unexpected  
24          circumstances and shall be modified by the court when  
25          reasonable and necessary for an adequate defense. If an ex  
26          parte hearing is requested by defense counsel or deemed

1           necessary by the trial judge prior to modifying a budget,  
2           the ex parte hearing shall be before the presiding judge  
3           or the presiding judge's designee.

4           (b) Appointed trial counsel shall be compensated upon  
5           presentment and certification by the circuit court of a claim  
6           for services detailing the date, activity, and time duration  
7           for which compensation is sought. Compensation for appointed  
8           trial counsel may be paid at a reasonable rate not to exceed  
9           \$125 per hour. The court shall not authorize payment of bills  
10          that are not properly itemized. A request for payment shall be  
11          presented under seal and reviewed ex parte with a court  
12          reporter present. Every January 20, the statutory rate  
13          prescribed in this subsection shall be automatically increased  
14          or decreased, as applicable, by a percentage equal to the  
15          percentage change in the consumer price index-u during the  
16          preceding 12-month calendar year. "Consumer price index-u"  
17          means the index published by the Bureau of Labor Statistics of  
18          the United States Department of Labor that measures the  
19          average change in prices of goods and services purchased by  
20          all urban consumers, United States city average, all items,  
21          1982-84=100. The new rate resulting from each annual  
22          adjustment shall be determined by the State Treasurer and made  
23          available to the chief judge of each judicial circuit.

24          (c) Appointed trial counsel may also petition the court  
25          for certification of expenses for reasonable and necessary  
26          capital litigation expenses including, but not limited to,

1 investigatory and other assistance, expert, forensic, and  
2 other witnesses, and mitigation specialists. Each provider of  
3 proposed services must specify the best preliminary estimate  
4 that can be made in light of information received in the case  
5 at that point, and the provider must sign this estimate under  
6 the provisions of Section 1-109 of the Code of Civil  
7 Procedure. A provider of proposed services must also specify:  
8 (1) his or her hourly rate; (2) the hourly rate of anyone else  
9 in his or her employ for whom reimbursement is sought; and (3)  
10 the hourly rate of any person or entity that may be  
11 subcontracted to perform these services. Counsel may not  
12 petition for certification of expenses that may have been  
13 provided or compensated by the State Appellate Defender under  
14 item (c)(5.1) of Section 10 of the State Appellate Defender  
15 Act. The petitions shall be filed under seal and considered ex  
16 parte but with a court reporter present for all ex parte  
17 conferences. If the requests are submitted after services have  
18 been rendered, the requests shall be supported by an invoice  
19 describing the services rendered, the dates the services were  
20 performed and the amount of time spent. These petitions shall  
21 be reviewed by both the trial judge and the presiding judge of  
22 the circuit court or the presiding judge's designee. The  
23 petitions and orders shall be kept under seal and shall be  
24 exempt from Freedom of Information requests until the  
25 conclusion of the trial, even if the prosecution chooses not  
26 to pursue the death penalty prior to trial or sentencing. If an

1 ex parte hearing is requested by defense counsel or deemed  
2 necessary by the trial judge, the hearing shall be before the  
3 presiding judge or the presiding judge's designee.

4 (d) Appointed trial counsel shall petition the court for  
5 certification of compensation and expenses under this Section  
6 periodically during the course of counsel's representation.  
7 The petitions shall be supported by itemized bills showing the  
8 date, the amount of time spent, the work done, and the total  
9 being charged for each entry. The court shall not authorize  
10 payment of bills that are not properly itemized. The court  
11 must certify reasonable and necessary expenses of the  
12 petitioner for travel and per diem (lodging, meals, and  
13 incidental expenses). These expenses must be paid at the rate  
14 as promulgated by the United States General Services  
15 Administration for these expenses for the date and location in  
16 which they were incurred, unless extraordinary reasons are  
17 shown for the difference. The petitions shall be filed under  
18 seal and considered ex parte but with a court reporter present  
19 for all ex parte conferences. The petitions shall be reviewed  
20 by both the trial judge and the presiding judge of the circuit  
21 court or the presiding judge's designee. If an ex parte  
22 hearing is requested by defense counsel or deemed necessary by  
23 the trial judge, the ex parte hearing shall be before the  
24 presiding judge or the presiding judge's designee. If the  
25 court determines that the compensation and expenses should be  
26 paid from the Capital Litigation Trust Fund, the court shall



1 certify, on a form created by the State Treasurer, that all or  
2 a designated portion of the amount requested is reasonable,  
3 necessary, and appropriate for payment from the Trust Fund.  
4 The form must also be signed by lead trial counsel under the  
5 provisions of Section 1-109 of the Code of Civil Procedure  
6 verifying that the amount requested is reasonable, necessary,  
7 and appropriate. Bills submitted for payment by any individual  
8 or entity seeking payment from the Capital Litigation Trust  
9 Fund must also be accompanied by a form created by the State  
10 Treasurer and signed by the individual or responsible agent of  
11 the entity under the provisions of Section 1-109 of the Code of  
12 Civil Procedure that the amount requested is accurate and  
13 truthful and reflects time spent or expenses incurred.  
14 Certification of compensation and expenses by a court in any  
15 county other than Cook County shall be delivered by the court  
16 to the State Treasurer and must be paid by the State Treasurer  
17 directly from the Capital Litigation Trust Fund if there are  
18 sufficient moneys in the Trust Fund to pay the compensation  
19 and expenses. If the State Treasurer finds within 14 days of  
20 his or her receipt of a certification that the compensation  
21 and expenses to be paid are unreasonable, unnecessary, or  
22 inappropriate, he or she may return the certification to the  
23 court setting forth in detail the objection or objections with  
24 a request for the court to review the objection or objections  
25 before resubmitting the certification. The State Treasurer  
26 must send the claimant a copy of the objection or objections.

1 The State Treasurer may only seek a review of a specific  
2 objection once. The claimant has 7 days from his or her receipt  
3 of the objections to file a response with the court. With or  
4 without further hearing, the court must promptly rule on the  
5 objections. The petitions and orders shall be kept under seal  
6 and shall be exempt from Freedom of Information requests until  
7 the conclusion of the trial and appeal of the case, even if the  
8 prosecution chooses not to pursue the death penalty prior to  
9 trial or sentencing. Certification of compensation and  
10 expenses by a court in Cook County shall be delivered by the  
11 court to the county treasurer and paid by the county treasurer  
12 from moneys granted to the county from the Capital Litigation  
13 Trust Fund.

14 Section 1-15. Capital Litigation Trust Fund.

15 (a) The Capital Litigation Trust Fund is created as a  
16 special fund in the State treasury. The Trust Fund shall be  
17 administered by the State Treasurer to provide moneys for the  
18 appropriations to be made, grants to be awarded, and  
19 compensation and expenses to be paid under this Act. All  
20 interest earned from the investment or deposit of moneys  
21 accumulated in the Trust Fund shall, under Section 4.1 of the  
22 State Finance Act, be deposited into the Trust Fund.

23 (b) Moneys deposited into the Trust Fund shall not be  
24 considered general revenue of the State of Illinois.

25 (c) Moneys deposited into the Trust Fund shall be used

1 exclusively for the purposes of providing funding for the  
2 prosecution and defense of capital cases and for providing  
3 funding for post-conviction proceedings in capital cases under  
4 Article 122 of the Code of Criminal Procedure of 1963 and in  
5 relation to petitions filed under Section 2-1401 of the Code  
6 of Civil Procedure in relation to capital cases as provided in  
7 this Act and shall not be appropriated, loaned, or in any  
8 manner transferred to the General Revenue Fund of the State of  
9 Illinois.

10 (d) Every fiscal year the State Treasurer shall transfer  
11 from the General Revenue Fund to the Capital Litigation Trust  
12 Fund an amount equal to the full amount of moneys appropriated  
13 by the General Assembly (both by original and supplemental  
14 appropriation), less any unexpended balance from the previous  
15 fiscal year, from the Capital Litigation Trust Fund for the  
16 specific purpose of making funding available for the  
17 prosecution and defense of capital cases and for the  
18 litigation expenses associated with post-conviction  
19 proceedings in capital cases under Article 122 of the Code of  
20 Criminal Procedure of 1963 and in relation to petitions filed  
21 under Section 2-1401 of the Code of Civil Procedure in  
22 relation to capital cases. The Public Defender and State's  
23 Attorney in Cook County, the State Appellate Defender, the  
24 State's Attorneys Appellate Prosecutor, and the Attorney  
25 General shall make annual requests for appropriations from the  
26 Trust Fund.

1           (1) The Public Defender in Cook County shall request  
2           appropriations to the State Treasurer for expenses  
3           incurred by the Public Defender and for funding for  
4           private appointed defense counsel in Cook County.

5           (2) The State's Attorney in Cook County shall request  
6           an appropriation to the State Treasurer for expenses  
7           incurred by the State's Attorney.

8           (3) The State Appellate Defender shall request a  
9           direct appropriation from the Trust Fund for expenses  
10          incurred by the State Appellate Defender in providing  
11          assistance to trial attorneys under item (c)(5.1) of  
12          Section 10 of the State Appellate Defender Act and for  
13          expenses incurred by the State Appellate Defender in  
14          representing petitioners in capital cases in  
15          post-conviction proceedings under Article 122 of the Code  
16          of Criminal Procedure of 1963 and in relation to petitions  
17          filed under Section 2-1401 of the Code of Civil Procedure  
18          in relation to capital cases and for the representation of  
19          those petitioners by attorneys approved by or contracted  
20          with the State Appellate Defender and an appropriation to  
21          the State Treasurer for payments from the Trust Fund for  
22          the defense of cases in counties other than Cook County.

23          (4) The State's Attorneys Appellate Prosecutor shall  
24          request a direct appropriation from the Trust Fund to pay  
25          expenses incurred by the State's Attorneys Appellate  
26          Prosecutor and an appropriation to the State Treasurer for

1 payments from the Trust Fund for expenses incurred by  
2 State's Attorneys in counties other than Cook County.

3 (5) The Attorney General shall request a direct  
4 appropriation from the Trust Fund to pay expenses incurred  
5 by the Attorney General in assisting the State's Attorneys  
6 in counties other than Cook County and to pay for expenses  
7 incurred by the Attorney General when the Attorney General  
8 is ordered by the presiding judge of the Criminal Division  
9 of the Circuit Court of Cook County to prosecute or  
10 supervise the prosecution of Cook County cases and for  
11 expenses incurred by the Attorney General in representing  
12 the State in post-conviction proceedings in capital cases  
13 under Article 122 of the Code of Criminal Procedure of  
14 1963 and in relation to petitions filed under Section  
15 2-1401 of the Code of Civil Procedure in relation to  
16 capital cases. The Public Defender and State's Attorney in  
17 Cook County, the State Appellate Defender, the State's  
18 Attorneys Appellate Prosecutor, and the Attorney General  
19 may each request supplemental appropriations from the  
20 Trust Fund during the fiscal year.

21 (e) Moneys in the Trust Fund shall be expended only as  
22 follows:

23 (1) To pay the State Treasurer's costs to administer  
24 the Trust Fund. The amount for this purpose may not exceed  
25 5% in any one fiscal year of the amount otherwise  
26 appropriated from the Trust Fund in the same fiscal year.

1           (2) To pay the capital litigation expenses of trial  
2           defense and post-conviction proceedings in capital cases  
3           under Article 122 of the Code of Criminal Procedure of  
4           1963 and in relation to petitions filed under Section  
5           2-1401 of the Code of Civil Procedure in relation to  
6           capital cases including, but not limited to, DNA testing,  
7           including DNA testing under Section 116-3 of the Code of  
8           Criminal Procedure of 1963, analysis, and expert  
9           testimony, investigatory and other assistance, expert,  
10          forensic, and other witnesses, and mitigation specialists,  
11          and grants and aid provided to public defenders, appellate  
12          defenders, and any attorney approved by or contracted with  
13          the State Appellate Defender representing petitioners in  
14          post-conviction proceedings in capital cases under Article  
15          122 of the Code of Criminal Procedure of 1963 and in  
16          relation to petitions filed under Section 2-1401 of the  
17          Code of Civil Procedure in relation to capital cases or  
18          assistance to attorneys who have been appointed by the  
19          court to represent defendants who are charged with capital  
20          crimes. Reasonable and necessary capital litigation  
21          expenses include travel and per diem (lodging, meals, and  
22          incidental expenses).

23          (3) To pay the compensation of trial attorneys, other  
24          than public defenders or appellate defenders, who have  
25          been appointed by the court to represent defendants who  
26          are charged with capital crimes or attorneys approved by

1 or contracted with the State Appellate Defender to  
2 represent petitioners in post-conviction proceedings in  
3 capital cases under Article 122 of the Code of Criminal  
4 Procedure of 1963 and in relation to petitions filed under  
5 Section 2-1401 of the Code of Civil Procedure in relation  
6 to capital cases.

7 (4) To provide State's Attorneys with funding for  
8 capital litigation expenses and for expenses of  
9 representing the State in post-conviction proceedings in  
10 capital cases under Article 122 of the Code of Criminal  
11 Procedure of 1963 and in relation to petitions filed under  
12 Section 2-1401 of the Code of Civil Procedure in relation  
13 to capital cases including, but not limited to,  
14 investigatory and other assistance and expert, forensic,  
15 and other witnesses necessary to prosecute capital cases.  
16 State's Attorneys in any county other than Cook County  
17 seeking funding for capital litigation expenses and for  
18 expenses of representing the State in post-conviction  
19 proceedings in capital cases under Article 122 of the Code  
20 of Criminal Procedure of 1963 and in relation to petitions  
21 filed under Section 2-1401 of the Code of Civil Procedure  
22 in relation to capital cases including, but not limited  
23 to, investigatory and other assistance and expert,  
24 forensic, or other witnesses under this Section may  
25 request that the State's Attorneys Appellate Prosecutor or  
26 the Attorney General, as the case may be, certify the

1 expenses as reasonable, necessary, and appropriate for  
2 payment from the Trust Fund, on a form created by the State  
3 Treasurer. Upon certification of the expenses and delivery  
4 of the certification to the State Treasurer, the Treasurer  
5 shall pay the expenses directly from the Capital  
6 Litigation Trust Fund if there are sufficient moneys in  
7 the Trust Fund to pay the expenses.

8 (5) To provide financial support through the Attorney  
9 General under the Attorney General Act for the several  
10 county State's Attorneys outside of Cook County, but shall  
11 not be used to increase personnel for the Attorney  
12 General's Office, except when the Attorney General is  
13 ordered by the presiding judge of the Criminal Division of  
14 the Circuit Court of Cook County to prosecute or supervise  
15 the prosecution of Cook County cases.

16 (6) To provide financial support through the State's  
17 Attorneys Appellate Prosecutor under the State's Attorneys  
18 Appellate Prosecutor's Act for the several county State's  
19 Attorneys outside of Cook County, but shall not be used to  
20 increase personnel for the State's Attorneys Appellate  
21 Prosecutor.

22 (7) To provide financial support to the State  
23 Appellate Defender under the State Appellate Defender Act.  
24 Moneys expended from the Trust Fund shall be in addition  
25 to county funding for Public Defenders and State's  
26 Attorneys, and shall not be used to supplant or reduce



1 ordinary and customary county funding.

2 (f) Moneys in the Trust Fund shall be appropriated to the  
3 State Appellate Defender, the State's Attorneys Appellate  
4 Prosecutor, the Attorney General, and the State Treasurer. The  
5 State Appellate Defender shall receive an appropriation from  
6 the Trust Fund to enable it to provide assistance to appointed  
7 defense counsel and attorneys approved by or contracted with  
8 the State Appellate Defender to represent petitioners in  
9 post-conviction proceedings in capital cases under Article 122  
10 of the Code of Criminal Procedure of 1963 and in relation to  
11 petitions filed under Section 2-1401 of the Code of Civil  
12 Procedure in relation to capital cases throughout the State  
13 and to Public Defenders in counties other than Cook. The  
14 State's Attorneys Appellate Prosecutor and the Attorney  
15 General shall receive appropriations from the Trust Fund to  
16 enable them to provide assistance to State's Attorneys in  
17 counties other than Cook County and when the Attorney General  
18 is ordered by the presiding judge of the Criminal Division of  
19 the Circuit Court of Cook County to prosecute or supervise the  
20 prosecution of Cook County cases. Moneys shall be appropriated  
21 to the State Treasurer to enable the Treasurer: (i) to make  
22 grants to Cook County; (ii) to pay the expenses of Public  
23 Defenders, the State Appellate Defender, the Attorney General,  
24 the Office of the State's Attorneys Appellate Prosecutor, and  
25 State's Attorneys in counties other than Cook County; (iii) to  
26 pay the expenses and compensation of appointed defense counsel

1 and attorneys approved by or contracted with the State  
2 Appellate Defender to represent petitioners in post-conviction  
3 proceedings in capital cases under Article 122 of the Code of  
4 Criminal Procedure of 1963 and in relation to petitions filed  
5 under Section 2-1401 of the Code of Civil Procedure in  
6 relation to capital cases in counties other than Cook County;  
7 and (iv) to pay the costs of administering the Trust Fund. All  
8 expenditures and grants made from the Trust Fund shall be  
9 subject to audit by the Auditor General.

10 (g) For Cook County, grants from the Trust Fund shall be  
11 made and administered as follows:

12 (1) For each State fiscal year, the State's Attorney  
13 and Public Defender must each make a separate application  
14 to the State Treasurer for capital litigation grants.

15 (2) The State Treasurer shall establish rules and  
16 procedures for grant applications. The rules shall require  
17 the Cook County Treasurer as the grant recipient to report  
18 on a periodic basis to the State Treasurer how much of the  
19 grant has been expended, how much of the grant is  
20 remaining, and the purposes for which the grant has been  
21 used. The rules may also require the Cook County Treasurer  
22 to certify on a periodic basis that expenditures of the  
23 funds have been made for expenses that are reasonable,  
24 necessary, and appropriate for payment from the Trust  
25 Fund.

26 (3) The State Treasurer shall make the grants to the

1 Cook County Treasurer as soon as possible after the  
2 beginning of the State fiscal year.

3 (4) The State's Attorney or Public Defender may apply  
4 for supplemental grants during the fiscal year.

5 (5) Grant moneys shall be paid to the Cook County  
6 Treasurer in block grants and held in separate accounts  
7 for the State's Attorney, the Public Defender, and court  
8 appointed defense counsel other than the Cook County  
9 Public Defender, respectively, for the designated fiscal  
10 year, and are not subject to county appropriation.

11 (6) Expenditure of grant moneys under this subsection  
12 (g) is subject to audit by the Auditor General.

13 (7) The Cook County Treasurer shall immediately make  
14 payment from the appropriate separate account in the  
15 county treasury for capital litigation expenses to the  
16 State's Attorney, Public Defender, or court appointed  
17 defense counsel other than the Public Defender, as the  
18 case may be, upon order of the State's Attorney, Public  
19 Defender or the court, respectively.

20 (h) If a defendant in a capital case in Cook County is  
21 represented by court appointed counsel other than the Cook  
22 County Public Defender, the appointed counsel shall petition  
23 the court for an order directing the Cook County Treasurer to  
24 pay the court appointed counsel's reasonable and necessary  
25 compensation and capital litigation expenses from grant moneys  
26 provided from the Trust Fund. The petitions shall be supported

1 by itemized bills showing the date, the amount of time spent,  
2 the work done, and the total being charged for each entry. The  
3 court shall not authorize payment of bills that are not  
4 properly itemized. The petitions shall be filed under seal and  
5 considered ex parte but with a court reporter present for all  
6 ex parte conferences. The petitions shall be reviewed by both  
7 the trial judge and the presiding judge of the circuit court or  
8 the presiding judge's designee. The petitions and orders shall  
9 be kept under seal and shall be exempt from Freedom of  
10 Information requests until the conclusion of the trial and  
11 appeal of the case, even if the prosecution chooses not to  
12 pursue the death penalty prior to trial or sentencing. Orders  
13 denying petitions for compensation or expenses are final.  
14 Counsel may not petition for expenses that may have been  
15 provided or compensated by the State Appellate Defender under  
16 item (c)(5.1) of Section 10 of the State Appellate Defender  
17 Act.

18 (i) In counties other than Cook County, and when the  
19 Attorney General is ordered by the presiding judge of the  
20 Criminal Division of the Circuit Court of Cook County to  
21 prosecute or supervise the prosecution of Cook County cases,  
22 and excluding capital litigation expenses or services that may  
23 have been provided by the State Appellate Defender under item  
24 (c)(5.1) of Section 10 of the State Appellate Defender Act:

25 (1) Upon certification by the circuit court, on a form  
26 created by the State Treasurer, that all or a portion of

1 the expenses are reasonable, necessary, and appropriate  
2 for payment from the Trust Fund and the court's delivery  
3 of the certification to the Treasurer, the Treasurer shall  
4 pay the certified expenses of Public Defenders and the  
5 State Appellate Defender from the money appropriated to  
6 the Treasurer for capital litigation expenses of Public  
7 Defenders and post-conviction proceeding expenses in  
8 capital cases of the State Appellate Defender and expenses  
9 in relation to petitions filed under Section 2-1401 of the  
10 Code of Civil Procedure in relation to capital cases in  
11 any county other than Cook County, if there are sufficient  
12 moneys in the Trust Fund to pay the expenses.

13 (2) If a defendant in a capital case is represented by  
14 court appointed counsel other than the Public Defender,  
15 the appointed counsel shall petition the court to certify  
16 compensation and capital litigation expenses including,  
17 but not limited to, investigatory and other assistance,  
18 expert, forensic, and other witnesses, and mitigation  
19 specialists as reasonable, necessary, and appropriate for  
20 payment from the Trust Fund. If a petitioner in a capital  
21 case who has filed a petition for post-conviction relief  
22 under Article 122 of the Code of Criminal Procedure of  
23 1963 or a petition under Section 2-1401 of the Code of  
24 Civil Procedure in relation to capital cases is  
25 represented by an attorney approved by or contracted with  
26 the State Appellate Defender other than the State

1 Appellate Defender, that attorney shall petition the court  
2 to certify compensation and litigation expenses of  
3 post-conviction proceedings under Article 122 of the Code  
4 of Criminal Procedure of 1963 or in relation to petitions  
5 filed under Section 2-1401 of the Code of Civil Procedure  
6 in relation to capital cases. Upon certification on a form  
7 created by the State Treasurer of all or a portion of the  
8 compensation and expenses certified as reasonable,  
9 necessary, and appropriate for payment from the Trust Fund  
10 and the court's delivery of the certification to the  
11 Treasurer, the State Treasurer shall pay the certified  
12 compensation and expenses from the money appropriated to  
13 the Treasurer for that purpose, if there are sufficient  
14 moneys in the Trust Fund to make those payments.

15 (3) A petition for capital litigation expenses or  
16 post-conviction proceeding expenses or expenses incurred  
17 in filing a petition under Section 2-1401 of the Code of  
18 Civil Procedure in relation to capital cases under this  
19 subsection shall be considered under seal and reviewed ex  
20 parte with a court reporter present. Orders denying  
21 petitions for compensation or expenses are final.

22 (j) If the Trust Fund is discontinued or dissolved by an  
23 Act of the General Assembly or by operation of law, any balance  
24 remaining in the Trust Fund shall be returned to the General  
25 Revenue Fund after deduction of administrative costs, any  
26 other provision of this Act to the contrary notwithstanding.

1 Section 1-95. The State Finance Act is amended by adding  
2 Section 5.1015 as follows:

3 (30 ILCS 105/5.1015 new)

4 Sec. 5.1015. The Capital Litigation Trust Fund.

5 (30 ILCS 105/5.790 rep.)

6 Section 1-100. The State Finance Act is amended by  
7 repealing Section 5.790.

8 Section 1-110. The Code of Criminal Procedure of 1963 is  
9 amended by changing Sections 113-3 and 119-1 as follows:

10 (725 ILCS 5/113-3) (from Ch. 38, par. 113-3)

11 Sec. 113-3. (a) Every person charged with an offense shall  
12 be allowed counsel before pleading to the charge. If the  
13 defendant desires counsel and has been unable to obtain same  
14 before arraignment the court shall recess court or continue  
15 the cause for a reasonable time to permit defendant to obtain  
16 counsel and consult with him before pleading to the charge. If  
17 the accused is a dissolved corporation, and is not represented  
18 by counsel, the court may, in the interest of justice, appoint  
19 as counsel a licensed attorney of this State.

20 (b) In all cases, except where the penalty is a fine only,  
21 if the court determines that the defendant is indigent and

1 desires counsel, the Public Defender shall be appointed as  
2 counsel. If there is no Public Defender in the county or if the  
3 defendant requests counsel other than the Public Defender and  
4 the court finds that the rights of the defendant will be  
5 prejudiced by the appointment of the Public Defender, the  
6 court shall appoint as counsel a licensed attorney at law of  
7 this State, except that in a county having a population of  
8 2,000,000 or more the Public Defender shall be appointed as  
9 counsel in all misdemeanor cases where the defendant is  
10 indigent and desires counsel unless the case involves multiple  
11 defendants, in which case the court may appoint counsel other  
12 than the Public Defender for the additional defendants. The  
13 court shall require an affidavit signed by any defendant who  
14 requests court-appointed counsel. Such affidavit shall be in  
15 the form established by the Supreme Court containing  
16 sufficient information to ascertain the assets and liabilities  
17 of that defendant. The Court may direct the Clerk of the  
18 Circuit Court to assist the defendant in the completion of the  
19 affidavit. Any person who knowingly files such affidavit  
20 containing false information concerning his assets and  
21 liabilities shall be liable to the county where the case, in  
22 which such false affidavit is filed, is pending for the  
23 reasonable value of the services rendered by the public  
24 defender or other court-appointed counsel in the case to the  
25 extent that such services were unjustly or falsely procured.

26 (c) Upon the filing with the court of a verified statement



1 of services rendered the court shall order the county  
2 treasurer of the county of trial to pay counsel other than the  
3 Public Defender a reasonable fee. The court shall consider all  
4 relevant circumstances, including but not limited to the time  
5 spent while court is in session, other time spent in  
6 representing the defendant, and expenses reasonably incurred  
7 by counsel. In counties with a population greater than  
8 2,000,000, the court shall order the county treasurer of the  
9 county of trial to pay counsel other than the Public Defender a  
10 reasonable fee stated in the order and based upon a rate of  
11 compensation of not more than \$40 for each hour spent while  
12 court is in session and not more than \$30 for each hour  
13 otherwise spent representing a defendant, and such  
14 compensation shall not exceed \$150 for each defendant  
15 represented in misdemeanor cases and \$1250 in felony cases, in  
16 addition to expenses reasonably incurred as hereinafter in  
17 this Section provided, except that, in extraordinary  
18 circumstances, payment in excess of the limits herein stated  
19 may be made if the trial court certifies that such payment is  
20 necessary to provide fair compensation for protracted  
21 representation. A trial court may entertain the filing of this  
22 verified statement before the termination of the cause, and  
23 may order the provisional payment of sums during the pendency  
24 of the cause.

25 (d) In capital cases, in addition to counsel, if the court  
26 determines that the defendant is indigent the court may, upon

1 the filing with the court of a verified statement of services  
2 rendered, order the county Treasurer of the county of trial to  
3 pay necessary expert witnesses for defendant reasonable  
4 compensation stated in the order not to exceed \$250 for each  
5 defendant.

6 (e) If the court in any county having a population greater  
7 than 2,000,000 determines that the defendant is indigent the  
8 court may, upon the filing with the court of a verified  
9 statement of such expenses, order the county treasurer of the  
10 county of trial, in such counties having a population greater  
11 than 2,000,000 to pay the general expenses of the trial  
12 incurred by the defendant not to exceed \$50 for each  
13 defendant.

14 (f) The provisions of this Section relating to appointment  
15 of counsel, compensation of counsel, and payment of expenses  
16 in capital cases apply except when the compensation and  
17 expenses are being provided under the Capital Crimes  
18 Litigation Act of 2024.

19 (Source: P.A. 91-589, eff. 1-1-00.)

20 (725 ILCS 5/119-1)

21 Sec. 119-1. Death penalty restored ~~abolished~~.

22 (a) (Blank). ~~Beginning on the effective date of this~~  
23 ~~amendatory Act of the 96th General Assembly, notwithstanding~~  
24 ~~any other law to the contrary, the death penalty is abolished~~  
25 ~~and a sentence to death may not be imposed.~~

1           (b) All unobligated and unexpended moneys remaining in ~~the~~  
2 ~~Capital Litigation Trust Fund on the effective date of this~~  
3 ~~amendatory Act of the 96th General Assembly shall be~~  
4 ~~transferred into~~ the Death Penalty Abolition Fund on the  
5 effective date of this amendatory Act of the 103rd General  
6 Assembly shall be transferred into the Capital Litigation  
7 Trust Fund , ~~a special fund in the State treasury, to be~~  
8 ~~expended by the Illinois Criminal Justice Information~~  
9 ~~Authority, for services for families of victims of homicide or~~  
10 ~~murder and for training of law enforcement personnel.~~

11           (Source: P.A. 96-1543, eff. 7-1-11.)

12           Section 1-115. The State Appellate Defender Act is amended  
13 by changing Section 10 as follows:

14           (725 ILCS 105/10) (from Ch. 38, par. 208-10)

15           Sec. 10. Powers and duties of State Appellate Defender.

16           (a) The State Appellate Defender shall represent indigent  
17 persons on appeal in criminal and delinquent minor  
18 proceedings, when appointed to do so by a court under a Supreme  
19 Court Rule or law of this State.

20           (b) The State Appellate Defender shall submit a budget for  
21 the approval of the State Appellate Defender Commission.

22           (c) The State Appellate Defender may:

23           (1) maintain a panel of private attorneys available to  
24 serve as counsel on a case basis;

1           (2) establish programs, alone or in conjunction with  
2 law schools, for the purpose of utilizing volunteer law  
3 students as legal assistants;

4           (3) cooperate and consult with state agencies,  
5 professional associations, and other groups concerning the  
6 causes of criminal conduct, the rehabilitation and  
7 correction of persons charged with and convicted of crime,  
8 the administration of criminal justice, and, in counties  
9 of less than 1,000,000 population, study, design, develop  
10 and implement model systems for the delivery of trial  
11 level defender services, and make an annual report to the  
12 General Assembly;

13           (4) hire investigators to provide investigative  
14 services to appointed counsel and county public defenders;

15           (5) (blank);

16           (5.1) in cases in which a death sentence is an  
17 authorized disposition, provide trial counsel with legal  
18 assistance and the assistance of expert witnesses,  
19 investigators, and mitigation specialists from funds  
20 appropriated to the State Appellate Defender specifically  
21 for that purpose by the General Assembly. The Office of  
22 State Appellate Defender shall not be appointed to serve  
23 as trial counsel in capital cases;

24           (5.5) provide training to county public defenders;

25           (5.7) provide county public defenders with the  
26 assistance of expert witnesses and investigators from

1 funds appropriated to the State Appellate Defender  
2 specifically for that purpose by the General Assembly. The  
3 Office of the State Appellate Defender shall not be  
4 appointed to act as trial counsel;

5 (6) develop a Juvenile Defender Resource Center to:  
6 (i) study, design, develop, and implement model systems  
7 for the delivery of trial level defender services for  
8 juveniles in the justice system; (ii) in cases in which a  
9 sentence of incarceration or an adult sentence, or both,  
10 is an authorized disposition, provide trial counsel with  
11 legal advice and the assistance of expert witnesses and  
12 investigators from funds appropriated to the Office of the  
13 State Appellate Defender by the General Assembly  
14 specifically for that purpose; (iii) develop and provide  
15 training to public defenders on juvenile justice issues,  
16 utilizing resources including the State and local bar  
17 associations, the Illinois Public Defender Association,  
18 law schools, the Midwest Juvenile Defender Center, and pro  
19 bono efforts by law firms; and (iv) make an annual report  
20 to the General Assembly.

21 Investigators employed by the Capital Trial Assistance  
22 Unit and Capital Post Conviction Unit of the State Appellate  
23 Defender shall be authorized to inquire through the Illinois  
24 State Police or local law enforcement with the Law Enforcement  
25 Agencies Data System (LEADS) under Section 2605-375 of the  
26 Illinois State Police Law of the Civil Administrative Code of

1 Illinois to ascertain whether their potential witnesses have a  
2 criminal background, including, but not limited to: (i)  
3 warrants; (ii) arrests; (iii) convictions; and (iv) officer  
4 safety information. This authorization applies only to  
5 information held on the State level and shall be used only to  
6 protect the personal safety of the investigators. Any  
7 information that is obtained through this inquiry may not be  
8 disclosed by the investigators.

9 (c-5) For each State fiscal year, the State Appellate  
10 Defender shall request a direct appropriation from the Capital  
11 Litigation Trust Fund for expenses incurred by the State  
12 Appellate Defender in providing assistance to trial attorneys  
13 under paragraph (5.1) of subsection (c) of this Section and  
14 for expenses incurred by the State Appellate Defender in  
15 representing petitioners in capital cases in post-conviction  
16 proceedings under Article 122 of the Code of Criminal  
17 Procedure of 1963 and in relation to petitions filed under  
18 Section 2-1401 of the Code of Civil Procedure in relation to  
19 capital cases and for the representation of those petitioners  
20 by attorneys approved by or contracted with the State  
21 Appellate Defender and an appropriation to the State Treasurer  
22 for payments from the Trust Fund for the defense of cases in  
23 counties other than Cook County. The State Appellate Defender  
24 may appear before the General Assembly at other times during  
25 the State's fiscal year to request supplemental appropriations  
26 from the Trust Fund to the State Treasurer.

1 (d) (Blank).

2 (e) The requirement for reporting to the General Assembly  
3 shall be satisfied by filing copies of the report as required  
4 by Section 3.1 of the General Assembly Organization Act and  
5 filing such additional copies with the State Government Report  
6 Distribution Center for the General Assembly as is required  
7 under paragraph (t) of Section 7 of the State Library Act.

8 (Source: P.A. 99-78, eff. 7-20-15; 100-1148, eff. 12-10-18.)

9 Article 2.

10 (5 ILCS 845/Act rep.)

11 Section 2-1. The Statewide Use of Force Standardization  
12 Act is repealed.

13 (730 ILCS 205/Act rep.)

14 Section 2-5. The No Representation Without Population Act  
15 is repealed.

16 (730 ILCS 210/Act rep.)

17 Section 2-10. The Reporting of Deaths in Custody Act is  
18 repealed.

19 (5 ILCS 70/1.43 rep.)

20 Section 2-20. The Statute on Statutes is amended by  
21 repealing Section 1.43.

1 (5 ILCS 100/5-45.35 rep.)

2 Section 2-22. The Illinois Administrative Procedure Act is  
3 amended by repealing Section 5-45.35 as added by Public Act  
4 102-1104.

5 Section 2-25. The Freedom of Information Act is amended by  
6 changing Section 2.15 as follows:

7 (5 ILCS 140/2.15)

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

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



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

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

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

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

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

7 (Source: P.A. 101-433, eff. 8-20-19; 101-652, eff. 1-1-23;  
8 102-1104, eff. 1-1-23.)

9 Section 2-30. The State Records Act is amended by changing  
10 Section 4a as follows:

11 (5 ILCS 160/4a)

12 Sec. 4a. Arrest records and reports.

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

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

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

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

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

24 (5) (Blank).

1           (5.1) If the individual is incarcerated, the amount of  
2           any bail or bond.

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

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

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

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

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

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

1 picture news for public showing.

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

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

10 (f) All information, including photographs, made available  
11 under this Section is subject to the provisions of Section  
12 2000 of the Consumer Fraud and Deceptive Business Practices  
13 Act.

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

1 (Source: P.A. 101-433, eff. 8-20-19; 101-652, eff. 1-1-23;  
2 102-1104, eff. 1-1-23.)

3 Section 2-35. The Illinois Public Labor Relations Act is  
4 amended by changing Section 14 as follows:

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

19 (1) The lawful authority of the employer.

20 (2) Stipulations of the parties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 preclude arbitration with respect to any such provision.

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

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

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

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

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

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

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

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



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

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

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

19 ~~The amendatory changes to this Section made by Public Act~~  
20 ~~101-652 take effect July 1, 2022.~~

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

22 Section 2-40. The Community-Law Enforcement and Other  
23 First Responder Partnership for Deflection and Substance Use  
24 Disorder Treatment Act is amended by changing Sections 1, 5,  
25 10, 15, 20, 30, and 35 as follows:

1 (5 ILCS 820/1)

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

5 (Source: P.A. 103-361, eff. 1-1-24.)

6 (5 ILCS 820/5)

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

1 authorize law enforcement, ~~other first responders,~~ and local  
2 government agencies to develop and implement collaborative  
3 deflection programs in Illinois that offer immediate pathways  
4 to substance use treatment and other services as an  
5 alternative to traditional case processing and involvement in  
6 the criminal justice system, ~~and to unnecessary admission to~~  
7 ~~emergency departments.~~

8 (Source: P.A. 103-361, eff. 1-1-24.)

9 (5 ILCS 820/10)

10 Sec. 10. Definitions. In this Act:

11 "Case management" means those services which use  
12 evidence-based practices, including harm reduction and  
13 motivational interviewing, to assist persons in gaining access  
14 to needed social, educational, medical, substance use and  
15 mental health treatment, and other services.

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

24 ~~"Other first responder" means and includes emergency~~  
25 ~~medical services providers that are public units of~~

1 ~~government, fire departments and districts, and officials and~~  
2 ~~responders representing and employed by these entities.~~

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

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

25 (2) a self-referral deflection response initiated by  
26 an individual by contacting a peace officer, law

1 enforcement agency, ~~other first responder~~, or local  
2 government agency in the acknowledgment of their substance  
3 use or disorder;

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

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

15 (5) an officer intervention during routine activities,  
16 such as patrol or response to a service call during which a  
17 referral to treatment, to services, or to a case manager  
18 is made in lieu of arrest.

19 "Harm reduction" means a reduction of, or attempt to  
20 reduce, the adverse consequences of substance use, including,  
21 but not limited to, by addressing the substance use and  
22 conditions that give rise to the substance use. "Harm  
23 reduction" includes, but is not limited to, syringe service  
24 programs, naloxone distribution, and public awareness  
25 campaigns about the Good Samaritan Act.

26 "Law enforcement agency" means a municipal police

1 department or county sheriff's office of this State, the  
2 Illinois State Police, or other law enforcement agency whose  
3 officers, by statute, are granted and authorized to exercise  
4 powers similar to those conferred upon any peace officer  
5 employed by a law enforcement agency of this State.

6 "Licensed treatment provider" means an organization  
7 licensed by the Department of Human Services to perform an  
8 activity or service, or a coordinated range of those  
9 activities or services, as the Department of Human Services  
10 may establish by rule, such as the broad range of emergency,  
11 outpatient, intensive outpatient, and residential services and  
12 care, including assessment, diagnosis, case management,  
13 medical, psychiatric, psychological and social services,  
14 medication-assisted treatment, care and counseling, and  
15 recovery support, which may be extended to persons to assess  
16 or treat substance use disorder or to families of those  
17 persons.

18 "Local government agency" means a county, municipality, or  
19 township office, a State's Attorney's Office, a Public  
20 Defender's Office, or a local health department.

21 "Peace officer" means any peace officer or member of any  
22 duly organized State, county, or municipal peace officer unit,  
23 any police force of another State, or any police force whose  
24 members, by statute, are granted and authorized to exercise  
25 powers similar to those conferred upon any peace officer  
26 employed by a law enforcement agency of this State.

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

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

14 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;  
15 103-361, eff. 1-1-24.)

16 (5 ILCS 820/15)

17 Sec. 15. Authorization.

18 (a) Any law enforcement agency, ~~other first responder~~  
19 ~~entity,~~ or local government agency may establish a deflection  
20 program subject to the provisions of this Act in partnership  
21 with one or more licensed providers of substance use disorder  
22 treatment services and one or more community members or  
23 organizations. ~~Programs established by another first responder~~  
24 ~~entity or a local government agency shall also include a law~~  
25 ~~enforcement agency.~~

1 (b) The deflection program may involve a post-overdose  
2 deflection response, a self-referral deflection response, a  
3 pre-arrest diversion response, an active outreach deflection  
4 response, an officer ~~or other first responder~~ prevention  
5 deflection response, or an officer intervention deflection  
6 response, or any combination of those.

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

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

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

22 (1) the involvement of one or more licensed treatment  
23 programs and one or more community members or  
24 organizations; and

25 (2) an agreement with the Illinois Criminal Justice  
26 Information Authority to collect and evaluate relevant



1 statistical data related to the program, as established by  
2 the Illinois Criminal Justice Information Authority in  
3 paragraph (2) of subsection (a) of Section 25 of this Act.

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

10 (Source: P.A. 103-361, eff. 1-1-24.)

11 (5 ILCS 820/20)

12 Sec. 20. Procedure. The law enforcement agency, ~~other~~  
13 ~~first responder entity~~, local government agency, licensed  
14 treatment providers, and community members or organizations  
15 shall establish a local deflection program plan that includes  
16 protocols and procedures for participant identification,  
17 screening or assessment, case management, treatment  
18 facilitation, reporting, restorative justice, and ongoing  
19 involvement of the law enforcement agency. Licensed substance  
20 use disorder treatment organizations shall adhere to 42 CFR  
21 Part 2 regarding confidentiality regulations for information  
22 exchange or release. Substance use disorder treatment services  
23 shall adhere to all regulations specified in Department of  
24 Human Services Administrative Rules, Parts 2060 and 2090.

25 A deflection program organized and operating under this

1 Act may accept, receive, and disburse, in furtherance of its  
2 duties and functions, any funds, grants, and services made  
3 available by the State and its agencies, the federal  
4 government and its agencies, units of local government, and  
5 private or civic sources.

6 (Source: P.A. 103-361, eff. 1-1-24.)

7 (5 ILCS 820/30)

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

15 (Source: P.A. 103-361, eff. 1-1-24.)

16 (5 ILCS 820/35)

17 Sec. 35. Funding.

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

24 (a.1) (Blank). ~~Up to 10 percent of appropriated funds may~~

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

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

22 (1) activities related to program administration,  
23 coordination, or management, including, but not limited  
24 to, the development of collaborative partnerships with  
25 licensed treatment providers and community members or  
26 organizations; collection of program data; or monitoring

1 of compliance with a local deflection program plan;

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

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

11 (4) transportation to a licensed treatment provider or  
12 other program partner location;and

13 (5) program evaluation activities;

14 (6) (blank); ~~naloxone and related harm reduction~~  
15 ~~supplies necessary for carrying out overdose prevention~~  
16 ~~and reversal for purposes of distribution to program~~  
17 ~~participants or for use by law enforcement, other first~~  
18 ~~responders, or local government agencies;~~

19 (7) (blank); ~~treatment necessary to prevent gaps in~~  
20 ~~service delivery between linkage and coverage by other~~  
21 ~~funding sources when otherwise non-reimbursable;~~ and

22 (8) wraparound participant funds to be used to  
23 incentivize participation and meet participant needs.  
24 Eligible items include, but are not limited to, clothing,  
25 transportation, application fees, emergency shelter,  
26 utilities, toiletries, medical supplies, haircuts, and

1 snacks. Food and drink is allowed if it is necessary for  
2 the program's success where it incentivizes participation  
3 in case management or addresses an emergency need as a  
4 bridge to self-sufficiency when other sources of emergency  
5 food are not available.

6 (c) Specific linkage agreements with recovery support  
7 services or self-help entities may be a requirement of the  
8 program services protocols. All deflection programs shall  
9 encourage the involvement of key family members and  
10 significant others as a part of a family-based approach to  
11 treatment. All deflection programs are encouraged to use  
12 evidence-based practices and outcome measures in the provision  
13 of case management, substance use disorder treatment, and  
14 medication-assisted treatment for persons with opioid use  
15 disorders.

16 (Source: P.A. 102-813, eff. 5-13-22; 103-361, eff. 1-1-24.)

17 (5 ILCS 820/21 rep.)

18 Section 2-45. The Community-Law Enforcement Partnership  
19 for Deflection and Substance Use Disorder Treatment Act is  
20 amended by repealing Section 21.

21 (15 ILCS 205/10 rep.)

22 Section 2-50. The Attorney General Act is amended by  
23 repealing Section 10.

1 Section 2-55. The Department of State Police Law of the  
2 Civil Administrative Code of Illinois is amended by changing  
3 Section 2605-302 as follows:

4 (20 ILCS 2605/2605-302) (was 20 ILCS 2605/55a in part)

5 Sec. 2605-302. Arrest reports.

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

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

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

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

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

17 (5) (Blank).

18 (5.1) If the individual is incarcerated, the amount of  
19 any bail or bond.

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

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

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

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

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

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

26 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

1 Section 2-60. The State Police Act is amended by changing  
2 Section 14 as follows:

3 (20 ILCS 2610/14) (from Ch. 121, par. 307.14)

4 Sec. 14. Except as is otherwise provided in this Act, no  
5 Illinois State Police officer shall be removed, demoted, or  
6 suspended except for cause, upon written charges filed with  
7 the Board by the Director and a hearing before the Board  
8 thereon upon not less than 10 days' notice at a place to be  
9 designated by the chairman thereof. At such hearing, the  
10 accused shall be afforded full opportunity to be heard in his  
11 or her own defense and to produce proof in his or her defense.  
12 Anyone ~~It shall not be a requirement of a person~~ filing a  
13 complaint against a State Police officer must ~~to~~ have the ~~a~~  
14 complaint supported by a sworn affidavit. Any such complaint,  
15 having been supported by a sworn affidavit, and having been  
16 found, in total or in part, to contain false information,  
17 shall be presented to the appropriate State's Attorney for a  
18 determination of prosecution ~~or any other legal documentation.~~  
19 ~~This ban on an affidavit requirement shall apply to any~~  
20 ~~collective bargaining agreements entered after the effective~~  
21 ~~date of this provision.~~

22 Before any such officer may be interrogated or examined by  
23 or before the Board, or by an Illinois State Police agent or  
24 investigator specifically assigned to conduct an internal



1 investigation, the results of which hearing, interrogation, or  
2 examination may be the basis for filing charges seeking his or  
3 her suspension for more than 15 days or his or her removal or  
4 discharge, he or she shall be advised in writing as to what  
5 specific improper or illegal act he or she is alleged to have  
6 committed; he or she shall be advised in writing that his or  
7 her admissions made in the course of the hearing,  
8 interrogation, or examination may be used as the basis for  
9 charges seeking his or her suspension, removal, or discharge;  
10 and he or she shall be advised in writing that he or she has a  
11 right to counsel of his or her choosing, who may be present to  
12 advise him or her at any hearing, interrogation, or  
13 examination. A complete record of any hearing, interrogation,  
14 or examination shall be made, and a complete transcript or  
15 electronic recording thereof shall be made available to such  
16 officer without charge and without delay.

17 The Board shall have the power to secure by its subpoena  
18 both the attendance and testimony of witnesses and the  
19 production of books and papers in support of the charges and  
20 for the defense. Each member of the Board or a designated  
21 hearing officer shall have the power to administer oaths or  
22 affirmations. If the charges against an accused are  
23 established by a preponderance of evidence, the Board shall  
24 make a finding of guilty and order either removal, demotion,  
25 suspension for a period of not more than 180 days, or such  
26 other disciplinary punishment as may be prescribed by the

1 rules and regulations of the Board which, in the opinion of the  
2 members thereof, the offense merits. Thereupon the Director  
3 shall direct such removal or other punishment as ordered by  
4 the Board and if the accused refuses to abide by any such  
5 disciplinary order, the Director shall remove him or her  
6 forthwith.

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

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

22 In case of the neglect or refusal of any person to obey a  
23 subpoena issued by the Board, any circuit court, upon  
24 application of any member of the Board, may order such person  
25 to appear before the Board and give testimony or produce  
26 evidence, and any failure to obey such order is punishable by

1 the court as a contempt thereof.

2 The provisions of the Administrative Review Law, and all  
3 amendments and modifications thereof, and the rules adopted  
4 pursuant thereto, shall apply to and govern all proceedings  
5 for the judicial review of any order of the Board rendered  
6 pursuant to the provisions of this Section.

7 Notwithstanding the provisions of this Section, a policy  
8 making officer, as defined in the Employee Rights Violation  
9 Act, of the Illinois State Police shall be discharged from the  
10 Illinois State Police as provided in the Employee Rights  
11 Violation Act, enacted by the 85th General Assembly.

12 (Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21;  
13 102-813, eff. 5-13-22.)

14 (20 ILCS 2610/17c rep.)

15 Section 2-65. The State Police Act is amended by repealing  
16 Section 17c.

17 (20 ILCS 3930/7.7 rep.)

18 (20 ILCS 3930/7.8 rep.)

19 Section 2-70. The Illinois Criminal Justice Information  
20 Act is amended by repealing Sections 7.7 and 7.8.

21 (30 ILCS 105/5.990 rep.)

22 Section 2-72. The State Finance Act is amended by  
23 repealing Section 5.990 as added by Public Act 102-1104.

1 (50 ILCS 105/4.1 rep.)

2 Section 2-75. The Public Officer Prohibited Activities Act  
3 is amended by repealing Section 4.1.

4 Section 2-80. The Local Records Act is amended by changing  
5 Section 3b as follows:

6 (50 ILCS 205/3b)

7 Sec. 3b. Arrest records and reports.

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

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

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

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

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

19 (5) (Blank).

20 (5.1) If the individual is incarcerated, the amount of  
21 any bail or bond.

22 (6) If the individual is incarcerated, the time and  
23 date that the individual was received, discharged, or

1 transferred from the arresting agency's custody.

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

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

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

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

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

24 (d) Each law enforcement or correctional agency may charge  
25 fees for arrest records, but in no instance may the fee exceed  
26 the actual cost of copying and reproduction. The fees may not

1 include the cost of the labor used to reproduce the arrest  
2 record.

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

6 (f) All information, including photographs, made available  
7 under this Section is subject to the provisions of Section  
8 2000 of the Consumer Fraud and Deceptive Business Practices  
9 Act.

10 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

11 (50 ILCS 205/25 rep.)

12 Section 2-85. The Local Records Act is amended by  
13 repealing Section 25.

14 Section 2-90. The Illinois Police Training Act is amended  
15 by changing Sections 6.2 and 10.17 as follows:

16 (50 ILCS 705/6.2)

17 Sec. 6.2. Officer professional conduct database. In order  
18 to ensure the continuing effectiveness of this Section, it is  
19 set forth in full and reenacted by this amendatory Act of the  
20 102nd General Assembly. This reenactment is intended as a  
21 continuation of this Section. This reenactment is not intended  
22 to supersede any amendment to this Section that may be made by  
23 any other Public Act of the 102nd General Assembly.

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

4 (1) the officer is discharged or dismissed as a result  
5 of the violation; or

6 (2) the officer resigns during the course of an  
7 investigation and after the officer has been served notice  
8 that he or she is under investigation that is based on the  
9 commission of a Class 2 or greater ~~any felony or sex~~  
10 ~~offense~~.

11 The agency shall report to the Board within 30 days of a  
12 final decision of discharge or dismissal and final exhaustion  
13 of any appeal, or resignation, and shall provide information  
14 regarding the nature of the violation.

15 (b) Upon receiving notification from a law enforcement  
16 agency, the Board must notify the law enforcement officer of  
17 the report and his or her right to provide a statement  
18 regarding the reported violation.

19 (c) The Board shall maintain a database readily available  
20 to any chief administrative officer, or his or her designee,  
21 of a law enforcement agency ~~or any State's Attorney~~ that shall  
22 show each reported instance, including the name of the  
23 officer, the nature of the violation, reason for the final  
24 decision of discharge or dismissal, and any statement provided  
25 by the officer.

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

1 Article 25, Section 25-45, eff. 1-1-22; 102-694, eff. 1-7-22.  
2 Reenacted and changed by 102-694, eff. 1-7-22.)

3 (50 ILCS 705/10.17)

4 Sec. 10.17. Crisis intervention team training; mental  
5 health awareness training.

6 (a) The Illinois Law Enforcement Training Standards Board  
7 shall develop and approve a standard curriculum for certified  
8 training programs in crisis intervention, ~~including a~~  
9 ~~specialty certification course of at least 40 hours,~~  
10 addressing specialized policing responses to people with  
11 mental illnesses. The Board shall conduct Crisis Intervention  
12 Team (CIT) training programs that train officers to identify  
13 signs and symptoms of mental illness, to de-escalate  
14 situations involving individuals who appear to have a mental  
15 illness, and connect that person in crisis to treatment.  
16 ~~Crisis Intervention Team (CIT) training programs shall be a~~  
17 ~~collaboration between law enforcement professionals, mental~~  
18 ~~health providers, families, and consumer advocates and must~~  
19 ~~minimally include the following components: (1) basic~~  
20 ~~information about mental illnesses and how to recognize them;~~  
21 ~~(2) information about mental health laws and resources; (3)~~  
22 ~~learning from family members of individuals with mental~~  
23 ~~illness and their experiences; and (4) verbal de-escalation~~  
24 ~~training and role plays.~~ Officers who have successfully  
25 completed this program shall be issued a certificate attesting



1 to their attendance of a Crisis Intervention Team (CIT)  
2 training program.

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

15 The amendatory changes to this Section made by Public Act  
16 101-652 shall take effect January 1, 2022.

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

18 (50 ILCS 705/10.6 rep.)

19 Section 2-95. The Illinois Police Training Act is amended  
20 by repealing Section 10.6.

21 Section 2-100. The Law Enforcement Officer-Worn Body  
22 Camera Act is amended by changing Sections 10-10, 10-15,  
23 10-20, and 10-25 as follows:

1 (50 ILCS 706/10-10)

2 Sec. 10-10. Definitions. As used in this Act:

3 "Badge" means an officer's department issued  
4 identification number associated with his or her position as a  
5 police officer with that department.

6 "Board" means the Illinois Law Enforcement Training  
7 Standards Board created by the Illinois Police Training Act.

8 "Business offense" means a petty offense for which the  
9 fine is in excess of \$1,000.

10 "Community caretaking function" means a task undertaken by  
11 a law enforcement officer in which the officer is performing  
12 an articulable act unrelated to the investigation of a crime.

13 "Community caretaking function" includes, but is not limited  
14 to, participating in town halls or other community outreach,  
15 helping a child find his or her parents, providing death  
16 notifications, and performing in-home or hospital well-being  
17 checks on the sick, elderly, or persons presumed missing.

18 ~~"Community caretaking function" excludes law~~  
19 ~~enforcement related encounters or activities.~~

20 "Fund" means the Law Enforcement Camera Grant Fund.

21 "In uniform" means a law enforcement officer who is  
22 wearing any officially authorized uniform designated by a law  
23 enforcement agency, or a law enforcement officer who is  
24 visibly wearing articles of clothing, a badge, tactical gear,  
25 gun belt, a patch, or other insignia that he or she is a law  
26 enforcement officer acting in the course of his or her duties.

1 "Law enforcement officer" or "officer" means any person  
2 employed by a State, county, municipality, special district,  
3 college, unit of government, or any other entity authorized by  
4 law to employ peace officers or exercise police authority and  
5 who is primarily responsible for the prevention or detection  
6 of crime and the enforcement of the laws of this State.

7 "Law enforcement agency" means all State agencies with law  
8 enforcement officers, county sheriff's offices, municipal,  
9 special district, college, or unit of local government police  
10 departments.

11 "Law enforcement-related encounters or activities"  
12 include, but are not limited to, traffic stops, pedestrian  
13 stops, arrests, searches, interrogations, investigations,  
14 pursuits, crowd control, traffic control, non-community  
15 caretaking interactions with an individual while on patrol, or  
16 any other instance in which the officer is enforcing the laws  
17 of the municipality, county, or State. "Law  
18 enforcement-related encounter or activities" does not include  
19 when the officer is completing paperwork alone,~~is~~  
20 ~~participating in training in a classroom setting,~~ or ~~is~~ only  
21 in the presence of another law enforcement officer.

22 "Minor traffic offense" means a petty offense, business  
23 offense, or Class C misdemeanor under the Illinois Vehicle  
24 Code or a similar provision of a municipal or local ordinance.

25 "Officer-worn body camera" means an electronic camera  
26 system for creating, generating, sending, receiving, storing,

1 displaying, and processing audiovisual recordings that may be  
2 worn about the person of a law enforcement officer.

3 "Peace officer" has the meaning provided in Section 2-13  
4 of the Criminal Code of 2012.

5 "Petty offense" means any offense for which a sentence of  
6 imprisonment is not an authorized disposition.

7 "Recording" means the process of capturing data or  
8 information stored on a recording medium as required under  
9 this Act.

10 "Recording medium" means any recording medium authorized  
11 by the Board for the retention and playback of recorded audio  
12 and video including, but not limited to, VHS, DVD, hard drive,  
13 cloud storage, solid state, digital, flash memory technology,  
14 or any other electronic medium.

15 (Source: P.A. 102-1104, eff. 12-6-22.)

16 (50 ILCS 706/10-15)

17 Sec. 10-15. Applicability. Any law enforcement agency  
18 which employs the use of officer-worn body cameras is subject  
19 to the provisions of this Act, whether or not the agency  
20 receives or has received monies from the Law Enforcement  
21 Camera Grant Fund. ~~(a) All law enforcement agencies must~~  
22 ~~employ the use of officer-worn body cameras in accordance with~~  
23 ~~the provisions of this Act, whether or not the agency receives~~  
24 ~~or has received monies from the Law Enforcement Camera Grant~~  
25 ~~Fund.~~

1       ~~(b) Except as provided in subsection (b-5), all law~~  
2 ~~enforcement agencies must implement the use of body cameras~~  
3 ~~for all law enforcement officers, according to the following~~  
4 ~~schedule:~~

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

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

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

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

16           ~~(5) for all State agencies with law enforcement~~  
17 ~~officers and other remaining law enforcement agencies,~~  
18 ~~body cameras shall be implemented by January 1, 2025.~~

19       ~~(b-5) If a law enforcement agency that serves a~~  
20 ~~municipality with a population of at least 100,000 but not~~  
21 ~~more than 500,000 or a law enforcement agency that serves a~~  
22 ~~county with a population of at least 100,000 but not more than~~  
23 ~~500,000 has ordered by October 1, 2022 or purchased by that~~  
24 ~~date officer-worn body cameras for use by the law enforcement~~  
25 ~~agency, then the law enforcement agency may implement the use~~  
26 ~~of body cameras for all of its law enforcement officers by no~~

1 ~~later than July 1, 2023. Records of purchase within this~~  
2 ~~timeline shall be submitted to the Illinois Law Enforcement~~  
3 ~~Training Standards Board by January 1, 2023.~~

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

9 ~~(d) This Section does not apply to court security~~  
10 ~~officers, State's Attorney investigators, and Attorney General~~  
11 ~~investigators.~~

12 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;  
13 102-1104, eff. 12-6-22.)

14 (50 ILCS 706/10-20)

15 Sec. 10-20. Requirements.

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

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

1 purchased and acquired by the law enforcement agency prior  
2 to July 1, 2015.

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

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

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

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

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

24 (4) Cameras must be turned off when:

25 (A) the victim of a crime requests that the camera  
26 be turned off, and unless impractical or impossible,

1           that request is made on the recording;

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

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

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

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

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



1 circumstances exist which prevent the camera from being  
2 turned on, the camera must be turned on as soon as  
3 practicable.

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

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

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

1 (a) has been involved in or is a witness to an  
2 officer-involved shooting, use of deadly force  
3 incident, or use of force incidents resulting in  
4 great bodily harm;

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

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

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

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

1           (A) Under no circumstances shall any recording,  
2           except for a non-law enforcement related activity or  
3           encounter, made with an officer-worn body camera be  
4           altered, erased, or destroyed prior to the expiration  
5           of the 90-day storage period. In the event any  
6           recording made with an officer-worn body camera is  
7           altered, erased, or destroyed prior to the expiration  
8           of the 90-day storage period, the law enforcement  
9           agency shall maintain, for a period of one year, a  
10          written record including (i) the name of the  
11          individual who made such alteration, erasure, or  
12          destruction, and (ii) the reason for any such  
13          alteration, erasure, or destruction.

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

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

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

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

25                 (iv) the encounter resulted in a detention or  
26                 an arrest, excluding traffic stops which resulted

1 in only a minor traffic offense or business  
2 offense;

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

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

10 (vii) the recording officer requests that the  
11 video be flagged for official purposes related to  
12 his or her official duties ~~or believes it may have~~  
13 ~~evidentiary value in a criminal prosecution.~~

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

22 ~~(D) Nothing in this Act prohibits law enforcement~~  
23 ~~agencies from labeling officer-worn body camera video~~  
24 ~~within the recording medium; provided that the~~  
25 ~~labeling does not alter the actual recording of the~~  
26 ~~incident captured on the officer worn body camera. The~~

1 ~~labels, titles, and tags shall not be construed as~~  
2 ~~altering the officer-worn body camera video in any~~  
3 ~~way.~~

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

12 (9) Recordings shall not be used to discipline law  
13 enforcement officers unless:

14 (A) a formal or informal complaint of misconduct  
15 has been made;

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

17 (C) the encounter on the recording could result in  
18 a formal investigation under the Uniform Peace  
19 Officers' Disciplinary Act; or

20 (D) as corroboration of other evidence of  
21 misconduct.

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

25 (10) The law enforcement agency shall ensure proper  
26 care and maintenance of officer-worn body cameras. Upon

1 becoming aware, officers must as soon as practical  
2 document and notify the appropriate supervisor of any  
3 technical difficulties, failures, or problems with the  
4 officer-worn body camera or associated equipment. Upon  
5 receiving notice, the appropriate supervisor shall make  
6 every reasonable effort to correct and repair any of the  
7 officer-worn body camera equipment.

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

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

25 (1) if the subject of the encounter has a reasonable  
26 expectation of privacy, at the time of the recording, any

1 recording which is flagged, due to the filing of a  
2 complaint, discharge of a firearm, use of force, arrest or  
3 detention, or resulting death or bodily harm, shall be  
4 disclosed in accordance with the Freedom of Information  
5 Act if:

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

8 (B) the law enforcement agency obtains written  
9 permission of the subject or the subject's legal  
10 representative;

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

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

22 For the purposes of paragraph (1) of this subsection (b),  
23 the subject of the encounter does not have a reasonable  
24 expectation of privacy if the subject was arrested as a result  
25 of the encounter. For purposes of subparagraph (A) of  
26 paragraph (1) of this subsection (b), "witness" does not

1 include a person who is a victim or who was arrested as a  
2 result of the encounter.

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

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

15 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;  
16 102-687, eff. 12-17-21; 102-694, eff. 1-7-22; 102-1104, eff.  
17 12-6-22.)

18 (50 ILCS 706/10-25)

19 Sec. 10-25. Reporting.

20 (a) Each law enforcement agency which employs the use of  
21 officer-worn body cameras must provide an annual report ~~on the~~  
22 ~~use of officer-worn body cameras~~ to the Board, on or before May  
23 1 of the year. The report shall include:

24 (1) a brief overview of the makeup of the agency,  
25 including the number of officers utilizing officer-worn



1 body cameras;

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

4 (3) any technical issues with the equipment and how  
5 those issues were remedied;

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

8 (5) (blank); ~~and~~

9 (5.1) for each recording used in prosecutions of  
10 conservation, criminal, or traffic offenses or municipal  
11 ordinance violations:

12 (A) the time, date, location, and precinct of the  
13 incident; and

14 (B) the offense charged and the date charges were  
15 filed; and

16 (6) any other information relevant to the  
17 administration of the program.

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

21 (Source: P.A. 101-652, eff. 7-1-21; 102-1104, eff. 12-6-22.)

22 Section 2-103. The Law Enforcement Camera Grant Act is  
23 amended by changing Section 10 as follows:

24 (50 ILCS 707/10)

1           Sec. 10. Law Enforcement Camera Grant Fund; creation,  
2 rules.

3           (a) The Law Enforcement Camera Grant Fund is created as a  
4 special fund in the State treasury. From appropriations to the  
5 Board from the Fund, the Board must make grants to units of  
6 local government in Illinois and Illinois public universities  
7 for the purpose of (1) purchasing in-car video cameras for use  
8 in law enforcement vehicles, (2) purchasing officer-worn body  
9 cameras and associated technology for law enforcement  
10 officers, and (3) training for law enforcement officers in the  
11 operation of the cameras. ~~Grants under this Section may be  
12 used to offset data storage costs for officer-worn body  
13 cameras.~~

14           Moneys received for the purposes of this Section,  
15 including, without limitation, fee receipts and gifts, grants,  
16 and awards from any public or private entity, must be  
17 deposited into the Fund. Any interest earned on moneys in the  
18 Fund must be deposited into the Fund.

19           (b) The Board may set requirements for the distribution of  
20 grant moneys and determine which law enforcement agencies are  
21 eligible.

22           (b-5) The Board shall consider compliance with the Uniform  
23 Crime Reporting Act as a factor in awarding grant moneys.

24           (c) (Blank).

25           (d) (Blank).

26           (e) (Blank).

1 (f) (Blank).

2 (g) (Blank).

3 (h) (Blank).

4 (Source: P.A. 102-16, eff. 6-17-21; 102-1104, eff. 12-6-22.)

5 Section 2-105. The Uniform Crime Reporting Act is amended  
6 by changing Sections 5-10, 5-12, and 5-20 as follows:

7 (50 ILCS 709/5-10)

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

20 (Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21;  
21 102-813, eff. 5-13-22.)

22 (50 ILCS 709/5-12)

23 Sec. 5-12. Monthly reporting. All law enforcement agencies

1 shall submit to the Illinois State Police on a monthly basis  
2 the following:

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

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

17 (3) a report of incident-based information on hate  
18 crimes including information describing the offense,  
19 location of the offense, type of victim, offender, and  
20 bias motivation. If no hate crime incidents occurred  
21 during a reporting month, the law enforcement agency must  
22 submit a no incident record, as required by the Illinois  
23 State Police;

24 (4) a report on any incident of an alleged commission  
25 of a domestic crime, that shall include information  
26 regarding the victim, offender, date and time of the

1 incident, any injury inflicted, any weapons involved in  
2 the commission of the offense, and the relationship  
3 between the victim and the offender;

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

10 (6) data on offenses and incidents reported by schools  
11 to local law enforcement. The data shall include offenses  
12 defined as an attack against school personnel,  
13 intimidation offenses, drug incidents, and incidents  
14 involving weapons.†

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

24 ~~(8) beginning on July 1, 2021, a report on use of~~  
25 ~~force, including any action that resulted in the death or~~  
26 ~~serious bodily injury of a person or the discharge of a~~

1 ~~firearm at or in the direction of a person. The report~~  
2 ~~shall include information required by the Illinois State~~  
3 ~~Police, pursuant to Section 5-11 of this Act.~~

4 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;  
5 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

6 (50 ILCS 709/5-20)

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

18 (Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21;  
19 102-813, eff. 5-13-22.)

20 (50 ILCS 709/5-11 rep.)

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

23 Section 2-115. The Uniform Peace Officers' Disciplinary

1 Act is amended by changing Sections 3.2, 3.4, and 3.8 as  
2 follows:

3 (50 ILCS 725/3.2) (from Ch. 85, par. 2555)

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

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

12 (50 ILCS 725/3.4) (from Ch. 85, par. 2557)

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

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

23 (50 ILCS 725/3.8) (from Ch. 85, par. 2561)

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

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

9           (b) Anyone ~~It shall not be a requirement for a person~~  
10 filing a complaint against a sworn peace officer must ~~to~~ have  
11 the complaint supported by a sworn affidavit. Any complaint,  
12 having been supported by a sworn affidavit, and having been  
13 found, in total or in part, to contain knowingly false  
14 material information, shall be presented to the appropriate  
15 State's Attorney for a determination of prosecution. ~~or any~~  
16 ~~other legal documentation. This ban on an affidavit~~  
17 ~~requirement shall apply to any collective bargaining~~  
18 ~~agreements entered after the effective date of this provision.~~  
19 (Source: P.A. 101-652, eff. 7-1-21.)

20           Section 2-120. The Uniform Peace Officers' Disciplinary  
21 Act is amended by adding Section 6.1 as follows:

22           (50 ILCS 725/6.1 new)

23           Sec. 6.1. Applicability. Except as otherwise provided in  
24 this Act, the provisions of this Act apply only to the extent



1 there is no collective bargaining agreement currently in  
2 effect dealing with the subject matter of this Act.

3 (50 ILCS 727/1-35 rep.)

4 Section 2-125. The Police and Community Relations  
5 Improvement Act is amended by repealing Section 1-35.

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

8 (55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

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

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

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

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

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

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

23 For serving or attempting to serve a warrant of arrest,

1 \$8, to be paid upon conviction.

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

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

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

8 For advertising property for sale, \$5.

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

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

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

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

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

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

26 For attending before a court with prisoner, on an order

1 for habeas corpus, in each county, \$10 per day.

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

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

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

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

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

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

20 For making certificate of redemption, \$3.

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

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

26 For executing copies in criminal cases, \$4 and mileage for

1 each mile of necessary travel, 20¢ each way.

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

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

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

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

24 For conveying any person to or from any of the charitable  
25 institutions of the State, when properly committed by  
26 competent authority, when one person is conveyed, 35¢ per

1 mile; when two persons are conveyed at the same time, 35¢ per  
2 mile for the first person and 20¢ per mile for the second  
3 person; and 10¢ per mile for each additional person.

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

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

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

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

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

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

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

1 allowed by this Section are not sufficient to cover the costs  
2 of providing the service. A statement of the costs of  
3 providing each service, program and activity shall be prepared  
4 by the county board. All supporting documents shall be public  
5 records and subject to public examination and audit. All  
6 direct and indirect costs, as defined in the United States  
7 Office of Management and Budget Circular A-87, may be included  
8 in the determination of the costs of each service, program and  
9 activity.

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

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

24 (Source: P.A. 100-173, eff. 1-1-18; 100-863, eff. 8-14-18;  
25 101-652, eff. 1-1-23.)

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

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

7 Fees for Sheriff

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

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

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

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

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

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

20 For summoning each juror, \$10.

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

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

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

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

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

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

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

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

17 For advertising property for sale, \$20.

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

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

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



1 the redemption and taxed as costs.

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

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

7 For taking special bail, \$5.

8 For returning each process, \$15.

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

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

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

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

16 For committing to or discharging each prisoner from jail,  
17 \$3.

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

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

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

1 For discharging such prisoners, \$3.

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

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

1 Security Hospital, and all fees per mile shall be computed on  
2 such basis.

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

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

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

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

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

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

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

3           (Source: P.A. 100-173, eff. 1-1-18; 101-652, eff. 1-1-23.)

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

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

12       Fees for Sheriff

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

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

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

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

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

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

25           For summoning each juror, \$4.

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

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

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

10          For serving or attempting to serve notice of judgment,  
11 \$25.

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

14          For executing order of court to seize personal property,  
15 \$25.

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

23          For advertising property for sale, \$3.

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

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

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

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

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

13 For taking special bail, \$2.

14 For returning each process, \$5.

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

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

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

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

22 For committing to or discharging each prisoner from jail,  
23 \$1.

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

1 office.

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

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

7 For discharging such prisoners, \$1.

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

22 The fees provided for herein for transporting persons to  
23 the penitentiary, reformatories, Illinois State Training  
24 School for Boys, Illinois State Training School for Girls,  
25 Reception Centers and Illinois Security Hospital, shall be  
26 paid for each trip so made. Mileage as used in this Section

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

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

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

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

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

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



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

3 (Source: P.A. 100-173, eff. 1-1-18; 101-652, eff. 1-1-23.)

4 (55 ILCS 5/3-4014 rep.)

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

6 Section 2-135. The Counties Code is amended by repealing  
7 Sections 3-4014 and 3-6041.

8 (65 ILCS 5/11-5.1-2 rep.)

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

11 Section 2-145. The Illinois Municipal Code is amended by  
12 adding Section 1-2-12.2 as follows:

13 (65 ILCS 5/1-2-12.2 new)

14 Sec. 1-2-12.2. Municipal bond fees. A municipality may  
15 impose a fee up to \$20 for bail processing against any person  
16 arrested for violating aailable municipal ordinance or a  
17 State or federal law.

18 Section 2-150. The Campus Security Enhancement Act of 2008  
19 is amended by changing Section 15 as follows:

20 (110 ILCS 12/15)

1           Sec. 15. Arrest reports.

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

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

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

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

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

13                (5) (Blank).

14                (5.1) If the individual is incarcerated, the amount of  
15 any bail or bond.

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

19           (b) The information required by this Section must be made  
20 available to the news media for inspection and copying as soon  
21 as practicable, but in no event shall the time period exceed 72  
22 hours from the arrest. The information described in paragraphs  
23 (3), (4), (5), and (6) of subsection (a), however, may be  
24 withheld if it is determined that disclosure would:

25                 (1) interfere with pending or actually and reasonably  
26 contemplated law enforcement proceedings conducted by any

1 law enforcement or correctional agency;

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

5 (3) compromise the security of any correctional  
6 facility.

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

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

20 (e) The provisions of this Section do not supersede the  
21 confidentiality provisions for arrest records of the Juvenile  
22 Court Act of 1987.

23 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

24 Section 2-155. The Illinois Insurance Code is amended by  
25 changing Sections 143.19, 143.19.1, and 205 as follows:

1 (215 ILCS 5/143.19) (from Ch. 73, par. 755.19)

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

8 a. Nonpayment of premium;

9 b. The policy was obtained through a material  
10 misrepresentation;

11 c. Any insured violated any of the terms and  
12 conditions of the policy;

13 d. The named insured failed to disclose fully his  
14 motor vehicle crashes and moving traffic violations for  
15 the preceding 36 months if called for in the application;

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

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

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

25 2. is or becomes subject to epilepsy or heart

1 attacks, and such individual does not produce a  
2 certificate from a physician testifying to his  
3 unqualified ability to operate a motor vehicle safely;

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

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

11 5. has been convicted, or forfeited bail ~~had~~  
12 ~~pretrial release revoked~~, during the 36 months  
13 immediately preceding the notice of cancellation, for  
14 any felony, criminal negligence resulting in death,  
15 homicide or assault arising out of the operation of a  
16 motor vehicle, operating a motor vehicle while in an  
17 intoxicated condition or while under the influence of  
18 drugs, being intoxicated while in, or about, an  
19 automobile or while having custody of an automobile,  
20 leaving the scene of a crash without stopping to  
21 report, theft or unlawful taking of a motor vehicle,  
22 making false statements in an application for an  
23 operator's or chauffeur's license or has been  
24 convicted or forfeited bail ~~pretrial release has been~~  
25 ~~revoked~~ for 3 or more violations within the 12 months  
26 immediately preceding the notice of cancellation, of

1 any law, ordinance, or regulation limiting the speed  
2 of motor vehicles or any of the provisions of the motor  
3 vehicle laws of any state, violation of which  
4 constitutes a misdemeanor, whether or not the  
5 violations were repetitions of the same offense or  
6 different offenses;

7 g. The insured automobile is:

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

10 2. used in carrying passengers for hire or  
11 compensation (the use of an automobile for a car pool  
12 shall not be considered use of an automobile for hire  
13 or compensation);

14 3. used in the business of transportation of  
15 flammables or explosives;

16 4. an authorized emergency vehicle;

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

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

21 Nothing in this Section shall apply to nonrenewal.

22 (Source: P.A. 101-652, eff. 1-1-23; 102-982, eff. 7-1-23;  
23 102-1104, eff. 1-1-23.)

24 (215 ILCS 5/143.19.1) (from Ch. 73, par. 755.19.1)

25 Sec. 143.19.1. Limits on exercise of right of nonrenewal.

1 After a policy of automobile insurance, as defined in Section  
2 143.13, has been effective or renewed for 5 or more years, the  
3 company shall not exercise its right of non-renewal unless:

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

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

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

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

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

18 1. Has, within the 12 months prior to the notice of  
19 non-renewal had his driver's ~~drivers~~ license under  
20 suspension or revocation; or

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

26 3. Has a crash record, conviction record (criminal

1 or traffic), or a physical or mental condition which  
2 is such that his operation of an automobile might  
3 endanger the public safety; or

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

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



1 violations were repetitions of the same offense or  
2 different offenses; or

3 f. The insured automobile is:

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

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

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

12 4. An authorized emergency vehicle; or

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

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

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

20 (Source: P.A. 101-652, eff. 1-1-23; 102-982, eff. 7-1-23.)

21 (215 ILCS 5/205) (from Ch. 73, par. 817)

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

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

25 (a) The costs and expenses of administration,

1 including, but not limited to, the following:

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

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

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

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

10 (3) any necessary filing fees;

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

12 (5) unsecured loans obtained by the receiver;

13 and

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

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

1 to subparagraph (i) of this paragraph (a).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

9           (Source: P.A. 100-410, eff. 8-25-17; 101-652, eff. 1-1-23.)

10           Section 2-160. The Illinois Gambling Act is amended by  
11 changing Section 5.1 as follows:

12           (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

13           Sec. 5.1. Disclosure of records.

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

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

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

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

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

25 (4) Whether an applicant or licensee has been  
26 indicted, convicted, pleaded guilty or nolo contendere, or

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

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

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

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

1 of, any tax required under federal, State or local law,  
2 including the amount, type of tax, the taxing agency and  
3 time periods involved.

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

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

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

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

1 guidelines, projected or actual admissions and projected  
2 or actual adjusted gross gaming receipts.

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

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

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

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

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

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

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

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

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

25 (Source: P.A. 101-31, eff. 6-28-19; 101-652, eff. 1-1-23.)

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

3 (410 ILCS 70/7.5)

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

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

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

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

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

25 (4) contact or distribute information to affect the

1 sexual assault survivor's credit rating; or

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

5 (a-5) Notwithstanding any other provision of law,  
6 including, but not limited to, subsection (a), a sexual  
7 assault survivor who is not the subscriber or primary  
8 policyholder of the sexual assault survivor's insurance policy  
9 may opt out of billing the sexual assault survivor's private  
10 insurance provider. If the sexual assault survivor opts out of  
11 billing the sexual assault survivor's private insurance  
12 provider, then the bill for medical forensic services shall be  
13 sent to the Department of Healthcare and Family Services'  
14 Sexual Assault Emergency Treatment Program for reimbursement  
15 for the services provided to the sexual assault survivor.

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

20 (c) Every hospital and approved pediatric health care  
21 facility providing treatment services to sexual assault  
22 survivors in accordance with a plan approved under Section 2  
23 of this Act shall provide a written notice to a sexual assault  
24 survivor. The written notice must include, but is not limited  
25 to, the following:

26 (1) a statement that the sexual assault survivor

1 should not be directly billed by any ambulance provider  
2 providing transportation services, or by any hospital,  
3 approved pediatric health care facility, health care  
4 professional, laboratory, or pharmacy for the services the  
5 sexual assault survivor received as an outpatient at the  
6 hospital or approved pediatric health care facility;

7 (2) a statement that a sexual assault survivor who is  
8 admitted to a hospital may be billed for inpatient  
9 services provided by a hospital, health care professional,  
10 laboratory, or pharmacy;

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

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

19 (5) a phone number the sexual assault survivor may  
20 call should the sexual assault survivor receive a bill  
21 from the hospital or approved pediatric health care  
22 facility for medical forensic services;

23 (6) the toll-free phone number of the Office of the  
24 Illinois Attorney General, Crime Victim Services Division,  
25 which the sexual assault survivor may call should the  
26 sexual assault survivor receive a bill from an ambulance



1 provider, approved pediatric health care facility, a  
2 health care professional, a laboratory, or a pharmacy.

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

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

1 professionals who bill as a legal entity may submit a single  
2 billing protocol for the billing entity.

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

11       The billing protocol must include at a minimum:

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

14           (2) a written acknowledgement signed by a person who  
15 has completed the training that the person will not bill  
16 survivors of sexual assault;

17           (3) prohibitions on submitting any bill for any  
18 portion of medical forensic services provided to a  
19 survivor of sexual assault to a collection agency;

20           (4) prohibitions on taking any action that would  
21 adversely affect the credit of the survivor of sexual  
22 assault;

23           (5) the termination of all collection activities if  
24 the protocol is violated; and

25           (6) the actions to be taken if a bill is sent to a  
26 collection agency or the failure to pay is reported to any

1 credit reporting agency.

2 The Crime Victim Services Division of the Office of the  
3 Attorney General may provide a sample acceptable billing  
4 protocol upon request.

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

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

22 The health care professional or approved pediatric health  
23 care facility shall submit any proposed revision to or  
24 modification of an approved billing protocol to the Crime  
25 Victim Services Division of the Office of the Attorney General  
26 for approval. The health care professional or approved

1 pediatric health care facility shall implement the revised or  
2 modified billing protocol upon approval by the Crime Victim  
3 Services Division of the Office of the Illinois Attorney  
4 General.

5 (e) This Section is effective on and after January 1,  
6 2024.

7 (Source: P.A. 101-634, eff. 6-5-20; 101-652, eff. 7-1-21;  
8 102-22, eff. 6-25-21; 102-674, eff. 11-30-21; 102-1097, eff.  
9 1-1-23.)

10 Section 2-170. The Illinois Vehicle Code is amended by  
11 changing Sections 6-204, 6-308, 6-500, 6-601, and 16-103 as  
12 follows:

13 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

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

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

24 (1) Whenever any person is convicted of any offense

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

10 (2) Whenever any person is convicted of any offense  
11 under this Code or similar offenses under a municipal  
12 ordinance, other than regulations governing standing,  
13 parking or weights of vehicles, and excepting the  
14 following enumerated Sections of this Code: Sections  
15 11-1406 (obstruction to driver's view or control), 11-1407  
16 (improper opening of door into traffic), 11-1410 (coasting  
17 on downgrade), 11-1411 (following fire apparatus),  
18 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving  
19 vehicle which is in unsafe condition or improperly  
20 equipped), 12-201(a) (daytime lights on motorcycles),  
21 12-202 (clearance, identification and side marker lamps),  
22 12-204 (lamp or flag on projecting load), 12-205 (failure  
23 to display the safety lights required), 12-401  
24 (restrictions as to tire equipment), 12-502 (mirrors),  
25 12-503 (windshields must be unobstructed and equipped with  
26 wipers), 12-601 (horns and warning devices), 12-602

1 (mufflers, prevention of noise or smoke), 12-603 (seat  
2 safety belts), 12-702 (certain vehicles to carry flares or  
3 other warning devices), 12-703 (vehicles for oiling roads  
4 operated on highways), 12-710 (splash guards and  
5 replacements), 13-101 (safety tests), 15-101 (size, weight  
6 and load), 15-102 (width), 15-103 (height), 15-104 (name  
7 and address on second division vehicles), 15-107 (length  
8 of vehicle), 15-109.1 (cover or tarpaulin), 15-111  
9 (weights), 15-112 (weights), 15-301 (weights), 15-316  
10 (weights), 15-318 (weights), and also excepting the  
11 following enumerated Sections of the Chicago Municipal  
12 Code: Sections 27-245 (following fire apparatus), 27-254  
13 (obstruction of traffic), 27-258 (driving vehicle which is  
14 in unsafe condition), 27-259 (coasting on downgrade),  
15 27-264 (use of horns and signal devices), 27-265  
16 (obstruction to driver's view or driver mechanism), 27-267  
17 (dimming of headlights), 27-268 (unattended motor  
18 vehicle), 27-272 (illegal funeral procession), 27-273  
19 (funeral procession on boulevard), 27-275 (driving freight  
20 hauling vehicles on boulevard), 27-276 (stopping and  
21 standing of buses or taxicabs), 27-277 (cruising of public  
22 passenger vehicles), 27-305 (parallel parking), 27-306  
23 (diagonal parking), 27-307 (parking not to obstruct  
24 traffic), 27-308 (stopping, standing or parking  
25 regulated), 27-311 (parking regulations), 27-312 (parking  
26 regulations), 27-313 (parking regulations), 27-314

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

24 The reporting requirements of this subsection shall  
25 apply to all violations stated in paragraphs (1) and (2)  
26 of this subsection when the individual has been

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



1 years. All juvenile court dispositions reported to the  
2 Secretary of State under this provision shall be processed  
3 by the Secretary of State as if the cases had been  
4 adjudicated in traffic or criminal court. However,  
5 information reported relative to the offense of reckless  
6 homicide, or Section 11-501 of this Code, or a similar  
7 provision of a local ordinance, shall be privileged and  
8 available only to the Secretary of State, courts, and  
9 police officers.

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

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

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

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

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

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

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

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

1 ~~defendant to appear for trial after depositing his driver's~~  
2 ~~license, shall be equivalent to a conviction.~~

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

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

12 (Source: P.A. 101-623, eff. 7-1-20; 101-652, eff. 1-1-23;  
13 102-1104, eff. 1-1-23.)

14 (625 ILCS 5/6-308)

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

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

1 Illinois Supreme Court Rules when it is not practical or  
2 feasible to take the person before a judge to have bail  
3 ~~conditions of pretrial release~~ set or to avoid undue delay  
4 because of the hour or circumstances.

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

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

6 (Source: P.A. 100-674, eff. 1-1-19; 101-652, eff. 1-1-23.)

7 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

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

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

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

17 (A) the number of grams of alcohol per 210 liters of  
18 breath; or

19 (B) the number of grams of alcohol per 100 milliliters  
20 of blood; or

21 (C) the number of grams of alcohol per 67 milliliters  
22 of urine.

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

1 UCCLA.

2 (3) (Blank).

3 (4) (Blank).

4 (5) (Blank).

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

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

16 (5.7) Commercial driver's license downgrade. "Commercial  
17 driver's license downgrade" or "CDL downgrade" means either:

18 (A) a state allows the driver to change his or her  
19 self-certification to interstate, but operating  
20 exclusively in transportation or operation excepted from  
21 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),  
22 391.2, 391.68, or 398.3;

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



1 (C) a state allows the driver to change his or her  
2 certification to intrastate, but operating exclusively in  
3 transportation or operations excepted from all or part of  
4 the state driver qualification requirements; or

5 (D) a state removes the CDL privilege from the driver  
6 license.

7 (6) Commercial Motor Vehicle.

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

12 (i) has a gross combination weight rating or gross  
13 combination weight of 11,794 kilograms or more (26,001  
14 pounds or more), whichever is greater, inclusive of  
15 any towed unit with a gross vehicle weight rating or  
16 gross vehicle weight of more than 4,536 kilograms  
17 (10,000 pounds), whichever is greater; or

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

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

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

25 (B) Pursuant to the interpretation of the Commercial  
26 Motor Vehicle Safety Act of 1986 by the Federal Highway

1 Administration, the definition of "commercial motor  
2 vehicle" does not include:

3 (i) recreational vehicles, when operated primarily  
4 for personal use;

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

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

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

1 defined in Section 3 of the Cannabis Control Act and  
2 methamphetamine as defined in Section 10 of the  
3 Methamphetamine Control and Community Protection Act.

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

16 ~~"Conviction" means an unvacated adjudication of guilt or a~~  
17 ~~determination that a person has violated or failed to comply~~  
18 ~~with the law in a court of original jurisdiction or by an~~  
19 ~~authorized administrative tribunal; an unvacated revocation of~~  
20 ~~pretrial release; a plea of guilty or nolo contendere accepted~~  
21 ~~by the court; or the payment of a fine or court cost regardless~~  
22 ~~of whether the imposition of sentence is deferred and~~  
23 ~~ultimately a judgment dismissing the underlying charge is~~  
24 ~~entered.~~

25 (8.5) Day. "Day" means calendar day.

26 (9) (Blank).

1 (10) (Blank).

2 (11) (Blank).

3 (12) (Blank).

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

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

13 (13.6) Drug and alcohol clearinghouse. "Drug and alcohol  
14 clearinghouse" means a database system established by the  
15 Federal Motor Carrier Safety Administration that permits the  
16 access and retrieval of a drug and alcohol testing violation  
17 or violations precluding an applicant or employee from  
18 occupying safety-sensitive positions involving the operation  
19 of a commercial motor vehicle.

20 (13.8) Electronic device. "Electronic device" includes,  
21 but is not limited to, a cellular telephone, personal digital  
22 assistant, pager, computer, or any other device used to input,  
23 write, send, receive, or read text.

24 (14) Employee. "Employee" means a person who is employed  
25 as a commercial motor vehicle driver. A person who is  
26 self-employed as a commercial motor vehicle driver must comply

1 with the requirements of this UCDLA pertaining to employees.  
2 An owner-operator on a long-term lease shall be considered an  
3 employee.

4 (15) Employer. "Employer" means a person (including the  
5 United States, a State or a local authority) who owns or leases  
6 a commercial motor vehicle or assigns employees to operate  
7 such a vehicle. A person who is self-employed as a commercial  
8 motor vehicle driver must comply with the requirements of this  
9 UCDLA.

10 (15.1) Endorsement. "Endorsement" means an authorization  
11 to an individual's CLP or CDL required to permit the  
12 individual to operate certain types of commercial motor  
13 vehicles.

14 (15.2) Entry-level driver training. "Entry-level driver  
15 training" means the training an entry-level driver receives  
16 from an entity listed on the Federal Motor Carrier Safety  
17 Administration's Training Provider Registry prior to: (i)  
18 taking the CDL skills test required to receive the Class A or  
19 Class B CDL for the first time; (ii) taking the CDL skills test  
20 required to upgrade to a Class A or Class B CDL; or (iii)  
21 taking the CDL skills test required to obtain a passenger or  
22 school bus endorsement for the first time or the CDL knowledge  
23 test required to obtain a hazardous materials endorsement for  
24 the first time.

25 (15.3) Excepted interstate. "Excepted interstate" means a  
26 person who operates or expects to operate in interstate

1 commerce, but engages exclusively in transportation or  
2 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68,  
3 or 398.3 from all or part of the qualification requirements of  
4 49 C.F.R. Part 391 and is not required to obtain a medical  
5 examiner's certificate by 49 C.F.R. 391.45.

6 (15.5) Excepted intrastate. "Excepted intrastate" means a  
7 person who operates in intrastate commerce but engages  
8 exclusively in transportation or operations excepted from all  
9 or parts of the state driver qualification requirements.

10 (16) (Blank).

11 (16.5) Fatality. "Fatality" means the death of a person as  
12 a result of a motor vehicle crash.

13 (16.7) Foreign commercial driver. "Foreign commercial  
14 driver" means a person licensed to operate a commercial motor  
15 vehicle by an authority outside the United States, or a  
16 citizen of a foreign country who operates a commercial motor  
17 vehicle in the United States.

18 (17) Foreign jurisdiction. "Foreign jurisdiction" means a  
19 sovereign jurisdiction that does not fall within the  
20 definition of "State".

21 (18) (Blank).

22 (19) (Blank).

23 (20) Hazardous materials. "Hazardous material" means any  
24 material that has been designated under 49 U.S.C. 5103 and is  
25 required to be placarded under subpart F of 49 C.F.R. part 172  
26 or any quantity of a material listed as a select agent or toxin

1 in 42 C.F.R. part 73.

2 (20.5) Imminent Hazard. "Imminent hazard" means the  
3 existence of any condition of a vehicle, employee, or  
4 commercial motor vehicle operations that substantially  
5 increases the likelihood of serious injury or death if not  
6 discontinued immediately; or a condition relating to hazardous  
7 material that presents a substantial likelihood that death,  
8 serious illness, severe personal injury, or a substantial  
9 endangerment to health, property, or the environment may occur  
10 before the reasonably foreseeable completion date of a formal  
11 proceeding begun to lessen the risk of that death, illness,  
12 injury or endangerment.

13 (20.6) Issuance. "Issuance" means initial issuance,  
14 transfer, renewal, or upgrade of a CLP or CDL and  
15 non-domiciled CLP or CDL.

16 (20.7) Issue. "Issue" means initial issuance, transfer,  
17 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or  
18 non-domiciled CDL.

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

22 (21.01) Manual transmission. "Manual transmission" means a  
23 transmission utilizing a driver-operated clutch that is  
24 activated by a pedal or lever and a gear-shift mechanism  
25 operated either by hand or foot including those known as a  
26 stick shift, stick, straight drive, or standard transmission.

1 All other transmissions, whether semi-automatic or automatic,  
2 shall be considered automatic for the purposes of the  
3 standardized restriction code.

4 (21.1) Medical examiner. "Medical examiner" means an  
5 individual certified by the Federal Motor Carrier Safety  
6 Administration and listed on the National Registry of  
7 Certified Medical Examiners in accordance with Federal Motor  
8 Carrier Safety Regulations, 49 CFR 390.101 et seq.

9 (21.2) Medical examiner's certificate. "Medical examiner's  
10 certificate" means either (1) prior to June 22, 2021, a  
11 document prescribed or approved by the Secretary of State that  
12 is issued by a medical examiner to a driver to medically  
13 qualify him or her to drive; or (2) beginning June 22, 2021, an  
14 electronic submission of results of an examination conducted  
15 by a medical examiner listed on the National Registry of  
16 Certified Medical Examiners to the Federal Motor Carrier  
17 Safety Administration of a driver to medically qualify him or  
18 her to drive.

19 (21.5) Medical variance. "Medical variance" means a driver  
20 has received one of the following from the Federal Motor  
21 Carrier Safety Administration which allows the driver to be  
22 issued a medical certificate: (1) an exemption letter  
23 permitting operation of a commercial motor vehicle pursuant to  
24 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a  
25 skill performance evaluation (SPE) certificate permitting  
26 operation of a commercial motor vehicle pursuant to 49 C.F.R.



1 391.49.

2 (21.7) Mobile telephone. "Mobile telephone" means a mobile  
3 communication device that falls under or uses any commercial  
4 mobile radio service, as defined in regulations of the Federal  
5 Communications Commission, 47 CFR 20.3. It does not include  
6 two-way or citizens band radio services.

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

12 (22.2) Motor vehicle record. "Motor vehicle record" means  
13 a report of the driving status and history of a driver  
14 generated from the driver record provided to users, such as  
15 drivers or employers, and is subject to the provisions of the  
16 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

17 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or  
18 combination of motor vehicles not defined by the term  
19 "commercial motor vehicle" or "CMV" in this Section.

20 (22.7) Non-excepted interstate. "Non-excepted interstate"  
21 means a person who operates or expects to operate in  
22 interstate commerce, is subject to and meets the qualification  
23 requirements under 49 C.F.R. Part 391, and is required to  
24 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

25 (22.8) Non-excepted intrastate. "Non-excepted intrastate"  
26 means a person who operates only in intrastate commerce and is

1 subject to State driver qualification requirements.

2 (23) Non-domiciled CLP or Non-domiciled CDL.  
3 "Non-domiciled CLP" or "Non-domiciled CDL" means a CLP or CDL,  
4 respectively, issued by a state or other jurisdiction under  
5 either of the following two conditions:

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

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

12 (24) (Blank).

13 (25) (Blank).

14 (25.5) Railroad-Highway Grade Crossing Violation.  
15 "Railroad-highway grade crossing violation" means a violation,  
16 while operating a commercial motor vehicle, of any of the  
17 following:

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

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

21 (25.7) School Bus. "School bus" means a commercial motor  
22 vehicle used to transport pre-primary, primary, or secondary  
23 school students from home to school, from school to home, or to  
24 and from school-sponsored events. "School bus" does not  
25 include a bus used as a common carrier.

26 (26) Serious Traffic Violation. "Serious traffic

1 violation" means:

2 (A) a conviction when operating a commercial motor  
3 vehicle, or when operating a non-CMV while holding a CLP  
4 or CDL, of:

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

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

9 (iii) a violation of any State law or local  
10 ordinance relating to motor vehicle traffic control  
11 (other than parking violations) arising in connection  
12 with a fatal traffic crash; or

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

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

18 (vi) a violation relating to improper or erratic  
19 traffic lane changes; or

20 (vii) a violation relating to following another  
21 vehicle too closely; or

22 (viii) a violation relating to texting while  
23 driving; or

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

26 (B) any other similar violation of a law or local

1 ordinance of any state relating to motor vehicle traffic  
2 control, other than a parking violation, which the  
3 Secretary of State determines by administrative rule to be  
4 serious.

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

8 (28) (Blank).

9 (29) (Blank).

10 (30) (Blank).

11 (31) (Blank).

12 (32) Texting. "Texting" means manually entering  
13 alphanumeric text into, or reading text from, an electronic  
14 device.

15 (1) Texting includes, but is not limited to, short  
16 message service, emailing, instant messaging, a command or  
17 request to access a World Wide Web page, pressing more  
18 than a single button to initiate or terminate a voice  
19 communication using a mobile telephone, or engaging in any  
20 other form of electronic text retrieval or entry for  
21 present or future communication.

22 (2) Texting does not include:

23 (i) inputting, selecting, or reading information  
24 on a global positioning system or navigation system;  
25 or

26 (ii) pressing a single button to initiate or

1 terminate a voice communication using a mobile  
2 telephone; or

3 (iii) using a device capable of performing  
4 multiple functions (for example, a fleet management  
5 system, dispatching device, smart phone, citizens band  
6 radio, or music player) for a purpose that is not  
7 otherwise prohibited by Part 392 of the Federal Motor  
8 Carrier Safety Regulations.

9 (32.3) Third party skills test examiner. "Third party  
10 skills test examiner" means a person employed by a third party  
11 tester who is authorized by the State to administer the CDL  
12 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

13 (32.5) Third party tester. "Third party tester" means a  
14 person (including, but not limited to, another state, a motor  
15 carrier, a private driver training facility or other private  
16 institution, or a department, agency, or instrumentality of a  
17 local government) authorized by the State to employ skills  
18 test examiners to administer the CDL skills tests specified in  
19 49 C.F.R. Part 383, subparts G and H.

20 (32.7) United States. "United States" means the 50 states  
21 and the District of Columbia.

22 (33) Use a hand-held mobile telephone. "Use a hand-held  
23 mobile telephone" means:

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

26 (2) dialing or answering a mobile telephone by

1 pressing more than a single button; or

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

8 (Source: P.A. 102-982, eff. 7-1-23; 102-1104, eff. 1-1-23;  
9 103-179, eff. 6-30-23.)

10 (625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)

11 Sec. 6-601. Penalties.

12 (a) It is a petty offense for any person to violate any of  
13 the provisions of this Chapter unless such violation is by  
14 this Code or other law of this State declared to be a  
15 misdemeanor or a felony.

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

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

22 1. A Class A misdemeanor if the person failed to  
23 obtain a driver's license or permit after expiration of a  
24 period of revocation.

25 2. A Class B misdemeanor if the person has been issued

1 a driver's license or permit, which has expired, and if  
2 the period of expiration is greater than one year; or if  
3 the person has never been issued a driver's license or  
4 permit, or is not qualified to obtain a driver's license  
5 or permit because of his age.

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

10 If a licensee under this Code is convicted of violating  
11 Section 6-303 for operating a motor vehicle during a time when  
12 such licensee's driver's license was suspended under the  
13 provisions of Section 6-306.3 or 6-308, then such act shall be  
14 a petty offense (provided the licensee has answered the charge  
15 which was the basis of the suspension under Section 6-306.3 or  
16 6-308), and there shall be imposed no additional like period  
17 of suspension as provided in paragraph (b) of Section 6-303.

18 (d) For violations of this Code or a similar provision of a  
19 local ordinance for which a violation is a petty offense as  
20 defined by Section 5-1-17 of the Unified Code of Corrections,  
21 excluding business offenses as defined by Section 5-1-2 of the  
22 Unified Code of Corrections or a violation of Section 15-111  
23 or subsection (d) of Section 3-401 of this Code, if the  
24 violation may be satisfied without a court appearance, the  
25 violator may, pursuant to Supreme Court Rule, satisfy the case  
26 with a written plea of guilty and payment of fines, penalties,

1 and costs equal to the bail amount ~~as~~ established by the  
2 Supreme Court for the offense.

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

4 (625 ILCS 5/16-103) (from Ch. 95 1/2, par. 16-103)

5 Sec. 16-103. Arrest outside county where violation  
6 committed.

7 Whenever a defendant is arrested upon a warrant charging a  
8 violation of this Act in a county other than that in which such  
9 warrant was issued, the arresting officer, immediately upon  
10 the request of the defendant, shall take such defendant before  
11 a circuit judge or associate circuit judge in the county in  
12 which the arrest was made who shall admit the defendant to bail  
13 ~~pretrial release~~ for his appearance before the court named in  
14 the warrant. On taking such bail ~~setting the conditions of~~  
15 ~~pretrial release~~, the circuit judge or associate circuit judge  
16 shall certify such fact on the warrant and deliver the warrant  
17 and undertaking of bail or other security ~~conditions of~~  
18 ~~pretrial release~~, or the driver's ~~drivers~~ license of such  
19 defendant if deposited, under the law relating to such  
20 licenses, in lieu of such security, to the officer having  
21 charge of the defendant. Such officer shall then immediately  
22 discharge the defendant from arrest and without delay deliver  
23 such warrant and such undertaking of bail, or other security  
24 ~~acknowledgment by the defendant of his or her receiving the~~  
25 ~~conditions of pretrial release~~ or driver's ~~drivers~~ license to



1 the court before which the defendant is required to appear.

2 (Source: P.A. 101-652, eff. 1-1-23; 102-813, eff. 5-13-22.)

3 Section 2-175. The Illinois Vehicle Code is amended by  
4 changing Sections 6-209.1, 11-208.3, 11-208.6, 11-208.8,  
5 11-208.9, and 11-1201.1 as follows:

6 (625 ILCS 5/6-209.1)

7 Sec. 6-209.1. Restoration of driving privileges;  
8 revocation; suspension; cancellation.

9 ~~(a)~~ The Secretary shall rescind the suspension or  
10 cancellation of a person's driver's license that has been  
11 suspended or canceled before July 1, 2020 (the effective date  
12 of Public Act 101-623) due to:

13 (1) the person being convicted of theft of motor fuel  
14 under Section 16-25 or 16K-15 of the Criminal Code of 1961  
15 or the Criminal Code of 2012;

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

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

21 (4) the person being convicted of a violation of  
22 Section 6-20 of the Liquor Control Act of 1934 or a similar  
23 provision of a local ordinance, if the person presents a  
24 certified copy of a court order that includes a finding

1           that the person was not an occupant of a motor vehicle at  
2           the time of the violation;

3           (5) the person receiving a disposition of court  
4           supervision for a violation of subsection (a), (d), or (e)  
5           of Section 6-20 of the Liquor Control Act of 1934 or a  
6           similar provision of a local ordinance, if the person  
7           presents a certified copy of a court order that includes a  
8           finding that the person was not an occupant of a motor  
9           vehicle at the time of the violation;

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

15          (7) the person failing to satisfy any fine or penalty  
16          resulting from a final order issued by the ~~Illinois State~~  
17          ~~Toll Highway~~ Authority relating directly or indirectly to  
18          5 or more toll violations, toll evasions, or both;

19          (8) the person being convicted of a violation of  
20          Section 4-102 of this Code, if the person presents a  
21          certified copy of a court order that includes a finding  
22          that the person did not exercise actual physical control  
23          of the vehicle at the time of the violation; or

24          (9) the person being convicted of criminal trespass to  
25          vehicles under Section 21-2 of the Criminal Code of 2012,  
26          if the person presents a certified copy of a court order

1 that includes a finding that the person did not exercise  
2 actual physical control of the vehicle at the time of the  
3 violation.

4 ~~(b) As soon as practicable and no later than July 1, 2021,~~  
5 ~~the Secretary shall rescind the suspension, cancellation, or~~  
6 ~~prohibition of renewal of a person's driver's license that has~~  
7 ~~been suspended, canceled, or whose renewal has been prohibited~~  
8 ~~before the effective date of this amendatory Act of the 101st~~  
9 ~~General Assembly due to the person having failed to pay any~~  
10 ~~fine or penalty for traffic violations, automated traffic law~~  
11 ~~enforcement system violations as defined in Sections 11-208.6,~~  
12 ~~and 11-208.8, 11-208.9, and 11-1201.1, or abandoned vehicle~~  
13 ~~fees.~~

14 (Source: P.A. 101-623, eff. 7-1-20; 101-652, eff. 7-1-21;  
15 102-558, eff. 8-20-21.)

16 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

17 Sec. 11-208.3. Administrative adjudication of violations  
18 of traffic regulations concerning the standing, parking, or  
19 condition of vehicles, automated traffic law violations, and  
20 automated speed enforcement system violations.

21 (a) Any municipality or county may provide by ordinance  
22 for a system of administrative adjudication of vehicular  
23 standing and parking violations and vehicle compliance  
24 violations as described in this subsection, automated traffic  
25 law violations as defined in Section 11-208.6, 11-208.9, or

1 11-1201.1, and automated speed enforcement system violations  
2 as defined in Section 11-208.8. The administrative system  
3 shall have as its purpose the fair and efficient enforcement  
4 of municipal or county regulations through the administrative  
5 adjudication of automated speed enforcement system or  
6 automated traffic law violations and violations of municipal  
7 or county ordinances regulating the standing and parking of  
8 vehicles, the condition and use of vehicle equipment, and the  
9 display of municipal or county wheel tax licenses within the  
10 municipality's or county's borders. The administrative system  
11 shall only have authority to adjudicate civil offenses  
12 carrying fines not in excess of \$500 or requiring the  
13 completion of a traffic education program, or both, that occur  
14 after the effective date of the ordinance adopting such a  
15 system under this Section. For purposes of this Section,  
16 "compliance violation" means a violation of a municipal or  
17 county regulation governing the condition or use of equipment  
18 on a vehicle or governing the display of a municipal or county  
19 wheel tax license.

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

22 (1) A traffic compliance administrator authorized to  
23 adopt, distribute, and process parking, compliance, and  
24 automated speed enforcement system or automated traffic  
25 law violation notices and other notices required by this  
26 Section, collect money paid as fines and penalties for

1 violation of parking and compliance ordinances and  
2 automated speed enforcement system or automated traffic  
3 law violations, and operate an administrative adjudication  
4 system. The traffic compliance administrator also may make  
5 a certified report to the Secretary of State under Section  
6 6-306.5-1.

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

1 be grounds for dismissal of a parking violation if the  
2 state registration number or vehicle make specified is  
3 incorrect. The violation notice shall state that the  
4 completion of any required traffic education program, the  
5 payment of any indicated fine, and the payment of any  
6 applicable penalty for late payment or failure to complete  
7 a required traffic education program, or both, shall  
8 operate as a final disposition of the violation. The  
9 notice also shall contain information as to the  
10 availability of a hearing in which the violation may be  
11 contested on its merits. The violation notice shall  
12 specify the time and manner in which a hearing may be had.

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

1 later than 210 days after the violation; and service of an  
2 automated speed enforcement system or automated traffic  
3 law violation notice by mail to the address of the  
4 registered owner or lessee of the cited vehicle as  
5 recorded with the Secretary of State or the lessor of the  
6 motor vehicle within 30 days after the Secretary of State  
7 or the lessor of the motor vehicle notifies the  
8 municipality or county of the identity of the owner or  
9 lessee of the vehicle, but not later than 90 days after the  
10 violation, except that in the case of a lessee of a motor  
11 vehicle, service of an automated traffic law violation  
12 notice may occur no later than 210 days after the  
13 violation. A person authorized by ordinance to issue and  
14 serve parking, standing, and compliance violation notices  
15 shall certify as to the correctness of the facts entered  
16 on the violation notice by signing his or her name to the  
17 notice at the time of service or, in the case of a notice  
18 produced by a computerized device, by signing a single  
19 certificate to be kept by the traffic compliance  
20 administrator attesting to the correctness of all notices  
21 produced by the device while it was under his or her  
22 control. In the case of an automated traffic law  
23 violation, the ordinance shall require a determination by  
24 a technician employed or contracted by the municipality or  
25 county that, based on inspection of recorded images, the  
26 motor vehicle was being operated in violation of Section

1 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance. If  
2 the technician determines that the vehicle entered the  
3 intersection as part of a funeral procession or in order  
4 to yield the right-of-way to an emergency vehicle, a  
5 citation shall not be issued. In municipalities with a  
6 population of less than 1,000,000 inhabitants and counties  
7 with a population of less than 3,000,000 inhabitants, the  
8 automated traffic law ordinance shall require that all  
9 determinations by a technician that a motor vehicle was  
10 being operated in violation of Section 11-208.6, 11-208.9,  
11 or 11-1201.1 or a local ordinance must be reviewed and  
12 approved by a law enforcement officer or retired law  
13 enforcement officer of the municipality or county issuing  
14 the violation. In municipalities with a population of  
15 1,000,000 or more inhabitants and counties with a  
16 population of 3,000,000 or more inhabitants, the automated  
17 traffic law ordinance shall require that all  
18 determinations by a technician that a motor vehicle was  
19 being operated in violation of Section 11-208.6, 11-208.9,  
20 or 11-1201.1 or a local ordinance must be reviewed and  
21 approved by a law enforcement officer or retired law  
22 enforcement officer of the municipality or county issuing  
23 the violation or by an additional fully trained reviewing  
24 technician who is not employed by the contractor who  
25 employs the technician who made the initial determination.  
26 In the case of an automated speed enforcement system



1 violation, the ordinance shall require a determination by  
2 a technician employed by the municipality, based upon an  
3 inspection of recorded images, video or other  
4 documentation, including documentation of the speed limit  
5 and automated speed enforcement signage, and documentation  
6 of the inspection, calibration, and certification of the  
7 speed equipment, that the vehicle was being operated in  
8 violation of Article VI of Chapter 11 of this Code or a  
9 similar local ordinance. If the technician determines that  
10 the vehicle speed was not determined by a calibrated,  
11 certified speed equipment device based upon the speed  
12 equipment documentation, or if the vehicle was an  
13 emergency vehicle, a citation may not be issued. The  
14 automated speed enforcement ordinance shall require that  
15 all determinations by a technician that a violation  
16 occurred be reviewed and approved by a law enforcement  
17 officer or retired law enforcement officer of the  
18 municipality issuing the violation or by an additional  
19 fully trained reviewing technician who is not employed by  
20 the contractor who employs the technician who made the  
21 initial determination. Routine and independent calibration  
22 of the speeds produced by automated speed enforcement  
23 systems and equipment shall be conducted annually by a  
24 qualified technician. Speeds produced by an automated  
25 speed enforcement system shall be compared with speeds  
26 produced by lidar or other independent equipment. Radar or

1        lidar equipment shall undergo an internal validation test  
2        no less frequently than once each week. Qualified  
3        technicians shall test loop-based equipment no less  
4        frequently than once a year. Radar equipment shall be  
5        checked for accuracy by a qualified technician when the  
6        unit is serviced, when unusual or suspect readings  
7        persist, or when deemed necessary by a reviewing  
8        technician. Radar equipment shall be checked with the  
9        internal frequency generator and the internal circuit test  
10       whenever the radar is turned on. Technicians must be alert  
11       for any unusual or suspect readings, and if unusual or  
12       suspect readings of a radar unit persist, that unit shall  
13       immediately be removed from service and not returned to  
14       service until it has been checked by a qualified  
15       technician and determined to be functioning properly.  
16       Documentation of the annual calibration results, including  
17       the equipment tested, test date, technician performing the  
18       test, and test results, shall be maintained and available  
19       for use in the determination of an automated speed  
20       enforcement system violation and issuance of a citation.  
21       The technician performing the calibration and testing of  
22       the automated speed enforcement equipment shall be trained  
23       and certified in the use of equipment for speed  
24       enforcement purposes. Training on the speed enforcement  
25       equipment may be conducted by law enforcement, civilian,  
26       or manufacturer's personnel and if applicable may be

1 equivalent to the equipment use and operations training  
2 included in the Speed Measuring Device Operator Program  
3 developed by the National Highway Traffic Safety  
4 Administration (NHTSA). The vendor or technician who  
5 performs the work shall keep accurate records on each  
6 piece of equipment the technician calibrates and tests. As  
7 used in this paragraph, "fully trained reviewing  
8 technician" means a person who has received at least 40  
9 hours of supervised training in subjects which shall  
10 include image inspection and interpretation, the elements  
11 necessary to prove a violation, license plate  
12 identification, and traffic safety and management. In all  
13 municipalities and counties, the automated speed  
14 enforcement system or automated traffic law ordinance  
15 shall require that no additional fee shall be charged to  
16 the alleged violator for exercising his or her right to an  
17 administrative hearing, and persons shall be given at  
18 least 25 days following an administrative hearing to pay  
19 any civil penalty imposed by a finding that Section  
20 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a similar  
21 local ordinance has been violated. The original or a  
22 facsimile of the violation notice or, in the case of a  
23 notice produced by a computerized device, a printed record  
24 generated by the device showing the facts entered on the  
25 notice, shall be retained by the traffic compliance  
26 administrator, and shall be a record kept in the ordinary

1 course of business. A parking, standing, compliance,  
2 automated speed enforcement system, or automated traffic  
3 law violation notice issued, signed, and served in  
4 accordance with this Section, a copy of the notice, or the  
5 computer-generated record shall be prima facie correct and  
6 shall be prima facie evidence of the correctness of the  
7 facts shown on the notice. The notice, copy, or  
8 computer-generated record shall be admissible in any  
9 subsequent administrative or legal proceedings.

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

1           also provide for internal administrative review following  
2           the decision of the hearing officer.

3           (5) Service of additional notices, sent by first class  
4           United States mail, postage prepaid, to the address of the  
5           registered owner of the cited vehicle as recorded with the  
6           Secretary of State or, if any notice to that address is  
7           returned as undeliverable, to the last known address  
8           recorded in a United States Post Office approved database,  
9           or, under Section 11-1306 or subsection (p) of Section  
10          11-208.6 or 11-208.9, or subsection (p) of Section  
11          11-208.8 of this Code, to the lessee of the cited vehicle  
12          at the last address known to the lessor of the cited  
13          vehicle at the time of lease or, if any notice to that  
14          address is returned as undeliverable, to the last known  
15          address recorded in a United States Post Office approved  
16          database. The service shall be deemed complete as of the  
17          date of deposit in the United States mail. The notices  
18          shall be in the following sequence and shall include, but  
19          not be limited to, the information specified herein:

20                 (i) A second notice of parking, standing, or  
21                 compliance violation if the first notice of the  
22                 violation was issued by affixing the original or a  
23                 facsimile of the notice to the unlawfully parked  
24                 vehicle or by handing the notice to the operator. This  
25                 notice shall specify or include the date and location  
26                 of the violation cited in the parking, standing, or

1 compliance violation notice, the particular regulation  
2 violated, the vehicle make or a photograph of the  
3 vehicle, the state registration number of the vehicle,  
4 any requirement to complete a traffic education  
5 program, the fine and any penalty that may be assessed  
6 for late payment or failure to complete a traffic  
7 education program, or both, when so provided by  
8 ordinance, the availability of a hearing in which the  
9 violation may be contested on its merits, and the time  
10 and manner in which the hearing may be had. The notice  
11 of violation shall also state that failure to complete  
12 a required traffic education program, to pay the  
13 indicated fine and any applicable penalty, or to  
14 appear at a hearing on the merits in the time and  
15 manner specified, will result in a final determination  
16 of violation liability for the cited violation in the  
17 amount of the fine or penalty indicated, and that,  
18 upon the occurrence of a final determination of  
19 violation liability for the failure, and the  
20 exhaustion of, or failure to exhaust, available  
21 administrative or judicial procedures for review, any  
22 incomplete traffic education program or any unpaid  
23 fine or penalty, or both, will constitute a debt due  
24 and owing the municipality or county.

25 (ii) A notice of final determination of parking,  
26 standing, compliance, automated speed enforcement

1 system, or automated traffic law violation liability.  
2 This notice shall be sent following a final  
3 determination of parking, standing, compliance,  
4 automated speed enforcement system, or automated  
5 traffic law violation liability and the conclusion of  
6 judicial review procedures taken under this Section.  
7 The notice shall state that the incomplete traffic  
8 education program or the unpaid fine or penalty, or  
9 both, is a debt due and owing the municipality or  
10 county. The notice shall contain warnings that failure  
11 to complete any required traffic education program or  
12 to pay any fine or penalty due and owing the  
13 municipality or county, or both, within the time  
14 specified may result in the municipality's or county's  
15 filing of a petition in the Circuit Court to have the  
16 incomplete traffic education program or unpaid fine or  
17 penalty, or both, rendered a judgment as provided by  
18 this Section, or, where applicable, may result in  
19 suspension of the person's driver's license for  
20 failure to complete a traffic education program or to  
21 pay fines or penalties, or both, for 5 or more  
22 automated traffic law violations under Section  
23 11-208.6 or 11-208.9 or automated speed enforcement  
24 system violations under Section 11-208.8.

25 (6) A notice of impending driver's license suspension.

26 This notice shall be sent to the person liable for failure

1 to complete a required traffic education program or to pay  
2 any fine or penalty that remains due and owing, or both, on  
3 5 or more unpaid automated speed enforcement system or  
4 automated traffic law violations. The notice shall state  
5 that failure to complete a required traffic education  
6 program or to pay the fine or penalty owing, or both,  
7 within 45 days of the notice's date will result in the  
8 municipality or county notifying the Secretary of State  
9 that the person is eligible for initiation of suspension  
10 proceedings under Section 6-306.5-1 ~~6-306.5~~ of this Code.  
11 The notice shall also state that the person may obtain a  
12 photostatic copy of an original ticket imposing a fine or  
13 penalty by sending a self-addressed, stamped envelope to  
14 the municipality or county along with a request for the  
15 photostatic copy. The notice of impending driver's license  
16 suspension shall be sent by first class United States  
17 mail, postage prepaid, to the address recorded with the  
18 Secretary of State or, if any notice to that address is  
19 returned as undeliverable, to the last known address  
20 recorded in a United States Post Office approved database.

21 (7) Final determinations of violation liability. A  
22 final determination of violation liability shall occur  
23 following failure to complete the required traffic  
24 education program or to pay the fine or penalty, or both,  
25 after a hearing officer's determination of violation  
26 liability and the exhaustion of or failure to exhaust any



1 administrative review procedures provided by ordinance.  
2 Where a person fails to appear at a hearing to contest the  
3 alleged violation in the time and manner specified in a  
4 prior mailed notice, the hearing officer's determination  
5 of violation liability shall become final: (A) upon denial  
6 of a timely petition to set aside that determination, or  
7 (B) upon expiration of the period for filing the petition  
8 without a filing having been made.

9 (8) A petition to set aside a determination of  
10 parking, standing, compliance, automated speed enforcement  
11 system, or automated traffic law violation liability that  
12 may be filed by a person owing an unpaid fine or penalty. A  
13 petition to set aside a determination of liability may  
14 also be filed by a person required to complete a traffic  
15 education program. The petition shall be filed with and  
16 ruled upon by the traffic compliance administrator in the  
17 manner and within the time specified by ordinance. The  
18 grounds for the petition may be limited to: (A) the person  
19 not having been the owner or lessee of the cited vehicle on  
20 the date the violation notice was issued, (B) the person  
21 having already completed the required traffic education  
22 program or paid the fine or penalty, or both, for the  
23 violation in question, and (C) excusable failure to appear  
24 at or request a new date for a hearing. With regard to  
25 municipalities or counties with a population of 1 million  
26 or more, it shall be grounds for dismissal of a parking

1 violation if the state registration number or vehicle  
2 make, only if specified in the violation notice, is  
3 incorrect. After the determination of parking, standing,  
4 compliance, automated speed enforcement system, or  
5 automated traffic law violation liability has been set  
6 aside upon a showing of just cause, the registered owner  
7 shall be provided with a hearing on the merits for that  
8 violation.

9 (9) Procedures for non-residents. Procedures by which  
10 persons who are not residents of the municipality or  
11 county may contest the merits of the alleged violation  
12 without attending a hearing.

13 (10) A schedule of civil fines for violations of  
14 vehicular standing, parking, compliance, automated speed  
15 enforcement system, or automated traffic law regulations  
16 enacted by ordinance pursuant to this Section, and a  
17 schedule of penalties for late payment of the fines or  
18 failure to complete required traffic education programs,  
19 provided, however, that the total amount of the fine and  
20 penalty for any one violation shall not exceed \$250,  
21 except as provided in subsection (c) of Section 11-1301.3  
22 of this Code.

23 (11) Other provisions as are necessary and proper to  
24 carry into effect the powers granted and purposes stated  
25 in this Section.

26 (b-5) An automated speed enforcement system or automated

1 traffic law ordinance adopted under this Section by a  
2 municipality or county shall require that the determination to  
3 issue a citation be vested solely with the municipality or  
4 county and that such authority may not be delegated to any  
5 vendor retained by the municipality or county. Any contract or  
6 agreement violating such a provision in the ordinance is null  
7 and void.

8 (c) Any municipality or county establishing vehicular  
9 standing, parking, compliance, automated speed enforcement  
10 system, or automated traffic law regulations under this  
11 Section may also provide by ordinance for a program of vehicle  
12 immobilization for the purpose of facilitating enforcement of  
13 those regulations. The program of vehicle immobilization shall  
14 provide for immobilizing any eligible vehicle upon the public  
15 way by presence of a restraint in a manner to prevent operation  
16 of the vehicle. Any ordinance establishing a program of  
17 vehicle immobilization under this Section shall provide:

18 (1) Criteria for the designation of vehicles eligible  
19 for immobilization. A vehicle shall be eligible for  
20 immobilization when the registered owner of the vehicle  
21 has accumulated the number of incomplete traffic education  
22 programs or unpaid final determinations of parking,  
23 standing, compliance, automated speed enforcement system,  
24 or automated traffic law violation liability, or both, as  
25 determined by ordinance.

26 (2) A notice of impending vehicle immobilization and a

1 right to a hearing to challenge the validity of the notice  
2 by disproving liability for the incomplete traffic  
3 education programs or unpaid final determinations of  
4 parking, standing, compliance, automated speed enforcement  
5 system, or automated traffic law violation liability, or  
6 both, listed on the notice.

7 (3) The right to a prompt hearing after a vehicle has  
8 been immobilized or subsequently towed without the  
9 completion of the required traffic education program or  
10 payment of the outstanding fines and penalties on parking,  
11 standing, compliance, automated speed enforcement system,  
12 or automated traffic law violations, or both, for which  
13 final determinations have been issued. An order issued  
14 after the hearing is a final administrative decision  
15 within the meaning of Section 3-101 of the Code of Civil  
16 Procedure.

17 (4) A post immobilization and post-towing notice  
18 advising the registered owner of the vehicle of the right  
19 to a hearing to challenge the validity of the impoundment.

20 (d) Judicial review of final determinations of parking,  
21 standing, compliance, automated speed enforcement system, or  
22 automated traffic law violations and final administrative  
23 decisions issued after hearings regarding vehicle  
24 immobilization and impoundment made under this Section shall  
25 be subject to the provisions of the Administrative Review Law.

26 (e) Any fine, penalty, incomplete traffic education

1 program, or part of any fine or any penalty remaining unpaid  
2 after the exhaustion of, or the failure to exhaust,  
3 administrative remedies created under this Section and the  
4 conclusion of any judicial review procedures shall be a debt  
5 due and owing the municipality or county and, as such, may be  
6 collected in accordance with applicable law. Completion of any  
7 required traffic education program and payment in full of any  
8 fine or penalty resulting from a standing, parking,  
9 compliance, automated speed enforcement system, or automated  
10 traffic law violation shall constitute a final disposition of  
11 that violation.

12 (f) After the expiration of the period within which  
13 judicial review may be sought for a final determination of  
14 parking, standing, compliance, automated speed enforcement  
15 system, or automated traffic law violation, the municipality  
16 or county may commence a proceeding in the Circuit Court for  
17 purposes of obtaining a judgment on the final determination of  
18 violation. Nothing in this Section shall prevent a  
19 municipality or county from consolidating multiple final  
20 determinations of parking, standing, compliance, automated  
21 speed enforcement system, or automated traffic law violations  
22 against a person in a proceeding. Upon commencement of the  
23 action, the municipality or county shall file a certified copy  
24 or record of the final determination of parking, standing,  
25 compliance, automated speed enforcement system, or automated  
26 traffic law violation, which shall be accompanied by a

1 certification that recites facts sufficient to show that the  
2 final determination of violation was issued in accordance with  
3 this Section and the applicable municipal or county ordinance.  
4 Service of the summons and a copy of the petition may be by any  
5 method provided by Section 2-203 of the Code of Civil  
6 Procedure or by certified mail, return receipt requested,  
7 provided that the total amount of fines and penalties for  
8 final determinations of parking, standing, compliance,  
9 automated speed enforcement system, or automated traffic law  
10 violations does not exceed \$2500. If the court is satisfied  
11 that the final determination of parking, standing, compliance,  
12 automated speed enforcement system, or automated traffic law  
13 violation was entered in accordance with the requirements of  
14 this Section and the applicable municipal or county ordinance,  
15 and that the registered owner or the lessee, as the case may  
16 be, had an opportunity for an administrative hearing and for  
17 judicial review as provided in this Section, the court shall  
18 render judgment in favor of the municipality or county and  
19 against the registered owner or the lessee for the amount  
20 indicated in the final determination of parking, standing,  
21 compliance, automated speed enforcement system, or automated  
22 traffic law violation, plus costs. The judgment shall have the  
23 same effect and may be enforced in the same manner as other  
24 judgments for the recovery of money.

25 (g) The fee for participating in a traffic education  
26 program under this Section shall not exceed \$25.

1           A low-income individual required to complete a traffic  
2 education program under this Section who provides proof of  
3 eligibility for the federal earned income tax credit under  
4 Section 32 of the Internal Revenue Code or the Illinois earned  
5 income tax credit under Section 212 of the Illinois Income Tax  
6 Act shall not be required to pay any fee for participating in a  
7 required traffic education program.

8           (h) Notwithstanding any other provision of law to the  
9 contrary, a person shall not be liable for violations, fees,  
10 fines, or penalties under this Section during the period in  
11 which the motor vehicle was stolen or hijacked, as indicated  
12 in a report to the appropriate law enforcement agency filed in  
13 a timely manner.

14           (Source: P.A. 102-558, eff. 8-20-21; 102-905, eff. 1-1-23;  
15 103-364, eff. 7-28-23.)

16           (625 ILCS 5/11-208.6)

17           Sec. 11-208.6. Automated traffic law enforcement system.

18           (a) As used in this Section, "automated traffic law  
19 enforcement system" means a device with one or more motor  
20 vehicle sensors working in conjunction with a red light signal  
21 to produce recorded images of motor vehicles entering an  
22 intersection against a red signal indication in violation of  
23 Section 11-306 of this Code or a similar provision of a local  
24 ordinance.

25           An automated traffic law enforcement system is a system,

1 in a municipality or county operated by a governmental agency,  
2 that produces a recorded image of a motor vehicle's violation  
3 of a provision of this Code or a local ordinance and is  
4 designed to obtain a clear recorded image of the vehicle and  
5 the vehicle's license plate. The recorded image must also  
6 display the time, date, and location of the violation.

7 (b) As used in this Section, "recorded images" means  
8 images recorded by an automated traffic law enforcement system  
9 on:

10 (1) 2 or more photographs;

11 (2) 2 or more microphotographs;

12 (3) 2 or more electronic images; or

13 (4) a video recording showing the motor vehicle and,  
14 on at least one image or portion of the recording, clearly  
15 identifying the registration plate or digital registration  
16 plate number of the motor vehicle.

17 (b-5) A municipality or county that produces a recorded  
18 image of a motor vehicle's violation of a provision of this  
19 Code or a local ordinance must make the recorded images of a  
20 violation accessible to the alleged violator by providing the  
21 alleged violator with a website address, accessible through  
22 the Internet.

23 (c) Except as provided under Section 11-208.8 of this  
24 Code, a county or municipality, including a home rule county  
25 or municipality, may not use an automated traffic law  
26 enforcement system to provide recorded images of a motor



1 vehicle for the purpose of recording its speed. Except as  
2 provided under Section 11-208.8 of this Code, the regulation  
3 of the use of automated traffic law enforcement systems to  
4 record vehicle speeds is an exclusive power and function of  
5 the State. This subsection (c) is a denial and limitation of  
6 home rule powers and functions under subsection (h) of Section  
7 6 of Article VII of the Illinois Constitution.

8 (c-5) A county or municipality, including a home rule  
9 county or municipality, may not use an automated traffic law  
10 enforcement system to issue violations in instances where the  
11 motor vehicle comes to a complete stop and does not enter the  
12 intersection, as defined by Section 1-132 of this Code, during  
13 the cycle of the red signal indication unless one or more  
14 pedestrians or bicyclists are present, even if the motor  
15 vehicle stops at a point past a stop line or crosswalk where a  
16 driver is required to stop, as specified in subsection (c) of  
17 Section 11-306 of this Code or a similar provision of a local  
18 ordinance.

19 (c-6) A county, or a municipality with less than 2,000,000  
20 inhabitants, including a home rule county or municipality, may  
21 not use an automated traffic law enforcement system to issue  
22 violations in instances where a motorcyclist enters an  
23 intersection against a red signal indication when the red  
24 signal fails to change to a green signal within a reasonable  
25 period of time not less than 120 seconds because of a signal  
26 malfunction or because the signal has failed to detect the

1 arrival of the motorcycle due to the motorcycle's size or  
2 weight.

3 (d) For each violation of a provision of this Code or a  
4 local ordinance recorded by an automatic traffic law  
5 enforcement system, the county or municipality having  
6 jurisdiction shall issue a written notice of the violation to  
7 the registered owner of the vehicle as the alleged violator.  
8 The notice shall be delivered to the registered owner of the  
9 vehicle, by mail, within 30 days after the Secretary of State  
10 notifies the municipality or county of the identity of the  
11 owner of the vehicle, but in no event later than 90 days after  
12 the violation.

13 The notice shall include:

14 (1) the name and address of the registered owner of  
15 the vehicle;

16 (2) the registration number of the motor vehicle  
17 involved in the violation;

18 (3) the violation charged;

19 (4) the location where the violation occurred;

20 (5) the date and time of the violation;

21 (6) a copy of the recorded images;

22 (7) the amount of the civil penalty imposed and the  
23 requirements of any traffic education program imposed and  
24 the date by which the civil penalty should be paid and the  
25 traffic education program should be completed;

26 (8) a statement that recorded images are evidence of a

1 violation of a red light signal;

2 (9) a warning that failure to pay the civil penalty,  
3 to complete a required traffic education program, or to  
4 contest liability in a timely manner is an admission of  
5 liability and may result in a suspension of the driving  
6 privileges of the registered owner of the vehicle;

7 (10) a statement that the person may elect to proceed  
8 by:

9 (A) paying the fine, completing a required traffic  
10 education program, or both; or

11 (B) challenging the charge in court, by mail, or  
12 by administrative hearing; and

13 (11) a website address, accessible through the  
14 Internet, where the person may view the recorded images of  
15 the violation.

16 (e) (Blank).

17 (e-1) If a person charged with a traffic violation, as a  
18 result of an automated traffic law enforcement system, does  
19 not pay the fine or complete a required traffic education  
20 program, or both, or successfully contest the civil penalty  
21 resulting from that violation, the Secretary of State shall  
22 suspend the driving privileges of the registered owner of the  
23 vehicle under Section 6-306.5-1 of this Code for failing to  
24 complete a required traffic education program or to pay any  
25 fine or penalty due and owing, or both, as a result of a  
26 combination of 5 violations of the automated traffic law

1 enforcement system or the automated speed enforcement system  
2 under Section 11-208.8 of this Code.

3 (f) Based on inspection of recorded images produced by an  
4 automated traffic law enforcement system, a notice alleging  
5 that the violation occurred shall be evidence of the facts  
6 contained in the notice and admissible in any proceeding  
7 alleging a violation under this Section.

8 (g) Recorded images made by an automatic traffic law  
9 enforcement system are confidential and shall be made  
10 available only to the alleged violator and governmental and  
11 law enforcement agencies for purposes of adjudicating a  
12 violation of this Section, for statistical purposes, or for  
13 other governmental purposes. Any recorded image evidencing a  
14 violation of this Section, however, may be admissible in any  
15 proceeding resulting from the issuance of the citation.

16 (h) The court or hearing officer may consider in defense  
17 of a violation:

18 (1) that the motor vehicle or registration plates or  
19 digital registration plates of the motor vehicle were  
20 stolen before the violation occurred and not under the  
21 control of or in the possession of the owner or lessee at  
22 the time of the violation;

23 (1.5) that the motor vehicle was hijacked before the  
24 violation occurred and not under the control of or in the  
25 possession of the owner or lessee at the time of the  
26 violation;

1           (2) that the driver of the vehicle passed through the  
2 intersection when the light was red either (i) in order to  
3 yield the right-of-way to an emergency vehicle or (ii) as  
4 part of a funeral procession; and

5           (3) any other evidence or issues provided by municipal  
6 or county ordinance.

7           (i) To demonstrate that the motor vehicle was hijacked or  
8 the motor vehicle or registration plates or digital  
9 registration plates were stolen before the violation occurred  
10 and were not under the control or possession of the owner or  
11 lessee at the time of the violation, the owner or lessee must  
12 submit proof that a report concerning the motor vehicle or  
13 registration plates was filed with a law enforcement agency in  
14 a timely manner.

15           (j) Unless the driver of the motor vehicle received a  
16 Uniform Traffic Citation from a police officer at the time of  
17 the violation, the motor vehicle owner is subject to a civil  
18 penalty not exceeding \$100 or the completion of a traffic  
19 education program, or both, plus an additional penalty of not  
20 more than \$100 for failure to pay the original penalty or to  
21 complete a required traffic education program, or both, in a  
22 timely manner, if the motor vehicle is recorded by an  
23 automated traffic law enforcement system. A violation for  
24 which a civil penalty is imposed under this Section is not a  
25 violation of a traffic regulation governing the movement of  
26 vehicles and may not be recorded on the driving record of the

1 owner of the vehicle.

2 (j-3) A registered owner who is a holder of a valid  
3 commercial driver's license is not required to complete a  
4 traffic education program.

5 (j-5) For purposes of the required traffic education  
6 program only, a registered owner may submit an affidavit to  
7 the court or hearing officer swearing that at the time of the  
8 alleged violation, the vehicle was in the custody and control  
9 of another person. The affidavit must identify the person in  
10 custody and control of the vehicle, including the person's  
11 name and current address. The person in custody and control of  
12 the vehicle at the time of the violation is required to  
13 complete the required traffic education program. If the person  
14 in custody and control of the vehicle at the time of the  
15 violation completes the required traffic education program,  
16 the registered owner of the vehicle is not required to  
17 complete a traffic education program.

18 (k) An intersection equipped with an automated traffic law  
19 enforcement system must be posted with a sign visible to  
20 approaching traffic indicating that the intersection is being  
21 monitored by an automated traffic law enforcement system and  
22 informing drivers whether, following a stop, a right turn at  
23 the intersection is permitted or prohibited.

24 (k-3) A municipality or county that has one or more  
25 intersections equipped with an automated traffic law  
26 enforcement system must provide notice to drivers by posting

1 the locations of automated traffic law systems on the  
2 municipality or county website.

3 (k-5) An intersection equipped with an automated traffic  
4 law enforcement system must have a yellow change interval that  
5 conforms with the Illinois Manual on Uniform Traffic Control  
6 Devices (IMUTCD) published by the Illinois Department of  
7 Transportation. Beginning 6 months before it installs an  
8 automated traffic law enforcement system at an intersection, a  
9 county or municipality may not change the yellow change  
10 interval at that intersection.

11 (k-7) A municipality or county operating an automated  
12 traffic law enforcement system shall conduct a statistical  
13 analysis to assess the safety impact of each automated traffic  
14 law enforcement system at an intersection following  
15 installation of the system and every 2 years thereafter. Each  
16 statistical analysis shall be based upon the best available  
17 crash, traffic, and other data, and shall cover a period of  
18 time before and after installation of the system sufficient to  
19 provide a statistically valid comparison of safety impact.  
20 Each statistical analysis shall be consistent with  
21 professional judgment and acceptable industry practice. Each  
22 statistical analysis also shall be consistent with the data  
23 required for valid comparisons of before and after conditions  
24 and shall be conducted within a reasonable period following  
25 the installation of the automated traffic law enforcement  
26 system. Each statistical analysis required by this subsection

1 (k-7) shall be made available to the public and shall be  
2 published on the website of the municipality or county. If a  
3 statistical analysis ~~36-month~~ indicates that there has been an  
4 increase in the rate of crashes at the approach to the  
5 intersection monitored by the system, the municipality or  
6 county shall undertake additional studies to determine the  
7 cause and severity of the crashes, and may take any action that  
8 it determines is necessary or appropriate to reduce the number  
9 or severity of the crashes at that intersection.

10 (k-8) Any municipality or county operating an automated  
11 traffic law enforcement system before July 28, 2023 (the  
12 effective date of Public Act 103-364) ~~this amendatory Act of~~  
13 ~~the 103rd General Assembly~~ shall conduct a statistical  
14 analysis to assess the safety impact of each automated traffic  
15 law enforcement system at an intersection by no later than one  
16 year after July 28, 2023 (the effective date of Public Act  
17 103-364 ~~this amendatory Act of the 103rd General Assembly~~ and  
18 every 2 years thereafter. The statistical analyses shall be  
19 based upon the best available crash, traffic, and other data,  
20 and shall cover a period of time before and after installation  
21 of the system sufficient to provide a statistically valid  
22 comparison of safety impact. The statistical analyses shall be  
23 consistent with professional judgment and acceptable industry  
24 practice. The statistical analyses also shall be consistent  
25 with the data required for valid comparisons of before and  
26 after conditions. The statistical analyses required by this



1 subsection shall be made available to the public and shall be  
2 published on the website of the municipality or county. If the  
3 statistical analysis for any period following installation of  
4 the system indicates that there has been an increase in the  
5 rate of accidents at the approach to the intersection  
6 monitored by the system, the municipality or county shall  
7 undertake additional studies to determine the cause and  
8 severity of the accidents, and may take any action that it  
9 determines is necessary or appropriate to reduce the number or  
10 severity of the accidents at that intersection.

11 (1) The compensation paid for an automated traffic law  
12 enforcement system must be based on the value of the equipment  
13 or the services provided and may not be based on the number of  
14 traffic citations issued or the revenue generated by the  
15 system.

16 (1-1) No member of the General Assembly and no officer or  
17 employee of a municipality or county shall knowingly accept  
18 employment or receive compensation or fees for services from a  
19 vendor that provides automated traffic law enforcement system  
20 equipment or services to municipalities or counties. No former  
21 member of the General Assembly shall, within a period of 2  
22 years immediately after the termination of service as a member  
23 of the General Assembly, knowingly accept employment or  
24 receive compensation or fees for services from a vendor that  
25 provides automated traffic law enforcement system equipment or  
26 services to municipalities or counties. No former officer or

1 employee of a municipality or county shall, within a period of  
2 2 years immediately after the termination of municipal or  
3 county employment, knowingly accept employment or receive  
4 compensation or fees for services from a vendor that provides  
5 automated traffic law enforcement system equipment or services  
6 to municipalities or counties.

7 (m) This Section applies only to the counties of Cook,  
8 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and  
9 to municipalities located within those counties.

10 (n) The fee for participating in a traffic education  
11 program under this Section shall not exceed \$25.

12 A low-income individual required to complete a traffic  
13 education program under this Section who provides proof of  
14 eligibility for the federal earned income tax credit under  
15 Section 32 of the Internal Revenue Code or the Illinois earned  
16 income tax credit under Section 212 of the Illinois Income Tax  
17 Act shall not be required to pay any fee for participating in a  
18 required traffic education program.

19 (o) (Blank).

20 (o-1) A municipality or county shall make a certified  
21 report to the Secretary of State pursuant to Section 6-306.5-1  
22 of this Code whenever a registered owner of a vehicle has  
23 failed to pay any fine or penalty due and owing as a result of  
24 a combination of 5 offenses for automated traffic law or speed  
25 enforcement system violations.

26 (p) No person who is the lessor of a motor vehicle pursuant

1 to a written lease agreement shall be liable for an automated  
2 speed or traffic law enforcement system violation involving  
3 such motor vehicle during the period of the lease; provided  
4 that upon the request of the appropriate authority received  
5 within 120 days after the violation occurred, the lessor  
6 provides within 60 days after such receipt the name and  
7 address of the lessee. The driver's license number of a lessee  
8 may be subsequently individually requested by the appropriate  
9 authority if needed for enforcement of this Section.

10 Upon the provision of information by the lessor pursuant  
11 to this subsection, the county or municipality may issue the  
12 violation to the lessee of the vehicle in the same manner as it  
13 would issue a violation to a registered owner of a vehicle  
14 pursuant to this Section, and the lessee may be held liable for  
15 the violation.

16 (q) If a county or municipality selects a new vendor for  
17 its automated traffic law enforcement system and must, as a  
18 consequence, apply for a permit, approval, or other  
19 authorization from the Department for reinstallation of one or  
20 more malfunctioning components of that system and if, at the  
21 time of the application for the permit, approval, or other  
22 authorization, the new vendor operates an automated traffic  
23 law enforcement system for any other county or municipality in  
24 the State, then the Department shall approve or deny the  
25 county or municipality's application for the permit, approval,  
26 or other authorization within 90 days after its receipt.

1           (r) The Department may revoke any permit, approval, or  
2 other authorization granted to a county or municipality for  
3 the placement, installation, or operation of an automated  
4 traffic law enforcement system if any official or employee who  
5 serves that county or municipality is charged with bribery,  
6 official misconduct, or a similar crime related to the  
7 placement, installation, or operation of the automated traffic  
8 law enforcement system in the county or municipality.

9           The Department shall adopt any rules necessary to  
10 implement and administer this subsection. The rules adopted by  
11 the Department shall describe the revocation process, shall  
12 ensure that notice of the revocation is provided, and shall  
13 provide an opportunity to appeal the revocation. Any county or  
14 municipality that has a permit, approval, or other  
15 authorization revoked under this subsection may not reapply  
16 for such a permit, approval, or other authorization for a  
17 period of one ± year after the revocation.

18           (s) If an automated traffic law enforcement system is  
19 removed or rendered inoperable due to construction, then the  
20 Department shall authorize the reinstallation or use of the  
21 automated traffic law enforcement system within 30 days after  
22 the construction is complete.

23           (Source: P.A. 102-905, eff. 1-1-23; 102-982, eff. 7-1-23;  
24 103-154, eff. 6-30-23; 103-364, eff. 7-28-23; revised  
25 9-19-23.)

1 (625 ILCS 5/11-208.8)

2 Sec. 11-208.8. Automated speed enforcement systems in  
3 safety zones.

4 (a) As used in this Section:

5 "Automated speed enforcement system" means a photographic  
6 device, radar device, laser device, or other electrical or  
7 mechanical device or devices installed or utilized in a safety  
8 zone and designed to record the speed of a vehicle and obtain a  
9 clear photograph or other recorded image of the vehicle and  
10 the vehicle's registration plate or digital registration plate  
11 while the driver is violating Article VI of Chapter 11 of this  
12 Code or a similar provision of a local ordinance.

13 An automated speed enforcement system is a system, located  
14 in a safety zone which is under the jurisdiction of a  
15 municipality, that produces a recorded image of a motor  
16 vehicle's violation of a provision of this Code or a local  
17 ordinance and is designed to obtain a clear recorded image of  
18 the vehicle and the vehicle's license plate. The recorded  
19 image must also display the time, date, and location of the  
20 violation.

21 "Owner" means the person or entity to whom the vehicle is  
22 registered.

23 "Recorded image" means images recorded by an automated  
24 speed enforcement system on:

25 (1) 2 or more photographs;

26 (2) 2 or more microphotographs;

1 (3) 2 or more electronic images; or

2 (4) a video recording showing the motor vehicle and,  
3 on at least one image or portion of the recording, clearly  
4 identifying the registration plate or digital registration  
5 plate number of the motor vehicle.

6 "Safety zone" means an area that is within one-eighth of a  
7 mile from the nearest property line of any public or private  
8 elementary or secondary school, or from the nearest property  
9 line of any facility, area, or land owned by a school district  
10 that is used for educational purposes approved by the Illinois  
11 State Board of Education, not including school district  
12 headquarters or administrative buildings. A safety zone also  
13 includes an area that is within one-eighth of a mile from the  
14 nearest property line of any facility, area, or land owned by a  
15 park district used for recreational purposes. However, if any  
16 portion of a roadway is within either one-eighth mile radius,  
17 the safety zone also shall include the roadway extended to the  
18 furthest portion of the next furthest intersection. The term  
19 "safety zone" does not include any portion of the roadway  
20 known as Lake Shore Drive or any controlled access highway  
21 with 8 or more lanes of traffic.

22 (a-5) The automated speed enforcement system shall be  
23 operational and violations shall be recorded only at the  
24 following times:

25 (i) if the safety zone is based upon the property line  
26 of any facility, area, or land owned by a school district,

1           only on school days and no earlier than 6 a.m. and no later  
2           than 8:30 p.m. if the school day is during the period of  
3           Monday through Thursday, or 9 p.m. if the school day is a  
4           Friday; and

5           (ii) if the safety zone is based upon the property  
6           line of any facility, area, or land owned by a park  
7           district, no earlier than one hour prior to the time that  
8           the facility, area, or land is open to the public or other  
9           patrons, and no later than one hour after the facility,  
10          area, or land is closed to the public or other patrons.

11          (b) A municipality that produces a recorded image of a  
12          motor vehicle's violation of a provision of this Code or a  
13          local ordinance must make the recorded images of a violation  
14          accessible to the alleged violator by providing the alleged  
15          violator with a website address, accessible through the  
16          Internet.

17          (c) Notwithstanding any penalties for any other violations  
18          of this Code, the owner of a motor vehicle used in a traffic  
19          violation recorded by an automated speed enforcement system  
20          shall be subject to the following penalties:

21                 (1) if the recorded speed is no less than 6 miles per  
22                 hour and no more than 10 miles per hour over the legal  
23                 speed limit, a civil penalty not exceeding \$50, plus an  
24                 additional penalty of not more than \$50 for failure to pay  
25                 the original penalty in a timely manner; or

26                 (2) if the recorded speed is more than 10 miles per

1 hour over the legal speed limit, a civil penalty not  
2 exceeding \$100, plus an additional penalty of not more  
3 than \$100 for failure to pay the original penalty in a  
4 timely manner.

5 A penalty may not be imposed under this Section if the  
6 driver of the motor vehicle received a Uniform Traffic  
7 Citation from a police officer for a speeding violation  
8 occurring within one-eighth of a mile and 15 minutes of the  
9 violation that was recorded by the system. A violation for  
10 which a civil penalty is imposed under this Section is not a  
11 violation of a traffic regulation governing the movement of  
12 vehicles and may not be recorded on the driving record of the  
13 owner of the vehicle. A law enforcement officer is not  
14 required to be present or to witness the violation. No penalty  
15 may be imposed under this Section if the recorded speed of a  
16 vehicle is 5 miles per hour or less over the legal speed limit.  
17 The municipality may send, in the same manner that notices are  
18 sent under this Section, a speed violation warning notice  
19 where the violation involves a speed of 5 miles per hour or  
20 less above the legal speed limit.

21 (d) The net proceeds that a municipality receives from  
22 civil penalties imposed under an automated speed enforcement  
23 system, after deducting all non-personnel and personnel costs  
24 associated with the operation and maintenance of such system,  
25 shall be expended or obligated by the municipality for the  
26 following purposes:



1           (i) public safety initiatives to ensure safe passage  
2           around schools, and to provide police protection and  
3           surveillance around schools and parks, including but not  
4           limited to: (1) personnel costs; and (2) non-personnel  
5           costs such as construction and maintenance of public  
6           safety infrastructure and equipment;

7           (ii) initiatives to improve pedestrian and traffic  
8           safety;

9           (iii) construction and maintenance of infrastructure  
10          within the municipality, including but not limited to  
11          roads and bridges; and

12          (iv) after school programs.

13          (e) For each violation of a provision of this Code or a  
14          local ordinance recorded by an automated speed enforcement  
15          system, the municipality having jurisdiction shall issue a  
16          written notice of the violation to the registered owner of the  
17          vehicle as the alleged violator. The notice shall be delivered  
18          to the registered owner of the vehicle, by mail, within 30 days  
19          after the Secretary of State notifies the municipality of the  
20          identity of the owner of the vehicle, but in no event later  
21          than 90 days after the violation.

22          (f) The notice required under subsection (e) of this  
23          Section shall include:

24                 (1) the name and address of the registered owner of  
25                 the vehicle;

26                 (2) the registration number of the motor vehicle

- 1 involved in the violation;
- 2 (3) the violation charged;
- 3 (4) the date, time, and location where the violation  
4 occurred;
- 5 (5) a copy of the recorded image or images;
- 6 (6) the amount of the civil penalty imposed and the  
7 date by which the civil penalty should be paid;
- 8 (7) a statement that recorded images are evidence of a  
9 violation of a speed restriction;
- 10 (8) a warning that failure to pay the civil penalty or  
11 to contest liability in a timely manner is an admission of  
12 liability and may result in a suspension of the driving  
13 privileges of the registered owner of the vehicle;
- 14 (9) a statement that the person may elect to proceed  
15 by:
- 16 (A) paying the fine; or
- 17 (B) challenging the charge in court, by mail, or  
18 by administrative hearing; and
- 19 (10) a website address, accessible through the  
20 Internet, where the person may view the recorded images of  
21 the violation.
- 22 (g) (Blank).
- 23 (g-1) If a person charged with a traffic violation, as a  
24 result of an automated speed enforcement system, does not pay  
25 the fine or successfully contest the civil penalty resulting  
26 from that violation, the Secretary of State shall suspend the

1 driving privileges of the registered owner of the vehicle  
2 under Section 6-306.5-1 of this Code for failing to pay any  
3 fine or penalty due and owing, or both, as a result of a  
4 combination of 5 violations of the automated speed enforcement  
5 system or the automated traffic law under Section 11-208.6 of  
6 this Code.

7 (h) Based on inspection of recorded images produced by an  
8 automated speed enforcement system, a notice alleging that the  
9 violation occurred shall be evidence of the facts contained in  
10 the notice and admissible in any proceeding alleging a  
11 violation under this Section.

12 (i) Recorded images made by an automated speed enforcement  
13 system are confidential and shall be made available only to  
14 the alleged violator and governmental and law enforcement  
15 agencies for purposes of adjudicating a violation of this  
16 Section, for statistical purposes, or for other governmental  
17 purposes. Any recorded image evidencing a violation of this  
18 Section, however, may be admissible in any proceeding  
19 resulting from the issuance of the citation.

20 (j) The court or hearing officer may consider in defense  
21 of a violation:

22 (1) that the motor vehicle or registration plates or  
23 digital registration plates of the motor vehicle were  
24 stolen before the violation occurred and not under the  
25 control or in the possession of the owner or lessee at the  
26 time of the violation;

1           (1.5) that the motor vehicle was hijacked before the  
2 violation occurred and not under the control of or in the  
3 possession of the owner or lessee at the time of the  
4 violation;

5           (2) that the driver of the motor vehicle received a  
6 Uniform Traffic Citation from a police officer for a  
7 speeding violation occurring within one-eighth of a mile  
8 and 15 minutes of the violation that was recorded by the  
9 system; and

10          (3) any other evidence or issues provided by municipal  
11 ordinance.

12          (k) To demonstrate that the motor vehicle was hijacked or  
13 the motor vehicle or registration plates or digital  
14 registration plates were stolen before the violation occurred  
15 and were not under the control or possession of the owner or  
16 lessee at the time of the violation, the owner or lessee must  
17 submit proof that a report concerning the motor vehicle or  
18 registration plates was filed with a law enforcement agency in  
19 a timely manner.

20          (1) A roadway equipped with an automated speed enforcement  
21 system shall be posted with a sign conforming to the national  
22 Manual on Uniform Traffic Control Devices that is visible to  
23 approaching traffic stating that vehicle speeds are being  
24 photo-enforced and indicating the speed limit. The  
25 municipality shall install such additional signage as it  
26 determines is necessary to give reasonable notice to drivers

1 as to where automated speed enforcement systems are installed.

2 (m) A roadway where a new automated speed enforcement  
3 system is installed shall be posted with signs providing 30  
4 days notice of the use of a new automated speed enforcement  
5 system prior to the issuance of any citations through the  
6 automated speed enforcement system.

7 (n) The compensation paid for an automated speed  
8 enforcement system must be based on the value of the equipment  
9 or the services provided and may not be based on the number of  
10 traffic citations issued or the revenue generated by the  
11 system.

12 (n-1) No member of the General Assembly and no officer or  
13 employee of a municipality or county shall knowingly accept  
14 employment or receive compensation or fees for services from a  
15 vendor that provides automated speed enforcement system  
16 equipment or services to municipalities or counties. No former  
17 member of the General Assembly shall, within a period of 2  
18 years immediately after the termination of service as a member  
19 of the General Assembly, knowingly accept employment or  
20 receive compensation or fees for services from a vendor that  
21 provides automated speed enforcement system equipment or  
22 services to municipalities or counties. No former officer or  
23 employee of a municipality or county shall, within a period of  
24 2 years immediately after the termination of municipal or  
25 county employment, knowingly accept employment or receive  
26 compensation or fees for services from a vendor that provides

1 automated speed enforcement system equipment or services to  
2 municipalities or counties.

3 (o) (Blank).

4 (o-1) A municipality shall make a certified report to the  
5 Secretary of State pursuant to Section 6-306.5-1 of this Code  
6 whenever a registered owner of a vehicle has failed to pay any  
7 fine or penalty due and owing as a result of a combination of 5  
8 offenses for automated speed or traffic law enforcement system  
9 violations.

10 (p) No person who is the lessor of a motor vehicle pursuant  
11 to a written lease agreement shall be liable for an automated  
12 speed or traffic law enforcement system violation involving  
13 such motor vehicle during the period of the lease; provided  
14 that upon the request of the appropriate authority received  
15 within 120 days after the violation occurred, the lessor  
16 provides within 60 days after such receipt the name and  
17 address of the lessee. The driver's ~~drivers~~ license number of  
18 a lessee may be subsequently individually requested by the  
19 appropriate authority if needed for enforcement of this  
20 Section.

21 Upon the provision of information by the lessor pursuant  
22 to this subsection, the municipality may issue the violation  
23 to the lessee of the vehicle in the same manner as it would  
24 issue a violation to a registered owner of a vehicle pursuant  
25 to this Section, and the lessee may be held liable for the  
26 violation.

1           (q) A municipality using an automated speed enforcement  
2 system must provide notice to drivers by publishing the  
3 locations of all safety zones where system equipment is  
4 installed on the website of the municipality.

5           (r) A municipality operating an automated speed  
6 enforcement system shall conduct a statistical analysis to  
7 assess the safety impact of the system following installation  
8 of the system and every 2 years thereafter. A municipality  
9 operating an automated speed enforcement system before the  
10 effective date of this amendatory Act of the 103rd General  
11 Assembly shall conduct a statistical analysis to assess the  
12 safety impact of the system by no later than one year after the  
13 effective date of this amendatory Act of the 103rd General  
14 Assembly and every 2 years thereafter. Each statistical  
15 analysis shall be based upon the best available crash,  
16 traffic, and other data, and shall cover a period of time  
17 before and after installation of the system sufficient to  
18 provide a statistically valid comparison of safety impact.  
19 Each statistical analysis shall be consistent with  
20 professional judgment and acceptable industry practice. Each  
21 statistical analysis also shall be consistent with the data  
22 required for valid comparisons of before and after conditions  
23 and shall be conducted within a reasonable period following  
24 the installation of the automated traffic law enforcement  
25 system. Each statistical analysis required by this subsection  
26 shall be made available to the public and shall be published on

1 the website of the municipality.

2 (s) This Section applies only to municipalities with a  
3 population of 1,000,000 or more inhabitants.

4 (t) If a county or municipality selects a new vendor for  
5 its automated speed enforcement system and must, as a  
6 consequence, apply for a permit, approval, or other  
7 authorization from the Department for reinstallation of one or  
8 more malfunctioning components of that system and if, at the  
9 time of the application for the permit, approval, or other  
10 authorization, the new vendor operates an automated speed  
11 enforcement system for any other county or municipality in the  
12 State, then the Department shall approve or deny the county or  
13 municipality's application for the permit, approval, or other  
14 authorization within 90 days after its receipt.

15 (u) The Department may revoke any permit, approval, or  
16 other authorization granted to a county or municipality for  
17 the placement, installation, or operation of an automated  
18 speed enforcement system if any official or employee who  
19 serves that county or municipality is charged with bribery,  
20 official misconduct, or a similar crime related to the  
21 placement, installation, or operation of the automated speed  
22 enforcement system in the county or municipality.

23 The Department shall adopt any rules necessary to  
24 implement and administer this subsection. The rules adopted by  
25 the Department shall describe the revocation process, shall  
26 ensure that notice of the revocation is provided, and shall



1 provide an opportunity to appeal the revocation. Any county or  
2 municipality that has a permit, approval, or other  
3 authorization revoked under this subsection may not reapply  
4 for such a permit, approval, or other authorization for a  
5 period of 1 year after the revocation.

6 (Source: P.A. 102-905, eff. 1-1-23; 103-364, eff. 7-28-23.)

7 (625 ILCS 5/11-208.9)

8 Sec. 11-208.9. Automated traffic law enforcement system;  
9 approaching, overtaking, and passing a school bus.

10 (a) As used in this Section, "automated traffic law  
11 enforcement system" means a device with one or more motor  
12 vehicle sensors working in conjunction with the visual signals  
13 on a school bus, as specified in Sections 12-803 and 12-805 of  
14 this Code, to produce recorded images of motor vehicles that  
15 fail to stop before meeting or overtaking, from either  
16 direction, any school bus stopped at any location for the  
17 purpose of receiving or discharging pupils in violation of  
18 Section 11-1414 of this Code or a similar provision of a local  
19 ordinance.

20 An automated traffic law enforcement system is a system,  
21 in a municipality or county operated by a governmental agency,  
22 that produces a recorded image of a motor vehicle's violation  
23 of a provision of this Code or a local ordinance and is  
24 designed to obtain a clear recorded image of the vehicle and  
25 the vehicle's license plate. The recorded image must also

1 display the time, date, and location of the violation.

2 (b) As used in this Section, "recorded images" means  
3 images recorded by an automated traffic law enforcement system  
4 on:

5 (1) 2 or more photographs;

6 (2) 2 or more microphotographs;

7 (3) 2 or more electronic images; or

8 (4) a video recording showing the motor vehicle and,  
9 on at least one image or portion of the recording, clearly  
10 identifying the registration plate or digital registration  
11 plate number of the motor vehicle.

12 (c) A municipality or county that produces a recorded  
13 image of a motor vehicle's violation of a provision of this  
14 Code or a local ordinance must make the recorded images of a  
15 violation accessible to the alleged violator by providing the  
16 alleged violator with a website address, accessible through  
17 the Internet.

18 (d) For each violation of a provision of this Code or a  
19 local ordinance recorded by an automated traffic law  
20 enforcement system, the county or municipality having  
21 jurisdiction shall issue a written notice of the violation to  
22 the registered owner of the vehicle as the alleged violator.  
23 The notice shall be delivered to the registered owner of the  
24 vehicle, by mail, within 30 days after the Secretary of State  
25 notifies the municipality or county of the identity of the  
26 owner of the vehicle, but in no event later than 90 days after

1 the violation.

2 (e) The notice required under subsection (d) shall  
3 include:

4 (1) the name and address of the registered owner of  
5 the vehicle;

6 (2) the registration number of the motor vehicle  
7 involved in the violation;

8 (3) the violation charged;

9 (4) the location where the violation occurred;

10 (5) the date and time of the violation;

11 (6) a copy of the recorded images;

12 (7) the amount of the civil penalty imposed and the  
13 date by which the civil penalty should be paid;

14 (8) a statement that recorded images are evidence of a  
15 violation of overtaking or passing a school bus stopped  
16 for the purpose of receiving or discharging pupils;

17 (9) a warning that failure to pay the civil penalty or  
18 to contest liability in a timely manner is an admission of  
19 liability and may result in a suspension of the driving  
20 privileges of the registered owner of the vehicle;

21 (10) a statement that the person may elect to proceed  
22 by:

23 (A) paying the fine; or

24 (B) challenging the charge in court, by mail, or  
25 by administrative hearing; and

26 (11) a website address, accessible through the

1 Internet, where the person may view the recorded images of  
2 the violation.

3 (f) (Blank).

4 (f-1) If a person charged with a traffic violation, as a  
5 result of an automated traffic law enforcement system under  
6 this Section, does not pay the fine or successfully contest  
7 the civil penalty resulting from that violation, the Secretary  
8 of State shall suspend the driving privileges of the  
9 registered owner of the vehicle under Section 6-306.5-1 of  
10 this Code for failing to pay any fine or penalty due and owing  
11 as a result of a combination of 5 violations of the automated  
12 traffic law enforcement system or the automated speed  
13 enforcement system under Section 11-208.8 of this Code.

14 (g) Based on inspection of recorded images produced by an  
15 automated traffic law enforcement system, a notice alleging  
16 that the violation occurred shall be evidence of the facts  
17 contained in the notice and admissible in any proceeding  
18 alleging a violation under this Section.

19 (h) Recorded images made by an automated traffic law  
20 enforcement system are confidential and shall be made  
21 available only to the alleged violator and governmental and  
22 law enforcement agencies for purposes of adjudicating a  
23 violation of this Section, for statistical purposes, or for  
24 other governmental purposes. Any recorded image evidencing a  
25 violation of this Section, however, may be admissible in any  
26 proceeding resulting from the issuance of the citation.

1 (i) The court or hearing officer may consider in defense  
2 of a violation:

3 (1) that the motor vehicle or registration plates or  
4 digital registration plates of the motor vehicle were  
5 stolen before the violation occurred and not under the  
6 control of or in the possession of the owner or lessee at  
7 the time of the violation;

8 (1.5) that the motor vehicle was hijacked before the  
9 violation occurred and not under the control of or in the  
10 possession of the owner or lessee at the time of the  
11 violation;

12 (2) that the driver of the motor vehicle received a  
13 Uniform Traffic Citation from a police officer for a  
14 violation of Section 11-1414 of this Code within  
15 one-eighth of a mile and 15 minutes of the violation that  
16 was recorded by the system;

17 (3) that the visual signals required by Sections  
18 12-803 and 12-805 of this Code were damaged, not  
19 activated, not present in violation of Sections 12-803 and  
20 12-805, or inoperable; and

21 (4) any other evidence or issues provided by municipal  
22 or county ordinance.

23 (j) To demonstrate that the motor vehicle was hijacked or  
24 the motor vehicle or registration plates or digital  
25 registration plates were stolen before the violation occurred  
26 and were not under the control or possession of the owner or

1 lessee at the time of the violation, the owner or lessee must  
2 submit proof that a report concerning the motor vehicle or  
3 registration plates was filed with a law enforcement agency in  
4 a timely manner.

5 (k) Unless the driver of the motor vehicle received a  
6 Uniform Traffic Citation from a police officer at the time of  
7 the violation, the motor vehicle owner is subject to a civil  
8 penalty not exceeding \$150 for a first time violation or \$500  
9 for a second or subsequent violation, plus an additional  
10 penalty of not more than \$100 for failure to pay the original  
11 penalty in a timely manner, if the motor vehicle is recorded by  
12 an automated traffic law enforcement system. A violation for  
13 which a civil penalty is imposed under this Section is not a  
14 violation of a traffic regulation governing the movement of  
15 vehicles and may not be recorded on the driving record of the  
16 owner of the vehicle, but may be recorded by the municipality  
17 or county for the purpose of determining if a person is subject  
18 to the higher fine for a second or subsequent offense.

19 (l) A school bus equipped with an automated traffic law  
20 enforcement system must be posted with a sign indicating that  
21 the school bus is being monitored by an automated traffic law  
22 enforcement system.

23 (m) A municipality or county that has one or more school  
24 buses equipped with an automated traffic law enforcement  
25 system must provide notice to drivers by posting a list of  
26 school districts using school buses equipped with an automated

1 traffic law enforcement system on the municipality or county  
2 website. School districts that have one or more school buses  
3 equipped with an automated traffic law enforcement system must  
4 provide notice to drivers by posting that information on their  
5 websites.

6 (n) A municipality or county operating an automated  
7 traffic law enforcement system shall conduct a statistical  
8 analysis to assess the safety impact in each school district  
9 using school buses equipped with an automated traffic law  
10 enforcement system following installation of the system and  
11 every 2 years thereafter. A municipality or county operating  
12 an automated speed enforcement system before the effective  
13 date of this amendatory Act of the 103rd General Assembly  
14 shall conduct a statistical analysis to assess the safety  
15 impact of the system by no later than one year after the  
16 effective date of this amendatory Act of the 103rd General  
17 Assembly and every 2 years thereafter. Each statistical  
18 analysis shall be based upon the best available crash,  
19 traffic, and other data, and shall cover a period of time  
20 before and after installation of the system sufficient to  
21 provide a statistically valid comparison of safety impact.  
22 Each statistical analysis shall be consistent with  
23 professional judgment and acceptable industry practice. Each  
24 statistical analysis also shall be consistent with the data  
25 required for valid comparisons of before and after conditions  
26 and shall be conducted within a reasonable period following

1 the installation of the automated traffic law enforcement  
2 system. Each statistical analysis required by this subsection  
3 shall be made available to the public and shall be published on  
4 the website of the municipality or county. If a statistical  
5 analysis indicates that there has been an increase in the rate  
6 of crashes at the approach to school buses monitored by the  
7 system, the municipality or county shall undertake additional  
8 studies to determine the cause and severity of the crashes,  
9 and may take any action that it determines is necessary or  
10 appropriate to reduce the number or severity of the crashes  
11 involving school buses equipped with an automated traffic law  
12 enforcement system.

13 (o) The compensation paid for an automated traffic law  
14 enforcement system must be based on the value of the equipment  
15 or the services provided and may not be based on the number of  
16 traffic citations issued or the revenue generated by the  
17 system.

18 (o-1) No member of the General Assembly and no officer or  
19 employee of a municipality or county shall knowingly accept  
20 employment or receive compensation or fees for services from a  
21 vendor that provides automated traffic law enforcement system  
22 equipment or services to municipalities or counties. No former  
23 member of the General Assembly shall, within a period of 2  
24 years immediately after the termination of service as a member  
25 of the General Assembly, knowingly accept employment or  
26 receive compensation or fees for services from a vendor that



1 provides automated traffic law enforcement system equipment or  
2 services to municipalities or counties. No former officer or  
3 employee of a municipality or county shall, within a period of  
4 2 years immediately after the termination of municipal or  
5 county employment, knowingly accept employment or receive  
6 compensation or fees for services from a vendor that provides  
7 automated traffic law enforcement system equipment or services  
8 to municipalities or counties.

9 (p) No person who is the lessor of a motor vehicle pursuant  
10 to a written lease agreement shall be liable for an automated  
11 speed or traffic law enforcement system violation involving  
12 such motor vehicle during the period of the lease; provided  
13 that upon the request of the appropriate authority received  
14 within 120 days after the violation occurred, the lessor  
15 provides within 60 days after such receipt the name and  
16 address of the lessee. The driver's license number of a lessee  
17 may be subsequently individually requested by the appropriate  
18 authority if needed for enforcement of this Section.

19 Upon the provision of information by the lessor pursuant  
20 to this subsection, the county or municipality may issue the  
21 violation to the lessee of the vehicle in the same manner as it  
22 would issue a violation to a registered owner of a vehicle  
23 pursuant to this Section, and the lessee may be held liable for  
24 the violation.

25 (q) (Blank).

26 (q-1) A municipality or county shall make a certified

1 report to the Secretary of State pursuant to Section 6-306.5-1  
2 of this Code whenever a registered owner of a vehicle has  
3 failed to pay any fine or penalty due and owing as a result of  
4 a combination of 5 offenses for automated traffic law or speed  
5 enforcement system violations.

6 (r) After a municipality or county enacts an ordinance  
7 providing for automated traffic law enforcement systems under  
8 this Section, each school district within that municipality or  
9 county's jurisdiction may implement an automated traffic law  
10 enforcement system under this Section. The elected school  
11 board for that district must approve the implementation of an  
12 automated traffic law enforcement system. The school district  
13 shall be responsible for entering into a contract, approved by  
14 the elected school board of that district, with vendors for  
15 the installation, maintenance, and operation of the automated  
16 traffic law enforcement system. The school district must enter  
17 into an intergovernmental agreement, approved by the elected  
18 school board of that district, with the municipality or county  
19 with jurisdiction over that school district for the  
20 administration of the automated traffic law enforcement  
21 system. The proceeds from a school district's automated  
22 traffic law enforcement system's fines shall be divided  
23 equally between the school district and the municipality or  
24 county administering the automated traffic law enforcement  
25 system.

26 (s) If a county or municipality changes the vendor it uses

1 for its automated traffic law enforcement system and must, as  
2 a consequence, apply for a permit, approval, or other  
3 authorization from the Department for reinstallation of one or  
4 more malfunctioning components of that system and if, at the  
5 time of the application, the new vendor operates an automated  
6 traffic law enforcement system for any other county or  
7 municipality in the State, then the Department shall approve  
8 or deny the county or municipality's application for that  
9 permit, approval, or other authorization within 90 days after  
10 its receipt.

11 (t) The Department may revoke any permit, approval, or  
12 other authorization granted to a county or municipality for  
13 the placement, installation, or operation of an automated  
14 traffic law enforcement system if any official or employee who  
15 serves that county or municipality is charged with bribery,  
16 official misconduct, or a similar crime related to the  
17 placement, installation, or operation of the automated traffic  
18 law enforcement system in the county or municipality.

19 The Department shall adopt any rules necessary to  
20 implement and administer this subsection. The rules adopted by  
21 the Department shall describe the revocation process, shall  
22 ensure that notice of the revocation is provided, and shall  
23 provide an opportunity to appeal the revocation. Any county or  
24 municipality that has a permit, approval, or other  
25 authorization revoked under this subsection may not reapply  
26 for such a permit, approval, or other authorization for a

1 period of 1 year after the revocation.

2 (Source: P.A. 102-905, eff. 1-1-23; 102-982, eff. 7-1-23;  
3 103-154, eff. 6-30-23; 103-364, eff. 7-28-23.)

4 (625 ILCS 5/11-1201.1)

5 Sec. 11-1201.1. Automated railroad crossing enforcement  
6 system.

7 (a) For the purposes of this Section, an automated  
8 railroad grade crossing enforcement system is a system in a  
9 municipality or county operated by a governmental agency that  
10 produces a recorded image of a motor vehicle's violation of a  
11 provision of this Code or local ordinance and is designed to  
12 obtain a clear recorded image of the vehicle and vehicle's  
13 license plate. The recorded image must also display the time,  
14 date, and location of the violation.

15 As used in this Section, "recorded images" means images  
16 recorded by an automated railroad grade crossing enforcement  
17 system on:

18 (1) 2 or more photographs;

19 (2) 2 or more microphotographs;

20 (3) 2 or more electronic images; or

21 (4) a video recording showing the motor vehicle and,  
22 on at least one image or portion of the recording, clearly  
23 identifying the registration plate or digital registration  
24 plate number of the motor vehicle.

25 (b) The Illinois Commerce Commission may, in cooperation

1 with a local law enforcement agency, establish in any county  
2 or municipality an automated railroad grade crossing  
3 enforcement system at any railroad grade crossing equipped  
4 with a crossing gate designated by local authorities. Local  
5 authorities desiring the establishment of an automated  
6 railroad crossing enforcement system must initiate the process  
7 by enacting a local ordinance requesting the creation of such  
8 a system. After the ordinance has been enacted, and before any  
9 additional steps toward the establishment of the system are  
10 undertaken, the local authorities and the Commission must  
11 agree to a plan for obtaining, from any combination of  
12 federal, State, and local funding sources, the moneys required  
13 for the purchase and installation of any necessary equipment.

14 (b-1) (Blank).

15 (c) For each violation of Section 11-1201 of this Code or a  
16 local ordinance recorded by an automated railroad grade  
17 crossing enforcement system, the county or municipality having  
18 jurisdiction shall issue a written notice of the violation to  
19 the registered owner of the vehicle as the alleged violator.  
20 The notice shall be delivered to the registered owner of the  
21 vehicle, by mail, no later than 90 days after the violation.

22 The notice shall include:

23 (1) the name and address of the registered owner of  
24 the vehicle;

25 (2) the registration number of the motor vehicle  
26 involved in the violation;

- 1 (3) the violation charged;
- 2 (4) the location where the violation occurred;
- 3 (5) the date and time of the violation;
- 4 (6) a copy of the recorded images;
- 5 (7) the amount of the civil penalty imposed and the  
6 date by which the civil penalty should be paid;
- 7 (8) a statement that recorded images are evidence of a  
8 violation of a railroad grade crossing;
- 9 (9) a warning that failure to pay the civil penalty or  
10 to contest liability in a timely manner is an admission of  
11 liability and may result in a suspension of the driving  
12 privileges of the registered owner of the vehicle; and
- 13 (10) a statement that the person may elect to proceed  
14 by:
- 15 (A) paying the fine; or
- 16 (B) challenging the charge in court, by mail, or  
17 by administrative hearing.
- 18 (d) (Blank).
- 19 (d-1) (Blank).
- 20 (d-2) (Blank).
- 21 (d-3) If a person charged with a traffic violation, as a  
22 result of an automated railroad grade crossing enforcement  
23 system, does not pay or successfully contest the civil penalty  
24 resulting from that violation, the Secretary of State shall  
25 suspend the driving privileges of the registered owner of the  
26 vehicle under Section 6-306.5-1 of this Code for failing to

1 pay any fine or penalty due and owing as a result of 5  
2 violations of the automated railroad grade crossing  
3 enforcement system.

4 (e) Based on inspection of recorded images produced by an  
5 automated railroad grade crossing enforcement system, a notice  
6 alleging that the violation occurred shall be evidence of the  
7 facts contained in the notice and admissible in any proceeding  
8 alleging a violation under this Section.

9 (e-1) Recorded images made by an automated railroad grade  
10 crossing enforcement system are confidential and shall be made  
11 available only to the alleged violator and governmental and  
12 law enforcement agencies for purposes of adjudicating a  
13 violation of this Section, for statistical purposes, or for  
14 other governmental purposes. Any recorded image evidencing a  
15 violation of this Section, however, may be admissible in any  
16 proceeding resulting from the issuance of the citation.

17 (e-2) The court or hearing officer may consider the  
18 following in the defense of a violation:

19 (1) that the motor vehicle or registration plates or  
20 digital registration plates of the motor vehicle were  
21 stolen before the violation occurred and not under the  
22 control of or in the possession of the owner or lessee at  
23 the time of the violation;

24 (1.5) that the motor vehicle was hijacked before the  
25 violation occurred and not under the control of or in the  
26 possession of the owner or lessee at the time of the

1 violation;

2 (2) that the driver of the motor vehicle received a  
3 Uniform Traffic Citation from a police officer at the time  
4 of the violation for the same offense;

5 (3) any other evidence or issues provided by municipal  
6 or county ordinance.

7 (e-3) To demonstrate that the motor vehicle was hijacked  
8 or the motor vehicle or registration plates or digital  
9 registration plates were stolen before the violation occurred  
10 and were not under the control or possession of the owner or  
11 lessee at the time of the violation, the owner or lessee must  
12 submit proof that a report concerning the motor vehicle or  
13 registration plates was filed with a law enforcement agency in  
14 a timely manner.

15 (f) Rail crossings equipped with an automatic railroad  
16 grade crossing enforcement system shall be posted with a sign  
17 visible to approaching traffic stating that the railroad grade  
18 crossing is being monitored, that citations will be issued,  
19 and the amount of the fine for violation.

20 (g) The compensation paid for an automated railroad grade  
21 crossing enforcement system must be based on the value of the  
22 equipment or the services provided and may not be based on the  
23 number of citations issued or the revenue generated by the  
24 system.

25 (h) (Blank).

26 (i) If any part or parts of this Section are held by a



1 court of competent jurisdiction to be unconstitutional, the  
2 unconstitutionality shall not affect the validity of the  
3 remaining parts of this Section. The General Assembly hereby  
4 declares that it would have passed the remaining parts of this  
5 Section if it had known that the other part or parts of this  
6 Section would be declared unconstitutional.

7 (j) Penalty. A civil fine of \$250 shall be imposed for a  
8 first violation of this Section, and a civil fine of \$500 shall  
9 be imposed for a second or subsequent violation of this  
10 Section.

11 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;  
12 102-813, eff. 5-13-22; 102-905, eff. 1-1-23.)

13 Section 2-180. The Illinois Vehicle Code is amended by  
14 changing Sections 6-303, 6-306.5-1, and 6-306.9 and by adding  
15 Sections 4-214.2 and 6-306.5-1 as follows:

16 (625 ILCS 5/4-214.2 new)

17 Sec. 4-214.2. Failure to pay fines, charges, and costs on  
18 an abandoned vehicle.

19 (a) Whenever any resident of this State fails to pay any  
20 fine, charge, or cost imposed for a violation of Section 4-201  
21 of this Code, or a similar provision of a local ordinance, the  
22 clerk shall notify the Secretary of State, on a report  
23 prescribed by the Secretary, and the Secretary shall prohibit  
24 the renewal, reissue, or reinstatement of the resident's

1 driving privileges until the fine, charge, or cost has been  
2 paid in full. The clerk shall provide notice to the owner, at  
3 the owner's last known address as shown on the court's  
4 records, stating that the action will be effective on the 46th  
5 day following the date of the above notice if payment is not  
6 received in full by the court of venue.

7 (b) Following receipt of the report from the clerk, the  
8 Secretary of State shall make the proper notation to the  
9 owner's file to prohibit the renewal, reissue, or  
10 reinstatement of the owner's driving privileges. Except as  
11 provided in subsection (d) of this Section, the notation shall  
12 not be removed from the owner's record until the owner  
13 satisfies the outstanding fine, charge, or cost and an  
14 appropriate notice on a form prescribed by the Secretary is  
15 received by the Secretary from the court of venue, stating  
16 that the fine, charge, or cost has been paid in full. Upon  
17 payment in full of a fine, charge, or court cost which has  
18 previously been reported under this Section as unpaid, the  
19 clerk of the court shall present the owner with a signed  
20 receipt containing the seal of the court indicating that the  
21 fine, charge, or cost has been paid in full, and shall forward  
22 immediately to the Secretary of State a notice stating that  
23 the fine, charge, or cost has been paid in full.

24 (c) Notwithstanding the receipt of a report from the clerk  
25 as prescribed in subsection (a), nothing in this Section is  
26 intended to place any responsibility upon the Secretary of

1 State to provide independent notice to the owner of any  
2 potential action to disallow the renewal, reissue, or  
3 reinstatement of the owner's driving privileges.

4 (d) The Secretary of State shall renew, reissue, or  
5 reinstate an owner's driving privileges which were previously  
6 refused under this Section upon presentation of an original  
7 receipt which is signed by the clerk of the court and contains  
8 the seal of the court indicating that the fine, charge, or cost  
9 has been paid in full. The Secretary of State shall retain the  
10 receipt for his or her records.

11 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

12 Sec. 6-303. Driving while driver's license, permit, or  
13 privilege to operate a motor vehicle is suspended or revoked.

14 (a) Except as otherwise provided in subsection (a-5) or  
15 (a-7), any person who drives or is in actual physical control  
16 of a motor vehicle on any highway of this State at a time when  
17 such person's driver's license, permit, or privilege to do so  
18 or the privilege to obtain a driver's license or permit is  
19 revoked or suspended as provided by this Code or the law of  
20 another state, except as may be specifically allowed by a  
21 judicial driving permit issued prior to January 1, 2009,  
22 monitoring device driving permit, family financial  
23 responsibility driving permit, probationary license to drive,  
24 or a restricted driving permit issued pursuant to this Code or  
25 under the law of another state, shall be guilty of a Class A

1 misdemeanor.

2 (a-3) A second or subsequent violation of subsection (a)  
3 of this Section is a Class 4 felony if committed by a person  
4 whose driving or operation of a motor vehicle is the proximate  
5 cause of a motor vehicle crash that causes personal injury or  
6 death to another. For purposes of this subsection, a personal  
7 injury includes any Type A injury as indicated on the traffic  
8 crash report completed by a law enforcement officer that  
9 requires immediate professional attention in either a doctor's  
10 office or a medical facility. A Type A injury includes severe  
11 bleeding wounds, distorted extremities, and injuries that  
12 require the injured party to be carried from the scene.

13 (a-5) Any person who violates this Section as provided in  
14 subsection (a) while his or her driver's license, permit, or  
15 privilege is revoked because of a violation of Section 9-3 of  
16 the Criminal Code of 1961 or the Criminal Code of 2012,  
17 relating to the offense of reckless homicide, or a violation  
18 of subparagraph (F) of paragraph (1) of subsection (d) of  
19 Section 11-501 of this Code, relating to the offense of  
20 aggravated driving under the influence of alcohol, other drug  
21 or drugs, or intoxicating compound or compounds, or any  
22 combination thereof when the violation was a proximate cause  
23 of a death, or a similar provision of a law of another state,  
24 is guilty of a Class 4 felony. The person shall be required to  
25 undergo a professional evaluation, as provided in Section  
26 11-501 of this Code, to determine if an alcohol, drug, or

1 intoxicating compound problem exists and the extent of the  
2 problem, and to undergo the imposition of treatment as  
3 appropriate.

4 (a-7) Any person who violates this Section as provided in  
5 subsection (a) while his or her driver's license or privilege  
6 to drive is suspended under Section 6-306.5-1 ~~6-306.5~~ or 7-702  
7 of this Code shall receive a Uniform Traffic Citation from the  
8 law enforcement officer. A person who receives 3 or more  
9 Uniform Traffic Citations under this subsection (a-7) without  
10 paying any fees associated with the citations shall be guilty  
11 of a Class A misdemeanor.

12 (a-10) A person's driver's license, permit, or privilege  
13 to obtain a driver's license or permit may be subject to  
14 multiple revocations, multiple suspensions, or any combination  
15 of both simultaneously. No revocation or suspension shall  
16 serve to negate, invalidate, cancel, postpone, or in any way  
17 lessen the effect of any other revocation or suspension  
18 entered prior or subsequent to any other revocation or  
19 suspension.

20 (b) (Blank).

21 (b-1) Except for a person under subsection (a-7) of this  
22 Section, upon receiving a report of the conviction of any  
23 violation indicating a person was operating a motor vehicle  
24 during the time when the person's driver's license, permit, or  
25 privilege was suspended by the Secretary of State or the  
26 driver's licensing administrator of another state, except as

1 specifically allowed by a probationary license, judicial  
2 driving permit, restricted driving permit, or monitoring  
3 device driving permit, the Secretary shall extend the  
4 suspension for the same period of time as the originally  
5 imposed suspension unless the suspension has already expired,  
6 in which case the Secretary shall be authorized to suspend the  
7 person's driving privileges for the same period of time as the  
8 originally imposed suspension.

9 (b-2) Except as provided in subsection (b-6) or (a-7),  
10 upon receiving a report of the conviction of any violation  
11 indicating a person was operating a motor vehicle when the  
12 person's driver's license, permit, or privilege was revoked by  
13 the Secretary of State or the driver's license administrator  
14 of any other state, except as specifically allowed by a  
15 restricted driving permit issued pursuant to this Code or the  
16 law of another state, the Secretary shall not issue a driver's  
17 license for an additional period of one year from the date of  
18 such conviction indicating such person was operating a vehicle  
19 during such period of revocation.

20 (b-3) (Blank).

21 (b-4) When the Secretary of State receives a report of a  
22 conviction of any violation indicating a person was operating  
23 a motor vehicle that was not equipped with an ignition  
24 interlock device during a time when the person was prohibited  
25 from operating a motor vehicle not equipped with such a  
26 device, the Secretary shall not issue a driver's license to

1 that person for an additional period of one year from the date  
2 of the conviction.

3 (b-5) Any person convicted of violating this Section shall  
4 serve a minimum term of imprisonment of 30 consecutive days or  
5 300 hours of community service when the person's driving  
6 privilege was revoked or suspended as a result of a violation  
7 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
8 Code of 2012, relating to the offense of reckless homicide, or  
9 a violation of subparagraph (F) of paragraph (1) of subsection  
10 (d) of Section 11-501 of this Code, relating to the offense of  
11 aggravated driving under the influence of alcohol, other drug  
12 or drugs, or intoxicating compound or compounds, or any  
13 combination thereof when the violation was a proximate cause  
14 of a death, or a similar provision of a law of another state.  
15 The court may give credit toward the fulfillment of community  
16 service hours for participation in activities and treatment as  
17 determined by court services.

18 (b-6) Upon receiving a report of a first conviction of  
19 operating a motor vehicle while the person's driver's license,  
20 permit, or privilege was revoked where the revocation was for  
21 a violation of Section 9-3 of the Criminal Code of 1961 or the  
22 Criminal Code of 2012 relating to the offense of reckless  
23 homicide, or a violation of subparagraph (F) of paragraph (1)  
24 of subsection (d) of Section 11-501 of this Code, relating to  
25 the offense of aggravated driving under the influence of  
26 alcohol, other drug or drugs, or intoxicating compound or

1 compounds, or any combination thereof when the violation was a  
2 proximate cause of a death, or a similar out-of-state offense,  
3 the Secretary shall not issue a driver's license for an  
4 additional period of 3 years from the date of such conviction.

5 (c) Except as provided in subsections (c-3) and (c-4), any  
6 person convicted of violating this Section shall serve a  
7 minimum term of imprisonment of 10 consecutive days or 30 days  
8 of community service when the person's driving privilege was  
9 revoked or suspended as a result of:

10 (1) a violation of Section 11-501 of this Code or a  
11 similar provision of a local ordinance relating to the  
12 offense of operating or being in physical control of a  
13 vehicle while under the influence of alcohol, any other  
14 drug or any combination thereof; or

15 (2) a violation of paragraph (b) of Section 11-401 of  
16 this Code or a similar provision of a local ordinance  
17 relating to the offense of leaving the scene of a motor  
18 vehicle crash involving personal injury or death; or

19 (3) a statutory summary suspension or revocation under  
20 Section 11-501.1 of this Code.

21 Such sentence of imprisonment or community service shall  
22 not be subject to suspension in order to reduce such sentence.

23 (c-1) Except as provided in subsections (a-7), (c-5), and  
24 (d), any person convicted of a second violation of this  
25 Section shall be ordered by the court to serve a minimum of 100  
26 hours of community service. The court may give credit toward



1 the fulfillment of community service hours for participation  
2 in activities and treatment as determined by court services.

3 (c-2) In addition to other penalties imposed under this  
4 Section, the court may impose on any person convicted a fourth  
5 time of violating this Section any of the following:

6 (1) Seizure of the license plates of the person's  
7 vehicle.

8 (2) Immobilization of the person's vehicle for a  
9 period of time to be determined by the court.

10 (c-3) Any person convicted of a violation of this Section  
11 during a period of summary suspension imposed pursuant to  
12 Section 11-501.1 when the person was eligible for a monitoring  
13 device driving permit shall be guilty of a Class 4 felony and  
14 shall serve a minimum term of imprisonment of 30 days.

15 (c-4) Any person who has been issued a monitoring device  
16 driving permit or a restricted driving permit which requires  
17 the person to operate only motor vehicles equipped with an  
18 ignition interlock device and who is convicted of a violation  
19 of this Section as a result of operating or being in actual  
20 physical control of a motor vehicle not equipped with an  
21 ignition interlock device at the time of the offense shall be  
22 guilty of a Class 4 felony and shall serve a minimum term of  
23 imprisonment of 30 days.

24 (c-5) Any person convicted of a second violation of this  
25 Section is guilty of a Class 2 felony, is not eligible for  
26 probation or conditional discharge, and shall serve a

1 mandatory term of imprisonment, if:

2 (1) the current violation occurred when the person's  
3 driver's license was suspended or revoked for a violation  
4 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
5 Code of 2012, relating to the offense of reckless  
6 homicide, or a violation of subparagraph (F) of paragraph  
7 (1) of subsection (d) of Section 11-501 of this Code,  
8 relating to the offense of aggravated driving under the  
9 influence of alcohol, other drug or drugs, or intoxicating  
10 compound or compounds, or any combination thereof when the  
11 violation was a proximate cause of a death, or a similar  
12 out-of-state offense; and

13 (2) the prior conviction under this Section occurred  
14 while the person's driver's license was suspended or  
15 revoked for a violation of Section 9-3 of the Criminal  
16 Code of 1961 or the Criminal Code of 2012 relating to the  
17 offense of reckless homicide, or a violation of  
18 subparagraph (F) of paragraph (1) of subsection (d) of  
19 Section 11-501 of this Code, relating to the offense of  
20 aggravated driving under the influence of alcohol, other  
21 drug or drugs, or intoxicating compound or compounds, or  
22 any combination thereof when the violation was a proximate  
23 cause of a death, or a similar out-of-state offense, or  
24 was suspended or revoked for a violation of Section 11-401  
25 or 11-501 of this Code, a similar out-of-state offense, a  
26 similar provision of a local ordinance, or a statutory

1 summary suspension or revocation under Section 11-501.1 of  
2 this Code.

3 (d) Any person convicted of a second violation of this  
4 Section shall be guilty of a Class 4 felony and shall serve a  
5 minimum term of imprisonment of 30 days or 300 hours of  
6 community service, as determined by the court, if:

7 (1) the current violation occurred when the person's  
8 driver's license was suspended or revoked for a violation  
9 of Section 11-401 or 11-501 of this Code, a similar  
10 out-of-state offense, a similar provision of a local  
11 ordinance, or a statutory summary suspension or revocation  
12 under Section 11-501.1 of this Code; and

13 (2) the prior conviction under this Section occurred  
14 while the person's driver's license was suspended or  
15 revoked for a violation of Section 11-401 or 11-501 of  
16 this Code, a similar out-of-state offense, a similar  
17 provision of a local ordinance, or a statutory summary  
18 suspension or revocation under Section 11-501.1 of this  
19 Code, or for a violation of Section 9-3 of the Criminal  
20 Code of 1961 or the Criminal Code of 2012, relating to the  
21 offense of reckless homicide, or a violation of  
22 subparagraph (F) of paragraph (1) of subsection (d) of  
23 Section 11-501 of this Code, relating to the offense of  
24 aggravated driving under the influence of alcohol, other  
25 drug or drugs, or intoxicating compound or compounds, or  
26 any combination thereof when the violation was a proximate

1 cause of a death, or a similar out-of-state offense.

2 The court may give credit toward the fulfillment of  
3 community service hours for participation in activities and  
4 treatment as determined by court services.

5 (d-1) Except as provided in subsections (a-7), (d-2),  
6 (d-2.5), and (d-3), any person convicted of a third or  
7 subsequent violation of this Section shall serve a minimum  
8 term of imprisonment of 30 days or 300 hours of community  
9 service, as determined by the court. The court may give credit  
10 toward the fulfillment of community service hours for  
11 participation in activities and treatment as determined by  
12 court services.

13 (d-2) Any person convicted of a third violation of this  
14 Section is guilty of a Class 4 felony and must serve a minimum  
15 term of imprisonment of 30 days, if:

16 (1) the current violation occurred when the person's  
17 driver's license was suspended or revoked for a violation  
18 of Section 11-401 or 11-501 of this Code, or a similar  
19 out-of-state offense, or a similar provision of a local  
20 ordinance, or a statutory summary suspension or revocation  
21 under Section 11-501.1 of this Code; and

22 (2) the prior convictions under this Section occurred  
23 while the person's driver's license was suspended or  
24 revoked for a violation of Section 11-401 or 11-501 of  
25 this Code, a similar out-of-state offense, a similar  
26 provision of a local ordinance, or a statutory summary

1 suspension or revocation under Section 11-501.1 of this  
2 Code, or for a violation of Section 9-3 of the Criminal  
3 Code of 1961 or the Criminal Code of 2012, relating to the  
4 offense of reckless homicide, or a violation of  
5 subparagraph (F) of paragraph (1) of subsection (d) of  
6 Section 11-501 of this Code, relating to the offense of  
7 aggravated driving under the influence of alcohol, other  
8 drug or drugs, or intoxicating compound or compounds, or  
9 any combination thereof when the violation was a proximate  
10 cause of a death, or a similar out-of-state offense.

11 (d-2.5) Any person convicted of a third violation of this  
12 Section is guilty of a Class 1 felony, is not eligible for  
13 probation or conditional discharge, and must serve a mandatory  
14 term of imprisonment, if:

15 (1) the current violation occurred while the person's  
16 driver's license was suspended or revoked for a violation  
17 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
18 Code of 2012, relating to the offense of reckless  
19 homicide, or a violation of subparagraph (F) of paragraph  
20 (1) of subsection (d) of Section 11-501 of this Code,  
21 relating to the offense of aggravated driving under the  
22 influence of alcohol, other drug or drugs, or intoxicating  
23 compound or compounds, or any combination thereof when the  
24 violation was a proximate cause of a death, or a similar  
25 out-of-state offense. The person's driving privileges  
26 shall be revoked for the remainder of the person's life;

1 and

2 (2) the prior convictions under this Section occurred  
3 while the person's driver's license was suspended or  
4 revoked for a violation of Section 9-3 of the Criminal  
5 Code of 1961 or the Criminal Code of 2012, relating to the  
6 offense of reckless homicide, or a violation of  
7 subparagraph (F) of paragraph (1) of subsection (d) of  
8 Section 11-501 of this Code, relating to the offense of  
9 aggravated driving under the influence of alcohol, other  
10 drug or drugs, or intoxicating compound or compounds, or  
11 any combination thereof when the violation was a proximate  
12 cause of a death, or a similar out-of-state offense, or  
13 was suspended or revoked for a violation of Section 11-401  
14 or 11-501 of this Code, a similar out-of-state offense, a  
15 similar provision of a local ordinance, or a statutory  
16 summary suspension or revocation under Section 11-501.1 of  
17 this Code.

18 (d-3) Any person convicted of a fourth, fifth, sixth,  
19 seventh, eighth, or ninth violation of this Section is guilty  
20 of a Class 4 felony and must serve a minimum term of  
21 imprisonment of 180 days, if:

22 (1) the current violation occurred when the person's  
23 driver's license was suspended or revoked for a violation  
24 of Section 11-401 or 11-501 of this Code, a similar  
25 out-of-state offense, a similar provision of a local  
26 ordinance, or a statutory summary suspension or revocation

1 under Section 11-501.1 of this Code; and

2 (2) the prior convictions under this Section occurred  
3 while the person's driver's license was suspended or  
4 revoked for a violation of Section 11-401 or 11-501 of  
5 this Code, a similar out-of-state offense, a similar  
6 provision of a local ordinance, or a statutory summary  
7 suspension or revocation under Section 11-501.1 of this  
8 Code, or for a violation of Section 9-3 of the Criminal  
9 Code of 1961 or the Criminal Code of 2012, relating to the  
10 offense of reckless homicide, or a violation of  
11 subparagraph (F) of paragraph (1) of subsection (d) of  
12 Section 11-501 of this Code, relating to the offense of  
13 aggravated driving under the influence of alcohol, other  
14 drug or drugs, or intoxicating compound or compounds, or  
15 any combination thereof when the violation was a proximate  
16 cause of a death, or a similar out-of-state offense.

17 (d-3.5) Any person convicted of a fourth or subsequent  
18 violation of this Section is guilty of a Class 1 felony, is not  
19 eligible for probation or conditional discharge, must serve a  
20 mandatory term of imprisonment, and is eligible for an  
21 extended term, if:

22 (1) the current violation occurred when the person's  
23 driver's license was suspended or revoked for a violation  
24 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
25 Code of 2012, relating to the offense of reckless  
26 homicide, or a violation of subparagraph (F) of paragraph

1 (1) of subsection (d) of Section 11-501 of this Code,  
2 relating to the offense of aggravated driving under the  
3 influence of alcohol, other drug or drugs, or intoxicating  
4 compound or compounds, or any combination thereof when the  
5 violation was a proximate cause of a death, or a similar  
6 out-of-state offense; and

7 (2) the prior convictions under this Section occurred  
8 while the person's driver's license was suspended or  
9 revoked for a violation of Section 9-3 of the Criminal  
10 Code of 1961 or the Criminal Code of 2012, relating to the  
11 offense of reckless homicide, or a violation of  
12 subparagraph (F) of paragraph (1) of subsection (d) of  
13 Section 11-501 of this Code, relating to the offense of  
14 aggravated driving under the influence of alcohol, other  
15 drug or drugs, or intoxicating compound or compounds, or  
16 any combination thereof when the violation was a proximate  
17 cause of a death, or a similar out-of-state offense, or  
18 was suspended or revoked for a violation of Section 11-401  
19 or 11-501 of this Code, a similar out-of-state offense, a  
20 similar provision of a local ordinance, or a statutory  
21 summary suspension or revocation under Section 11-501.1 of  
22 this Code.

23 (d-4) Any person convicted of a tenth, eleventh, twelfth,  
24 thirteenth, or fourteenth violation of this Section is guilty  
25 of a Class 3 felony, and is not eligible for probation or  
26 conditional discharge, if:



1           (1) the current violation occurred when the person's  
2 driver's license was suspended or revoked for a violation  
3 of Section 11-401 or 11-501 of this Code, or a similar  
4 out-of-state offense, or a similar provision of a local  
5 ordinance, or a statutory summary suspension or revocation  
6 under Section 11-501.1 of this Code; and

7           (2) the prior convictions under this Section occurred  
8 while the person's driver's license was suspended or  
9 revoked for a violation of Section 11-401 or 11-501 of  
10 this Code, a similar out-of-state offense, a similar  
11 provision of a local ordinance, or a statutory suspension  
12 or revocation under Section 11-501.1 of this Code, or for  
13 a violation of Section 9-3 of the Criminal Code of 1961 or  
14 the Criminal Code of 2012, relating to the offense of  
15 reckless homicide, or a violation of subparagraph (F) of  
16 paragraph (1) of subsection (d) of Section 11-501 of this  
17 Code, relating to the offense of aggravated driving under  
18 the influence of alcohol, other drug or drugs, or  
19 intoxicating compound or compounds, or any combination  
20 thereof when the violation was a proximate cause of a  
21 death, or a similar out-of-state offense.

22           (d-5) Any person convicted of a fifteenth or subsequent  
23 violation of this Section is guilty of a Class 2 felony, and is  
24 not eligible for probation or conditional discharge, if:

25           (1) the current violation occurred when the person's  
26 driver's license was suspended or revoked for a violation

1 of Section 11-401 or 11-501 of this Code, or a similar  
2 out-of-state offense, or a similar provision of a local  
3 ordinance, or a statutory summary suspension or revocation  
4 under Section 11-501.1 of this Code; and

5 (2) the prior convictions under this Section occurred  
6 while the person's driver's license was suspended or  
7 revoked for a violation of Section 11-401 or 11-501 of  
8 this Code, a similar out-of-state offense, a similar  
9 provision of a local ordinance, or a statutory summary  
10 suspension or revocation under Section 11-501.1 of this  
11 Code, or for a violation of Section 9-3 of the Criminal  
12 Code of 1961 or the Criminal Code of 2012, relating to the  
13 offense of reckless homicide, or a violation of  
14 subparagraph (F) of paragraph (1) of subsection (d) of  
15 Section 11-501 of this Code, relating to the offense of  
16 aggravated driving under the influence of alcohol, other  
17 drug or drugs, or intoxicating compound or compounds, or  
18 any combination thereof when the violation was a proximate  
19 cause of a death, or a similar out-of-state offense.

20 (e) Any person in violation of this Section who is also in  
21 violation of Section 7-601 of this Code relating to mandatory  
22 insurance requirements, in addition to other penalties imposed  
23 under this Section, shall have his or her motor vehicle  
24 immediately impounded by the arresting law enforcement  
25 officer. The motor vehicle may be released to any licensed  
26 driver upon a showing of proof of insurance for the vehicle

1 that was impounded and the notarized written consent for the  
2 release by the vehicle owner.

3 (f) For any prosecution under this Section, a certified  
4 copy of the driving abstract of the defendant shall be  
5 admitted as proof of any prior conviction.

6 (g) The motor vehicle used in a violation of this Section  
7 is subject to seizure and forfeiture as provided in Sections  
8 36-1 and 36-2 of the Criminal Code of 2012 if the person's  
9 driving privilege was revoked or suspended as a result of:

10 (1) a violation of Section 11-501 of this Code, a  
11 similar provision of a local ordinance, or a similar  
12 provision of a law of another state;

13 (2) a violation of paragraph (b) of Section 11-401 of  
14 this Code, a similar provision of a local ordinance, or a  
15 similar provision of a law of another state;

16 (3) a statutory summary suspension or revocation under  
17 Section 11-501.1 of this Code or a similar provision of a  
18 law of another state; or

19 (4) a violation of Section 9-3 of the Criminal Code of  
20 1961 or the Criminal Code of 2012 relating to the offense  
21 of reckless homicide, or a violation of subparagraph (F)  
22 of paragraph (1) of subsection (d) of Section 11-501 of  
23 this Code, relating to the offense of aggravated driving  
24 under the influence of alcohol, other drug or drugs, or  
25 intoxicating compound or compounds, or any combination  
26 thereof when the violation was a proximate cause of a

1 death, or a similar provision of a law of another state.

2 (Source: P.A. 101-81, eff. 7-12-19; 102-982, eff. 7-1-23.)

3 (625 ILCS 5/6-306.5-1 new)

4 Sec. 6-306.5-1. Failure to pay fine or penalty for  
5 standing, parking, compliance, automated speed enforcement  
6 system, or automated traffic law violations; suspension of  
7 driving privileges.

8 (a) Upon receipt of a certified report, as prescribed by  
9 subsection (c) of this Section, from any municipality or  
10 county stating that the owner of a registered vehicle has  
11 failed to pay any fine or penalty due and owing as a result of  
12 5 offenses for automated speed enforcement system violations  
13 or automated traffic violations as defined in Sections  
14 11-208.6, 11-208.8, 11-208.9, or 11-1201.1, or combination  
15 thereof, or is more than 14 days in default of a payment plan  
16 pursuant to which a suspension had been terminated under  
17 subsection (c) of this Section, the Secretary of State shall  
18 suspend the driving privileges of such person in accordance  
19 with the procedures set forth in this Section. The Secretary  
20 shall also suspend the driving privileges of an owner of a  
21 registered vehicle upon receipt of a certified report, as  
22 prescribed by subsection (f) of this Section, from any  
23 municipality or county stating that such person has failed to  
24 satisfy any fines or penalties imposed by final judgments for  
25 5 or more automated speed enforcement system or automated

1 traffic law violations, or combination thereof, after  
2 exhaustion of judicial review procedures.

3 (b) Following receipt of the certified report of the  
4 municipality or county as specified in this Section, the  
5 Secretary of State shall notify the person whose name appears  
6 on the certified report that the person's driver's license  
7 will be suspended at the end of a specified period of time  
8 unless the Secretary of State is presented with a notice from  
9 the municipality or county certifying that the fine or penalty  
10 due and owing the municipality or county has been paid or that  
11 inclusion of that person's name on the certified report was in  
12 error. The Secretary's notice shall state in substance the  
13 information contained in the municipality's or county's  
14 certified report to the Secretary, and shall be effective as  
15 specified by subsection (c) of Section 6-211 of this Code.

16 (c) The report of the appropriate municipal or county  
17 official notifying the Secretary of State of unpaid fines or  
18 penalties pursuant to this Section shall be certified and  
19 shall contain the following:

20 (1) The name, last known address as recorded with the  
21 Secretary of State, as provided by the lessor of the cited  
22 vehicle at the time of lease, or as recorded in a United  
23 States Post Office approved database if any notice sent  
24 under Section 11-208.3 of this Code is returned as  
25 undeliverable, and driver's license number of the person  
26 who failed to pay the fine or penalty or who has defaulted

1 in a payment plan and the registration number of any  
2 vehicle known to be registered to such person in this  
3 State.

4 (2) The name of the municipality or county making the  
5 report pursuant to this Section.

6 (3) A statement that the municipality or county sent a  
7 notice of impending driver's license suspension as  
8 prescribed by ordinance enacted pursuant to Section  
9 11-208.3 of this Code or a notice of default in a payment  
10 plan, to the person named in the report at the address  
11 recorded with the Secretary of State or at the last  
12 address known to the lessor of the cited vehicle at the  
13 time of lease or, if any notice sent under Section  
14 11-208.3 of this Code is returned as undeliverable, at the  
15 last known address recorded in a United States Post Office  
16 approved database; the date on which such notice was sent;  
17 and the address to which such notice was sent. In a  
18 municipality or county with a population of 1,000,000 or  
19 more, the report shall also include a statement that the  
20 alleged violator's State vehicle registration number and  
21 vehicle make, if specified on the automated speed  
22 enforcement system violation or automated traffic law  
23 violation notice, are correct as they appear on the  
24 citations.

25 (4) A unique identifying reference number for each  
26 request of suspension sent whenever a person has failed to

1 pay the fine or penalty or has defaulted on a payment plan.

2 (d) Any municipality or county making a certified report  
3 to the Secretary of State pursuant to this Section shall  
4 notify the Secretary of State, in a form prescribed by the  
5 Secretary, whenever a person named in the certified report has  
6 paid the previously reported fine or penalty, whenever a  
7 person named in the certified report has entered into a  
8 payment plan pursuant to which the municipality or county has  
9 agreed to terminate the suspension, or whenever the  
10 municipality or county determines that the original report was  
11 in error. A certified copy of such notification shall also be  
12 given upon request and at no additional charge to the person  
13 named therein. Upon receipt of the municipality's or county's  
14 notification or presentation of a certified copy of such  
15 notification, the Secretary of State shall terminate the  
16 suspension.

17 (e) Any municipality or county making a certified report  
18 to the Secretary of State pursuant to this Section shall also  
19 by ordinance establish procedures for persons to challenge the  
20 accuracy of the certified report. The ordinance shall also  
21 state the grounds for such a challenge, which may be limited to  
22 (1) the person not having been the owner or lessee of the  
23 vehicle or vehicles receiving a combination of 5 or more  
24 automated speed enforcement system or automated traffic law  
25 violations on the date or dates such notices were issued; and  
26 (2) the person having already paid the fine or penalty for the

1 combination of 5 or more automated speed enforcement system or  
2 automated traffic law violations indicated on the certified  
3 report.

4 (f) Any municipality or county, other than a municipality  
5 or county establishing automated speed enforcement system  
6 regulations under Section 11-208.8, or automated traffic law  
7 regulations under Section 11-208.6, 11-208.9, or 11-1201.1,  
8 may also cause a suspension of a person's driver's license  
9 pursuant to this Section. Such municipality or county may  
10 invoke this sanction by making a certified report to the  
11 Secretary of State upon a person's failure to satisfy any fine  
12 or penalty imposed by final judgment for a combination of 5 or  
13 more automated speed enforcement system or automated traffic  
14 law violations after exhaustion of judicial review procedures,  
15 but only if:

16 (1) the municipality or county complies with the  
17 provisions of this Section in all respects except in  
18 regard to enacting an ordinance pursuant to Section  
19 11-208.3;

20 (2) the municipality or county has sent a notice of  
21 impending driver's license suspension as prescribed by an  
22 ordinance enacted pursuant to subsection (g) of this  
23 Section; and

24 (3) in municipalities or counties with a population of  
25 1,000,000 or more, the municipality or county has verified  
26 that the alleged violator's State vehicle registration



1 number and vehicle make are correct as they appear on the  
2 citations.

3 (g) Any municipality or county, other than a municipality  
4 or county establishing automated speed enforcement system  
5 regulations under Section 11-208.8, or automated traffic law  
6 regulations under Section 11-208.6, 11-208.9, or 11-1201.1,  
7 may provide by ordinance for the sending of a notice of  
8 impending driver's license suspension to the person who has  
9 failed to satisfy any fine or penalty imposed by final  
10 judgment for a combination of 5 or more automated speed  
11 enforcement system or automated traffic law violations after  
12 exhaustion of judicial review procedures. An ordinance so  
13 providing shall specify that the notice sent to the person  
14 liable for any fine or penalty shall state that failure to pay  
15 the fine or penalty owing within 45 days of the notice's date  
16 will result in the municipality or county notifying the  
17 Secretary of State that the person's driver's license is  
18 eligible for suspension pursuant to this Section. The notice  
19 of impending driver's license suspension shall be sent by  
20 first class United States mail, postage prepaid, to the  
21 address recorded with the Secretary of State or at the last  
22 address known to the lessor of the cited vehicle at the time of  
23 lease or, if any notice sent under Section 11-208.3 of this  
24 Code is returned as undeliverable, to the last known address  
25 recorded in a United States Post Office approved database.

26 (h) An administrative hearing to contest an impending

1 suspension or a suspension made pursuant to this Section may  
2 be had upon filing a written request with the Secretary of  
3 State. The filing fee for this hearing shall be \$20, to be paid  
4 at the time the request is made. A municipality or county which  
5 files a certified report with the Secretary of State pursuant  
6 to this Section shall reimburse the Secretary for all  
7 reasonable costs incurred by the Secretary as a result of the  
8 filing of the report, including, but not limited to, the costs  
9 of providing the notice required pursuant to subsection (b)  
10 and the costs incurred by the Secretary in any hearing  
11 conducted with respect to the report pursuant to this  
12 subsection and any appeal from such a hearing.

13 (i) The provisions of this Section shall apply on and  
14 after January 1, 1988.

15 (j) For purposes of this Section, the term "compliance  
16 violation" is defined as in Section 11-208.3.

17 (625 ILCS 5/6-306.9 new)

18 Sec. 6-306.9. Failure to pay traffic fines, penalties, or  
19 court costs.

20 (a) Whenever any resident of this State fails to pay any  
21 traffic fine, penalty, or cost imposed for a violation of this  
22 Code, or similar provision of local ordinance, the clerk may  
23 notify the Secretary of State, on a report prescribed by the  
24 Secretary, and the Secretary shall prohibit the renewal,  
25 reissue or reinstatement of such resident's driving privileges

1 until such fine, penalty, or cost has been paid in full. The  
2 clerk shall provide notice to the driver, at the driver's last  
3 known address as shown on the court's records, stating that  
4 such action will be effective on the 46th day following the  
5 date of the above notice if payment is not received in full by  
6 the court of venue.

7 (a-1) Whenever any resident of this State who has made a  
8 partial payment on any traffic fine, penalty, or cost that was  
9 imposed under a conviction entered on or after January 1, 2005  
10 (the effective date of Public Act 93-788), for a violation of  
11 this Code or a similar provision of a local ordinance, fails to  
12 pay the remainder of the outstanding fine, penalty, or cost  
13 within the time limit set by the court, the clerk may notify  
14 the Secretary of State, on a report prescribed by the  
15 Secretary, and the Secretary shall prohibit the renewal,  
16 reissue, or reinstatement of the resident's driving privileges  
17 until the fine, penalty, or cost has been paid in full. The  
18 clerk shall provide notice to the driver, at the driver's last  
19 known address as shown on the court's records, stating that  
20 the action will be effective on the 46th day following the date  
21 of the notice if payment is not received in full by the court  
22 of venue.

23 (b) Except as provided in subsection (b-1), following  
24 receipt of the report from the clerk, the Secretary of State  
25 shall make the proper notation to the driver's file to  
26 prohibit the renewal, reissue or reinstatement of such

1 driver's driving privileges. Except as provided in paragraph  
2 (2) of subsection (d) of this Section, such notation shall not  
3 be removed from the driver's record until the driver satisfies  
4 the outstanding fine, penalty, or cost and an appropriate  
5 notice on a form prescribed by the Secretary is received by the  
6 Secretary from the court of venue, stating that such fine,  
7 penalty, or cost has been paid in full. Upon payment in full of  
8 a traffic fine, penalty, or court cost which has previously  
9 been reported under this Section as unpaid, the clerk of the  
10 court shall present the driver with a signed receipt  
11 containing the seal of the court indicating that such fine,  
12 penalty, or cost has been paid in full, and shall forward  
13 forthwith to the Secretary of State a notice stating that the  
14 fine, penalty, or cost has been paid in full.

15 (b-1) In a county with a population of 3,000,000 or more,  
16 following receipt of the report from the clerk, the Secretary  
17 of State shall make the proper notation to the driver's file to  
18 prohibit the renewal, reissue or reinstatement of such  
19 driver's driving privileges. Such notation shall not be  
20 removed from the driver's record until the driver satisfies  
21 the outstanding fine, penalty, or cost and an appropriate  
22 notice on a form prescribed by the Secretary is received by the  
23 Secretary directly from the court of venue, stating that such  
24 fine, penalty, or cost has been paid in full. Upon payment in  
25 full of a traffic fine, penalty, or court cost which has  
26 previously been reported under this Section as unpaid, the

1 clerk of the court shall forward forthwith directly to the  
2 Secretary of State a notice stating that the fine, penalty, or  
3 cost has been paid in full and shall provide the driver with a  
4 signed receipt containing the seal of the court, indicating  
5 that the fine, penalty, and cost have been paid in full. The  
6 receipt may not be used by the driver to clear the driver's  
7 record.

8 (c) The provisions of this Section shall be limited to a  
9 single action per arrest and as a post conviction measure  
10 only. Fines, penalty, or costs to be collected subsequent to  
11 orders of court supervision, or other available court  
12 diversions are not applicable to this Section.

13 (d) (1) Notwithstanding the receipt of a report from the  
14 clerk as prescribed in subsections (a) and (e), nothing in  
15 this Section is intended to place any responsibility upon the  
16 Secretary of State to provide independent notice to the driver  
17 of any potential action to disallow the renewal, reissue or  
18 reinstatement of such driver's driving privileges.

19 (2) Except as provided in subsection (b-1), the Secretary  
20 of State shall renew, reissue or reinstate a driver's driving  
21 privileges which were previously refused pursuant to this  
22 Section upon presentation of an original receipt which is  
23 signed by the clerk of the court and contains the seal of the  
24 court indicating that the fine, penalty, or cost has been paid  
25 in full. The Secretary of State shall retain such receipt for  
26 his records.

1       (e) Upon receipt of notification from another state that  
2       is a member of the Nonresident Violator Compact of 1977,  
3       stating a resident of this State failed to pay a traffic fine,  
4       penalty, or cost imposed for a violation that occurs in  
5       another state, the Secretary shall make the proper notation to  
6       the driver's license file to prohibit the renewal, reissue, or  
7       reinstatement of the resident's driving privileges until the  
8       fine, penalty, or cost has been paid in full. The Secretary of  
9       State shall renew, reissue, or reinstate the driver's driving  
10       privileges that were previously refused under this Section  
11       upon receipt of notification from the other state that  
12       indicates that the fine, penalty, or cost has been paid in  
13       full. The Secretary of State shall retain the out-of-state  
14       receipt for his or her records.

15       Section 2-185. The Snowmobile Registration and Safety Act  
16       is amended by changing Section 5-7 as follows:

17       (625 ILCS 40/5-7)

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

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

24             1. The alcohol concentration in that person's blood,

1 other bodily substance, or breath is a concentration at  
2 which driving a motor vehicle is prohibited under  
3 subdivision (1) of subsection (a) of Section 11-501 of the  
4 Illinois Vehicle Code;

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

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

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

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

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

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

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

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

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

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

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

24                 (1) a forfeiture of bail or collateral deposited to  
25                 secure a defendant's appearance in court when forfeiture  
26                 has not been vacated ~~an unvacated revocation of pretrial~~



1       ~~release~~; or

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

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

5               1. The person has a previous conviction under this  
6 Section;

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

14               3. The offense occurred during a period in which the  
15 person's privileges to operate a snowmobile are revoked or  
16 suspended, and the revocation or suspension was for a  
17 violation of this Section or was imposed under Section  
18 5-7.1.

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

25               (e-1) Every person convicted of violating this Section or  
26 a similar provision of a local ordinance who had a child under

1 the age of 16 on board the snowmobile at the time of offense  
2 shall be subject to a mandatory minimum fine of \$500 and shall  
3 be subject to a mandatory minimum of 5 days of community  
4 service in a program benefiting children. The assignment under  
5 this subsection shall not be subject to suspension nor shall  
6 the person be eligible for probation in order to reduce the  
7 assignment.

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

14 (e-3) In addition to any other penalties and liabilities,  
15 a person who is found guilty of violating this Section,  
16 including any person placed on court supervision, shall be  
17 fined \$100, payable to the circuit clerk, who shall distribute  
18 the money to the law enforcement agency that made the arrest or  
19 as provided in subsection (c) of Section 10-5 of the Criminal  
20 and Traffic Assessment Act if the arresting agency is a State  
21 agency, unless more than one agency is responsible for the  
22 arrest, in which case the amount shall be remitted to each unit  
23 of government equally. Any moneys received by a law  
24 enforcement agency under this subsection (e-3) shall be used  
25 to purchase law enforcement equipment or to provide law  
26 enforcement training that will assist in the prevention of

1 alcohol related criminal violence throughout the State. Law  
2 enforcement equipment shall include, but is not limited to,  
3 in-car video cameras, radar and laser speed detection devices,  
4 and alcohol breath testers.

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

11 (g) In addition to any criminal penalties imposed, the  
12 Department of Natural Resources shall suspend for a period of  
13 5 years the snowmobile operation privileges of any person  
14 convicted or found guilty of a felony under this Section.

15 (Source: P.A. 101-652, eff. 1-1-23; 102-145, eff. 7-23-21;  
16 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23.)

17 Section 2-190. The Clerks of Courts Act is amended by  
18 changing Section 27.3b as follows:

19 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

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

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

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

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

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

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

13 Section 2-195. The Attorney Act is amended by changing  
14 Section 9 as follows:

15 (705 ILCS 205/9) (from Ch. 13, par. 9)

16 Sec. 9. All attorneys and counselors at law, judges,  
17 clerks and sheriffs, and all other officers of the several  
18 courts within this state, shall be liable to be arrested and  
19 held to bail ~~terms of pretrial release~~, and shall be subject to  
20 the same legal process, and may in all respects be prosecuted  
21 and proceeded against in the same courts and in the same manner  
22 as other persons are, any law, usage or custom to the contrary  
23 notwithstanding: Provided, nevertheless, said judges,  
24 counselors or attorneys, clerks, sheriffs and other officers

1 of said courts, shall be privileged from arrest while  
2 attending courts, and whilst going to and returning from  
3 court.

4 (Source: R.S. 1874, p. 169; P.A. 101-652, eff. 1-1-23.)

5 Section 2-200. The Juvenile Court Act of 1987 is amended  
6 by changing Sections 1-7, 1-8, and 5-150 as follows:

7 (705 ILCS 405/1-7)

8 Sec. 1-7. Confidentiality of juvenile law enforcement and  
9 municipal ordinance violation records.

10 (A) All juvenile law enforcement records which have not  
11 been expunged are confidential and may never be disclosed to  
12 the general public or otherwise made widely available.  
13 Juvenile law enforcement records may be obtained only under  
14 this Section and Section 1-8 and Part 9 of Article V of this  
15 Act, when their use is needed for good cause and with an order  
16 from the juvenile court, as required by those not authorized  
17 to retain them. Inspection, copying, and disclosure of  
18 juvenile law enforcement records maintained by law enforcement  
19 agencies or records of municipal ordinance violations  
20 maintained by any State, local, or municipal agency that  
21 relate to a minor who has been investigated, arrested, or  
22 taken into custody before the minor's 18th birthday shall be  
23 restricted to the following:

24 (0.05) The minor who is the subject of the juvenile

1 law enforcement record, the minor's parents, guardian, and  
2 counsel.

3 (0.10) Judges of the circuit court and members of the  
4 staff of the court designated by the judge.

5 (0.15) An administrative adjudication hearing officer  
6 or members of the staff designated to assist in the  
7 administrative adjudication process.

8 (1) Any local, State, or federal law enforcement  
9 officers or designated law enforcement staff of any  
10 jurisdiction or agency when necessary for the discharge of  
11 their official duties during the investigation or  
12 prosecution of a crime or relating to a minor who has been  
13 adjudicated delinquent and there has been a previous  
14 finding that the act which constitutes the previous  
15 offense was committed in furtherance of criminal  
16 activities by a criminal street gang, or, when necessary  
17 for the discharge of its official duties in connection  
18 with a particular investigation of the conduct of a law  
19 enforcement officer, an independent agency or its staff  
20 created by ordinance and charged by a unit of local  
21 government with the duty of investigating the conduct of  
22 law enforcement officers. For purposes of this Section,  
23 "criminal street gang" has the meaning ascribed to it in  
24 Section 10 of the Illinois Streetgang Terrorism Omnibus  
25 Prevention Act.

26 (2) Prosecutors, public defenders, probation officers,

1 social workers, or other individuals assigned by the court  
2 to conduct a pre-adjudication or pre-disposition  
3 investigation, and individuals responsible for supervising  
4 or providing temporary or permanent care and custody for  
5 minors under the order of the juvenile court, when  
6 essential to performing their responsibilities.

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

9 (a) in the course of a trial when institution of  
10 criminal proceedings has been permitted or required  
11 under Section 5-805;

12 (b) when institution of criminal proceedings has  
13 been permitted or required under Section 5-805 and the  
14 minor is the subject of a proceeding to determine the  
15 amount of bail ~~conditions of pretrial release;~~

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

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

24 (4) Adult and Juvenile Prisoner Review Board.

25 (5) Authorized military personnel.

26 (5.5) Employees of the federal government authorized



1 by law.

2 (6) Persons engaged in bona fide research, with the  
3 permission of the Presiding Judge and the chief executive  
4 of the respective law enforcement agency; provided that  
5 publication of such research results in no disclosure of a  
6 minor's identity and protects the confidentiality of the  
7 minor's record.

8 (7) Department of Children and Family Services child  
9 protection investigators acting in their official  
10 capacity.

11 (8) The appropriate school official only if the agency  
12 or officer believes that there is an imminent threat of  
13 physical harm to students, school personnel, or others.

14 (A) Inspection and copying shall be limited to  
15 juvenile law enforcement records transmitted to the  
16 appropriate school official or officials whom the  
17 school has determined to have a legitimate educational  
18 or safety interest by a local law enforcement agency  
19 under a reciprocal reporting system established and  
20 maintained between the school district and the local  
21 law enforcement agency under Section 10-20.14 of the  
22 School Code concerning a minor enrolled in a school  
23 within the school district who has been arrested or  
24 taken into custody for any of the following offenses:

25 (i) any violation of Article 24 of the  
26 Criminal Code of 1961 or the Criminal Code of

1 2012;

2 (ii) a violation of the Illinois Controlled  
3 Substances Act;

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

5 (iv) a forcible felony as defined in Section  
6 2-8 of the Criminal Code of 1961 or the Criminal  
7 Code of 2012;

8 (v) a violation of the Methamphetamine Control  
9 and Community Protection Act;

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

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

13 (viii) a violation of Section 12-1, 12-2,  
14 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,  
15 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the  
16 Criminal Code of 1961 or the Criminal Code of  
17 2012.

18 The information derived from the juvenile law  
19 enforcement records shall be kept separate from and  
20 shall not become a part of the official school record  
21 of that child and shall not be a public record. The  
22 information shall be used solely by the appropriate  
23 school official or officials whom the school has  
24 determined to have a legitimate educational or safety  
25 interest to aid in the proper rehabilitation of the  
26 child and to protect the safety of students and

1 employees in the school. If the designated law  
2 enforcement and school officials deem it to be in the  
3 best interest of the minor, the student may be  
4 referred to in-school or community-based social  
5 services if those services are available.  
6 "Rehabilitation services" may include interventions by  
7 school support personnel, evaluation for eligibility  
8 for special education, referrals to community-based  
9 agencies such as youth services, behavioral healthcare  
10 service providers, drug and alcohol prevention or  
11 treatment programs, and other interventions as deemed  
12 appropriate for the student.

13 (B) Any information provided to appropriate school  
14 officials whom the school has determined to have a  
15 legitimate educational or safety interest by local law  
16 enforcement officials about a minor who is the subject  
17 of a current police investigation that is directly  
18 related to school safety shall consist of oral  
19 information only, and not written juvenile law  
20 enforcement records, and shall be used solely by the  
21 appropriate school official or officials to protect  
22 the safety of students and employees in the school and  
23 aid in the proper rehabilitation of the child. The  
24 information derived orally from the local law  
25 enforcement officials shall be kept separate from and  
26 shall not become a part of the official school record

1 of the child and shall not be a public record. This  
2 limitation on the use of information about a minor who  
3 is the subject of a current police investigation shall  
4 in no way limit the use of this information by  
5 prosecutors in pursuing criminal charges arising out  
6 of the information disclosed during a police  
7 investigation of the minor. For purposes of this  
8 paragraph, "investigation" means an official  
9 systematic inquiry by a law enforcement agency into  
10 actual or suspected criminal activity.

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

24 (10) The president of a park district. Inspection and  
25 copying shall be limited to juvenile law enforcement  
26 records transmitted to the president of the park district

1 by the Illinois State Police under Section 8-23 of the  
2 Park District Code or Section 16a-5 of the Chicago Park  
3 District Act concerning a person who is seeking employment  
4 with that park district and who has been adjudicated a  
5 juvenile delinquent for any of the offenses listed in  
6 subsection (c) of Section 8-23 of the Park District Code  
7 or subsection (c) of Section 16a-5 of the Chicago Park  
8 District Act.

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

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

16 (13) Collection agencies, contracted or otherwise  
17 engaged by a governmental entity, to collect any debts due  
18 and owing to the governmental entity.

19 (B)(1) Except as provided in paragraph (2), no law  
20 enforcement officer or other person or agency may knowingly  
21 transmit to the Department of Corrections, the Illinois State  
22 Police, or the Federal Bureau of Investigation any fingerprint  
23 or photograph relating to a minor who has been arrested or  
24 taken into custody before the minor's 18th birthday, unless  
25 the court in proceedings under this Act authorizes the  
26 transmission or enters an order under Section 5-805 permitting

1 or requiring the institution of criminal proceedings.

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

21 (C) The records of law enforcement officers, or of an  
22 independent agency created by ordinance and charged by a unit  
23 of local government with the duty of investigating the conduct  
24 of law enforcement officers, concerning all minors under 18  
25 years of age must be maintained separate from the records of  
26 arrests and may not be open to public inspection or their

1 contents disclosed to the public. For purposes of obtaining  
2 documents under this Section, a civil subpoena is not an order  
3 of the court.

4 (1) In cases where the law enforcement, or independent  
5 agency, records concern a pending juvenile court case, the  
6 party seeking to inspect the records shall provide actual  
7 notice to the attorney or guardian ad litem of the minor  
8 whose records are sought.

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

15 (3) In determining whether the records should be  
16 available for inspection, the court shall consider the  
17 minor's interest in confidentiality and rehabilitation  
18 over the moving party's interest in obtaining the  
19 information. Any records obtained in violation of this  
20 subsection (C) shall not be admissible in any criminal or  
21 civil proceeding, or operate to disqualify a minor from  
22 subsequently holding public office or securing employment,  
23 or operate as a forfeiture of any public benefit, right,  
24 privilege, or right to receive any license granted by  
25 public authority.

26 (D) Nothing contained in subsection (C) of this Section

1 shall prohibit the inspection or disclosure to victims and  
2 witnesses of photographs contained in the records of law  
3 enforcement agencies when the inspection and disclosure is  
4 conducted in the presence of a law enforcement officer for the  
5 purpose of the identification or apprehension of any person  
6 subject to the provisions of this Act or for the investigation  
7 or prosecution of any crime.

8 (E) Law enforcement officers, and personnel of an  
9 independent agency created by ordinance and charged by a unit  
10 of local government with the duty of investigating the conduct  
11 of law enforcement officers, may not disclose the identity of  
12 any minor in releasing information to the general public as to  
13 the arrest, investigation or disposition of any case involving  
14 a minor.

15 (F) Nothing contained in this Section shall prohibit law  
16 enforcement agencies from communicating with each other by  
17 letter, memorandum, teletype, or intelligence alert bulletin  
18 or other means the identity or other relevant information  
19 pertaining to a person under 18 years of age if there are  
20 reasonable grounds to believe that the person poses a real and  
21 present danger to the safety of the public or law enforcement  
22 officers. The information provided under this subsection (F)  
23 shall remain confidential and shall not be publicly disclosed,  
24 except as otherwise allowed by law.

25 (G) Nothing in this Section shall prohibit the right of a  
26 Civil Service Commission or appointing authority of any



1 federal government, state, county or municipality examining  
2 the character and fitness of an applicant for employment with  
3 a law enforcement agency, correctional institution, or fire  
4 department from obtaining and examining the records of any law  
5 enforcement agency relating to any record of the applicant  
6 having been arrested or taken into custody before the  
7 applicant's 18th birthday.

8 (G-5) Information identifying victims and alleged victims  
9 of sex offenses shall not be disclosed or open to the public  
10 under any circumstances. Nothing in this Section shall  
11 prohibit the victim or alleged victim of any sex offense from  
12 voluntarily disclosing this identity.

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

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

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

25 (J) A person convicted of violating this Section is liable  
26 for damages in the amount of \$1,000 or actual damages,

1 whichever is greater.

2 (Source: P.A. 102-538, eff. 8-20-21; 102-752, eff. 1-1-23;  
3 102-813, eff. 5-13-22; 103-22, eff. 8-8-23.)

4 (705 ILCS 405/1-8)

5 Sec. 1-8. Confidentiality and accessibility of juvenile  
6 court records.

7 (A) A juvenile adjudication shall never be considered a  
8 conviction nor shall an adjudicated individual be considered a  
9 criminal. Unless expressly allowed by law, a juvenile  
10 adjudication shall not operate to impose upon the individual  
11 any of the civil disabilities ordinarily imposed by or  
12 resulting from conviction. Unless expressly allowed by law,  
13 adjudications shall not prejudice or disqualify the individual  
14 in any civil service application or appointment, from holding  
15 public office, or from receiving any license granted by public  
16 authority. All juvenile court records which have not been  
17 expunged are sealed and may never be disclosed to the general  
18 public or otherwise made widely available. Sealed juvenile  
19 court records may be obtained only under this Section and  
20 Section 1-7 and Part 9 of Article V of this Act, when their use  
21 is needed for good cause and with an order from the juvenile  
22 court. Inspection and copying of juvenile court records  
23 relating to a minor who is the subject of a proceeding under  
24 this Act shall be restricted to the following:

25 (1) The minor who is the subject of record, the

1 minor's parents, guardian, and counsel.

2 (2) Law enforcement officers and law enforcement  
3 agencies when such information is essential to executing  
4 an arrest or search warrant or other compulsory process,  
5 or to conducting an ongoing investigation or relating to a  
6 minor who has been adjudicated delinquent and there has  
7 been a previous finding that the act which constitutes the  
8 previous offense was committed in furtherance of criminal  
9 activities by a criminal street gang.

10 Before July 1, 1994, for the purposes of this Section,  
11 "criminal street gang" means any ongoing organization,  
12 association, or group of 3 or more persons, whether formal  
13 or informal, having as one of its primary activities the  
14 commission of one or more criminal acts and that has a  
15 common name or common identifying sign, symbol, or  
16 specific color apparel displayed, and whose members  
17 individually or collectively engage in or have engaged in  
18 a pattern of criminal activity.

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

23 (3) Judges, hearing officers, prosecutors, public  
24 defenders, probation officers, social workers, or other  
25 individuals assigned by the court to conduct a  
26 pre-adjudication or pre-disposition investigation, and

1 individuals responsible for supervising or providing  
2 temporary or permanent care and custody for minors under  
3 the order of the juvenile court when essential to  
4 performing their responsibilities.

5 (4) Judges, federal, State, and local prosecutors,  
6 public defenders, probation officers, and designated  
7 staff:

8 (a) in the course of a trial when institution of  
9 criminal proceedings has been permitted or required  
10 under Section 5-805;

11 (b) when criminal proceedings have been permitted  
12 or required under Section 5-805 and a minor is the  
13 subject of a proceeding to determine the amount of  
14 bail ~~conditions of pretrial release~~;

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

20 (d) when a minor becomes 18 years of age or older,  
21 and is the subject of criminal proceedings, including  
22 a hearing to determine the amount of bail ~~conditions~~  
23 ~~of pretrial release~~, a pre-trial investigation, a  
24 pre-sentence investigation, a fitness hearing, or  
25 proceedings on an application for probation.

26 (5) Adult and Juvenile Prisoner Review Boards.

1 (6) Authorized military personnel.

2 (6.5) Employees of the federal government authorized  
3 by law.

4 (7) Victims, their subrogees and legal  
5 representatives; however, such persons shall have access  
6 only to the name and address of the minor and information  
7 pertaining to the disposition or alternative adjustment  
8 plan of the juvenile court.

9 (8) Persons engaged in bona fide research, with the  
10 permission of the presiding judge of the juvenile court  
11 and the chief executive of the agency that prepared the  
12 particular records; provided that publication of such  
13 research results in no disclosure of a minor's identity  
14 and protects the confidentiality of the record.

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

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

24 (11) Mental health professionals on behalf of the  
25 Department of Corrections or the Department of Human  
26 Services or prosecutors who are evaluating, prosecuting,

1 or investigating a potential or actual petition brought  
2 under the Sexually Violent Persons Commitment Act relating  
3 to a person who is the subject of juvenile court records or  
4 the respondent to a petition brought under the Sexually  
5 Violent Persons Commitment Act, who is the subject of  
6 juvenile court records sought. Any records and any  
7 information obtained from those records under this  
8 paragraph (11) may be used only in sexually violent  
9 persons commitment proceedings.

10 (12) (Blank).

11 (A-1) Findings and exclusions of paternity entered in  
12 proceedings occurring under Article II of this Act shall be  
13 disclosed, in a manner and form approved by the Presiding  
14 Judge of the Juvenile Court, to the Department of Healthcare  
15 and Family Services when necessary to discharge the duties of  
16 the Department of Healthcare and Family Services under Article  
17 X of the Illinois Public Aid Code.

18 (B) A minor who is the victim in a juvenile proceeding  
19 shall be provided the same confidentiality regarding  
20 disclosure of identity as the minor who is the subject of  
21 record.

22 (C) (0.1) In cases where the records concern a pending  
23 juvenile court case, the requesting party seeking to inspect  
24 the juvenile court records shall provide actual notice to the  
25 attorney or guardian ad litem of the minor whose records are  
26 sought.

1           (0.2) In cases where the juvenile court records concern a  
2 juvenile court case that is no longer pending, the requesting  
3 party seeking to inspect the juvenile court records shall  
4 provide actual notice to the minor or the minor's parent or  
5 legal guardian, and the matter shall be referred to the chief  
6 judge presiding over matters pursuant to this Act.

7           (0.3) In determining whether juvenile court records should  
8 be made available for inspection and whether inspection should  
9 be limited to certain parts of the file, the court shall  
10 consider the minor's interest in confidentiality and  
11 rehabilitation over the requesting party's interest in  
12 obtaining the information. The State's Attorney, the minor,  
13 and the minor's parents, guardian, and counsel shall at all  
14 times have the right to examine court files and records.

15           (0.4) Any records obtained in violation of this Section  
16 shall not be admissible in any criminal or civil proceeding,  
17 or operate to disqualify a minor from subsequently holding  
18 public office, or operate as a forfeiture of any public  
19 benefit, right, privilege, or right to receive any license  
20 granted by public authority.

21           (D) Pending or following any adjudication of delinquency  
22 for any offense defined in Sections 11-1.20 through 11-1.60 or  
23 12-13 through 12-16 of the Criminal Code of 1961 or the  
24 Criminal Code of 2012, the victim of any such offense shall  
25 receive the rights set out in Sections 4 and 6 of the ~~Bill of~~  
26 Rights of Crime ~~for~~ Victims and Witnesses ~~of Violent Crime~~

1 Act; and the juvenile who is the subject of the adjudication,  
2 notwithstanding any other provision of this Act, shall be  
3 treated as an adult for the purpose of affording such rights to  
4 the victim.

5 (E) Nothing in this Section shall affect the right of a  
6 Civil Service Commission or appointing authority of the  
7 federal government, or any state, county, or municipality  
8 examining the character and fitness of an applicant for  
9 employment with a law enforcement agency, correctional  
10 institution, or fire department to ascertain whether that  
11 applicant was ever adjudicated to be a delinquent minor and,  
12 if so, to examine the records of disposition or evidence which  
13 were made in proceedings under this Act.

14 (F) Following any adjudication of delinquency for a crime  
15 which would be a felony if committed by an adult, or following  
16 any adjudication of delinquency for a violation of Section  
17 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012, the State's Attorney shall ascertain  
19 whether the minor respondent is enrolled in school and, if so,  
20 shall provide a copy of the dispositional order to the  
21 principal or chief administrative officer of the school.  
22 Access to the dispositional order shall be limited to the  
23 principal or chief administrative officer of the school and  
24 any school counselor designated by the principal or chief  
25 administrative officer.

26 (G) Nothing contained in this Act prevents the sharing or



1 disclosure of information or records relating or pertaining to  
2 juveniles subject to the provisions of the Serious Habitual  
3 Offender Comprehensive Action Program when that information is  
4 used to assist in the early identification and treatment of  
5 habitual juvenile offenders.

6 (H) When a court hearing a proceeding under Article II of  
7 this Act becomes aware that an earlier proceeding under  
8 Article II had been heard in a different county, that court  
9 shall request, and the court in which the earlier proceedings  
10 were initiated shall transmit, an authenticated copy of the  
11 juvenile court record, including all documents, petitions, and  
12 orders filed and the minute orders, transcript of proceedings,  
13 and docket entries of the court.

14 (I) The Clerk of the Circuit Court shall report to the  
15 Illinois State Police, in the form and manner required by the  
16 Illinois State Police, the final disposition of each minor who  
17 has been arrested or taken into custody before the minor's  
18 18th birthday for those offenses required to be reported under  
19 Section 5 of the Criminal Identification Act. Information  
20 reported to the Illinois State Police ~~Department~~ under this  
21 Section may be maintained with records that the Illinois State  
22 Police ~~Department~~ files under Section 2.1 of the Criminal  
23 Identification Act.

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

1 (the effective date of Public Act 98-61).

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

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

9 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;  
10 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-379, eff.  
11 7-28-23; revised 8-30-23.)

12 (705 ILCS 405/5-150)

13 Sec. 5-150. Admissibility of evidence and adjudications in  
14 other proceedings.

15 (1) Evidence and adjudications in proceedings under this  
16 Act shall be admissible:

17 (a) in subsequent proceedings under this Act  
18 concerning the same minor; or

19 (b) in criminal proceedings when the court is to  
20 determine the amount of bail ~~conditions of pretrial~~  
21 ~~release~~, fitness of the defendant or in sentencing under  
22 the Unified Code of Corrections; or

23 (c) in proceedings under this Act or in criminal  
24 proceedings in which anyone who has been adjudicated  
25 delinquent under Section 5-105 is to be a witness

1 including the minor or defendant if the minor or defendant  
2 testifies, and then only for purposes of impeachment and  
3 pursuant to the rules of evidence for criminal trials; or

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

7 (2) No adjudication or disposition under this Act shall  
8 operate to disqualify a minor from subsequently holding public  
9 office nor shall operate as a forfeiture of any right,  
10 privilege or right to receive any license granted by public  
11 authority.

12 (3) The court which adjudicated that a minor has committed  
13 any offense relating to motor vehicles prescribed in Sections  
14 4-102 and 4-103 of the Illinois Vehicle Code shall notify the  
15 Secretary of State of that adjudication and the notice shall  
16 constitute sufficient grounds for revoking that minor's  
17 driver's license or permit as provided in Section 6-205 of the  
18 Illinois Vehicle Code; no minor shall be considered a criminal  
19 by reason thereof, nor shall any such adjudication be  
20 considered a conviction.

21 (Source: P.A. 103-22, eff. 8-8-23.)

22 Section 2-205. The Criminal Code of 2012 is amended by  
23 changing Sections 26.5-5, 31-1, 31A-0.1, and 32-10 as follows:

24 (720 ILCS 5/26.5-5)

1           Sec. 26.5-5. Sentence.

2           (a) Except as provided in subsection (b), a person who  
3 violates any of the provisions of Section 26.5-1, 26.5-2, or  
4 26.5-3 of this Article is guilty of a Class B misdemeanor.  
5 Except as provided in subsection (b), a second or subsequent  
6 violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article  
7 is a Class A misdemeanor, for which the court shall impose a  
8 minimum of 14 days in jail or, if public or community service  
9 is established in the county in which the offender was  
10 convicted, 240 hours of public or community service.

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

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

18           (2) The person has previously violated the harassment  
19 by telephone provisions, or the harassment through  
20 electronic communications provisions, or committed any  
21 similar offense in any other state with the same victim or  
22 a member of the victim's family or household;

23           (3) At the time of the offense, the offender was under  
24 conditions of bail ~~pretrial—release~~, probation,  
25 conditional discharge, mandatory supervised release or was  
26 the subject of an order of protection, in this or any other

1 state, prohibiting contact with the victim or any member  
2 of the victim's family or household;

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

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

9 (6) The person violates paragraph (5) of Section  
10 26.5-2 or paragraph (4) of Section 26.5-3; or

11 (7) The person was at least 18 years of age at the time  
12 of the commission of the offense and the victim was under  
13 18 years of age at the time of the commission of the  
14 offense.

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

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

18 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

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

21 (a) A person who knowingly:

22 (1) resists arrest, or

23 (2) obstructs the performance by one known to the  
24 person to be a peace officer, firefighter, or correctional  
25 institution employee of any authorized act within his or

1 her official capacity commits a Class A misdemeanor.

2 (a-5) In addition to any other sentence that may be  
3 imposed, a court shall order any person convicted of resisting  
4 or obstructing a peace officer, firefighter, or correctional  
5 institution employee to be sentenced to a minimum of 48  
6 consecutive hours of imprisonment or ordered to perform  
7 community service for not less than 100 hours as may be  
8 determined by the court. The person shall not be eligible for  
9 probation in order to reduce the sentence of imprisonment or  
10 community service.

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

15 (b) For purposes of this Section, "correctional  
16 institution employee" means any person employed to supervise  
17 and control inmates incarcerated in a penitentiary, State  
18 farm, reformatory, prison, jail, house of correction, police  
19 detention area, half-way house, or other institution or place  
20 for the incarceration or custody of persons under sentence for  
21 offenses or awaiting trial or sentence for offenses, under  
22 arrest for an offense, a violation of probation, a violation  
23 of parole, a violation of aftercare release, a violation of  
24 mandatory supervised release, or awaiting a bail setting  
25 hearing or preliminary hearing ~~on setting the conditions of~~  
26 ~~pretrial release~~, or who are sexually dangerous persons or who

1 are sexually violent persons; and "firefighter" means any  
2 individual, either as an employee or volunteer, of a regularly  
3 constituted fire department of a municipality or fire  
4 protection district who performs fire fighting duties,  
5 including, but not limited to, the fire chief, assistant fire  
6 chief, captain, engineer, driver, ladder person, hose person,  
7 pipe person, and any other member of a regularly constituted  
8 fire department. "Firefighter" also means a person employed by  
9 the Office of the State Fire Marshal to conduct arson  
10 investigations.

11 (c) It is an affirmative defense to a violation of this  
12 Section if a person resists or obstructs the performance of  
13 one known by the person to be a firefighter by returning to or  
14 remaining in a dwelling, residence, building, or other  
15 structure to rescue or to attempt to rescue any person.

16 ~~(d) A person shall not be subject to arrest for resisting~~  
17 ~~arrest under this Section unless there is an underlying~~  
18 ~~offense for which the person was initially subject to arrest.~~

19 (Source: P.A. 101-652, eff. 1-1-23; 102-28, eff. 6-25-21.)

20 (720 ILCS 5/31A-0.1)

21 Sec. 31A-0.1. Definitions. For the purposes of this  
22 Article:

23 "Deliver" or "delivery" means the actual, constructive or  
24 attempted transfer of possession of an item of contraband,  
25 with or without consideration, whether or not there is an

1 agency relationship.

2 "Employee" means any elected or appointed officer, trustee  
3 or employee of a penal institution or of the governing  
4 authority of the penal institution, or any person who performs  
5 services for the penal institution pursuant to contract with  
6 the penal institution or its governing authority.

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

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

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

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

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

17 (iv) "Hypodermic syringe" or hypodermic needle, or any  
18 instrument adapted for use of controlled substances or  
19 cannabis by subcutaneous injection.

20 (v) "Weapon" means any knife, dagger, dirk, billy,  
21 razor, stiletto, broken bottle, or other piece of glass  
22 which could be used as a dangerous weapon. This term  
23 includes any of the devices or implements designated in  
24 subsections (a)(1), (a)(3) and (a)(6) of Section 24-1 of  
25 this Code, or any other dangerous weapon or instrument of  
26 like character.



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

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

8           (B) any device used exclusively for signaling or  
9 safety and required as recommended by the United  
10 States Coast Guard or the Interstate Commerce  
11 Commission; or

12           (C) any device used exclusively for the firing of  
13 stud cartridges, explosive rivets or industrial  
14 ammunition; or

15           (D) any device which is powered by electrical  
16 charging units, such as batteries, and which fires one  
17 or several barbs attached to a length of wire and  
18 which, upon hitting a human, can send out current  
19 capable of disrupting the person's nervous system in  
20 such a manner as to render him or her incapable of  
21 normal functioning, commonly referred to as a stun gun  
22 or taser.

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

1 (A) any ammunition exclusively designed for use  
2 with a device used exclusively for signaling or safety  
3 and required or recommended by the United States Coast  
4 Guard or the Interstate Commerce Commission; or

5 (B) any ammunition designed exclusively for use  
6 with a stud or rivet driver or other similar  
7 industrial ammunition.

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

13 (ix) "Tool to defeat security mechanisms" means, but  
14 is not limited to, handcuff or security restraint key,  
15 tool designed to pick locks, popper, or any device or  
16 instrument used to or capable of unlocking or preventing  
17 from locking any handcuff or security restraints, doors to  
18 cells, rooms, gates or other areas of the penal  
19 institution.

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

23 (xi) "Electronic contraband" for the purposes of  
24 Section 31A-1.1 of this Article means, but is not limited  
25 to, any electronic, video recording device, computer, or  
26 cellular communications equipment, including, but not

1 limited to, cellular telephones, cellular telephone  
2 batteries, videotape recorders, pagers, computers, and  
3 computer peripheral equipment brought into or possessed in  
4 a penal institution without the written authorization of  
5 the Chief Administrative Officer. "Electronic contraband"  
6 for the purposes of Section 31A-1.2 of this Article,  
7 means, but is not limited to, any electronic, video  
8 recording device, computer, or cellular communications  
9 equipment, including, but not limited to, cellular  
10 telephones, cellular telephone batteries, videotape  
11 recorders, pagers, computers, and computer peripheral  
12 equipment.

13 "Penal institution" means any penitentiary, State farm,  
14 reformatory, prison, jail, house of correction, police  
15 detention area, half-way house or other institution or place  
16 for the incarceration or custody of persons under sentence for  
17 offenses awaiting trial or sentence for offenses, under arrest  
18 for an offense, a violation of probation, a violation of  
19 parole, a violation of aftercare release, or a violation of  
20 mandatory supervised release, or awaiting a bail setting  
21 ~~hearing on the setting of conditions of pretrial release~~ or  
22 preliminary hearing; provided that where the place for  
23 incarceration or custody is housed within another public  
24 building this Article shall not apply to that part of the  
25 building unrelated to the incarceration or custody of persons.

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

1 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

2 Sec. 32-10. Violation of ~~conditions of pretrial release~~  
3 bail bond.

4 (a) (Blank).

5 (a-1) Whoever, having been admitted to bail for appearance  
6 before any court of this State, incurs a forfeiture of the bail  
7 and knowingly fails to surrender himself or herself within 30  
8 days following the date of the forfeiture, commits, if the  
9 bail was given in connection with a charge of felony or pending  
10 appeal or certiorari after conviction of any offense, a felony  
11 of the next lower Class or a Class A misdemeanor if the  
12 underlying offense was a Class 4 felony; or, if the bail was  
13 given in connection with a charge of committing a misdemeanor,  
14 or for appearance as a witness, commits a misdemeanor of the  
15 next lower Class, but not less than a Class C misdemeanor.

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

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

1 violates a condition of that release as set forth in Section  
2 110-10, subsection (d) of the Code of Criminal Procedure of  
3 1963, commits a Class A misdemeanor.

4 (c) Whoever, having been admitted to bail ~~released~~  
5 ~~pretrial~~ for appearance before any court of this State for a  
6 felony, Class A misdemeanor or a criminal offense in which the  
7 victim is a family or household member as defined in Article  
8 112A of the Code of Criminal Procedure of 1963, is charged with  
9 any other felony, Class A misdemeanor, or a criminal offense  
10 in which the victim is a family or household member as defined  
11 in Article 112A of the Code of Criminal Procedure of 1963 while  
12 on this release, must appear before the court before bail is  
13 statutorily set ~~and may not be released by law enforcement~~  
14 ~~under 109-1 of the Code of Criminal Procedure of 1963 prior to~~  
15 ~~the court appearance.~~

16 (d) Nothing in this Section shall interfere with or  
17 prevent the exercise by any court of its power to punish for  
18 contempt. Any sentence imposed for violation of this Section  
19 shall ~~may~~ be served consecutive to the sentence imposed for  
20 the charge for which bail ~~pretrial release~~ had been granted  
21 and with respect to which the defendant has been convicted.

22 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

23 Section 2-210. The Criminal Code of 2012 is amended by  
24 changing Sections 7-5, 7-5.5, 7-9, 9-1, and 33-3 as follows:

1 (720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

2 Sec. 7-5. Peace officer's use of force in making arrest.

3 (a) A peace officer, or any person whom he has summoned or  
4 directed to assist him, need not retreat or desist from  
5 efforts to make a lawful arrest because of resistance or  
6 threatened resistance to the arrest. He is justified in the  
7 use of any force which he reasonably believes, ~~based on the~~  
8 ~~totality of the circumstances,~~ to be necessary to effect the  
9 arrest and of any force which he reasonably believes, ~~based on~~  
10 ~~the totality of the circumstances,~~ to be necessary to defend  
11 himself or another from bodily harm while making the arrest.  
12 However, he is justified in using force likely to cause death  
13 or great bodily harm only when: (i) he reasonably believes, ~~7~~  
14 ~~based on the totality of the circumstances,~~ that such force is  
15 necessary to prevent death or great bodily harm to himself or  
16 such other person; or (ii) when he reasonably believes, ~~based~~  
17 ~~on the totality of the circumstances,~~ both that:

18 (1) Such force is necessary to prevent the arrest from  
19 being defeated by resistance or escape ~~and the officer~~  
20 ~~reasonably believes that the person to be arrested is~~  
21 ~~likely to cause great bodily harm to another;~~ and

22 (2) The person to be arrested committed or attempted a  
23 forcible felony which involves the infliction or  
24 threatened infliction of great bodily harm or is  
25 attempting to escape by use of a deadly weapon, or  
26 otherwise indicates that he will endanger human life or

1           inflict great bodily harm unless arrested without delay.

2           ~~As used in this subsection, "retreat" does not mean~~  
3 ~~tactical repositioning or other de-escalation tactics.~~

4           ~~A peace officer is not justified in using force likely to~~  
5 ~~cause death or great bodily harm when there is no longer an~~  
6 ~~imminent threat of great bodily harm to the officer or~~  
7 ~~another.~~

8           ~~(a 5) Where feasible, a peace officer shall, prior to the~~  
9 ~~use of force, make reasonable efforts to identify himself or~~  
10 ~~herself as a peace officer and to warn that deadly force may be~~  
11 ~~used.~~

12           ~~(a 10) A peace officer shall not use deadly force against~~  
13 ~~a person based on the danger that the person poses to himself~~  
14 ~~or herself if a reasonable officer would believe the person~~  
15 ~~does not pose an imminent threat of death or great bodily harm~~  
16 ~~to the peace officer or to another person.~~

17           ~~(a 15) A peace officer shall not use deadly force against~~  
18 ~~a person who is suspected of committing a property offense,~~  
19 ~~unless that offense is terrorism or unless deadly force is~~  
20 ~~otherwise authorized by law.~~

21           ~~(b) A peace officer making an arrest pursuant to an~~  
22 ~~invalid warrant is justified in the use of any force which he~~  
23 ~~would be justified in using if the warrant were valid, unless~~  
24 ~~he knows that the warrant is invalid.~~

25           ~~(c) The authority to use physical force conferred on peace~~  
26 ~~officers by this Article is a serious responsibility that~~

1 ~~shall be exercised judiciously and with respect for human~~  
2 ~~rights and dignity and for the sanctity of every human life.~~

3 ~~(d) Peace officers shall use deadly force only when~~  
4 ~~reasonably necessary in defense of human life. In determining~~  
5 ~~whether deadly force is reasonably necessary, officers shall~~  
6 ~~evaluate each situation in light of the totality of~~  
7 ~~circumstances of each case, including, but not limited to, the~~  
8 ~~proximity in time of the use of force to the commission of a~~  
9 ~~forcible felony, and the reasonable feasibility of safely~~  
10 ~~apprehending a subject at a later time, and shall use other~~  
11 ~~available resources and techniques, if reasonably safe and~~  
12 ~~feasible to a reasonable officer.~~

13 ~~(e) The decision by a peace officer to use force shall be~~  
14 ~~evaluated carefully and thoroughly, in a manner that reflects~~  
15 ~~the gravity of that authority and the serious consequences of~~  
16 ~~the use of force by peace officers, in order to ensure that~~  
17 ~~officers use force consistent with law and agency policies.~~

18 ~~(f) The decision by a peace officer to use force shall be~~  
19 ~~evaluated from the perspective of a reasonable officer in the~~  
20 ~~same situation, based on the totality of the circumstances~~  
21 ~~known to or perceived by the officer at the time of the~~  
22 ~~decision, rather than with the benefit of hindsight, and that~~  
23 ~~the totality of the circumstances shall account for occasions~~  
24 ~~when officers may be forced to make quick judgments about~~  
25 ~~using force.~~

26 ~~(g) Law enforcement agencies are encouraged to adopt and~~



1 ~~develop policies designed to protect individuals with~~  
2 ~~physical, mental health, developmental, or intellectual~~  
3 ~~disabilities, or individuals who are significantly more likely~~  
4 ~~to experience greater levels of physical force during police~~  
5 ~~interactions, as these disabilities may affect the ability of~~  
6 ~~a person to understand or comply with commands from peace~~  
7 ~~officers.~~

8 (h) ~~As used in this Section:~~

9 ~~(1) "Deadly force" means any use of force that creates~~  
10 ~~a substantial risk of causing death or great bodily harm,~~  
11 ~~including, but not limited to, the discharge of a firearm.~~

12 ~~(2) A threat of death or serious bodily injury is~~  
13 ~~"imminent" when, based on the totality of the~~  
14 ~~circumstances, a reasonable officer in the same situation~~  
15 ~~would believe that a person has the present ability,~~  
16 ~~opportunity, and apparent intent to immediately cause~~  
17 ~~death or great bodily harm to the peace officer or another~~  
18 ~~person. An imminent harm is not merely a fear of future~~  
19 ~~harm, no matter how great the fear and no matter how great~~  
20 ~~the likelihood of the harm, but is one that, from~~  
21 ~~appearances, must be instantly confronted and addressed.~~

22 ~~(3) "Totality of the circumstances" means all facts~~  
23 ~~known to the peace officer at the time, or that would be~~  
24 ~~known to a reasonable officer in the same situation,~~  
25 ~~including the conduct of the officer and the subject~~  
26 ~~leading up to the use of deadly force.~~

1 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;  
2 102-687, eff. 12-17-21.)

3 (720 ILCS 5/7-5.5)

4 Sec. 7-5.5. Prohibited use of force by a peace officer.

5 (a) A peace officer, ~~or any other person acting under the~~  
6 ~~color of law,~~ shall not use a chokehold ~~or restraint above the~~  
7 ~~shoulders with risk of asphyxiation~~ in the performance of his  
8 or her duties, unless deadly force is justified under this  
9 Article.

10 (b) A peace officer, ~~or any other person acting under the~~  
11 ~~color of law,~~ shall not use a chokehold ~~or restraint above the~~  
12 ~~shoulders with risk of asphyxiation,~~ or any lesser contact  
13 with the throat or neck area of another, in order to prevent  
14 the destruction of evidence by ingestion.

15 (c) As used in this Section, "chokehold" means applying  
16 any direct pressure to the throat, windpipe, or airway of  
17 another with the intent to reduce or prevent the intake of air.  
18 "Chokehold" does not include any holding involving contact  
19 with the neck that is not intended to reduce the intake of air  
20 such as a headlock where the only pressure applied is to the  
21 head.

22 ~~(d) As used in this Section, "restraint above the~~  
23 ~~shoulders with risk of positional asphyxiation" means a use of~~  
24 ~~a technique used to restrain a person above the shoulders,~~  
25 ~~including the neck or head, in a position which interferes~~

1 ~~with the person's ability to breathe after the person no~~  
2 ~~longer poses a threat to the officer or any other person.~~

3 ~~(c) A peace officer, or any other person acting under the~~  
4 ~~color of law, shall not:~~

5 ~~(i) use force as punishment or retaliation;~~

6 ~~(ii) discharge kinetic impact projectiles and all~~  
7 ~~other non lethal or less lethal projectiles in a manner~~  
8 ~~that targets the head, neck, groin, anterior pelvis, or~~  
9 ~~back;~~

10 ~~(iii) discharge conducted electrical weapons in a~~  
11 ~~manner that targets the head, chest, neck, groin, or~~  
12 ~~anterior pelvis;~~

13 ~~(iv) discharge firearms or kinetic impact projectiles~~  
14 ~~indiscriminately into a crowd;~~

15 ~~(v) use chemical agents or irritants for crowd~~  
16 ~~control, including pepper spray and tear gas, prior to~~  
17 ~~issuing an order to disperse in a sufficient manner to~~  
18 ~~allow for the order to be heard and repeated if necessary,~~  
19 ~~followed by sufficient time and space to allow compliance~~  
20 ~~with the order unless providing such time and space would~~  
21 ~~unduly place an officer or another person at risk of death~~  
22 ~~or great bodily harm; or~~

23 ~~(vi) use chemical agents or irritants, including~~  
24 ~~pepper spray and tear gas, prior to issuing an order in a~~  
25 ~~sufficient manner to ensure the order is heard, and~~  
26 ~~repeated if necessary, to allow compliance with the order~~

1 ~~unless providing such time and space would unduly place an~~  
2 ~~officer or another person at risk of death or great bodily~~  
3 ~~harm.~~

4 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;  
5 102-687, eff. 12-17-21.)

6 (720 ILCS 5/7-9) (from Ch. 38, par. 7-9)

7 Sec. 7-9. Use of force to prevent escape.

8 (a) A peace officer or other person who has an arrested  
9 person in his custody is justified in the use of such force,  
10 ~~except deadly force,~~ to prevent the escape of the arrested  
11 person from custody as he would be justified in using if he  
12 were arresting such person.

13 (b) A guard or other peace officer is justified in the use  
14 of force, including force likely to cause death or great  
15 bodily harm, which he reasonably believes to be necessary to  
16 prevent the escape from a penal institution of a person whom  
17 the officer reasonably believes to be lawfully detained in  
18 such institution under sentence for an offense or awaiting  
19 trial or commitment for an offense.

20 ~~(c) Deadly force shall not be used to prevent escape under~~  
21 ~~this Section unless, based on the totality of the~~  
22 ~~circumstances, deadly force is necessary to prevent death or~~  
23 ~~great bodily harm to himself or such other person.~~

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

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

2 Sec. 9-1. First degree murder; death penalties;  
3 exceptions; separate hearings; proof; findings; appellate  
4 procedures; reversals.

5 (a) A person who kills an individual without lawful  
6 justification commits first degree murder if, in performing  
7 the acts which cause the death:

8 (1) he or she either intends to kill or do great bodily  
9 harm to that individual or another, or knows that such  
10 acts will cause death to that individual or another; or

11 (2) he or she knows that such acts create a strong  
12 probability of death or great bodily harm to that  
13 individual or another; or

14 (3) he or she is attempting or committing a forcible  
15 felony other than second degree murder ~~he or she, acting~~  
16 ~~alone or with one or more participants, commits or~~  
17 ~~attempts to commit a forcible felony other than second~~  
18 ~~degree murder, and in the course of or in furtherance of~~  
19 ~~such crime or flight therefrom, he or she or another~~  
20 ~~participant causes the death of a person.~~

21 (b-1) Aggravating Factors. A defendant who at the time of  
22 the commission of the offense has attained the age of 18 or  
23 more and who has been found guilty of first degree murder may  
24 be sentenced to death if:

25 (1) the murdered individual was a peace officer,  
26 employee of an institution or facility of the Department

1 of Corrections or any similar local correctional agency,  
2 or fireman killed in the course of performing his official  
3 duties, to prevent the performance of his or her official  
4 duties, or in retaliation for performing his or her  
5 official duties, and the defendant knew or should have  
6 known that the murdered individual was so employed; or

7 (2) the defendant has been convicted of murdering 2 or  
8 more individuals under subsection (a) of this Section or  
9 under any law of the United States or of any state which is  
10 substantially similar to subsection (a) of this Section  
11 regardless of whether the deaths occurred as the result of  
12 the same act or of several related or unrelated acts so  
13 long as the deaths were the result of either an intent to  
14 kill more than one person or of separate acts which the  
15 defendant knew would cause death or create a strong  
16 probability of death or great bodily harm to the murdered  
17 individual or another; or

18 (3) the murdered individual was under 12 years of age  
19 and the death resulted from exceptionally brutal or  
20 heinous behavior indicative of wanton cruelty; or

21 (4) the murder was committed by the defendant upon the  
22 grounds of a school or grounds adjacent to a school, or is  
23 in any part of a building used for school purposes; or

24 (5) the murder was committed by the defendant in  
25 connection with or as a result of the offense of terrorism  
26 as defined in Section 29D-14.9 of this Code; or

1           (6) the murdered individual was a member of a  
2           congregation engaged in prayer or other religious  
3           activities at a church, synagogue, mosque, or other  
4           building, structure, or place used for religious worship.

5           (b-6) Aggravating Factor; Natural Life Imprisonment. A  
6           defendant who has been found guilty of first degree murder and  
7           who at the time of the commission of the offense had attained  
8           the age of 18 years or more may be sentenced to natural life  
9           imprisonment if:

10           (i) the murdered individual was a physician, physician  
11           assistant, psychologist, nurse, or advanced practice  
12           registered nurse,

13           (ii) the defendant knew or should have known that the  
14           murdered individual was a physician, physician assistant,  
15           psychologist, nurse, or advanced practice registered  
16           nurse, and

17           (iii) the murdered individual was killed in the course  
18           of acting in his or her capacity as a physician, physician  
19           assistant, psychologist, nurse, or advanced practice  
20           registered nurse, or to prevent him or her from acting in  
21           that capacity, or in retaliation for his or her acting in  
22           that capacity.

23           (c-1) Consideration of factors in Aggravation and  
24           Mitigation. The court shall consider, or shall instruct the  
25           jury to consider any aggravating and any mitigating factors  
26           which are relevant to the imposition of the death penalty.

1 Aggravating factors may include but need not be limited to  
2 those factors set forth in subsection (b-1). Mitigating  
3 factors may include but need not be limited to the following:

4 (1) the defendant has no significant history of prior  
5 criminal activity;

6 (2) the murder was committed while the defendant was  
7 under the influence of extreme mental or emotional  
8 disturbance, although not such as to constitute a defense  
9 to prosecution;

10 (3) the murdered individual was a participant in the  
11 defendant's homicidal conduct or consented to the  
12 homicidal act;

13 (4) the defendant acted under the compulsion of threat  
14 or menace of the imminent infliction of death or great  
15 bodily harm;

16 (5) the defendant was not personally present during  
17 commission of the act or acts causing death;

18 (6) the defendant's background includes a history of  
19 extreme emotional or physical abuse;

20 (7) the defendant suffers from a reduced mental  
21 capacity. Provided, however, that an action that does not  
22 otherwise mitigate first degree murder cannot qualify as a  
23 mitigating factor for first degree murder because of the  
24 discovery, knowledge, or disclosure of the victim's sexual  
25 orientation as defined in Section 1-103 of the Illinois  
26 Human Rights Act.



1       (d-1) Separate sentencing hearing. Where requested by the  
2 State, the court shall conduct a separate sentencing  
3 proceeding to determine the existence of factors set forth in  
4 subsection (b-1) and to consider any aggravating or mitigating  
5 factors as indicated in subsection (c-1). The proceeding shall  
6 be conducted:

7           (1) before the jury that determined the defendant's  
8 guilt; or

9           (2) before a jury impanelled for the purpose of the  
10 proceeding if:

11           (A) the defendant was convicted upon a plea of  
12 guilty; or

13           (B) the defendant was convicted after a trial  
14 before the court sitting without a jury; or

15           (C) the court for good cause shown discharges the  
16 jury that determined the defendant's guilt; or

17           (3) before the court alone if the defendant waives a  
18 jury for the separate proceeding.

19       (e-1) Evidence and Argument. During the proceeding any  
20 information relevant to any of the factors set forth in  
21 subsection (b-1) may be presented by either the State or the  
22 defendant under the rules governing the admission of evidence  
23 at criminal trials. Any information relevant to any additional  
24 aggravating factors or any mitigating factors indicated in  
25 subsection (c-1) may be presented by the State or defendant  
26 regardless of its admissibility under the rules governing the

1 admission of evidence at criminal trials. The State and the  
2 defendant shall be given fair opportunity to rebut any  
3 information received at the hearing.

4 (f-1) Proof. The burden of proof of establishing the  
5 existence of any of the factors set forth in subsection (b-1)  
6 is on the State and shall not be satisfied unless established  
7 beyond a reasonable doubt.

8 (g-1) Procedure - Jury. If at the separate sentencing  
9 proceeding the jury finds that none of the factors set forth in  
10 subsection (b-1) exists, the court shall sentence the  
11 defendant to a term of imprisonment under Chapter V of the  
12 Unified Code of Corrections. If there is a unanimous finding  
13 by the jury that one or more of the factors set forth in  
14 subsection (b-1) exist, the jury shall consider aggravating  
15 and mitigating factors as instructed by the court and shall  
16 determine whether the sentence of death shall be imposed. If  
17 the jury determines unanimously, after weighing the factors in  
18 aggravation and mitigation, that death is the appropriate  
19 sentence, the court shall sentence the defendant to death. If  
20 the court does not concur with the jury determination that  
21 death is the appropriate sentence, the court shall set forth  
22 reasons in writing including what facts or circumstances the  
23 court relied upon, along with any relevant documents, that  
24 compelled the court to non-concur with the sentence. This  
25 document and any attachments shall be part of the record for  
26 appellate review. The court shall be bound by the jury's

1 sentencing determination. If after weighing the factors in  
2 aggravation and mitigation, one or more jurors determines that  
3 death is not the appropriate sentence, the court shall  
4 sentence the defendant to a term of imprisonment under Chapter  
5 V of the Unified Code of Corrections.

6 (h-1) Procedure - No Jury. In a proceeding before the  
7 court alone, if the court finds that none of the factors found  
8 in subsection (b-1) exists, the court shall sentence the  
9 defendant to a term of imprisonment under Chapter V of the  
10 Unified Code of Corrections. If the Court determines that one  
11 or more of the factors set forth in subsection (b-1) exists,  
12 the Court shall consider any aggravating and mitigating  
13 factors as indicated in subsection (c-1). If the Court  
14 determines, after weighing the factors in aggravation and  
15 mitigation, that death is the appropriate sentence, the Court  
16 shall sentence the defendant to death. If the court finds that  
17 death is not the appropriate sentence, the court shall  
18 sentence the defendant to a term of imprisonment under Chapter  
19 V of the Unified Code of Corrections.

20 (h-6) Decertification as a capital case. In a case in  
21 which the defendant has been found guilty of first degree  
22 murder by a judge or jury, or a case on remand for  
23 resentencing, and the State seeks the death penalty as an  
24 appropriate sentence, on the court's own motion or the written  
25 motion of the defendant, the court may decertify the case as a  
26 death penalty case if the court finds that the only evidence

1 supporting the defendant's conviction is the uncorroborated  
2 testimony of an informant witness, as defined in Section  
3 115-21 of the Code of Criminal Procedure of 1963, concerning  
4 the confession or admission of the defendant or that the sole  
5 evidence against the defendant is a single eyewitness or  
6 single accomplice without any other corroborating evidence. If  
7 the court decertifies the case as a capital case under either  
8 of the grounds set forth above, the court shall issue a written  
9 finding. The State may pursue its right to appeal the  
10 decertification pursuant to Supreme Court Rule 604(a)(1). If  
11 the court does not decertify the case as a capital case, the  
12 matter shall proceed to the eligibility phase of the  
13 sentencing hearing.

14 (i-1) Appellate Procedure. The conviction and sentence of  
15 death shall be subject to automatic review by the Supreme  
16 Court. Such review shall be in accordance with rules  
17 promulgated by the Supreme Court. The Illinois Supreme Court  
18 may overturn the death sentence, and order the imposition of  
19 imprisonment under Chapter V of the Unified Code of  
20 Corrections if the court finds that the death sentence is  
21 fundamentally unjust as applied to the particular case. If the  
22 Illinois Supreme Court finds that the death sentence is  
23 fundamentally unjust as applied to the particular case,  
24 independent of any procedural grounds for relief, the Illinois  
25 Supreme Court shall issue a written opinion explaining this  
26 finding.

1       (j-1) Disposition of reversed death sentence. If the death  
2 penalty in this Act is held to be unconstitutional by the  
3 Supreme Court of the United States or of the State of Illinois,  
4 any person convicted of first degree murder shall be sentenced  
5 by the court to a term of imprisonment under Chapter V of the  
6 Unified Code of Corrections. If any death sentence pursuant to  
7 the sentencing provisions of this Section is declared  
8 unconstitutional by the Supreme Court of the United States or  
9 of the State of Illinois, the court having jurisdiction over a  
10 person previously sentenced to death shall cause the defendant  
11 to be brought before the court, and the court shall sentence  
12 the defendant to a term of imprisonment under Chapter V of the  
13 Unified Code of Corrections.

14       (k-1) Guidelines for seeking the death penalty. The  
15 Attorney General and State's Attorneys Association shall  
16 consult on voluntary guidelines for procedures governing  
17 whether or not to seek the death penalty. The guidelines do not  
18 have the force of law and are only advisory in nature.

19       (b) (Blank) .

20       (b-5) (Blank) .

21       (c) (Blank) .

22       (d) (Blank) .

23       (e) (Blank) .

24       (f) (Blank) .

25       (g) (Blank) .

26       (h) (Blank) .-

1 (h-5) (Blank).

2 (i) (Blank).

3 (j) (Blank).

4 (k) (Blank).

5 (Source: P.A. 103-51, eff. 1-1-24; revised 9-20-23.)

6 (720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

7 Sec. 33-3. Official misconduct.

8 (a) A public officer or employee or special government  
9 agent commits misconduct when, in his official capacity or  
10 capacity as a special government agent, he or she commits any  
11 of the following acts:

12 (1) Intentionally or recklessly fails to perform any  
13 mandatory duty as required by law; or

14 (2) Knowingly performs an act which he knows he is  
15 forbidden by law to perform; or

16 (3) With intent to obtain a personal advantage for  
17 himself or another, he performs an act in excess of his  
18 lawful authority; or

19 (4) Solicits or knowingly accepts for the performance  
20 of any act a fee or reward which he knows is not authorized  
21 by law.

22 (b) An employee of a law enforcement agency commits  
23 misconduct when he or she knowingly uses or communicates,  
24 directly or indirectly, information acquired in the course of  
25 employment, with the intent to obstruct, impede, or prevent

1 the investigation, apprehension, or prosecution of any  
2 criminal offense or person. Nothing in this subsection (b)  
3 shall be construed to impose liability for communicating to a  
4 confidential resource, who is participating or aiding law  
5 enforcement, in an ongoing investigation.

6 (c) A public officer or employee or special government  
7 agent convicted of violating any provision of this Section  
8 forfeits his or her office or employment or position as a  
9 special government agent. In addition, he or she commits a  
10 Class 3 felony.

11 (d) For purposes of this Section, "special ~~:-"Special~~  
12 government agent" has the meaning ascribed to it in subsection  
13 (1) of Section 4A-101 of the Illinois Governmental Ethics Act.  
14 (Source: P.A. 101-652, eff. 7-1-21.)

15 Section 2-212. The Criminal Code of 2012 is amended by  
16 adding Section 32-15.1 as follows:

17 (720 ILCS 5/32-15.1 new)

18 Sec. 32-15.1. Bail bond false statement. Any person who in  
19 any affidavit, document, schedule or other application to  
20 become surety or bail for another on any bail bond or  
21 recognizance in any civil or criminal proceeding then pending  
22 or about to be started against the other person, having taken a  
23 lawful oath or made affirmation, shall swear or affirm  
24 wilfully, corruptly and falsely as to the ownership or liens

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

15 (720 ILCS 5/7-15 rep.)

16 (720 ILCS 5/7-16 rep.)

17 (720 ILCS 5/33-9 rep.)

18 Section 2-215. The Criminal Code of 2012 is amended by  
19 repealing Sections 7-15, 7-16, and 33-9.

20 Section 2-220. 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,  
23 106D-1, 107-4, 107-9, 107-11, 109-1, 109-2, 109-3, 109-3.1,  
24 110-1, 110-2, 110-3, 110-5, 110-5.2, 110-6, 110-6.1, 110-6.2,



1 110-6.4, 110-10, 110-11, 110-12, 110-14, 111-2, 112A-23,  
2 113-3.1, 114-1, 115-4.1, and 122-6 and by adding Section  
3 110-3.1 as follows:

4 (725 ILCS 5/102-6) (from Ch. 38, par. 102-6)

5 Sec. 102-6. "Bail". ~~Pretrial release.~~ "Bail" means the  
6 amount of money set by the court which is required to be  
7 obligated and secured as provided by law for the release of a  
8 person in custody in order that he will appear before the court  
9 in which his appearance may be required and that he will comply  
10 with such conditions as set forth in the bail bond. ~~"Pretrial~~  
11 ~~release" has the meaning ascribed to bail in Section 9 of~~  
12 ~~Article I of the Illinois Constitution where the sureties~~  
13 ~~provided are nonmonetary in nature.~~

14 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

15 (725 ILCS 5/102-7) (from Ch. 38, par. 102-7)

16 Sec. 102-7. ~~Conditions of pretrial release.~~ "Bail  
17 bond". "Bail bond" means an undertaking secured by bail entered  
18 into by a person in custody by which he binds himself to comply  
19 with such conditions as are set forth therein. ~~"Conditions of~~  
20 ~~pretrial release" means the requirements imposed upon a~~  
21 ~~criminal defendant by the court under Section 110-5.~~

22 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

23 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

1           Sec. 103-5. Speedy trial.)

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

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

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

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

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

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

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

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

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

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

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

1 (f) shall become effective on, and apply to persons charged  
2 with alleged offenses committed on or after, March 1, 1977.

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

4 (725 ILCS 5/103-7) (from Ch. 38, par. 103-7)

5 Sec. 103-7. Posting notice of rights. Every sheriff, chief  
6 of police or other person who is in charge of any jail, police  
7 station or other building where persons under arrest are held  
8 in custody pending investigation, bail ~~pretrial release~~ or  
9 other criminal proceedings, shall post in every room, other  
10 than cells, of such buildings where persons are held in  
11 custody, in conspicuous places where it may be seen and read by  
12 persons in custody and others, a poster, printed in large  
13 type, containing a verbatim copy in the English language of  
14 the provisions of Sections 103-2, 103-3, 103-4, 109-1, 110-2,  
15 110-4, and sub-parts (a) and (b) of Sections 110-7.1, and  
16 113-3 of this Code. Each person who is in charge of any  
17 courthouse or other building in which any trial of an offense  
18 is conducted shall post in each room primarily used for such  
19 trials and in each room in which defendants are confined or  
20 wait, pending trial, in conspicuous places where it may be  
21 seen and read by persons in custody and others, a poster,  
22 printed in large type, containing a verbatim copy in the  
23 English language of the provisions of Sections 103-6, 113-1,  
24 113-4 and 115-1 and of subparts (a) and (b) of Section 113-3 of  
25 this Code.

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

2 (725 ILCS 5/103-9) (from Ch. 38, par. 103-9)

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

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

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

14 Sec. 104-13. Fitness examination.

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

22 (b) If the issue of fitness involves the defendant's  
23 physical condition, the court shall appoint one or more  
24 physicians and in addition, such other experts as it may deem

1 appropriate to examine the defendant and to report to the  
2 court regarding the defendant's condition.

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

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

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



1 the court shall enter an order on the county board to pay such  
2 expert a reasonable fee stated in the order.

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

4 (725 ILCS 5/104-17) (from Ch. 38, par. 104-17)

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

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

12 (b) If the defendant's disability is mental, the court may  
13 order him placed for secure treatment in the custody of the  
14 Department of Human Services, or the court may order him  
15 placed in the custody of any other appropriate public or  
16 private mental health facility or treatment program which has  
17 agreed to provide treatment to the defendant. If the most  
18 serious charge faced by the defendant is a misdemeanor, the  
19 court shall order outpatient treatment, unless the court finds  
20 good cause on the record to order inpatient treatment. If the  
21 court orders the defendant to inpatient treatment in the  
22 custody of the Department of Human Services, the Department  
23 shall evaluate the defendant to determine the most appropriate  
24 secure facility to receive the defendant and, within 20 days  
25 of the transmittal by the clerk of the circuit court of the

1 court's placement order, notify the court of the designated  
2 facility to receive the defendant. The Department shall admit  
3 the defendant to a secure facility within 60 days of the  
4 transmittal of the court's placement order, unless the  
5 Department can demonstrate good faith efforts at placement and  
6 a lack of bed and placement availability. If placement cannot  
7 be made within 60 days of the transmittal of the court's  
8 placement order and the Department has demonstrated good faith  
9 efforts at placement and a lack of bed and placement  
10 availability, the Department shall provide an update to the  
11 ordering court every 30 days until the defendant is placed.  
12 Once bed and placement availability is determined, the  
13 Department shall notify the sheriff who shall promptly  
14 transport the defendant to the designated facility. If the  
15 defendant is placed in the custody of the Department of Human  
16 Services, the defendant shall be placed in a secure setting.  
17 During the period of time required to determine bed and  
18 placement availability at the designated facility, the  
19 defendant shall remain in jail. If during the course of  
20 evaluating the defendant for placement, the Department of  
21 Human Services determines that the defendant is currently fit  
22 to stand trial, it shall immediately notify the court and  
23 shall submit a written report within 7 days. In that  
24 circumstance the placement shall be held pending a court  
25 hearing on the Department's report. Otherwise, upon completion  
26 of the placement process, including identifying bed and

1 placement availability, the sheriff shall be notified and  
2 shall transport the defendant to the designated facility. If,  
3 within 60 days of the transmittal by the clerk of the circuit  
4 court of the court's placement order, the Department fails to  
5 provide the sheriff with notice of bed and placement  
6 availability at the designated facility, the sheriff shall  
7 contact the Department to inquire about when a placement will  
8 become available at the designated facility as well as bed and  
9 placement availability at other secure facilities. The  
10 Department shall respond to the sheriff within 2 business days  
11 of the notice and inquiry by the sheriff seeking the transfer  
12 and the Department shall provide the sheriff with the status  
13 of the evaluation, information on bed and placement  
14 availability, and an estimated date of admission for the  
15 defendant and any changes to that estimated date of admission.  
16 If the Department notifies the sheriff during the 2 business  
17 day period of a facility operated by the Department with  
18 placement availability, the sheriff shall promptly transport  
19 the defendant to that facility. The placement may be ordered  
20 either on an inpatient or an outpatient basis.

21 (c) If the defendant's disability is physical, the court  
22 may order him placed under the supervision of the Department  
23 of Human Services which shall place and maintain the defendant  
24 in a suitable treatment facility or program, or the court may  
25 order him placed in an appropriate public or private facility  
26 or treatment program which has agreed to provide treatment to

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

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

7 (1) a certified copy of the order to undergo  
8 treatment. Accompanying the certified copy of the order to  
9 undergo treatment shall be the complete copy of any report  
10 prepared under Section 104-15 of this Code or other report  
11 prepared by a forensic examiner for the court;

12 (2) the county and municipality in which the offense  
13 was committed;

14 (3) the county and municipality in which the arrest  
15 took place;

16 (4) a copy of the arrest report, criminal charges,  
17 arrest record; and

18 (5) all additional matters which the Court directs the  
19 clerk to transmit.

20 (e) Within 30 days of admission to the designated  
21 facility, the person supervising the defendant's treatment  
22 shall file with the court, the State, and the defense a report  
23 assessing the facility's or program's capacity to provide  
24 appropriate treatment for the defendant and indicating his  
25 opinion as to the probability of the defendant's attaining  
26 fitness within a period of time from the date of the finding of

1       unfitness. For a defendant charged with a felony, the period  
2       of time shall be one year. For a defendant charged with a  
3       misdemeanor, the period of time shall be no longer than the  
4       sentence if convicted of the most serious offense. If the  
5       report indicates that there is a substantial probability that  
6       the defendant will attain fitness within the time period, the  
7       treatment supervisor shall also file a treatment plan which  
8       shall include:

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

10              (2) A description of treatment goals with respect to  
11              rendering the defendant fit, a specification of the  
12              proposed treatment modalities, and an estimated timetable  
13              for attainment of the goals;

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

16       (Source: P.A. 101-652, eff. 1-1-23; 102-1118, eff. 1-18-23.)

17              (725 ILCS 5/106D-1)

18              Sec. 106D-1. Defendant's appearance by closed circuit  
19              television and video conference ~~two-way audio-visual~~  
20              ~~communication system.~~

21              (a) Whenever the appearance in person in court, in either  
22              a civil or criminal proceeding, is required of anyone held in a  
23              place of custody or confinement operated by the State or any of  
24              its political subdivisions, including counties and  
25              municipalities, the chief judge of the circuit by rule may

1 permit the personal appearance to be made by means of a two-way  
2 audio-visual communication ~~system~~, including closed circuit  
3 television and computerized video conference, in the following  
4 proceedings:

5 (1) the initial appearance before a judge on a  
6 criminal complaint, at which bail will be set; ~~as provided~~  
7 ~~in subsection (f) of Section 109-1;~~

8 (2) the waiver of a preliminary hearing;

9 (3) the arraignment on an information or indictment at  
10 which a plea of not guilty will be entered;

11 (4) the presentation of a jury waiver;

12 (5) any status hearing;

13 (6) any hearing conducted under the Sexually Violent  
14 Persons Commitment Act at which no witness testimony will  
15 be taken; and

16 (7) at any hearing at which no witness testimony will  
17 be taken conducted under the following:

18 (A) Section 104-20 of this Code (90-day hearings);

19 (B) Section 104-22 of this Code (trial with  
20 special provisions and assistance);

21 (C) Section 104-25 of this Code (discharge  
22 hearing); or

23 (D) Section 5-2-4 of the Unified Code of  
24 Corrections (proceedings after acquittal by reason of  
25 insanity).

26 (b) The two-way audio-visual communication facilities must

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

5 (c) Nothing in this Section shall be construed to prohibit  
6 other court appearances through the use of ~~a~~ two-way  
7 audio-visual communication, upon waiver of any right the  
8 person in custody or confinement may have to be present  
9 physically. ~~system if the person in custody or confinement~~  
10 ~~waives the right to be present physically in court, the court~~  
11 ~~determines that the physical health and safety of any person~~  
12 ~~necessary to the proceedings would be endangered by appearing~~  
13 ~~in court, or the chief judge of the circuit orders use of that~~  
14 ~~system due to operational challenges in conducting the hearing~~  
15 ~~in person. Such operational challenges must be documented and~~  
16 ~~approved by the chief judge of the circuit, and a plan to~~  
17 ~~address the challenges through reasonable efforts must be~~  
18 ~~presented and approved by the Administrative Office of the~~  
19 ~~Illinois Courts every 6 months.~~

20 (d) Nothing in this Section shall be construed to  
21 establish a right of any person held in custody or confinement  
22 to appear in court through ~~a~~ two-way audio-visual  
23 communication ~~system~~ or to require that any governmental  
24 entity, or place of custody or confinement, provide ~~a~~ two-way  
25 audio-visual communication ~~system~~.

26 (Source: P.A. 101-652, eff. 1-1-23; 102-486, eff. 8-20-21;

1 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23.)

2 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

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

5 (a) As used in this Section:

6 (1) "State" means any State of the United States and  
7 the District of Columbia.

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

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

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

19 (a-3) Any peace officer employed by a law enforcement  
20 agency of this State may conduct temporary questioning  
21 pursuant to Section 107-14 of this Code and may make arrests in  
22 any jurisdiction within this State: (1) if the officer is  
23 engaged in the investigation of criminal activity that  
24 occurred in the officer's primary jurisdiction and the  
25 temporary questioning or arrest relates to, arises from, or is



1 conducted pursuant to that investigation; or (2) if the  
2 officer, while on duty as a peace officer, becomes personally  
3 aware of the immediate commission of a felony or misdemeanor  
4 violation of the laws of this State; or (3) if the officer,  
5 while on duty as a peace officer, is requested by an  
6 appropriate State or local law enforcement official to render  
7 aid or assistance to the requesting law enforcement agency  
8 that is outside the officer's primary jurisdiction; or (4) in  
9 accordance with Section 2605-580 of the Illinois State Police  
10 Law of the Civil Administrative Code of Illinois. While acting  
11 pursuant to this subsection, an officer has the same authority  
12 as within his or her own jurisdiction.

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

16 (b) Any peace officer of another State who enters this  
17 State in fresh pursuit and continues within this State in  
18 fresh pursuit of a person in order to arrest him on the ground  
19 that he has committed an offense in the other State has the  
20 same authority to arrest and hold the person in custody as  
21 peace officers of this State have to arrest and hold a person  
22 in custody on the ground that he has committed an offense in  
23 this State.

24 (c) If an arrest is made in this State by a peace officer  
25 of another State in accordance with the provisions of this  
26 Section he shall without unnecessary delay take the person

1 arrested before the circuit court of the county in which the  
2 arrest was made. Such court shall conduct a hearing for the  
3 purpose of determining the lawfulness of the arrest. If the  
4 court determines that the arrest was lawful it shall commit  
5 the person arrested, to await for a reasonable time the  
6 issuance of an extradition warrant by the Governor of this  
7 State, or admit him to bail ~~pretrial release~~ for such purpose.  
8 If the court determines that the arrest was unlawful it shall  
9 discharge the person arrested.

10 (Source: P.A. 101-652, eff. 1-1-23; 102-538, eff. 8-20-21;  
11 102-813, eff. 5-13-22.)

12 (725 ILCS 5/107-9) (from Ch. 38, par. 107-9)

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

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

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

18 (1) State the name of the accused if known, and if not  
19 known the accused may be designated by any name or  
20 description by which he can be identified with reasonable  
21 certainty;

22 (2) State the offense with which the accused is  
23 charged;

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

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

2 (b-5) If an arrest warrant ~~or summons~~ is sought and the  
3 request is made by electronic means that has a simultaneous  
4 video and audio transmission between the requester and a  
5 judge, the judge may issue an arrest warrant ~~or summons~~ based  
6 upon a sworn complaint or sworn testimony communicated in the  
7 transmission.

8 (c) A warrant shall ~~or summons may~~ be issued by the court  
9 for the arrest ~~or appearance~~ of the person complained against  
10 if it appears from the contents of the complaint and the  
11 examination of the complainant or other witnesses, if any,  
12 that the person against whom the complaint was made has  
13 committed an offense.

14 (d) The warrant of arrest ~~or summons~~ shall:

15 (1) Be in writing;

16 (2) Specify the name, sex and birth date of the person  
17 to be arrested ~~or summoned~~ or, if his name, sex or birth  
18 date is unknown, shall designate such person by any name  
19 or description by which the person can be identified with  
20 reasonable certainty;

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

22 (4) State the date when issued and the municipality or  
23 county where issued;

24 (5) Be signed by the judge of the court with the title  
25 of the judge's office; ~~and~~

26 (6) Command that the person against whom the complaint

1 was made ~~to~~ be arrested and brought before the court  
2 issuing the warrant or if he is absent or unable to act  
3 before the nearest or most accessible court in the same  
4 county issuing the warrant or the nearest or most  
5 accessible court in the same county, or appear before the  
6 court at a certain time and place;

7 (7) Specify the amount of bail ~~conditions of pretrial~~  
8 ~~release, if any;~~ and

9 (8) Specify any geographical limitation placed on the  
10 execution of the warrant, ~~if any,~~ but such limitation  
11 shall not be expressed in mileage.

12 ~~(e) The summons may be served in the same manner as the~~  
13 ~~summons in a civil action, except that a police officer may~~  
14 ~~serve a summons for a violation of an ordinance occurring~~  
15 ~~within the municipality of the police officer.~~

16 ~~(f) If the person summoned fails to appear by the date~~  
17 ~~required or cannot be located to serve the summons, a warrant~~  
18 ~~may be issued by the court for the arrest of the person~~  
19 ~~complained against.~~

20 ~~(g) A warrant of arrest issued under this Section shall~~  
21 ~~incorporate the information included in the summons, and shall~~  
22 ~~comply with the following:~~

23 ~~(1) The arrest warrant shall specify any geographic~~  
24 ~~limitation placed on the execution of the warrant, but~~  
25 ~~such limitation shall not be expressed in mileage.~~

26 (e) ~~(2)~~ The ~~arrest~~ warrant shall be directed to all peace

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

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

11 (Source: P.A. 101-239, eff. 1-1-20; 101-652, eff. 1-1-23;  
12 102-1104, eff. 1-1-23.)

13 (725 ILCS 5/107-11) (from Ch. 38, par. 107-11)

14 Sec. 107-11. When summons may be issued.

15 (a) When authorized to issue a warrant of arrest, a court  
16 may instead issue a summons.

17 (b) The summons shall:

18 (1) Be in writing;

19 (2) State the name of the person summoned and his or  
20 her address, if known;

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

22 (4) State the date when issued and the municipality or  
23 county where issued;

24 (5) Be signed by the judge of the court with the title  
25 of his or her office; and

1           (6) Command the person to appear before a court at a  
2           certain time and place.

3           (c) The summons may be served in the same manner as the  
4           summons in a civil action ~~or by certified or regular mail,~~  
5           except that police officers may serve summons for violations  
6           of ordinances occurring within their municipalities.

7           (Source: P.A. 102-1104, eff. 12-6-22.)

8           (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

9           Sec. 109-1. Person arrested; ~~release from law enforcement~~  
10          ~~eustody and court appearance; geographic constraints prevent~~  
11          ~~in-person appearances.~~

12          (a) A person arrested with or without a warrant ~~for an~~  
13          ~~offense for which pretrial release may be denied under~~  
14          ~~paragraphs (1) through (6) of Section 110-6.1~~ shall be taken  
15          without unnecessary delay before the nearest and most  
16          accessible judge in that county, except when such county is a  
17          participant in a regional jail authority, in which event such  
18          person may be taken to the nearest and most accessible judge,  
19          irrespective of the county where such judge presides, ~~within~~  
20          ~~48 hours,~~ and a charge shall be filed. Whenever a person  
21          arrested either with or without a warrant is required to be  
22          taken before a judge, a charge may be filed against such person  
23          by way of a two-way closed circuit television system  
24          ~~audio-visual communication system,~~ except that a hearing to  
25          deny ~~pretrial release~~ bail to the defendant may not be

1 conducted by way of closed circuit television ~~two-way~~  
2 ~~audio-visual communication system unless the accused waives~~  
3 ~~the right to be present physically in court, the court~~  
4 ~~determines that the physical health and safety of any person~~  
5 ~~necessary to the proceedings would be endangered by appearing~~  
6 ~~in court, or the chief judge of the circuit orders use of that~~  
7 ~~system due to operational challenges in conducting the hearing~~  
8 ~~in person. Such operational challenges must be documented and~~  
9 ~~approved by the chief judge of the circuit, and a plan to~~  
10 ~~address the challenges through reasonable efforts must be~~  
11 ~~presented and approved by the Administrative Office of the~~  
12 ~~Illinois Courts every 6 months..~~

13 ~~(a-1) Law enforcement shall issue a citation in lieu of~~  
14 ~~custodial arrest, upon proper identification, for those~~  
15 ~~accused of any offense that is not a felony or Class A~~  
16 ~~misdemeanor unless (i) a law enforcement officer reasonably~~  
17 ~~believes the accused poses a threat to the community or any~~  
18 ~~person, (ii) a custodial arrest is necessary because the~~  
19 ~~criminal activity persists after the issuance of a citation,~~  
20 ~~or (iii) the accused has an obvious medical or mental health~~  
21 ~~issue that poses a risk to the accused's own safety. Nothing in~~  
22 ~~this Section requires arrest in the case of Class A~~  
23 ~~misdemeanor and felony offenses, or otherwise limits existing~~  
24 ~~law enforcement discretion to decline to effect a custodial~~  
25 ~~arrest.~~

26 ~~(a 3) A person arrested with or without a warrant for an~~

1 ~~offense for which pretrial release may not be denied may,~~  
2 ~~except as otherwise provided in this Code, be released by a law~~  
3 ~~enforcement officer without appearing before a judge. A~~  
4 ~~presumption in favor of pretrial release shall be applied by~~  
5 ~~an arresting officer in the exercise of his or her discretion~~  
6 ~~under this Section.~~

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

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

16 (1) inform the defendant of the charge against him and  
17 shall provide him with a copy of the charge;

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

23 (3) schedule a preliminary hearing in appropriate  
24 cases;

25 (4) admit the defendant to ~~pretrial release~~ bail in  
26 accordance with the provisions of Article ~~110/5~~ 110 of



1           this Code, ~~or upon verified petition of the State, proceed~~  
2           ~~with the setting of a detention hearing as provided in~~  
3           ~~Section 110-6.1; and~~

4           (5) order ~~Order~~ the confiscation of the person's  
5           passport or impose travel restrictions on a defendant  
6           arrested for first degree murder or other violent crime as  
7           defined in Section 3 of the Rights of Crime Victims and  
8           Witnesses Act, if the judge determines, based on the  
9           factors in Section 110-5 of this Code, that this will  
10          reasonably ensure the appearance of the defendant and  
11          compliance by the defendant with all conditions of  
12          release.

13          (c) The court may issue an order of protection in  
14          accordance with the provisions of Article 112A of this Code.  
15          ~~Crime victims shall be given notice by the State's Attorney's~~  
16          ~~office of this hearing as required in paragraph (2) of~~  
17          ~~subsection (b) of the Rights of Crime Victims and Witnesses~~  
18          ~~Act and shall be informed of their opportunity at this hearing~~  
19          ~~to obtain an order of protection under Article 112A of this~~  
20          ~~Code.~~

21          (d) At the initial appearance of a defendant in any  
22          criminal proceeding, the court must advise the defendant in  
23          open court that any foreign national who is arrested or  
24          detained has the right to have notice of the arrest or  
25          detention given to his or her country's consular  
26          representatives and the right to communicate with those

1 consular representatives if the notice has not already been  
2 provided. The court must make a written record of so advising  
3 the defendant.

4 (e) If consular notification is not provided to a  
5 defendant before his or her first appearance in court, the  
6 court shall grant any reasonable request for a continuance of  
7 the proceedings to allow contact with the defendant's  
8 consulate. Any delay caused by the granting of the request by a  
9 defendant shall temporarily suspend for the time of the delay  
10 the period within which a person shall be tried as prescribed  
11 by subsections (a), (b), or (e) of Section 103-5 of this Code  
12 and on the day of the expiration of delay the period shall  
13 continue at the point at which it was suspended.

14 ~~(f) At the hearing at which conditions of pretrial release~~  
15 ~~are determined, the person charged shall be present in person~~  
16 ~~rather than by two way audio video communication system unless~~  
17 ~~the accused waives the right to be present physically in~~  
18 ~~court, the court determines that the physical health and~~  
19 ~~safety of any person necessary to the proceedings would be~~  
20 ~~endangered by appearing in court, or the chief judge of the~~  
21 ~~circuit orders use of that system due to operational~~  
22 ~~challenges in conducting the hearing in person. Such~~  
23 ~~operational challenges must be documented and approved by the~~  
24 ~~chief judge of the circuit, and a plan to address the~~  
25 ~~challenges through reasonable efforts must be presented and~~  
26 ~~approved by the Administrative Office of the Illinois Courts~~

1 ~~every 6 months.~~

2 ~~(g) Defense counsel shall be given adequate opportunity to~~  
3 ~~confer with the defendant prior to any hearing in which~~  
4 ~~conditions of release or the detention of the defendant is to~~  
5 ~~be considered, with a physical accommodation made to~~  
6 ~~facilitate attorney/client consultation. If defense counsel~~  
7 ~~needs to confer or consult with the defendant during any~~  
8 ~~hearing conducted via a two way audio visual communication~~  
9 ~~system, such consultation shall not be recorded and shall be~~  
10 ~~undertaken consistent with constitutional protections.~~

11 (Source: P.A. 101-652, eff. 1-1-23; 102-813, eff. 5-13-22;  
12 102-1104, eff. 1-1-23.)

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

14 Sec. 109-2. Person arrested in another county.

15 (a) Any person arrested in a county other than the one in  
16 which a warrant for his arrest was issued shall be taken  
17 without unnecessary delay before the nearest and most  
18 accessible judge in the county where the arrest was made or, if  
19 no additional delay is created, before the nearest and most  
20 accessible judge in the county from which the warrant was  
21 issued. He shall be admitted to bail in the amount specified in  
22 the warrant or, for offenses other than felonies, in an amount  
23 as set by the judge, and such bail shall be conditioned on his  
24 appearing in the court issuing the warrant on a certain date.

25 The judge may hold a hearing to determine if the defendant is

1 the same person as named in the warrant.

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

11 ~~(c) If a person is taken before a judge in any county and a~~  
12 ~~warrant for arrest issued by another Illinois county exists~~  
13 ~~for that person, the court in the arresting county shall hold~~  
14 ~~for that person a detention hearing under Section 110-6.1, or~~  
15 ~~other hearing under Section 110-5 or Section 110-6.~~

16 ~~(d) After the court in the arresting county has determined~~  
17 ~~whether the person shall be released or detained on the~~  
18 ~~arresting offense, the court shall then order the sheriff to~~  
19 ~~immediately contact the sheriff in any county where any~~  
20 ~~warrant is outstanding and notify them of the arrest of the~~  
21 ~~individual.~~

22 ~~(e) If a person has a warrant in another county for an~~  
23 ~~offense, then, no later than 5 calendar days after the end of~~  
24 ~~any detention issued on the charge in the arresting county,~~  
25 ~~the county where the warrant is outstanding shall do one of the~~  
26 ~~following:~~

1           ~~(1) transport the person to the county where the~~  
2           ~~warrant was issued for a hearing under Section 110-6 or~~  
3           ~~110-6.1 in the matter for which the warrant was issued; or~~

4           ~~(2) quash the warrant and order the person released on~~  
5           ~~the case for which the warrant was issued only when the~~  
6           ~~county that issued the warrant fails to transport the~~  
7           ~~defendant in the timeline as proscribed.~~

8           ~~(f) If the issuing county fails to take any action under~~  
9           ~~subsection (e) within 5 calendar days, the defendant shall be~~  
10           ~~released from custody on the warrant, and the circuit judge or~~  
11           ~~associate circuit judge in the county of arrest shall set~~  
12           ~~conditions of release under Section 110-5 and shall admit the~~  
13           ~~defendant to pretrial release for his or her appearance before~~  
14           ~~the court named in the warrant. Upon releasing the defendant,~~  
15           ~~the circuit judge or associate circuit judge shall certify~~  
16           ~~such a fact on the warrant and deliver the warrant and the~~  
17           ~~acknowledgment by the defendant of his or her receiving the~~  
18           ~~conditions of pretrial release to the officer having charge of~~  
19           ~~the defendant from arrest and without delay deliver such~~  
20           ~~warrant and such acknowledgment by the defendant of his or her~~  
21           ~~receiving the conditions to the court before which the~~  
22           ~~defendant is required to appear.~~

23           ~~(g) If a person has a warrant in another county, in lieu of~~  
24           ~~transporting the person to the issuing county as outlined in~~  
25           ~~subsection (e), the issuing county may hold the hearing by way~~  
26           ~~of a two way audio visual communication system if the accused~~

1 ~~waives the right to be physically present in court, the court~~  
2 ~~determines that the physical health and safety of any person~~  
3 ~~necessary to the proceedings would be endangered by appearing~~  
4 ~~in court, or the chief judge of the circuit orders use of that~~  
5 ~~system due to operational challenges in conducting the hearing~~  
6 ~~in person. Such operational challenges must be documented and~~  
7 ~~approved by the chief judge of the circuit, and a plan to~~  
8 ~~address the challenges through reasonable efforts must be~~  
9 ~~presented and approved by the Administrative Office of the~~  
10 ~~Illinois Courts every 6 months.~~

11 ~~(h) If more than 2 Illinois county warrants exist, the~~  
12 ~~judge in the county of arrest shall order that the process~~  
13 ~~described in subsections (d) through (f) occur in each county~~  
14 ~~in whatever order the judge finds most appropriate. Each judge~~  
15 ~~in each subsequent county shall then follow the rules in this~~  
16 ~~Section.~~

17 ~~(i) This Section applies only to warrants issued by~~  
18 ~~Illinois state, county, or municipal courts.~~

19 ~~(j) When an issuing agency is contacted by an out of state~~  
20 ~~agency of a person arrested for any offense, or when an~~  
21 ~~arresting agency is contacted by or contacts an out of state~~  
22 ~~issuing agency, the Uniform Criminal Extradition Act shall~~  
23 ~~govern.~~

24 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

25 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

1           Sec. 109-3. Preliminary examination.

2           (a) The judge shall hold the defendant to answer to the  
3 court having jurisdiction of the offense if from the evidence  
4 it appears there is probable cause to believe an offense has  
5 been committed by the defendant, as provided in Section  
6 109-3.1 of this Code, if the offense is a felony.

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

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

19           (d) If the defendant is held to answer the judge may  
20 require any material witness for the State or defendant to  
21 enter into a written undertaking to appear at the trial, and  
22 may provide for the forfeiture of a sum certain in the event  
23 the witness does not appear at the trial. Any witness who  
24 refuses to execute a recognizance may be committed by the  
25 judge to the custody of the sheriff until trial or further  
26 order of the court having jurisdiction of the cause. Any

1 witness who executes a recognizance and fails to comply with  
2 its terms shall, in addition to any forfeiture provided in the  
3 recognizance, be subject to the penalty provided in Section  
4 32-10 of the Criminal Code of 2012 for violation of bail bond  
5 ~~commits a Class C misdemeanor.~~

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

11 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

12 (725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

13 Sec. 109-3.1. Persons charged with felonies.

14 (a) In any case involving a person charged with a felony in  
15 this State, alleged to have been committed on or after January  
16 1, 1984, the provisions of this Section shall apply.

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



1 she was arrested.

2 The provisions of this paragraph shall not apply in the  
3 following situations:

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

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

11 (3) when a competency examination is ordered by the  
12 court; or

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

14 (5) when an adjudication of incompetency for trial has  
15 been made; or

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

20 (c) Delay occasioned by the defendant shall temporarily  
21 suspend, for the time of the delay, the period within which the  
22 preliminary examination must be held. On the day of expiration  
23 of the delay the period in question shall continue at the point  
24 at which it was suspended.

25 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

1 (725 ILCS 5/Art. 110 heading)

2 ARTICLE 110. BAIL ~~PRETRIAL RELEASE~~

3 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

4 Sec. 110-1. Definitions. As used in this Article:

5 ~~(a) (Blank).~~

6 "Security" is that which is required to be pledged to  
7 insure the payment of bail.

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

13 ~~(c)~~ The phrase "for which a sentence of imprisonment,  
14 without conditional and revocable release, shall be imposed by  
15 law as a consequence of conviction" means an offense for which  
16 a sentence of imprisonment ~~in the Department of Corrections,~~  
17 without probation, periodic imprisonment or conditional  
18 discharge, is required by law upon conviction.

19 "Real and present threat to the physical safety of any  
20 person or persons", as used in this Article, includes a threat  
21 to the community, person, persons or class of persons.

22 ~~(d) (Blank).~~

23 ~~(e) "Protective order" means any order of protection~~  
24 ~~issued under Section 112A-14 of this Code or the Illinois~~  
25 ~~Domestic Violence Act of 1986, a stalking no contact order~~

1 ~~issued under Section 80 of the Stalking No Contact Order Act,~~  
2 ~~or a civil no contact order issued under Section 213 of the~~  
3 ~~Civil No Contact Order Act.~~

4 ~~(f) "Willful flight" means intentional conduct with a~~  
5 ~~purpose to thwart the judicial process to avoid prosecution.~~  
6 ~~Isolated instances of nonappearance in court alone are not~~  
7 ~~evidence of the risk of willful flight. Reoccurrence and~~  
8 ~~patterns of intentional conduct to evade prosecution, along~~  
9 ~~with any affirmative steps to communicate or remedy any such~~  
10 ~~missed court date, may be considered as factors in assessing~~  
11 ~~future intent to evade prosecution.~~

12 (Source: P.A. 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23;  
13 103-154, eff. 6-30-23.)

14 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

15 Sec. 110-2. Release on own recognizance ~~Pretrial release.~~  
16 When from all the circumstances the court is of the opinion  
17 that the defendant will appear as required either before or  
18 after conviction and the defendant will not pose a danger to  
19 any person or the community and that the defendant will comply  
20 with all conditions of bond, which shall include the  
21 defendant's current address with a written admonishment to the  
22 defendant that he or she must comply with the provisions of  
23 Section 110-12 of this Code regarding any change in his or her  
24 address, the defendant may be released on his or her own  
25 recognizance. The defendant's address shall at all times

1 remain a matter of public record with the clerk of the court. A  
2 failure to appear as required by such recognizance shall  
3 constitute an offense subject to the penalty provided in  
4 Section 32-10 of the Criminal Code of 2012 for violation of the  
5 bail bond, and any obligated sum fixed in the recognizance  
6 shall be forfeited and collected in accordance with subsection  
7 (g) of Section 110-7.1 of this Code.

8 This Section shall be liberally construed to effectuate  
9 the purpose of relying upon contempt of court proceedings or  
10 criminal sanctions instead of financial loss to assure the  
11 appearance of the defendant, and that the defendant will not  
12 pose a danger to any person or the community and that the  
13 defendant will comply with all conditions of bond. Monetary  
14 bail should be set only when it is determined that no other  
15 conditions of release will reasonably assure the defendant's  
16 appearance in court, that the defendant does not present a  
17 danger to any person or the community and that the defendant  
18 will comply with all conditions of bond.

19 The State may appeal any order permitting release by  
20 personal recognizance.

21 ~~(a) All persons charged with an offense shall be eligible~~  
22 ~~for pretrial release before conviction. It is presumed that a~~  
23 ~~defendant is entitled to release on personal recognizance on~~  
24 ~~the condition that the defendant attend all required court~~  
25 ~~proceedings and the defendant does not commit any criminal~~  
26 ~~offense, and complies with all terms of pretrial release,~~

1 ~~including, but not limited to, orders of protection under both~~  
2 ~~Section 112A-4 of this Code and Section 214 of the Illinois~~  
3 ~~Domestic Violence Act of 1986, all civil no contact orders,~~  
4 ~~and all stalking no contact orders. Pretrial release may be~~  
5 ~~denied only if a person is charged with an offense listed in~~  
6 ~~Section 110-6.1 and after the court has held a hearing under~~  
7 ~~Section 110-6.1, and in a manner consistent with subsections~~  
8 ~~(b), (c), and (d) of this Section.~~

9 ~~(b) At all pretrial hearings, the prosecution shall have~~  
10 ~~the burden to prove by clear and convincing evidence that any~~  
11 ~~condition of release is necessary.~~

12 ~~(c) When it is alleged that pretrial release should be~~  
13 ~~denied to a person upon the grounds that the person presents a~~  
14 ~~real and present threat to the safety of any person or persons~~  
15 ~~or the community, based on the specific articulable facts of~~  
16 ~~the case, the burden of proof of such allegations shall be upon~~  
17 ~~the State.~~

18 ~~(d) When it is alleged that pretrial release should be~~  
19 ~~denied to a person charged with stalking or aggravated~~  
20 ~~stalking upon the grounds set forth in Section 110-6.3, the~~  
21 ~~burden of proof of those allegations shall be upon the State.~~

22 ~~(e) This Section shall be liberally construed to~~  
23 ~~effectuate the purpose of relying on pretrial release by~~  
24 ~~nonmonetary means to reasonably ensure an eligible person's~~  
25 ~~appearance in court, the protection of the safety of any other~~  
26 ~~person or the community, that the person will not attempt or~~

1 ~~obstruct the criminal justice process, and the person's~~  
2 ~~compliance with all conditions of release, while authorizing~~  
3 ~~the court, upon motion of a prosecutor, to order pretrial~~  
4 ~~detention of the person under Section 110-6.1 when it finds~~  
5 ~~clear and convincing evidence that no condition or combination~~  
6 ~~of conditions can reasonably ensure the effectuation of these~~  
7 ~~goals.~~

8 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

9 (725 ILCS 5/110-3.1 new)

10 Sec. 110-3.1. Issuance of warrant.

11 (a) Upon failure to comply with any condition of a bail  
12 bond or recognizance the court having jurisdiction at the time  
13 of such failure may, in addition to any other action provided  
14 by law, issue a warrant for the arrest of the person at liberty  
15 on bail or his own recognizance. The contents of such a warrant  
16 shall be the same as required for an arrest warrant issued upon  
17 complaint. When a defendant is at liberty on bail or his own  
18 recognizance on a felony charge and fails to appear in court as  
19 directed, the court shall issue a warrant for the arrest of  
20 such person. Such warrant shall be noted with a directive to  
21 peace officers to arrest the person and hold such person  
22 without bail and to deliver such person before the court for  
23 further proceedings.

24 (b) A defendant who is arrested or surrenders within 30  
25 days of the issuance of such warrant shall not be bailable in

1 the case in question unless he shows by the preponderance of  
2 the evidence that his failure to appear was not intentional.

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

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

6 (a) In determining the amount of monetary bail or  
7 conditions of release, if any, which will reasonably assure  
8 the appearance of a defendant as required or the safety of any  
9 other person or the community and the likelihood of compliance  
10 by the defendant with all the conditions of bail, the court  
11 shall, on the basis of available information, take into  
12 account such matters as the nature and circumstances of the  
13 offense charged, whether the evidence shows that as part of  
14 the offense there was a use of violence or threatened use of  
15 violence, whether the offense involved corruption of public  
16 officials or employees, whether there was physical harm or  
17 threats of physical harm to any public official, public  
18 employee, judge, prosecutor, juror or witness, senior citizen,  
19 child, or person with a disability, whether evidence shows  
20 that during the offense or during the arrest the defendant  
21 possessed or used a firearm, machine gun, explosive or metal  
22 piercing ammunition or explosive bomb device or any military  
23 or paramilitary armament, whether the evidence shows that the  
24 offense committed was related to or in furtherance of the  
25 criminal activities of an organized gang or was motivated by

1 the defendant's membership in or allegiance to an organized  
2 gang, the condition of the victim, any written statement  
3 submitted by the victim or proffer or representation by the  
4 State regarding the impact which the alleged criminal conduct  
5 has had on the victim and the victim's concern, if any, with  
6 further contact with the defendant if released on bail,  
7 whether the offense was based on racial, religious, sexual  
8 orientation or ethnic hatred, the likelihood of the filing of  
9 a greater charge, the likelihood of conviction, the sentence  
10 applicable upon conviction, the weight of the evidence against  
11 such defendant, whether there exists motivation or ability to  
12 flee, whether there is any verification as to prior residence,  
13 education, or family ties in the local jurisdiction, in  
14 another county, state or foreign country, the defendant's  
15 employment, financial resources, character and mental  
16 condition, past conduct, prior use of alias names or dates of  
17 birth, and length of residence in the community, the consent  
18 of the defendant to periodic drug testing in accordance with  
19 Section 110-6.5-1, whether a foreign national defendant is  
20 lawfully admitted in the United States of America, whether the  
21 government of the foreign national maintains an extradition  
22 treaty with the United States by which the foreign government  
23 will extradite to the United States its national for a trial  
24 for a crime allegedly committed in the United States, whether  
25 the defendant is currently subject to deportation or exclusion  
26 under the immigration laws of the United States, whether the



1 defendant, although a United States citizen, is considered  
2 under the law of any foreign state a national of that state for  
3 the purposes of extradition or non-extradition to the United  
4 States, the amount of unrecovered proceeds lost as a result of  
5 the alleged offense, the source of bail funds tendered or  
6 sought to be tendered for bail, whether from the totality of  
7 the court's consideration, the loss of funds posted or sought  
8 to be posted for bail will not deter the defendant from flight,  
9 whether the evidence shows that the defendant is engaged in  
10 significant possession, manufacture, or delivery of a  
11 controlled substance or cannabis, either individually or in  
12 consort with others, whether at the time of the offense  
13 charged he or she was on bond or pre-trial release pending  
14 trial, probation, periodic imprisonment or conditional  
15 discharge pursuant to this Code or the comparable Code of any  
16 other state or federal jurisdiction, whether the defendant is  
17 on bond or pre-trial release pending the imposition or  
18 execution of sentence or appeal of sentence for any offense  
19 under the laws of Illinois or any other state or federal  
20 jurisdiction, whether the defendant is under parole, aftercare  
21 release, mandatory supervised release, or work release from  
22 the Illinois Department of Corrections or Illinois Department  
23 of Juvenile Justice or any penal institution or corrections  
24 department of any state or federal jurisdiction, the  
25 defendant's record of convictions, whether the defendant has  
26 been convicted of a misdemeanor or ordinance offense in

1 Illinois or similar offense in other state or federal  
2 jurisdiction within the 10 years preceding the current charge  
3 or convicted of a felony in Illinois, whether the defendant  
4 was convicted of an offense in another state or federal  
5 jurisdiction that would be a felony if committed in Illinois  
6 within the 20 years preceding the current charge or has been  
7 convicted of such felony and released from the penitentiary  
8 within 20 years preceding the current charge if a penitentiary  
9 sentence was imposed in Illinois or other state or federal  
10 jurisdiction, the defendant's records of juvenile adjudication  
11 of delinquency in any jurisdiction, any record of appearance  
12 or failure to appear by the defendant at court proceedings,  
13 whether there was flight to avoid arrest or prosecution,  
14 whether the defendant escaped or attempted to escape to avoid  
15 arrest, whether the defendant refused to identify himself or  
16 herself, or whether there was a refusal by the defendant to be  
17 fingerprinted as required by law. Information used by the  
18 court in its findings or stated in or offered in connection  
19 with this Section may be by way of proffer based upon reliable  
20 information offered by the State or defendant. All evidence  
21 shall be admissible if it is relevant and reliable regardless  
22 of whether it would be admissible under the rules of evidence  
23 applicable at criminal trials. If the State presents evidence  
24 that the offense committed by the defendant was related to or  
25 in furtherance of the criminal activities of an organized gang  
26 or was motivated by the defendant's membership in or

1 allegiance to an organized gang, and if the court determines  
2 that the evidence may be substantiated, the court shall  
3 prohibit the defendant from associating with other members of  
4 the organized gang as a condition of bail or release. For the  
5 purposes of this Section, "organized gang" has the meaning  
6 ascribed to it in Section 10 of the Illinois Streetgang  
7 Terrorism Omnibus Prevention Act.

8 (a-5) There shall be a presumption that any conditions of  
9 release imposed shall be non-monetary in nature and the court  
10 shall impose the least restrictive conditions or combination  
11 of conditions necessary to reasonably assure the appearance of  
12 the defendant for further court proceedings and protect the  
13 integrity of the judicial proceedings from a specific threat  
14 to a witness or participant. Conditions of release may  
15 include, but not be limited to, electronic home monitoring,  
16 curfews, drug counseling, stay-away orders, and in-person  
17 reporting. The court shall consider the defendant's  
18 socio-economic circumstance when setting conditions of release  
19 or imposing monetary bail.

20 (b) The amount of bail shall be:

21 (1) Sufficient to assure compliance with the  
22 conditions set forth in the bail bond, which shall include  
23 the defendant's current address with a written  
24 admonishment to the defendant that he or she must comply  
25 with the provisions of Section 110-12 regarding any change  
26 in his or her address. The defendant's address shall at

1 all times remain a matter of public record with the clerk  
2 of the court.

3 (2) Not oppressive.

4 (3) Considerate of the financial ability of the  
5 accused.

6 (4) When a person is charged with a drug related  
7 offense involving possession or delivery of cannabis or  
8 possession or delivery of a controlled substance as  
9 defined in the Cannabis Control Act, the Illinois  
10 Controlled Substances Act, or the Methamphetamine Control  
11 and Community Protection Act, the full street value of the  
12 drugs seized shall be considered. "Street value" shall be  
13 determined by the court on the basis of a proffer by the  
14 State based upon reliable information of a law enforcement  
15 official contained in a written report as to the amount  
16 seized and such proffer may be used by the court as to the  
17 current street value of the smallest unit of the drug  
18 seized.

19 (b-5) Upon the filing of a written request demonstrating  
20 reasonable cause, the State's Attorney may request a source of  
21 bail hearing either before or after the posting of any funds.  
22 If the hearing is granted, before the posting of any bail, the  
23 accused must file a written notice requesting that the court  
24 conduct a source of bail hearing. The notice must be  
25 accompanied by justifying affidavits stating the legitimate  
26 and lawful source of funds for bail. At the hearing, the court

1 shall inquire into any matters stated in any justifying  
2 affidavits, and may also inquire into matters appropriate to  
3 the determination which shall include, but are not limited to,  
4 the following:

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

7 (2) the source of any money or property deposited by  
8 any surety, and whether any such money or property  
9 constitutes the fruits of criminal or unlawful conduct;  
10 and

11 (3) the source of any money posted as cash bail, and  
12 whether any such money constitutes the fruits of criminal  
13 or unlawful conduct; and

14 (4) the background, character, reputation, and  
15 relationship to the accused of the person posting cash  
16 bail.

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

19 The State's Attorney has a right to attend the hearing, to  
20 call witnesses and to examine any witness in the proceeding.  
21 The court shall, upon request of the State's Attorney,  
22 continue the proceedings for a reasonable period to allow the  
23 State's Attorney to investigate the matter raised in any  
24 testimony or affidavit. If the hearing is granted after the  
25 accused has posted bail, the court shall conduct a hearing  
26 consistent with this subsection (b-5). At the conclusion of

1 the hearing, the court must issue an order either approving or  
2 disapproving the bail.

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

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

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

11 (f) When a person is charged with a violation of an order  
12 of protection under Section 12-3.4 or 12-30 of the Criminal  
13 Code of 1961 or the Criminal Code of 2012 or when a person is  
14 charged with domestic battery, aggravated domestic battery,  
15 kidnapping, aggravated kidnaping, unlawful restraint,  
16 aggravated unlawful restraint, stalking, aggravated stalking,  
17 cyberstalking, harassment by telephone, harassment through  
18 electronic communications, or an attempt to commit first  
19 degree murder committed against an intimate partner regardless  
20 whether an order of protection has been issued against the  
21 person,

22 (1) whether the alleged incident involved harassment  
23 or abuse, as defined in the Illinois Domestic Violence Act  
24 of 1986;

25 (2) whether the person has a history of domestic  
26 violence, as defined in the Illinois Domestic Violence

1 Act, or a history of other criminal acts;

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

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

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

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

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

11 (8) based on the severity of the alleged incident that  
12 is the basis of the alleged offense, including, but not  
13 limited to, the duration of the current incident, and  
14 whether the alleged incident involved the use of a weapon,  
15 physical injury, sexual assault, strangulation, abuse  
16 during the alleged victim's pregnancy, abuse of pets, or  
17 forcible entry to gain access to the alleged victim;

18 (9) whether a separation of the person from the  
19 alleged victim or a termination of the relationship  
20 between the person and the alleged victim has recently  
21 occurred or is pending;

22 (10) whether the person has exhibited obsessive or  
23 controlling behaviors toward the alleged victim,  
24 including, but not limited to, stalking, surveillance, or  
25 isolation of the alleged victim or victim's family member  
26 or members;

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

3           (12) based on any information contained in the  
4           complaint and any police reports, affidavits, or other  
5           documents accompanying the complaint;

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



1 means a spouse or a current or former partner in a cohabitation  
2 or dating relationship.

3 ~~(a) In determining which conditions of pretrial release,~~  
4 ~~if any, will reasonably ensure the appearance of a defendant~~  
5 ~~as required or the safety of any other person or the community~~  
6 ~~and the likelihood of compliance by the defendant with all the~~  
7 ~~conditions of pretrial release, the court shall, on the basis~~  
8 ~~of available information, take into account such matters as:~~

9 ~~(1) the nature and circumstances of the offense~~  
10 ~~charged;~~

11 ~~(2) the weight of the evidence against the defendant,~~  
12 ~~except that the court may consider the admissibility of~~  
13 ~~any evidence sought to be excluded;~~

14 ~~(3) the history and characteristics of the defendant,~~  
15 ~~including:~~

16 ~~(A) the defendant's character, physical and mental~~  
17 ~~condition, family ties, employment, financial~~  
18 ~~resources, length of residence in the community,~~  
19 ~~community ties, past relating to drug or alcohol~~  
20 ~~abuse, conduct, history criminal history, and record~~  
21 ~~concerning appearance at court proceedings; and~~

22 ~~(B) whether, at the time of the current offense or~~  
23 ~~arrest, the defendant was on probation, parole, or on~~  
24 ~~other release pending trial, sentencing, appeal, or~~  
25 ~~completion of sentence for an offense under federal~~  
26 ~~law, or the law of this or any other state;~~

1           ~~(4) the nature and seriousness of the real and present~~  
2           ~~threat to the safety of any person or persons or the~~  
3           ~~community, based on the specific articulable facts of the~~  
4           ~~case, that would be posed by the defendant's release, if~~  
5           ~~applicable, as required under paragraph (7.5) of Section 4~~  
6           ~~of the Rights of Crime Victims and Witnesses Act;~~

7           ~~(5) the nature and seriousness of the risk of~~  
8           ~~obstructing or attempting to obstruct the criminal justice~~  
9           ~~process that would be posed by the defendant's release, if~~  
10           ~~applicable;~~

11           ~~(6) when a person is charged with a violation of a~~  
12           ~~protective order, domestic battery, aggravated domestic~~  
13           ~~battery, kidnapping, aggravated kidnaping, unlawful~~  
14           ~~restraint, aggravated unlawful restraint, cyberstalking,~~  
15           ~~harassment by telephone, harassment through electronic~~  
16           ~~communications, or an attempt to commit first degree~~  
17           ~~murder committed against a spouse or a current or former~~  
18           ~~partner in a cohabitation or dating relationship,~~  
19           ~~regardless of whether an order of protection has been~~  
20           ~~issued against the person, the court may consider the~~  
21           ~~following additional factors:~~

22           ~~(A) whether the alleged incident involved~~  
23           ~~harassment or abuse, as defined in the Illinois~~  
24           ~~Domestic Violence Act of 1986;~~

25           ~~(B) whether the person has a history of domestic~~  
26           ~~violence, as defined in the Illinois Domestic Violence~~

1 ~~Act of 1986, or a history of other criminal acts;~~

2 ~~(C) the mental health of the person;~~

3 ~~(D) whether the person has a history of violating~~  
4 ~~the orders of any court or governmental entity;~~

5 ~~(E) whether the person has been, or is,~~  
6 ~~potentially a threat to any other person;~~

7 ~~(F) whether the person has access to deadly~~  
8 ~~weapons or a history of using deadly weapons;~~

9 ~~(G) whether the person has a history of abusing~~  
10 ~~alcohol or any controlled substance;~~

11 ~~(H) the severity of the alleged incident that is~~  
12 ~~the basis of the alleged offense, including, but not~~  
13 ~~limited to, the duration of the current incident, and~~  
14 ~~whether the alleged incident involved the use of a~~  
15 ~~weapon, physical injury, sexual assault,~~  
16 ~~strangulation, abuse during the alleged victim's~~  
17 ~~pregnancy, abuse of pets, or forcible entry to gain~~  
18 ~~access to the alleged victim;~~

19 ~~(I) whether a separation of the person from the~~  
20 ~~victim of abuse or a termination of the relationship~~  
21 ~~between the person and the victim of abuse has~~  
22 ~~recently occurred or is pending;~~

23 ~~(J) whether the person has exhibited obsessive or~~  
24 ~~controlling behaviors toward the victim of abuse,~~  
25 ~~including, but not limited to, stalking, surveillance,~~  
26 ~~or isolation of the victim of abuse or the victim's~~

1 ~~family member or members;~~

2 ~~(K) whether the person has expressed suicidal or~~  
3 ~~homicidal ideations; and~~

4 ~~(L) any other factors deemed by the court to have a~~  
5 ~~reasonable bearing upon the defendant's propensity or~~  
6 ~~reputation for violent, abusive, or assaultive~~  
7 ~~behavior, or lack of that behavior.~~

8 ~~(7) in cases of stalking or aggravated stalking under~~  
9 ~~Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the~~  
10 ~~court may consider the factors listed in paragraph (6) and~~  
11 ~~the following additional factors:~~

12 ~~(A) any evidence of the defendant's prior criminal~~  
13 ~~history indicative of violent, abusive or assaultive~~  
14 ~~behavior, or lack of that behavior; the evidence may~~  
15 ~~include testimony or documents received in juvenile~~  
16 ~~proceedings, criminal, quasi criminal, civil~~  
17 ~~commitment, domestic relations, or other proceedings;~~

18 ~~(B) any evidence of the defendant's psychological,~~  
19 ~~psychiatric, or other similar social history that~~  
20 ~~tends to indicate a violent, abusive, or assaultive~~  
21 ~~nature, or lack of any such history;~~

22 ~~(C) the nature of the threat that is the basis of~~  
23 ~~the charge against the defendant;~~

24 ~~(D) any statements made by, or attributed to, the~~  
25 ~~defendant, together with the circumstances surrounding~~  
26 ~~them;~~

1 ~~(E) the age and physical condition of any person~~  
2 ~~allegedly assaulted by the defendant;~~

3 ~~(F) whether the defendant is known to possess or~~  
4 ~~have access to any weapon or weapons; and~~

5 ~~(G) any other factors deemed by the court to have a~~  
6 ~~reasonable bearing upon the defendant's propensity or~~  
7 ~~reputation for violent, abusive, or assaultive~~  
8 ~~behavior, or lack of that behavior.~~

9 ~~(b) The court may use a regularly validated risk~~  
10 ~~assessment tool to aid its determination of appropriate~~  
11 ~~conditions of release as provided under Section 110-6.4. If a~~  
12 ~~risk assessment tool is used, the defendant's counsel shall be~~  
13 ~~provided with the information and scoring system of the risk~~  
14 ~~assessment tool used to arrive at the determination. The~~  
15 ~~defendant retains the right to challenge the validity of a~~  
16 ~~risk assessment tool used by the court and to present evidence~~  
17 ~~relevant to the defendant's challenge.~~

18 ~~(c) The court shall impose any conditions that are~~  
19 ~~mandatory under subsection (a) of Section 110-10. The court~~  
20 ~~may impose any conditions that are permissible under~~  
21 ~~subsection (b) of Section 110-10. The conditions of release~~  
22 ~~imposed shall be the least restrictive conditions or~~  
23 ~~combination of conditions necessary to reasonably ensure the~~  
24 ~~appearance of the defendant as required or the safety of any~~  
25 ~~other person or persons or the community.~~

26 ~~(d) When a person is charged with a violation of a~~

1 ~~protective order, the court may order the defendant placed~~  
2 ~~under electronic surveillance as a condition of pretrial~~  
3 ~~release, as provided in Section 5-8A-7 of the Unified Code of~~  
4 ~~Corrections, based on the information collected under~~  
5 ~~paragraph (6) of subsection (a) of this Section, the results~~  
6 ~~of any assessment conducted, or other circumstances of the~~  
7 ~~violation.~~

8 ~~(e) If a person remains in pretrial detention 48 hours~~  
9 ~~after having been ordered released with pretrial conditions,~~  
10 ~~the court shall hold a hearing to determine the reason for~~  
11 ~~continued detention. If the reason for continued detention is~~  
12 ~~due to the unavailability or the defendant's ineligibility for~~  
13 ~~one or more pretrial conditions previously ordered by the~~  
14 ~~court or directed by a pretrial services agency, the court~~  
15 ~~shall reopen the conditions of release hearing to determine~~  
16 ~~what available pretrial conditions exist that will reasonably~~  
17 ~~ensure the appearance of a defendant as required, the safety~~  
18 ~~of any other person, and the likelihood of compliance by the~~  
19 ~~defendant with all the conditions of pretrial release. The~~  
20 ~~inability of the defendant to pay for a condition of release or~~  
21 ~~any other ineligibility for a condition of pretrial release~~  
22 ~~shall not be used as a justification for the pretrial~~  
23 ~~detention of that defendant.~~

24 ~~(f) Prior to the defendant's first appearance, and with~~  
25 ~~sufficient time for meaningful attorney-client contact to~~  
26 ~~gather information in order to advocate effectively for the~~

1 ~~defendant's pretrial release, the court shall appoint the~~  
2 ~~public defender or a licensed attorney at law of this State to~~  
3 ~~represent the defendant for purposes of that hearing, unless~~  
4 ~~the defendant has obtained licensed counsel. Defense counsel~~  
5 ~~shall have access to the same documentary information relied~~  
6 ~~upon by the prosecution and presented to the court.~~

7 ~~(f 5) At each subsequent appearance of the defendant~~  
8 ~~before the court, the judge must find that the current~~  
9 ~~conditions imposed are necessary to reasonably ensure the~~  
10 ~~appearance of the defendant as required, the safety of any~~  
11 ~~other person, and the compliance of the defendant with all the~~  
12 ~~conditions of pretrial release. The court is not required to~~  
13 ~~be presented with new information or a change in circumstance~~  
14 ~~to remove pretrial conditions.~~

15 ~~(g) Electronic monitoring, GPS monitoring, or home~~  
16 ~~confinement can only be imposed as a condition of pretrial~~  
17 ~~release if a no less restrictive condition of release or~~  
18 ~~combination of less restrictive condition of release would~~  
19 ~~reasonably ensure the appearance of the defendant for later~~  
20 ~~hearings or protect an identifiable person or persons from~~  
21 ~~imminent threat of serious physical harm.~~

22 ~~(h) If the court imposes electronic monitoring, GPS~~  
23 ~~monitoring, or home confinement, the court shall set forth in~~  
24 ~~the record the basis for its finding. A defendant shall be~~  
25 ~~given custodial credit for each day he or she was subjected to~~  
26 ~~home confinement, at the same rate described in subsection (b)~~

1 ~~of Section 5-4.5-100 of the Unified Code of Corrections. The~~  
2 ~~court may give custodial credit to a defendant for each day the~~  
3 ~~defendant was subjected to GPS monitoring without home~~  
4 ~~confinement or electronic monitoring without home confinement.~~

5 ~~(i) If electronic monitoring, GPS monitoring, or home~~  
6 ~~confinement is imposed, the court shall determine every 60~~  
7 ~~days if no less restrictive condition of release or~~  
8 ~~combination of less restrictive conditions of release would~~  
9 ~~reasonably ensure the appearance, or continued appearance, of~~  
10 ~~the defendant for later hearings or protect an identifiable~~  
11 ~~person or persons from imminent threat of serious physical~~  
12 ~~harm. If the court finds that there are less restrictive~~  
13 ~~conditions of release, the court shall order that the~~  
14 ~~condition be removed. This subsection takes effect January 1,~~  
15 ~~2022.~~

16 ~~(j) Crime Victims shall be given notice by the State's~~  
17 ~~Attorney's office of this hearing as required in paragraph (1)~~  
18 ~~of subsection (b) of Section 4.5 of the Rights of Crime Victims~~  
19 ~~and Witnesses Act and shall be informed of their opportunity~~  
20 ~~at this hearing to obtain a protective order.~~

21 ~~(k) The State and defendants may appeal court orders~~  
22 ~~imposing conditions of pretrial release.~~

23 (Source: P.A. 101-652, eff. 1-1-23; 102-28, eff. 6-25-21;  
24 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1104, eff.  
25 1-1-23.)



1 (725 ILCS 5/110-5.2)

2 Sec. 110-5.2. Bail ~~Pretrial release~~; pregnant pre-trial  
3 detainee.

4 (a) It is the policy of this State that a pre-trial  
5 detainee shall not be required to deliver a child while in  
6 custody absent a finding by the court that continued pre-trial  
7 custody is necessary to protect the public or the victim of the  
8 offense on which the charge is based ~~alleviate a real and~~  
9 ~~present threat to the safety of any person or persons or the~~  
10 ~~community, based on the specific articulable facts of the~~  
11 ~~case, or prevent the defendant's willful flight.~~

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

16 (1) that the release of the pregnant pre-trial  
17 detainee would pose a real and present threat to the  
18 physical safety of the alleged victim of the offense and  
19 continuing custody is necessary to prevent the fulfillment  
20 of the threat upon which the charge is based; or ~~the~~  
21 ~~pregnant pretrial detainee is charged with an offense for~~  
22 ~~which pretrial release may be denied under Section~~  
23 ~~110-6.1; and~~

24 (2) that the release of the pregnant pre-trial  
25 detainee would pose a real and present threat to the  
26 physical safety of any person or persons or the general

1       ~~public after a hearing under Section 110-6.1 that~~  
2       ~~considers the circumstances of the pregnancy, the court~~  
3       ~~determines that continued detention is the only way to~~  
4       ~~prevent a real and present threat to the safety of any~~  
5       ~~person or persons or the community, based on the specific~~  
6       ~~articulable facts of the case, or prevent the defendant's~~  
7       ~~willful flight.~~

8       (c) The court may order a pregnant or post-partum detainee  
9       to be subject to electronic monitoring as a condition of  
10       pre-trial release or order other condition or combination of  
11       conditions the court reasonably determines are in the best  
12       interest of the detainee and the public. Electronic Monitoring  
13       ~~may be ordered by the court only if no less restrictive~~  
14       ~~condition of release or combination of less restrictive~~  
15       ~~conditions of release would reasonably ensure the appearance,~~  
16       ~~or continued appearance, of the defendant for later hearings~~  
17       ~~or protect an identifiable person or persons from imminent~~  
18       ~~threat of serious physical harm. All pregnant people or those~~  
19       ~~who have given birth within 6 weeks shall be granted ample~~  
20       ~~movement to attend doctor's appointments and for emergencies~~  
21       ~~related to the health of the pregnancy, infant, or postpartum~~  
22       ~~person.~~

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

26       (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

1 (725 ILCS 5/110-6)

2 Sec. 110-6. Modification of bail or conditions ~~Revocation~~  
3 ~~of pretrial release, modification of conditions of pretrial~~  
4 ~~release, and sanctions for violations of conditions of~~  
5 ~~pretrial release.~~

6 (a) Upon verified application by the State or the  
7 defendant or on its own motion the court before which the  
8 proceeding is pending may increase or reduce the amount of  
9 bail or may alter the conditions of the bail bond or grant bail  
10 where it has been previously revoked or denied. If bail has  
11 been previously revoked pursuant to subsection (f) of this  
12 Section or if bail has been denied to the defendant pursuant to  
13 subsection (e) of Section 110-6.1 or subsection (e) of Section  
14 110-6.3-1, the defendant shall be required to present a  
15 verified application setting forth in detail any new facts not  
16 known or obtainable at the time of the previous revocation or  
17 denial of bail proceedings. If the court grants bail where it  
18 has been previously revoked or denied, the court shall state  
19 on the record of the proceedings the findings of facts and  
20 conclusion of law upon which such order is based.

21 (a-5) In addition to any other available motion or  
22 procedure under this Code, a person in custody solely for a  
23 Category B offense due to an inability to post monetary bail  
24 shall be brought before the court at the next available court  
25 date or 7 calendar days from the date bail was set, whichever

1 is earlier, for a rehearing on the amount or conditions of bail  
2 or release pending further court proceedings. The court may  
3 reconsider conditions of release for any other person whose  
4 inability to post monetary bail is the sole reason for  
5 continued incarceration, including a person in custody for a  
6 Category A offense or a Category A offense and a Category B  
7 offense. The court may deny the rehearing permitted under this  
8 subsection (a-5) if the person has failed to appear as  
9 required before the court and is incarcerated based on a  
10 warrant for failure to appear on the same original criminal  
11 offense.

12 (b) Violation of the conditions of Section 110-10 of this  
13 Code or any special conditions of bail as ordered by the court  
14 shall constitute grounds for the court to increase the amount  
15 of bail, or otherwise alter the conditions of bail, or, where  
16 the alleged offense committed on bail is a forcible felony in  
17 Illinois or a Class 2 or greater offense under the Illinois  
18 Controlled Substances Act, the Cannabis Control Act, or the  
19 Methamphetamine Control and Community Protection Act, revoke  
20 bail pursuant to the appropriate provisions of subsection (e)  
21 of this Section.

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

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

1       (e) Upon verified application by the State stating facts  
2 or circumstances constituting a violation or a threatened  
3 violation of any of the conditions of the bail bond the court  
4 may issue a warrant commanding any peace officer to bring the  
5 defendant without unnecessary delay before the court for a  
6 hearing on the matters set forth in the application. If the  
7 actual court before which the proceeding is pending is absent  
8 or otherwise unavailable another court may issue a warrant  
9 pursuant to this Section. When the defendant is charged with a  
10 felony offense and while free on bail is charged with a  
11 subsequent felony offense and is the subject of a proceeding  
12 set forth in Section 109-1 or 109-3 of this Code, upon the  
13 filing of a verified petition by the State alleging a  
14 violation of Section 110-10 (a) (4) of this Code, the court  
15 shall without prior notice to the defendant, grant leave to  
16 file such application and shall order the transfer of the  
17 defendant and the application without unnecessary delay to the  
18 court before which the previous felony matter is pending for a  
19 hearing as provided in subsection (b) or this subsection of  
20 this Section. The defendant shall be held without bond pending  
21 transfer to and a hearing before such court. At the conclusion  
22 of the hearing based on a violation of the conditions of  
23 Section 110-10 of this Code or any special conditions of bail  
24 as ordered by the court the court may enter an order increasing  
25 the amount of bail or alter the conditions of bail as deemed  
26 appropriate.

1       (f) Where the alleged violation consists of the violation  
2 of one or more felony statutes of any jurisdiction which would  
3 be a forcible felony in Illinois or a Class 2 or greater  
4 offense under the Illinois Controlled Substances Act, the  
5 Cannabis Control Act, or the Methamphetamine Control and  
6 Community Protection Act and the defendant is on bail for the  
7 alleged commission of a felony, or where the defendant is on  
8 bail for a felony domestic battery (enhanced pursuant to  
9 subsection (b) of Section 12-3.2 of the Criminal Code of 1961  
10 or the Criminal Code of 2012), aggravated domestic battery,  
11 aggravated battery, unlawful restraint, aggravated unlawful  
12 restraint or domestic battery in violation of item (1) of  
13 subsection (a) of Section 12-3.2 of the Criminal Code of 1961  
14 or the Criminal Code of 2012 against a family or household  
15 member as defined in Section 112A-3 of this Code and the  
16 violation is an offense of domestic battery against the same  
17 victim the court shall, on the motion of the State or its own  
18 motion, revoke bail in accordance with the following  
19 provisions:

20       (1) The court shall hold the defendant without bail  
21 pending the hearing on the alleged breach; however, if the  
22 defendant is not admitted to bail the hearing shall be  
23 commenced within 10 days from the date the defendant is  
24 taken into custody or the defendant may not be held any  
25 longer without bail, unless delay is occasioned by the  
26 defendant. Where defendant occasions the delay, the

1 running of the 10 day period is temporarily suspended and  
2 resumes at the termination of the period of delay. Where  
3 defendant occasions the delay with 5 or fewer days  
4 remaining in the 10 day period, the court may grant a  
5 period of up to 5 additional days to the State for good  
6 cause shown. The State, however, shall retain the right to  
7 proceed to hearing on the alleged violation at any time,  
8 upon reasonable notice to the defendant and the court.

9 (2) At a hearing on the alleged violation the State  
10 has the burden of going forward and proving the violation  
11 by clear and convincing evidence. The evidence shall be  
12 presented in open court with the opportunity to testify,  
13 to present witnesses in his behalf, and to cross-examine  
14 witnesses if any are called by the State, and  
15 representation by counsel and if the defendant is indigent  
16 to have counsel appointed for him. The rules of evidence  
17 applicable in criminal trials in this State shall not  
18 govern the admissibility of evidence at such hearing.  
19 Information used by the court in its findings or stated in  
20 or offered in connection with hearings for increase or  
21 revocation of bail may be by way of proffer based upon  
22 reliable information offered by the State or defendant.  
23 All evidence shall be admissible if it is relevant and  
24 reliable regardless of whether it would be admissible  
25 under the rules of evidence applicable at criminal trials.  
26 A motion by the defendant to suppress evidence or to

1 suppress a confession shall not be entertained at such a  
2 hearing. Evidence that proof may have been obtained as a  
3 result of an unlawful search and seizure or through  
4 improper interrogation is not relevant to this hearing.

5 (3) Upon a finding by the court that the State has  
6 established by clear and convincing evidence that the  
7 defendant has committed a forcible felony or a Class 2 or  
8 greater offense under the Illinois Controlled Substances  
9 Act, the Cannabis Control Act, or the Methamphetamine  
10 Control and Community Protection Act while admitted to  
11 bail, or where the defendant is on bail for a felony  
12 domestic battery (enhanced pursuant to subsection (b) of  
13 Section 12-3.2 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012), aggravated domestic battery,  
15 aggravated battery, unlawful restraint, aggravated  
16 unlawful restraint or domestic battery in violation of  
17 item (1) of subsection (a) of Section 12-3.2 of the  
18 Criminal Code of 1961 or the Criminal Code of 2012 against  
19 a family or household member as defined in Section 112A-3  
20 of this Code and the violation is an offense of domestic  
21 battery, against the same victim, the court shall revoke  
22 the bail of the defendant and hold the defendant for trial  
23 without bail. Neither the finding of the court nor any  
24 transcript or other record of the hearing shall be  
25 admissible in the State's case in chief, but shall be  
26 admissible for impeachment, or as provided in Section



1       115-10.1 of this Code or in a perjury proceeding.

2       (4) If the bail of any defendant is revoked pursuant  
3 to paragraph (f) (3) of this Section, the defendant may  
4 demand and shall be entitled to be brought to trial on the  
5 offense with respect to which he was formerly released on  
6 bail within 90 days after the date on which his bail was  
7 revoked. If the defendant is not brought to trial within  
8 the 90 day period required by the preceding sentence, he  
9 shall not be held longer without bail. In computing the 90  
10 day period, the court shall omit any period of delay  
11 resulting from a continuance granted at the request of the  
12 defendant.

13       (5) If the defendant either is arrested on a warrant  
14 issued pursuant to this Code or is arrested for an  
15 unrelated offense and it is subsequently discovered that  
16 the defendant is a subject of another warrant or warrants  
17 issued pursuant to this Code, the defendant shall be  
18 transferred promptly to the court which issued such  
19 warrant. If, however, the defendant appears initially  
20 before a court other than the court which issued such  
21 warrant, the non-issuing court shall not alter the amount  
22 of bail set on such warrant unless the court sets forth on  
23 the record of proceedings the conclusions of law and facts  
24 which are the basis for such altering of another court's  
25 bond. The non-issuing court shall not alter another  
26 court's bail set on a warrant unless the interests of

1       justice and public safety are served by such action.

2       (g) The State may appeal any order where the court has  
3 increased or reduced the amount of bail or altered the  
4 conditions of the bail bond or granted bail where it has  
5 previously been revoked.

6       ~~(a) When a defendant has previously been granted pretrial~~  
7 ~~release under this Section for a felony or Class A~~  
8 ~~misdemeanor, that pretrial release may be revoked only if the~~  
9 ~~defendant is charged with a felony or Class A misdemeanor that~~  
10 ~~is alleged to have occurred during the defendant's pretrial~~  
11 ~~release after a hearing on the court's own motion or upon the~~  
12 ~~filing of a verified petition by the State.~~

13       ~~When a defendant released pretrial is charged with a~~  
14 ~~violation of a protective order or was previously convicted of~~  
15 ~~a violation of a protective order and the subject of the~~  
16 ~~protective order is the same person as the victim in the~~  
17 ~~current underlying matter, the State shall file a verified~~  
18 ~~petition seeking revocation of pretrial release.~~

19       ~~Upon the filing of a petition or upon motion of the court~~  
20 ~~seeking revocation, the court shall order the transfer of the~~  
21 ~~defendant and the petition or motion to the court before which~~  
22 ~~the previous felony or Class A misdemeanor is pending. The~~  
23 ~~defendant may be held in custody pending transfer to and a~~  
24 ~~hearing before such court. The defendant shall be transferred~~  
25 ~~to the court before which the previous matter is pending~~  
26 ~~without unnecessary delay, and the revocation hearing shall~~

1 ~~occur within 72 hours of the filing of the State's petition or~~  
2 ~~the court's motion for revocation.~~

3 ~~A hearing at which pretrial release may be revoked must be~~  
4 ~~conducted in person (and not by way of two way audio visual~~  
5 ~~communication) unless the accused waives the right to be~~  
6 ~~present physically in court, the court determines that the~~  
7 ~~physical health and safety of any person necessary to the~~  
8 ~~proceedings would be endangered by appearing in court, or the~~  
9 ~~chief judge of the circuit orders use of that system due to~~  
10 ~~operational challenges in conducting the hearing in person.~~  
11 ~~Such operational challenges must be documented and approved by~~  
12 ~~the chief judge of the circuit, and a plan to address the~~  
13 ~~challenges through reasonable efforts must be presented and~~  
14 ~~approved by the Administrative Office of the Illinois Courts~~  
15 ~~every 6 months.~~

16 ~~The court before which the previous felony matter or Class~~  
17 ~~A misdemeanor is pending may revoke the defendant's pretrial~~  
18 ~~release after a hearing. During the hearing for revocation,~~  
19 ~~the defendant shall be represented by counsel and have an~~  
20 ~~opportunity to be heard regarding the violation and evidence~~  
21 ~~in mitigation. The court shall consider all relevant~~  
22 ~~circumstances, including, but not limited to, the nature and~~  
23 ~~seriousness of the violation or criminal act alleged. The~~  
24 ~~State shall bear the burden of proving, by clear and~~  
25 ~~convincing evidence, that no condition or combination of~~  
26 ~~conditions of release would reasonably ensure the appearance~~

1 ~~of the defendant for later hearings or prevent the defendant~~  
2 ~~from being charged with a subsequent felony or Class A~~  
3 ~~misdemeanor.~~

4 ~~In lieu of revocation, the court may release the defendant~~  
5 ~~pre trial, with or without modification of conditions of~~  
6 ~~pretrial release.~~

7 ~~If the case that caused the revocation is dismissed, the~~  
8 ~~defendant is found not guilty in the case causing the~~  
9 ~~revocation, or the defendant completes a lawfully imposed~~  
10 ~~sentence on the case causing the revocation, the court shall,~~  
11 ~~without unnecessary delay, hold a hearing on conditions of~~  
12 ~~pretrial release pursuant to Section 110-5 and release the~~  
13 ~~defendant with or without modification of conditions of~~  
14 ~~pretrial release.~~

15 ~~Both the State and the defendant may appeal an order~~  
16 ~~revoking pretrial release or denying a petition for revocation~~  
17 ~~of release.~~

18 ~~(b) If a defendant previously has been granted pretrial~~  
19 ~~release under this Section for a Class B or Class C misdemeanor~~  
20 ~~offense, a petty or business offense, or an ordinance~~  
21 ~~violation and if the defendant is subsequently charged with a~~  
22 ~~felony that is alleged to have occurred during the defendant's~~  
23 ~~pretrial release or a Class A misdemeanor offense that is~~  
24 ~~alleged to have occurred during the defendant's pretrial~~  
25 ~~release, such pretrial release may not be revoked, but the~~  
26 ~~court may impose sanctions under subsection (c).~~

1       ~~(e) The court shall follow the procedures set forth in~~  
2 ~~Section 110-3 to ensure the defendant's appearance in court if~~  
3 ~~the defendant:~~

4           ~~(1) fails to appear in court as required by the~~  
5 ~~defendant's conditions of release;~~

6           ~~(2) is charged with a felony or Class A misdemeanor~~  
7 ~~offense that is alleged to have occurred during the~~  
8 ~~defendant's pretrial release after having been previously~~  
9 ~~granted pretrial release for a Class B or Class C~~  
10 ~~misdemeanor, a petty or business offense, or an ordinance~~  
11 ~~violation that is alleged to have occurred during the~~  
12 ~~defendant's pretrial release;~~

13           ~~(3) is charged with a Class B or C misdemeanor~~  
14 ~~offense, petty or business offense, or ordinance violation~~  
15 ~~that is alleged to have occurred during the defendant's~~  
16 ~~pretrial release; or~~

17           ~~(4) violates any other condition of pretrial release~~  
18 ~~set by the court.~~

19       ~~In response to a violation described in this subsection,~~  
20 ~~the court may issue a warrant specifying that the defendant~~  
21 ~~must appear before the court for a hearing for sanctions and~~  
22 ~~may not be released by law enforcement before that appearance.~~

23       ~~(d) When a defendant appears in court pursuant to a~~  
24 ~~summons or warrant issued in accordance with Section 110-3 or~~  
25 ~~after being arrested for an offense that is alleged to have~~  
26 ~~occurred during the defendant's pretrial release, the State~~

1 ~~may file a verified petition requesting a hearing for~~  
2 ~~sanctions.~~

3 ~~(c) During the hearing for sanctions, the defendant shall~~  
4 ~~be represented by counsel and have an opportunity to be heard~~  
5 ~~regarding the violation and evidence in mitigation. The State~~  
6 ~~shall bear the burden of proving by clear and convincing~~  
7 ~~evidence that:~~

8 ~~(1) the defendant committed an act that violated a~~  
9 ~~term of the defendant's pretrial release;~~

10 ~~(2) the defendant had actual knowledge that the~~  
11 ~~defendant's action would violate a court order;~~

12 ~~(3) the violation of the court order was willful; and~~

13 ~~(4) the violation was not caused by a lack of access to~~  
14 ~~financial monetary resources.~~

15 ~~(f) Sanctions for violations of pretrial release may~~  
16 ~~include:~~

17 ~~(1) a verbal or written admonishment from the court;~~

18 ~~(2) imprisonment in the county jail for a period not~~  
19 ~~exceeding 30 days;~~

20 ~~(3) (Blank); or~~

21 ~~(4) a modification of the defendant's pretrial~~  
22 ~~conditions.~~

23 ~~(g) The court may, at any time, after motion by either~~  
24 ~~party or on its own motion, remove previously set conditions~~  
25 ~~of pretrial release, subject to the provisions in this~~  
26 ~~subsection. The court may only add or increase conditions of~~

1 ~~pretrial release at a hearing under this Section.~~

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

11 ~~(h) Crime victims shall be given notice by the State's~~  
12 ~~Attorney's office of all hearings under this Section as~~  
13 ~~required in paragraph (1) of subsection (b) of Section 4.5 of~~  
14 ~~the Rights of Crime Victims and Witnesses Act and shall be~~  
15 ~~informed of their opportunity at these hearings to obtain a~~  
16 ~~protective order.~~

17 ~~(i) Nothing in this Section shall be construed to limit~~  
18 ~~the State's ability to file a verified petition seeking denial~~  
19 ~~of pretrial release under subsection (a) of Section 110-6.1 or~~  
20 ~~subdivision (d) (2) of Section 110-6.1.~~

21 ~~(j) At each subsequent appearance of the defendant before~~  
22 ~~the court, the judge must find that continued detention under~~  
23 ~~this Section is necessary to reasonably ensure the appearance~~  
24 ~~of the defendant for later hearings or to prevent the~~  
25 ~~defendant from being charged with a subsequent felony or Class~~  
26 ~~A misdemeanor.~~

1 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

2 (725 ILCS 5/110-6.1 new)

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

5 (a) Upon verified petition by the State, the court shall  
6 hold a hearing to determine whether bail should be denied to a  
7 defendant who is charged with a felony offense for which a  
8 sentence of imprisonment, without probation, periodic  
9 imprisonment or conditional discharge, is required by law upon  
10 conviction, when it is alleged that the defendant's admission  
11 to bail poses a real and present threat to the physical safety  
12 of any person or persons.

13 (1) A petition may be filed without prior notice to  
14 the defendant at the first appearance before a judge, or  
15 within the 21 calendar days, except as provided in Section  
16 110-6, after arrest and release of the defendant upon  
17 reasonable notice to defendant; provided that while such  
18 petition is pending before the court, the defendant if  
19 previously released shall not be detained.

20 (2) The hearing shall be held immediately upon the  
21 defendant's appearance before the court, unless for good  
22 cause shown the defendant or the State seeks a  
23 continuance. A continuance on motion of the defendant may  
24 not exceed 5 calendar days, and a continuance on the  
25 motion of the State may not exceed 3 calendar days. The



1 defendant may be held in custody during such continuance.

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

4 (1) the proof is evident or the presumption great that  
5 the defendant has committed an offense for which a  
6 sentence of imprisonment, without probation, periodic  
7 imprisonment or conditional discharge, must be imposed by  
8 law as a consequence of conviction, and

9 (2) the defendant poses a real and present threat to  
10 the physical safety of any person or persons, by conduct  
11 which may include, but is not limited to, a forcible  
12 felony, the obstruction of justice, intimidation, injury,  
13 physical harm, an offense under the Illinois Controlled  
14 Substances Act which is a Class X felony, or an offense  
15 under the Methamphetamine Control and Community Protection  
16 Act which is a Class X felony, and

17 (3) the court finds that no condition or combination  
18 of conditions set forth in subsection (b) of Section  
19 110-10 of this Article, can reasonably assure the physical  
20 safety of any other person or persons.

21 (c) Conduct of the hearings.

22 (1) The hearing on the defendant's culpability and  
23 dangerousness shall be conducted in accordance with the  
24 following provisions:

25 (A) Information used by the court in its findings or  
26 stated in or offered at such hearing may be by way of

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

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

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

17 (2) The facts relied upon by the court to support a  
18 finding that the defendant poses a real and present threat  
19 to the physical safety of any person or persons shall be  
20 supported by clear and convincing evidence presented by  
21 the State.

22 (d) Factors to be considered in making a determination of  
23 dangerousness. The court may, in determining whether the  
24 defendant poses a real and present threat to the physical  
25 safety of any person or persons, consider but shall not be  
26 limited to evidence or testimony concerning:

1           (1) The nature and circumstances of any offense  
2           charged, including whether the offense is a crime of  
3           violence, involving a weapon.

4           (2) The history and characteristics of the defendant  
5           including:

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

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

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

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

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

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

26           (7) Whether, at the time of the current offense or any

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

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

11 (e) Detention order. The court shall, in any order for  
12 detention:

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

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

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

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

26 (f) If the court enters an order for the detention of the

1 defendant pursuant to subsection (e) of this Section, the  
2 defendant shall be brought to trial on the offense for which he  
3 is detained within 90 days after the date on which the order  
4 for detention was entered. If the defendant is not brought to  
5 trial within the 90 day period required by the preceding  
6 sentence, he shall not be held longer without bail. In  
7 computing the 90 day period, the court shall omit any period of  
8 delay resulting from a continuance granted at the request of  
9 the defendant.

10 (g) Rights of the defendant. Any person shall be entitled  
11 to appeal any order entered under this Section denying bail to  
12 the defendant.

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

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

18 ~~(a) Upon verified petition by the State, the court shall~~  
19 ~~hold a hearing and may deny a defendant pretrial release only~~  
20 ~~if:~~

21 ~~(1) the defendant is charged with a felony offense~~  
22 ~~other than a forcible felony for which, based on the~~  
23 ~~charge or the defendant's criminal history, a sentence of~~  
24 ~~imprisonment, without probation, periodic imprisonment or~~  
25 ~~conditional discharge, is required by law upon conviction,~~  
26 ~~and it is alleged that the defendant's pretrial release~~

1 ~~poses a real and present threat to the safety of any person~~  
2 ~~or persons or the community, based on the specific~~  
3 ~~articulable facts of the case;~~

4 ~~(1.5) the defendant's pretrial release poses a real~~  
5 ~~and present threat to the safety of any person or persons~~  
6 ~~or the community, based on the specific articulable facts~~  
7 ~~of the case, and the defendant is charged with a forcible~~  
8 ~~felony, which as used in this Section, means treason,~~  
9 ~~first degree murder, second degree murder, predatory~~  
10 ~~criminal sexual assault of a child, aggravated criminal~~  
11 ~~sexual assault, criminal sexual assault, armed robbery,~~  
12 ~~aggravated robbery, robbery, burglary where there is use~~  
13 ~~of force against another person, residential burglary,~~  
14 ~~home invasion, vehicular invasion, aggravated arson,~~  
15 ~~arson, aggravated kidnaping, kidnaping, aggravated battery~~  
16 ~~resulting in great bodily harm or permanent disability or~~  
17 ~~disfigurement or any other felony which involves the~~  
18 ~~threat of or infliction of great bodily harm or permanent~~  
19 ~~disability or disfigurement;~~

20 ~~(2) the defendant is charged with stalking or~~  
21 ~~aggravated stalking, and it is alleged that the~~  
22 ~~defendant's pre-trial release poses a real and present~~  
23 ~~threat to the safety of a victim of the alleged offense,~~  
24 ~~and denial of release is necessary to prevent fulfillment~~  
25 ~~of the threat upon which the charge is based;~~

26 ~~(3) the defendant is charged with a violation of an~~

1 ~~order of protection issued under Section 112A-14 of this~~  
2 ~~Code or Section 214 of the Illinois Domestic Violence Act~~  
3 ~~of 1986, a stalking no contact order under Section 80 of~~  
4 ~~the Stalking No Contact Order Act, or of a civil no contact~~  
5 ~~order under Section 213 of the Civil No Contact Order Act,~~  
6 ~~and it is alleged that the defendant's pretrial release~~  
7 ~~poses a real and present threat to the safety of any person~~  
8 ~~or persons or the community, based on the specific~~  
9 ~~articulable facts of the case;~~

10 ~~(4) the defendant is charged with domestic battery or~~  
11 ~~aggravated domestic battery under Section 12-3.2 or 12-3.3~~  
12 ~~of the Criminal Code of 2012 and it is alleged that the~~  
13 ~~defendant's pretrial release poses a real and present~~  
14 ~~threat to the safety of any person or persons or the~~  
15 ~~community, based on the specific articulable facts of the~~  
16 ~~case;~~

17 ~~(5) the defendant is charged with any offense under~~  
18 ~~Article 11 of the Criminal Code of 2012, except for~~  
19 ~~Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,~~  
20 ~~11-40, and 11-45 of the Criminal Code of 2012, or similar~~  
21 ~~provisions of the Criminal Code of 1961 and it is alleged~~  
22 ~~that the defendant's pretrial release poses a real and~~  
23 ~~present threat to the safety of any person or persons or~~  
24 ~~the community, based on the specific articulable facts of~~  
25 ~~the case;~~

26 ~~(6) the defendant is charged with any of the following~~



1 ~~offenses under the Criminal Code of 2012, and it is~~  
2 ~~alleged that the defendant's pretrial release poses a real~~  
3 ~~and present threat to the safety of any person or persons~~  
4 ~~or the community, based on the specific articulable facts~~  
5 ~~of the case:~~

6 ~~(A) Section 24-1.2 (aggravated discharge of a~~  
7 ~~firearm);~~

8 ~~(B) Section 24-2.5 (aggravated discharge of a~~  
9 ~~machine gun or a firearm equipped with a device~~  
10 ~~designed or use for silencing the report of a~~  
11 ~~firearm);~~

12 ~~(C) Section 24-1.5 (reckless discharge of a~~  
13 ~~firearm);~~

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

15 ~~(E) Section 24-2.2 (manufacture, sale or transfer~~  
16 ~~of bullets or shells represented to be armor piercing~~  
17 ~~bullets, dragon's breath shotgun shells, bolo shells,~~  
18 ~~or flechette shells);~~

19 ~~(F) Section 24-3 (unlawful sale or delivery of~~  
20 ~~firearms);~~

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

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

25 ~~(I) Section 24-3.5 (unlawful purchase of a~~  
26 ~~firearm);~~

1 ~~(J) Section 24-3A (gunrunning);~~  
2 ~~(K) Section 24-3B (firearms trafficking);~~  
3 ~~(L) Section 10-9 (b) (involuntary servitude);~~  
4 ~~(M) Section 10-9 (c) (involuntary sexual servitude~~  
5 ~~of a minor);~~  
6 ~~(N) Section 10-9(d) (trafficking in persons);~~  
7 ~~(O) Non probationable violations: (i) unlawful use~~  
8 ~~or possession of weapons by felons or persons in the~~  
9 ~~Custody of the Department of Corrections facilities~~  
10 ~~(Section 24-1.1), (ii) aggravated unlawful use of a~~  
11 ~~weapon (Section 24-1.6), or (iii) aggravated~~  
12 ~~possession of a stolen firearm (Section 24-3.9);~~  
13 ~~(P) Section 9-3 (reckless homicide and involuntary~~  
14 ~~manslaughter);~~  
15 ~~(Q) Section 19-3 (residential burglary);~~  
16 ~~(R) Section 10-5 (child abduction);~~  
17 ~~(S) Felony violations of Section 12C-5 (child~~  
18 ~~endangerment);~~  
19 ~~(T) Section 12-7.1 (hate crime);~~  
20 ~~(U) Section 10-3.1 (aggravated unlawful~~  
21 ~~restraint);~~  
22 ~~(V) Section 12-9 (threatening a public official);~~  
23 ~~(W) Subdivision (f) (1) of Section 12-3.05~~  
24 ~~(aggravated battery with a deadly weapon other than by~~  
25 ~~discharge of a firearm);~~  
26 ~~(6.5) the defendant is charged with any of the~~

1 ~~following offenses, and it is alleged that the defendant's~~  
2 ~~pretrial release poses a real and present threat to the~~  
3 ~~safety of any person or persons or the community, based on~~  
4 ~~the specific articulable facts of the case:~~

5 ~~(A) Felony violations of Sections 3.01, 3.02, or~~  
6 ~~3.03 of the Humane Care for Animals Act (cruel~~  
7 ~~treatment, aggravated cruelty, and animal torture);~~

8 ~~(B) Subdivision (d) (1) (B) of Section 11-501 of the~~  
9 ~~Illinois Vehicle Code (aggravated driving under the~~  
10 ~~influence while operating a school bus with~~  
11 ~~passengers);~~

12 ~~(C) Subdivision (d) (1) (C) of Section 11-501 of the~~  
13 ~~Illinois Vehicle Code (aggravated driving under the~~  
14 ~~influence causing great bodily harm);~~

15 ~~(D) Subdivision (d) (1) (D) of Section 11-501 of the~~  
16 ~~Illinois Vehicle Code (aggravated driving under the~~  
17 ~~influence after a previous reckless homicide~~  
18 ~~conviction);~~

19 ~~(E) Subdivision (d) (1) (F) of Section 11-501 of the~~  
20 ~~Illinois Vehicle Code (aggravated driving under the~~  
21 ~~influence leading to death); or~~

22 ~~(F) Subdivision (d) (1) (J) of Section 11-501 of the~~  
23 ~~Illinois Vehicle Code (aggravated driving under the~~  
24 ~~influence that resulted in bodily harm to a child~~  
25 ~~under the age of 16);~~

26 ~~(7) the defendant is charged with an attempt to commit~~

~~any charge listed in paragraphs (1) through (6.5), and it is alleged that the defendant's pretrial release poses a real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case; or~~

~~(8) the person has a high likelihood of willful flight to avoid prosecution and is charged with:~~

~~(A) Any felony described in subdivisions (a) (1) through (a) (7) of this Section; or~~

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

~~(b) If the charged offense is a felony, as part of the detention hearing, the court shall determine whether there is probable cause the defendant has committed an offense, unless a hearing pursuant to Section 109-3 of this Code has already been held or a grand jury has returned a true bill of indictment against the defendant. If there is a finding of no probable cause, the defendant shall be released. No such finding is necessary if the defendant is charged with a misdemeanor.~~

~~(c) Timing of petition.~~

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

1 ~~previously released shall not be detained.~~

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

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

15 ~~(1) The petition shall be verified by the State and~~  
16 ~~shall state the grounds upon which it contends the~~  
17 ~~defendant should be denied pretrial release, including the~~  
18 ~~real and present threat to the safety of any person or~~  
19 ~~persons or the community, based on the specific~~  
20 ~~articulable facts or flight risk, as appropriate.~~

21 ~~(2) If the State seeks to file a second or subsequent~~  
22 ~~petition under this Section, the State shall be required~~  
23 ~~to present a verified application setting forth in detail~~  
24 ~~any new facts not known or obtainable at the time of the~~  
25 ~~filing of the previous petition.~~

26 ~~(c) Eligibility: All defendants shall be presumed eligible~~

1 ~~for pretrial release, and the State shall bear the burden of~~  
2 ~~proving by clear and convincing evidence that:~~

3 ~~(1) the proof is evident or the presumption great that~~  
4 ~~the defendant has committed an offense listed in~~  
5 ~~subsection (a), and~~

6 ~~(2) for offenses listed in paragraphs (1) through (7)~~  
7 ~~of subsection (a), the defendant poses a real and present~~  
8 ~~threat to the safety of any person or persons or the~~  
9 ~~community, based on the specific articulable facts of the~~  
10 ~~case, by conduct which may include, but is not limited to,~~  
11 ~~a forcible felony, the obstruction of justice,~~  
12 ~~intimidation, injury, or abuse as defined by paragraph (1)~~  
13 ~~of Section 103 of the Illinois Domestic Violence Act of~~  
14 ~~1986, and~~

15 ~~(3) no condition or combination of conditions set~~  
16 ~~forth in subsection (b) of Section 110-10 of this Article~~  
17 ~~can mitigate (i) the real and present threat to the safety~~  
18 ~~of any person or persons or the community, based on the~~  
19 ~~specific articulable facts of the case, for offenses~~  
20 ~~listed in paragraphs (1) through (7) of subsection (a), or~~  
21 ~~(ii) the defendant's willful flight for offenses listed in~~  
22 ~~paragraph (8) of subsection (a), and~~

23 ~~(4) for offenses under subsection (b) of Section 407~~  
24 ~~of the Illinois Controlled Substances Act that are subject~~  
25 ~~to paragraph (1) of subsection (a), no condition or~~  
26 ~~combination of conditions set forth in subsection (b) of~~

1 ~~Section 110-10 of this Article can mitigate the real and~~  
2 ~~present threat to the safety of any person or persons or~~  
3 ~~the community, based on the specific articulable facts of~~  
4 ~~the case, and the defendant poses a serious risk to not~~  
5 ~~appear in court as required.~~

6 ~~(f) Conduct of the hearings.~~

7 ~~(1) Prior to the hearing, the State shall tender to~~  
8 ~~the defendant copies of the defendant's criminal history~~  
9 ~~available, any written or recorded statements, and the~~  
10 ~~substance of any oral statements made by any person, if~~  
11 ~~relied upon by the State in its petition, and any police~~  
12 ~~reports in the prosecutor's possession at the time of the~~  
13 ~~hearing.~~

14 ~~(2) The State or defendant may present evidence at the~~  
15 ~~hearing by way of proffer based upon reliable information.~~

16 ~~(3) The defendant has the right to be represented by~~  
17 ~~counsel, and if he or she is indigent, to have counsel~~  
18 ~~appointed for him or her. The defendant shall have the~~  
19 ~~opportunity to testify, to present witnesses on his or her~~  
20 ~~own behalf, and to cross-examine any witnesses that are~~  
21 ~~called by the State. Defense counsel shall be given~~  
22 ~~adequate opportunity to confer with the defendant before~~  
23 ~~any hearing at which conditions of release or the~~  
24 ~~detention of the defendant are to be considered, with an~~  
25 ~~accommodation for a physical condition made to facilitate~~  
26 ~~attorney/client consultation. If defense counsel needs to~~

1 ~~confer or consult with the defendant during any hearing~~  
2 ~~conducted via a two way audio visual communication system,~~  
3 ~~such consultation shall not be recorded and shall be~~  
4 ~~undertaken consistent with constitutional protections.~~

5 ~~(3.5) A hearing at which pretrial release may be~~  
6 ~~denied must be conducted in person (and not by way of~~  
7 ~~two way audio visual communication) unless the accused~~  
8 ~~waives the right to be present physically in court, the~~  
9 ~~court determines that the physical health and safety of~~  
10 ~~any person necessary to the proceedings would be~~  
11 ~~endangered by appearing in court, or the chief judge of~~  
12 ~~the circuit orders use of that system due to operational~~  
13 ~~challenges in conducting the hearing in person. Such~~  
14 ~~operational challenges must be documented and approved by~~  
15 ~~the chief judge of the circuit, and a plan to address the~~  
16 ~~challenges through reasonable efforts must be presented~~  
17 ~~and approved by the Administrative Office of the Illinois~~  
18 ~~Courts every 6 months.~~

19 ~~(4) If the defense seeks to compel the complaining~~  
20 ~~witness to testify as a witness in its favor, it shall~~  
21 ~~petition the court for permission. When the ends of~~  
22 ~~justice so require, the court may exercise its discretion~~  
23 ~~and compel the appearance of a complaining witness. The~~  
24 ~~court shall state on the record reasons for granting a~~  
25 ~~defense request to compel the presence of a complaining~~  
26 ~~witness only on the issue of the defendant's pretrial~~



1 ~~detention. In making a determination under this Section,~~  
2 ~~the court shall state on the record the reason for~~  
3 ~~granting a defense request to compel the presence of a~~  
4 ~~complaining witness, and only grant the request if the~~  
5 ~~court finds by clear and convincing evidence that the~~  
6 ~~defendant will be materially prejudiced if the complaining~~  
7 ~~witness does not appear. Cross examination of a~~  
8 ~~complaining witness at the pretrial detention hearing for~~  
9 ~~the purpose of impeaching the witness' credibility is~~  
10 ~~insufficient reason to compel the presence of the witness.~~  
11 ~~In deciding whether to compel the appearance of a~~  
12 ~~complaining witness, the court shall be considerate of the~~  
13 ~~emotional and physical well-being of the witness. The~~  
14 ~~pre-trial detention hearing is not to be used for purposes~~  
15 ~~of discovery, and the post arraignment rules of discovery~~  
16 ~~do not apply. The State shall tender to the defendant,~~  
17 ~~prior to the hearing, copies, if any, of the defendant's~~  
18 ~~criminal history, if available, and any written or~~  
19 ~~recorded statements and the substance of any oral~~  
20 ~~statements made by any person, if in the State's~~  
21 ~~Attorney's possession at the time of the hearing.~~

22 ~~(5) The rules concerning the admissibility of evidence~~  
23 ~~in criminal trials do not apply to the presentation and~~  
24 ~~consideration of information at the hearing. At the trial~~  
25 ~~concerning the offense for which the hearing was conducted~~  
26 ~~neither the finding of the court nor any transcript or~~

1 ~~other record of the hearing shall be admissible in the~~  
2 ~~State's case in chief, but shall be admissible for~~  
3 ~~impeachment, or as provided in Section 115-10.1 of this~~  
4 ~~Code, or in a perjury proceeding.~~

5 ~~(6) The defendant may not move to suppress evidence or~~  
6 ~~a confession, however, evidence that proof of the charged~~  
7 ~~crime may have been the result of an unlawful search or~~  
8 ~~seizure, or both, or through improper interrogation, is~~  
9 ~~relevant in assessing the weight of the evidence against~~  
10 ~~the defendant.~~

11 ~~(7) Decisions regarding release, conditions of~~  
12 ~~release, and detention prior to trial must be~~  
13 ~~individualized, and no single factor or standard may be~~  
14 ~~used exclusively to order detention. Risk assessment tools~~  
15 ~~may not be used as the sole basis to deny pretrial release.~~

16 ~~(g) Factors to be considered in making a determination of~~  
17 ~~dangerousness. The court may, in determining whether the~~  
18 ~~defendant poses a real and present threat to the safety of any~~  
19 ~~person or persons or the community, based on the specific~~  
20 ~~articulable facts of the case, consider, but shall not be~~  
21 ~~limited to, evidence or testimony concerning:~~

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

25 ~~(2) The history and characteristics of the defendant~~  
26 ~~including:~~

1           ~~(A) Any evidence of the defendant's prior criminal~~  
2           ~~history indicative of violent, abusive or assaultive~~  
3           ~~behavior, or lack of such behavior. Such evidence may~~  
4           ~~include testimony or documents received in juvenile~~  
5           ~~proceedings, criminal, quasi criminal, civil~~  
6           ~~commitment, domestic relations, or other proceedings.~~

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

11           ~~(3) The identity of any person or persons to whose~~  
12           ~~safety the defendant is believed to pose a threat, and the~~  
13           ~~nature of the threat.~~

14           ~~(4) Any statements made by, or attributed to the~~  
15           ~~defendant, together with the circumstances surrounding~~  
16           ~~them.~~

17           ~~(5) The age and physical condition of the defendant.~~

18           ~~(6) The age and physical condition of any victim or~~  
19           ~~complaining witness.~~

20           ~~(7) Whether the defendant is known to possess or have~~  
21           ~~access to any weapon or weapons.~~

22           ~~(8) Whether, at the time of the current offense or any~~  
23           ~~other offense or arrest, the defendant was on probation,~~  
24           ~~parole, aftercare release, mandatory supervised release or~~  
25           ~~other release from custody pending trial, sentencing,~~  
26           ~~appeal or completion of sentence for an offense under~~

1 ~~federal or state law.~~

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

7 ~~(h) Detention order. The court shall, in any order for~~  
8 ~~detention:~~

9 ~~(1) make a written finding summarizing the court's~~  
10 ~~reasons for concluding that the defendant should be denied~~  
11 ~~pretrial release, including why less restrictive~~  
12 ~~conditions would not avoid a real and present threat to~~  
13 ~~the safety of any person or persons or the community,~~  
14 ~~based on the specific articulable facts of the case, or~~  
15 ~~prevent the defendant's willful flight from prosecution;~~

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

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

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

26 ~~(i) Detention. If the court enters an order for the~~

1 ~~detention of the defendant pursuant to subsection (c) of this~~  
2 ~~Section, the defendant shall be brought to trial on the~~  
3 ~~offense for which he is detained within 90 days after the date~~  
4 ~~on which the order for detention was entered. If the defendant~~  
5 ~~is not brought to trial within the 90 day period required by~~  
6 ~~the preceding sentence, he shall not be denied pretrial~~  
7 ~~release. In computing the 90 day period, the court shall omit~~  
8 ~~any period of delay resulting from a continuance granted at~~  
9 ~~the request of the defendant and any period of delay resulting~~  
10 ~~from a continuance granted at the request of the State with~~  
11 ~~good cause shown pursuant to Section 103-5.~~

12 ~~(i-5) At each subsequent appearance of the defendant~~  
13 ~~before the court, the judge must find that continued detention~~  
14 ~~is necessary to avoid a real and present threat to the safety~~  
15 ~~of any person or persons or the community, based on the~~  
16 ~~specific articulable facts of the case, or to prevent the~~  
17 ~~defendant's willful flight from prosecution.~~

18 ~~(j) Rights of the defendant. The defendant shall be~~  
19 ~~entitled to appeal any order entered under this Section~~  
20 ~~denying his or her pretrial release.~~

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

24 ~~(l) Presumption of innocence. Nothing in this Section~~  
25 ~~shall be construed as modifying or limiting in any way the~~  
26 ~~defendant's presumption of innocence in further criminal~~

1 ~~proceedings.~~

2 ~~(m) Interest of victims.~~

3 ~~(1) Crime victims shall be given notice by the State's~~  
4 ~~Attorney's office of this hearing as required in paragraph (1)~~  
5 ~~of subsection (b) of Section 4.5 of the Rights of Crime Victims~~  
6 ~~and Witnesses Act and shall be informed of their opportunity~~  
7 ~~at this hearing to obtain a protective order.~~

8 ~~(2) If the defendant is denied pretrial release, the court~~  
9 ~~may impose a no contact provision with the victim or other~~  
10 ~~interested party that shall be enforced while the defendant~~  
11 ~~remains in custody.~~

12 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

13 (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

14 Sec. 110-6.2. Post-conviction detention.

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

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

1           (1) the person is not likely to flee or pose a danger  
2           to the safety of any other person or the community if  
3           released on bond pending appeal; and

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

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

8           (725 ILCS 5/110-6.4)

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

25          For the purpose of this Section, "risk-assessment tool"

1 means an empirically validated, evidence-based screening  
2 instrument that demonstrates reduced instances of a  
3 defendant's failure to appear for further court proceedings or  
4 prevents future criminal activity.

5 (Source: P.A. 100-1, eff. 1-1-18; 100-863, eff. 8-14-18;  
6 101-652, eff. 1-1-23.)

7 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

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

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

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

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

18 (3) (Blank);

19 (3.1) Not depart this State without leave of the  
20 court;

21 (4) Not violate any criminal statute of any  
22 jurisdiction;

23 (5) At a time and place designated by the court,  
24 surrender all firearms in his or her possession to a law  
25 enforcement officer designated by the court to take



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

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

1 by a school to transport students to or from school or a  
2 school-related activity, or on any public way within 1,000  
3 feet of real property comprising any school.

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

25 (b) The court may impose other conditions, such as the  
26 following, if the court finds that such conditions are

1 reasonably necessary to assure the defendant's appearance in  
2 court, protect the public from the defendant, or prevent the  
3 defendant's unlawful interference with the orderly  
4 administration of justice:

5 (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 shall impose upon a defendant who is  
16          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 bail bond, a fee  
22          that represents costs incidental to the electronic  
23          monitoring for each day of such bail supervision ordered  
24          by the court, unless after determining the inability of  
25          the defendant to pay the fee, the court assesses a lesser  
26          fee or no fee as the case may be. The fee shall be

1 collected by the clerk of the circuit court, except as  
2 provided in an administrative order of the Chief Judge of  
3 the circuit court. The clerk of the circuit court shall  
4 pay all monies collected from this fee to the county  
5 treasurer for deposit in the substance abuse services fund  
6 under Section 5-1086.1 of the Counties Code, except as  
7 provided in an administrative order of the Chief Judge of  
8 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 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 bail bond, a fee which shall represent  
3 costs incidental to such electronic monitoring for each  
4 day of such bail supervision ordered by the court, unless  
5 after determining the inability of the defendant to pay  
6 the fee, the court assesses a lesser fee or no fee as the  
7 case may be. The fee shall be collected by the clerk of the  
8 circuit court, except as provided in an administrative  
9 order of the Chief Judge of the circuit court. The clerk of  
10 the circuit court shall pay all monies collected from this  
11 fee to the county treasurer who shall use the monies  
12 collected to defray the costs of corrections. The county  
13 treasurer shall deposit the fee collected in the county  
14 working cash fund under Section 6-27001 or Section 6-29002  
15 of the Counties Code, as the case may be, except as  
16 provided in an administrative order of the Chief Judge of  
17 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) Under Section 110-6.5-1 comply with the  
10 conditions of the drug testing program; and

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

13 ~~(b) Additional conditions of release shall be set only~~  
14 ~~when it is determined that they are necessary to ensure the~~  
15 ~~defendant's appearance in court, ensure the defendant does not~~  
16 ~~commit any criminal offense, ensure the defendant complies~~  
17 ~~with all conditions of pretrial release, prevent the~~  
18 ~~defendant's unlawful interference with the orderly~~  
19 ~~administration of justice, or ensure compliance with the rules~~  
20 ~~and procedures of problem solving courts. However, conditions~~  
21 ~~shall include the least restrictive means and be~~  
22 ~~individualized. Conditions shall not mandate rehabilitative~~  
23 ~~services unless directly tied to the risk of pretrial~~  
24 ~~misconduct. Conditions of supervision shall not include~~  
25 ~~punitive measures such as community service work or~~  
26 ~~restitution. Conditions may include the following:~~



1           ~~(0.05) Not depart this State without leave of the~~  
2           ~~court;~~

3           ~~(1) Report to or appear in person before such person~~  
4           ~~or agency as the court may direct;~~

5           ~~(2) Refrain from possessing a firearm or other~~  
6           ~~dangerous weapon;~~

7           ~~(3) Refrain from approaching or communicating with~~  
8           ~~particular persons or classes of persons;~~

9           ~~(4) Refrain from going to certain described geographic~~  
10           ~~areas or premises;~~

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

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

1 ~~and scope of the defendant's employment;~~

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

7 ~~(8) Sign a written admonishment requiring that he or~~  
8 ~~she comply with the provisions of Section 110-12 regarding~~  
9 ~~any change in his or her address. The defendant's address~~  
10 ~~shall at all times remain a matter of record with the clerk~~  
11 ~~of the court; and~~

12 ~~(9) Such other reasonable conditions as the court may~~  
13 ~~impose, so long as these conditions are the least~~  
14 ~~restrictive means to achieve the goals listed in~~  
15 ~~subsection (b), are individualized, and are in accordance~~  
16 ~~with national best practices as detailed in the Pretrial~~  
17 ~~Supervision Standards of the Supreme Court.~~

18 ~~The defendant shall receive verbal and written~~  
19 ~~notification of conditions of pretrial release and future~~  
20 ~~court dates, including the date, time, and location of court.~~

21 (c) When a person is charged with an offense under Section  
22 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
23 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
24 Criminal Code of 2012, involving a victim who is a minor under  
25 18 years of age living in the same household with the defendant  
26 at the time of the offense, in granting bail or releasing the

1 defendant on his or her recognizance, the judge shall impose  
2 conditions to restrict the defendant's access to the victim  
3 which may include, but are not limited to conditions that he  
4 will:

5 1. Vacate the household.

6 2. Make payment of temporary support to his  
7 dependents.

8 3. Refrain from contact or communication with the  
9 child victim, except as ordered by the court.

10 (d) When a person is charged with a criminal offense and  
11 the victim is a family or household member as defined in  
12 Article 112A, conditions shall be imposed at the time of the  
13 defendant's release on bond that restrict the defendant's  
14 access to the victim. Unless provided otherwise by the court,  
15 the restrictions shall include requirements that the defendant  
16 do the following:

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

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

23 (e) Local law enforcement agencies shall develop  
24 standardized bond ~~pretrial release~~ forms for use in cases  
25 involving family or household members as defined in Article  
26 112A, including specific conditions of bond ~~pretrial release~~

1 as provided in subsection (d). Failure of any law enforcement  
2 department to develop or use those forms shall in no way limit  
3 the applicability and enforcement of subsections (d) and (f).

4 (f) If the defendant is admitted to bail ~~released after~~  
5 ~~conviction following appeal or other post conviction~~  
6 ~~proceeding~~, the conditions of the bail bond ~~pretrial release~~  
7 shall be that he will, in addition to the conditions set forth  
8 in subsections (a) and (b) hereof:

9 (1) Duly prosecute his appeal;

10 (2) Appear at such time and place as the court may  
11 direct;

12 (3) Not depart this State without leave of the court;

13 (4) Comply with such other reasonable conditions as  
14 the court may impose; and

15 (5) If the judgment is affirmed or the cause reversed  
16 and remanded for a new trial, forthwith surrender to the  
17 officer from whose custody he was bailed ~~released~~.

18 (g) Upon a finding of guilty for any felony offense, the  
19 defendant shall physically surrender, at a time and place  
20 designated by the court, any and all firearms in his or her  
21 possession and his or her Firearm Owner's Identification Card  
22 as a condition of remaining on bond ~~being released~~ pending  
23 sentencing.

24 (h) In the event the defendant is unable to post bond, the  
25 court may impose a no contact provision with the victim or  
26 other interested party that shall be enforced while the

1 defendant remains in custody.

2 (Source: P.A. 101-138, eff. 1-1-20; 101-652, eff. 1-1-23;  
3 102-1104, eff. 1-1-23.)

4 (725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

5 Sec. 110-11. Bail ~~Pretrial release~~ on a new trial. If the  
6 judgment of conviction is reversed and the cause remanded for  
7 a new trial the trial court may order that the bail ~~conditions~~  
8 ~~of pretrial release~~ stand pending such trial, or reduce or  
9 increase bail ~~modify the conditions of pretrial release.~~

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

11 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

12 Sec. 110-12. Notice of change of address. A defendant who  
13 has been admitted to bail ~~pretrial release~~ shall file a  
14 written notice with the clerk of the court before which the  
15 proceeding is pending of any change in his or her address  
16 within 24 hours after such change, except that a defendant who  
17 has been admitted to bail ~~pretrial release~~ for a forcible  
18 felony as defined in Section 2-8 of the Criminal Code of 2012  
19 shall file a written notice with the clerk of the court before  
20 which the proceeding is pending and the clerk shall  
21 immediately deliver a time stamped copy of the written notice  
22 to the State's Attorney ~~prosecutor~~ charged with the  
23 prosecution within 24 hours prior to such change. The address  
24 of a defendant who has been admitted to bail ~~pretrial release~~

1 shall at all times remain a matter of public record with the  
2 clerk of the court.

3 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

4 (725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

5 Sec. 111-2. Commencement of prosecutions.

6 (a) All prosecutions of felonies shall be by information  
7 or by indictment. No prosecution may be pursued by information  
8 unless a preliminary hearing has been held or waived in  
9 accordance with Section 109-3 and at that hearing probable  
10 cause to believe the defendant committed an offense was found,  
11 and the provisions of Section 109-3.1 of this Code have been  
12 complied with.

13 (b) All other prosecutions may be by indictment,  
14 information or complaint.

15 (c) Upon the filing of an information or indictment in  
16 open court charging the defendant with the commission of a sex  
17 offense defined in any Section of Article 11 of the Criminal  
18 Code of 1961 or the Criminal Code of 2012, and a minor as  
19 defined in Section 1-3 of the Juvenile Court Act of 1987 is  
20 alleged to be the victim of the commission of the acts of the  
21 defendant in the commission of such offense, the court may  
22 appoint a guardian ad litem for the minor as provided in  
23 Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile Court Act of  
24 1987.

25 (d) Upon the filing of an information or indictment in

1 open court, the court shall immediately issue a warrant for  
2 the arrest of each person charged with an offense directed to a  
3 peace officer or some other person specifically named  
4 commanding him to arrest such person.

5 (e) When the offense is bailable ~~eligible for pretrial~~  
6 ~~release~~, the judge shall endorse on the warrant the amount of  
7 bail ~~conditions of pretrial release~~ required by the order of  
8 the court, and if the court orders the process returnable  
9 forthwith, the warrant shall require that the accused be  
10 arrested and brought immediately into court.

11 (f) Where the prosecution of a felony is by information or  
12 complaint after preliminary hearing, or after a waiver of  
13 preliminary hearing in accordance with paragraph (a) of this  
14 Section, such prosecution may be for all offenses, arising  
15 from the same transaction or conduct of a defendant even  
16 though the complaint or complaints filed at the preliminary  
17 hearing charged only one or some of the offenses arising from  
18 that transaction or conduct.

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

20 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

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

22 (a) When violation is crime. A violation of any protective  
23 order, whether issued in a civil, quasi-criminal proceeding or  
24 by a military judge, shall be enforced by a criminal court  
25 when:

1           (1) The respondent commits the crime of violation of a  
2 domestic violence order of protection pursuant to Section  
3 12-3.4 or 12-30 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012, by having knowingly violated:

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

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

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

18           Prosecution for a violation of a domestic violence  
19 order of protection shall not bar concurrent prosecution  
20 for any other crime, including any crime that may have  
21 been committed at the time of the violation of the  
22 domestic violence order of protection; or

23           (2) The respondent commits the crime of child  
24 abduction pursuant to Section 10-5 of the Criminal Code of  
25 1961 or the Criminal Code of 2012, by having knowingly  
26 violated:



1 (i) remedies described in paragraph (5), (6), or  
2 (8) of subsection (b) of Section 112A-14 of this Code,  
3 or

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

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

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

25 (b) When violation is contempt of court. A violation of  
26 any valid protective order, whether issued in a civil or

1 criminal proceeding or by a military judge, may be enforced  
2 through civil or criminal contempt procedures, as appropriate,  
3 by any court with jurisdiction, regardless where the act or  
4 acts which violated the protective order were committed, to  
5 the extent consistent with the venue provisions of this  
6 Article. Nothing in this Article shall preclude any Illinois  
7 court from enforcing any valid protective order issued in  
8 another state. Illinois courts may enforce protective orders  
9 through both criminal prosecution and contempt proceedings,  
10 unless the action which is second in time is barred by  
11 collateral estoppel or the constitutional prohibition against  
12 double jeopardy.

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

22 (2) A petition for a rule to show cause for violation  
23 of a protective order shall be treated as an expedited  
24 proceeding.

25 (c) Violation of custody, allocation of parental  
26 responsibility, or support orders. A violation of remedies

1 described in paragraph (5), (6), (8), or (9) of subsection (b)  
2 of Section 112A-14 of this Code may be enforced by any remedy  
3 provided by Section 607.5 of the Illinois Marriage and  
4 Dissolution of Marriage Act. The court may enforce any order  
5 for support issued under paragraph (12) of subsection (b) of  
6 Section 112A-14 of this Code in the manner provided for under  
7 Parts V and VII of the Illinois Marriage and Dissolution of  
8 Marriage Act.

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

13 (1) (Blank).

14 (2) (Blank).

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

17 (4) By other means demonstrating actual knowledge of  
18 the contents of the order.

19 (e) The enforcement of a protective order in civil or  
20 criminal court shall not be affected by either of the  
21 following:

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

24 (2) Any finding or order entered in a conjoined  
25 criminal proceeding.

26 (e-5) If a civil no contact order entered under subsection

1 (6) of Section 112A-20 of the Code of Criminal Procedure of  
2 1963 conflicts with an order issued pursuant to the Juvenile  
3 Court Act of 1987 or the Illinois Marriage and Dissolution of  
4 Marriage Act, the conflicting order issued under subsection  
5 (6) of Section 112A-20 of the Code of Criminal Procedure of  
6 1963 shall be void.

7 (f) Circumstances. The court, when determining whether or  
8 not a violation of a protective order has occurred, shall not  
9 require physical manifestations of abuse on the person of the  
10 victim.

11 (g) Penalties.

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

20 (2) The court shall hear and take into account  
21 evidence of any factors in aggravation or mitigation  
22 before deciding an appropriate penalty under paragraph (1)  
23 of this subsection (g).

24 (3) To the extent permitted by law, the court is  
25 encouraged to:

26 (i) increase the penalty for the knowing violation

1 of any protective order over any penalty previously  
2 imposed by any court for respondent's violation of any  
3 protective order or penal statute involving petitioner  
4 as victim and respondent as defendant;

5 (ii) impose a minimum penalty of 24 hours  
6 imprisonment for respondent's first violation of any  
7 protective order; and

8 (iii) impose a minimum penalty of 48 hours  
9 imprisonment for respondent's second or subsequent  
10 violation of a protective order

11 unless the court explicitly finds that an increased  
12 penalty or that period of imprisonment would be manifestly  
13 unjust.

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

17 (i) to increase, revoke, or modify the bail bond  
18 ~~conditions of pretrial release~~ on an underlying  
19 criminal charge pursuant to Section 110-6 of this  
20 Code;

21 (ii) to revoke or modify an order of probation,  
22 conditional discharge, or supervision, pursuant to  
23 Section 5-6-4 of the Unified Code of Corrections;

24 (iii) to revoke or modify a sentence of periodic  
25 imprisonment, pursuant to Section 5-7-2 of the Unified  
26 Code of Corrections.

1 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21;  
2 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 103-407, eff.  
3 7-28-23.)

4 (725 ILCS 5/113-3.1) (from Ch. 38, par. 113-3.1)

5 Sec. 113-3.1. Payment for Court-Appointed Counsel.

6 (a) Whenever under either Section 113-3 of this Code or  
7 Rule 607 of the Illinois Supreme Court the court appoints  
8 counsel to represent a defendant, the court may order the  
9 defendant to pay to the Clerk of the Circuit Court a reasonable  
10 sum to reimburse either the county or the State for such  
11 representation. In a hearing to determine the amount of the  
12 payment, the court shall consider the affidavit prepared by  
13 the defendant under Section 113-3 of this Code and any other  
14 information pertaining to the defendant's financial  
15 circumstances which may be submitted by the parties. Such  
16 hearing shall be conducted on the court's own motion or on  
17 motion of the prosecutor ~~State's Attorney~~ at any time after  
18 the appointment of counsel but no later than 90 days after the  
19 entry of a final order disposing of the case at the trial  
20 level.

21 (b) Any sum ordered paid under this Section may not exceed  
22 \$500 for a defendant charged with a misdemeanor, \$5,000 for a  
23 defendant charged with a felony, or \$2,500 for a defendant who  
24 is appealing a conviction of any class offense.

25 (c) The method of any payment required under this Section

1 shall be as specified by the Court. The court may order that  
2 payments be made on a monthly basis during the term of  
3 representation; however, the sum deposited as money bond shall  
4 not be used to satisfy this court order. ~~Any sum deposited as~~  
5 ~~money bond with the Clerk of the Circuit Court under Section~~  
6 ~~110-7 of this Code may be used in the court's discretion in~~  
7 ~~whole or in part to comply with any payment order entered in~~  
8 ~~accordance with paragraph (a) of this Section. The court may~~  
9 ~~give special consideration to the interests of relatives or~~  
10 ~~other third parties who may have posted a money bond on the~~  
11 ~~behalf of the defendant to secure his release.~~ At any time  
12 prior to full payment of any payment order the court on its own  
13 motion or the motion of any party may reduce, increase, or  
14 suspend the ordered payment, or modify the method of payment,  
15 as the interest of fairness may require. No increase,  
16 suspension, or reduction may be ordered without a hearing and  
17 notice to all parties.

18 (d) The Supreme Court or the circuit courts may provide by  
19 rule for procedures for the enforcement of orders entered  
20 under this Section. Such rules may provide for the assessment  
21 of all costs, including attorneys' fees which are required for  
22 the enforcement of orders entered under this Section when the  
23 court in an enforcement proceeding has first found that the  
24 defendant has willfully refused to pay. The Clerk of the  
25 Circuit Court shall keep records and make reports to the court  
26 concerning funds paid under this Section in whatever manner

1 the court directs.

2 (e) Whenever an order is entered under this Section for  
3 the reimbursement of the State due to the appointment of the  
4 State Appellate Defender as counsel on appeal, the order shall  
5 provide that the Clerk of the Circuit Court shall retain all  
6 funds paid pursuant to such order until the full amount of the  
7 sum ordered to be paid by the defendant has been paid. When no  
8 balance remains due on such order, the Clerk of the Circuit  
9 Court shall inform the court of this fact and the court shall  
10 promptly order the Clerk of the Circuit Court to pay to the  
11 State Treasurer all of the sum paid.

12 (f) The Clerk of the Circuit Court shall retain all funds  
13 under this Section paid for the reimbursement of the county,  
14 and shall inform the court when no balance remains due on an  
15 order entered hereunder. The Clerk of the Circuit Court shall  
16 make payments of funds collected under this Section to the  
17 County Treasurer in whatever manner and at whatever point as  
18 the court may direct, including payments made on a monthly  
19 basis during the term of representation.

20 (g) A defendant who fails to obey any order of court  
21 entered under this Section may be punished for contempt of  
22 court. Any arrearage in payments may be reduced to judgment in  
23 the court's discretion and collected by any means authorized  
24 for the collection of money judgments under the law of this  
25 State.

26 (Source: P.A. 102-1104, eff. 1-1-23.)



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

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

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

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

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

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

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

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

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

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

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

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

25 (10) The defendant is misnamed in the charge and the

1 misnomer results in substantial injustice to the  
2 defendant.

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

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

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

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

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

25 (d-6) When a defendant seeks dismissal of the charge upon  
26 the grounds set forth in subsection (a)(2) of this Section,

1 the prosecution shall have the burden of proving, by a  
2 preponderance of the evidence, that the prosecution of the  
3 offense is not barred by Sections 3-3 through 3-8 of the  
4 Criminal Code of 2012.

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

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

18 (Source: P.A. 100-434, eff. 1-1-18; 101-652, eff. 1-1-23.)

19 (725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

20 Sec. 115-4.1. Absence of defendant.

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

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

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

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

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

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

25 (e) When a defendant who in his absence has been either  
26 convicted or sentenced or both convicted and sentenced appears

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

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

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

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

24 (725 ILCS 5/122-6) (from Ch. 38, par. 122-6)

25 Sec. 122-6. Disposition in trial court. The court may

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

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

10 (725 ILCS 5/102-10.5 rep.)

11 (725 ILCS 5/102-14.5 rep.)

12 (725 ILCS 5/110-6.6 rep.)

13 (725 ILCS 5/110-7.5 rep.)

14 (725 ILCS 5/110-1.5 rep.)

15 Section 2-225. The Code of Criminal Procedure of 1963 is  
16 amended by repealing Sections 102-10.5, 102-14.5, 110-1.5  
17 110-6.6, and 110-7.5.

18 Section 2-230. The Code of Criminal Procedure of 1963 is  
19 amended by changing Sections 103-2 and 108-8 as follows:

20 (725 ILCS 5/103-2) (from Ch. 38, par. 103-2)

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

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

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

3 (c) Persons in custody shall be treated humanely and  
4 provided with proper food, shelter and, if required, medical  
5 treatment ~~without unreasonable delay if the need for the~~  
6 ~~treatment is apparent.~~

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

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

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

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

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

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

20 (i) against the officer executing the search  
21 warrant; or

22 (ii) against another person.

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

25 ~~(c) Prior to the issuing of a warrant under subsection~~



1 ~~(b), the officer must attest that:~~

2 ~~(1) prior to entering the location described in the~~  
3 ~~search warrant, a supervising officer will ensure that~~  
4 ~~each participating member is assigned a body worn camera~~  
5 ~~and is following policies and procedures in accordance~~  
6 ~~with Section 10-20 of the Law Enforcement Officer Worn~~  
7 ~~Body Camera Act; provided that the law enforcement agency~~  
8 ~~has implemented body worn camera in accordance with~~  
9 ~~Section 10-15 of the Law Enforcement Officer Worn Body~~  
10 ~~Camera Act. If a law enforcement agency or each~~  
11 ~~participating member of a multi-jurisdictional team has~~  
12 ~~not implemented a body camera in accordance with Section~~  
13 ~~10-15 of the Law Enforcement Officer Worn Body Camera Act,~~  
14 ~~the officer must attest that the interaction authorized by~~  
15 ~~the warrant is otherwise recorded;~~

16 ~~(2) The supervising officer verified the subject~~  
17 ~~address listed on the warrant for accuracy and planned for~~  
18 ~~children or other vulnerable people on site; and~~

19 ~~(3) if an officer becomes aware the search warrant was~~  
20 ~~executed at an address, unit, or apartment different from~~  
21 ~~the location listed on the search warrant, that member~~  
22 ~~will immediately notify a supervisor who will ensure an~~  
23 ~~internal investigation or formal inquiry ensues.~~

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

25 Section 2-235. The Code of Criminal Procedure of 1963 is

1 amended by adding Sections 103-3.1, 110-4.1, 110-6.3-1,  
2 110-6.5-1, 110-7.1, 110-8.1, 110-9.1, 110-13.1, 110-14.1,  
3 110-15.1, 110-16.1, 110-17.1, and 110-18.1 and Article 110B as  
4 follows:

5 (725 ILCS 5/103-3.1 new)

6 Sec. 103-3.1. Right to communicate with attorney and  
7 family; 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 (725 ILCS 5/110-4.1 new)

18 Sec. 110-4.1. Bailable offenses.

19 (a) All persons shall be bailable before conviction,  
20 except the following offenses where the proof is evident or  
21 the presumption great that the defendant is guilty of the  
22 offense: capital offenses; offenses for which a sentence of  
23 life imprisonment may be imposed as a consequence of  
24 conviction; felony offenses for which a sentence of

1 imprisonment, without conditional and revocable release, shall  
2 be imposed by law as a consequence of conviction, where the  
3 court after a hearing, determines that the release of the  
4 defendant would pose a real and present threat to the physical  
5 safety of any person or persons; stalking or aggravated  
6 stalking, where the court, after a hearing, determines that  
7 the release of the defendant would pose a real and present  
8 threat to the physical safety of the alleged victim of the  
9 offense and denial of bail is necessary to prevent fulfillment  
10 of the threat upon which the charge is based; or unlawful use  
11 of weapons in violation of item (4) of subsection (a) of  
12 Section 24-1 of the Criminal Code of 1961 or the Criminal Code  
13 of 2012 when that offense occurred in a school or in any  
14 conveyance owned, leased, or contracted by a school to  
15 transport students to or from school or a school-related  
16 activity, or on any public way within 1,000 feet of real  
17 property comprising any school, where the court, after a  
18 hearing, determines that the release of the defendant would  
19 pose a real and present threat to the physical safety of any  
20 person and denial of bail is necessary to prevent fulfillment  
21 of that threat; or making a terrorist threat in violation of  
22 Section 29D-20 of the Criminal Code of 1961 or the Criminal  
23 Code of 2012 or an attempt to commit the offense of making a  
24 terrorist threat, where the court, after a hearing, determines  
25 that the release of the defendant would pose a real and present  
26 threat to the physical safety of any person and denial of bail

1 is necessary to prevent fulfillment of that threat.

2 (b) A person seeking release on bail who is charged with a  
3 capital offense or an offense for which a sentence of life  
4 imprisonment may be imposed shall not be bailable until a  
5 hearing is held wherein such person has the burden of  
6 demonstrating that the proof of his guilt is not evident and  
7 the presumption is not great.

8 (c) Where it is alleged that bail should be denied to a  
9 person upon the grounds that the person presents a real and  
10 present threat to the physical safety of any person or  
11 persons, the burden of proof of such allegations shall be upon  
12 the State.

13 (d) When it is alleged that bail should be denied to a  
14 person charged with stalking or aggravated stalking upon the  
15 grounds set forth in Section 110-6.3-1 of this Code, the  
16 burden of proof of those allegations shall be upon the State.

17 (725 ILCS 5/110-6.3-1 new)

18 Sec. 110-6.3-1. Denial of bail in stalking and aggravated  
19 stalking offenses.

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

1 personal recognizance is necessary to prevent fulfillment of  
2 the threat upon which the charge is based.

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

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

1       stalking offense.

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

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

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

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

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

19       (c) Conduct of the hearings.

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

23            (A) Information used by the court in its findings  
24 or stated in or offered at the hearing may be by way of  
25 proffer based upon reliable information offered by the  
26 State or by defendant. Defendant has the right to be

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

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

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

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

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

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

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

25 (d) Factors to be considered in making a determination of  
26 the threat to the alleged victim of the offense. The court may,



1 in determining whether the defendant poses, at the time of the  
2 hearing, a real and present threat to the physical safety of  
3 the alleged victim of the offense, consider but shall not be  
4 limited to evidence or testimony concerning:

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

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

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

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

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

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

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

26 (6) Whether the defendant is known to possess or have

1 access to any weapon or weapons;

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

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

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

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

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

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

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

1 proceedings.

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

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

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

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

21 (725 ILCS 5/110-6.5-1 new)

22 Sec. 110-6.5-1. Drug testing program.

23 (a) The Chief Judge of the circuit may establish a drug  
24 testing program as provided by this Section in any county in  
25 the circuit if the county board has approved the establishment

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

5 (a-1) 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       (725 ILCS 5/110-7.1 new)

25       Sec. 110-7.1. Deposit of bail security.

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



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

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

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

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

19 (e) After the entry of an order by the trial court allowing  
20 or denying bail pending appeal either party may apply to the  
21 reviewing court having jurisdiction or to a justice thereof  
22 sitting in vacation for an order increasing or decreasing the  
23 amount of bail or allowing or denying bail pending appeal  
24 subject to the provisions of Section 110-6.2.

25 (f) When the conditions of the bail bond have been  
26 performed and the accused has been discharged from all

1 obligations in the cause the clerk of the court shall return to  
2 the accused or to the defendant's designee by an assignment  
3 executed at the time the bail amount is deposited, unless the  
4 court orders otherwise, 90% of the sum which had been  
5 deposited and shall retain as bail bond costs 10% of the amount  
6 deposited. However, in no event shall the amount retained by  
7 the clerk as bail bond costs be less than \$5. Notwithstanding  
8 the foregoing, in counties with a population of 3,000,000 or  
9 more, in no event shall the amount retained by the clerk as  
10 bail bond costs exceed \$100. Bail bond deposited by or on  
11 behalf of a defendant in one case may be used, in the court's  
12 discretion, to satisfy financial obligations of that same  
13 defendant incurred in a different case due to a fine, court  
14 costs, restitution or fees of the defendant's attorney of  
15 record. In counties with a population of 3,000,000 or more,  
16 the court shall not order bail bond deposited by or on behalf  
17 of a defendant in one case to be used to satisfy financial  
18 obligations of that same defendant in a different case until  
19 the bail bond is first used to satisfy court costs and  
20 attorney's fees in the case in which the bail bond has been  
21 deposited and any other unpaid child support obligations are  
22 satisfied. In counties with a population of less than  
23 3,000,000, the court shall not order bail bond deposited by or  
24 on behalf of a defendant in one case to be used to satisfy  
25 financial obligations of that same defendant in a different  
26 case until the bail bond is first used to satisfy court costs

1 in the case in which the bail bond has been deposited.

2 At the request of the defendant the court may order such  
3 90% of defendant's bail deposit, or whatever amount is  
4 repayable to defendant from such deposit, to be paid to  
5 defendant's attorney of record.

6 (g) If the accused does not comply with the conditions of  
7 the bail bond the court having jurisdiction shall enter an  
8 order declaring the bail to be forfeited. Notice of such order  
9 of forfeiture shall be mailed forthwith to the accused at his  
10 last known address. If the accused does not appear and  
11 surrender to the court having jurisdiction within 30 days from  
12 the date of the forfeiture or within such period satisfy the  
13 court that appearance and surrender by the accused is  
14 impossible and without his fault the court shall enter  
15 judgment for the State if the charge for which the bond was  
16 given was a felony or misdemeanor, or if the charge was  
17 quasi-criminal or traffic, judgment for the political  
18 subdivision of the State which prosecuted the case, against  
19 the accused for the amount of the bail and costs of the court  
20 proceedings; however, in counties with a population of less  
21 than 3,000,000, instead of the court entering a judgment for  
22 the full amount of the bond the court may, in its discretion,  
23 enter judgment for the cash deposit on the bond, less costs,  
24 retain the deposit for further disposition or, if a cash bond  
25 was posted for failure to appear in a matter involving  
26 enforcement of child support or maintenance, the amount of the

1 cash deposit on the bond, less outstanding costs, may be  
2 awarded to the person or entity to whom the child support or  
3 maintenance is due. The deposit made in accordance with  
4 paragraph (a) shall be applied to the payment of costs. If  
5 judgment is entered and any amount of such deposit remains  
6 after the payment of costs it shall be applied to payment of  
7 the judgment and transferred to the treasury of the municipal  
8 corporation wherein the bond was taken if the offense was a  
9 violation of any penal ordinance of a political subdivision of  
10 this State, or to the treasury of the county wherein the bond  
11 was taken if the offense was a violation of any penal statute  
12 of this State. The balance of the judgment may be enforced and  
13 collected in the same manner as a judgment entered in a civil  
14 action.

15 (h) After a judgment for a fine and court costs or either  
16 is entered in the prosecution of a cause in which a deposit had  
17 been made in accordance with paragraph (a) the balance of such  
18 deposit, after deduction of bail bond costs, shall be applied  
19 to the payment of the judgment.

20 (i) When a court appearance is required for an alleged  
21 violation of the Criminal Code of 1961, the Criminal Code of  
22 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish  
23 and Aquatic Life Code, the Child Passenger Protection Act, or  
24 a comparable offense of a unit of local government as  
25 specified in Supreme Court Rule 551, and if the accused does  
26 not appear in court on the date set for appearance or any date

1 to which the case may be continued and the court issues an  
2 arrest warrant for the accused, based upon his or her failure  
3 to appear when having so previously been ordered to appear by  
4 the court, the accused upon his or her admission to bail shall  
5 be assessed by the court a fee of \$75. Payment of the fee shall  
6 be a condition of release unless otherwise ordered by the  
7 court. The fee shall be in addition to any bail that the  
8 accused is required to deposit for the offense for which the  
9 accused has been charged and may not be used for the payment of  
10 court costs or fines assessed for the offense. The clerk of the  
11 court shall remit \$70 of the fee assessed to the arresting  
12 agency who brings the offender in on the arrest warrant. If the  
13 Department of State Police is the arresting agency, \$70 of the  
14 fee assessed shall be remitted by the clerk of the court to the  
15 State Treasurer within one month after receipt for deposit  
16 into the State Police Operations Assistance Fund. The clerk of  
17 the court shall remit \$5 of the fee assessed to the Circuit  
18 Court Clerk Operation and Administrative Fund as provided in  
19 Section 27.3d of the Clerks of Courts Act.

20 (725 ILCS 5/110-8.1 new)

21 Sec. 110-8.1. Cash, stocks, bonds and real estate as  
22 security for bail.

23 (a) In lieu of the bail deposit provided for in Section  
24 110-7.1 of this Code any person for whom bail has been set may  
25 execute the bail bond with or without sureties which bond may

1 be secured:

2 (1) By a deposit, with the clerk of the court, of an amount  
3 equal to the required bail, of cash, or stocks and bonds in  
4 which trustees are authorized to invest trust funds under the  
5 laws of this State; or

6 (2) By real estate situated in this State with  
7 unencumbered equity not exempt owned by the accused or  
8 sureties worth double the amount of bail set in the bond.

9 (b) If the bail bond is secured by stocks and bonds the  
10 accused or sureties shall file with the bond a sworn schedule  
11 which shall be approved by the court and shall contain:

12 (1) A list of the stocks and bonds deposited  
13 describing each in sufficient detail that it may be  
14 identified;

15 (2) The market value of each stock and bond;

16 (3) The total market value of the stocks and bonds  
17 listed;

18 (4) A statement that the affiant is the sole owner of  
19 the stocks and bonds listed and they are not exempt from  
20 the enforcement of a judgment thereon;

21 (5) A statement that such stocks and bonds have not  
22 previously been used or accepted as bail in this State  
23 during the 12 months preceding the date of the bail bond;  
24 and

25 (6) A statement that such stocks and bonds are  
26 security for the appearance of the accused in accordance

1 with the conditions of the bail bond.

2 (c) If the bail bond is secured by real estate the accused  
3 or sureties shall file with the bond a sworn schedule which  
4 shall contain:

5 (1) A legal description of the real estate;

6 (2) A description of any and all encumbrances on the  
7 real estate including the amount of each and the holder  
8 thereof;

9 (3) The market value of the unencumbered equity owned  
10 by the affiant;

11 (4) A statement that the affiant is the sole owner of  
12 such unencumbered equity and that it is not exempt from  
13 the enforcement of a judgment thereon;

14 (5) A statement that the real estate has not  
15 previously been used or accepted as bail in this State  
16 during the 12 months preceding the date of the bail bond;  
17 and

18 (6) A statement that the real estate is security for  
19 the appearance of the accused in accordance with the  
20 conditions of the bail bond.

21 (d) The sworn schedule shall constitute a material part of  
22 the bail bond. The affiant commits perjury if in the sworn  
23 schedule he makes a false statement which he does not believe  
24 to be true. He shall be prosecuted and punished accordingly,  
25 or, he may be punished for contempt.

26 (e) A certified copy of the bail bond and schedule of real

1 estate shall be filed immediately in the office of the  
2 registrar of titles or recorder of the county in which the real  
3 estate is situated and the State shall have a lien on such real  
4 estate from the time such copies are filed in the office of the  
5 registrar of titles or recorder. The registrar of titles or  
6 recorder shall enter, index and record (or register as the  
7 case may be) such bail bonds and schedules without requiring  
8 any advance fee, which fee shall be taxed as costs in the  
9 proceeding and paid out of such costs when collected.

10 (f) When the conditions of the bail bond have been  
11 performed and the accused has been discharged from his  
12 obligations in the cause, the clerk of the court shall return  
13 to him or his sureties the deposit of any cash, stocks or  
14 bonds. If the bail bond has been secured by real estate the  
15 clerk of the court shall forthwith notify in writing the  
16 registrar of titles or recorder and the lien of the bail bond  
17 on the real estate shall be discharged.

18 (g) If the accused does not comply with the conditions of  
19 the bail bond the court having jurisdiction shall enter an  
20 order declaring the bail to be forfeited. Notice of such order  
21 of forfeiture shall be mailed forthwith by the clerk of the  
22 court to the accused and his sureties at their last known  
23 address. If the accused does not appear and surrender to the  
24 court having jurisdiction within 30 days from the date of the  
25 forfeiture or within such period satisfy the court that  
26 appearance and surrender by the accused is impossible and



1 without his fault the court shall enter judgment for the State  
2 against the accused and his sureties for the amount of the bail  
3 and costs of the proceedings; however, in counties with a  
4 population of less than 3,000,000, if the defendant has posted  
5 a cash bond, instead of the court entering a judgment for the  
6 full amount of the bond the court may, in its discretion, enter  
7 judgment for the cash deposit on the bond, less costs, retain  
8 the deposit for further disposition or, if a cash bond was  
9 posted for failure to appear in a matter involving enforcement  
10 of child support or maintenance, the amount of the cash  
11 deposit on the bond, less outstanding costs, may be awarded to  
12 the person or entity to whom the child support or maintenance  
13 is due.

14 (h) When judgment is entered in favor of the State on any  
15 bail bond given for a felony or misdemeanor, or judgment for a  
16 political subdivision of the state on any bail bond given for a  
17 quasi-criminal or traffic offense, the State's Attorney or  
18 political subdivision's attorney shall forthwith obtain a  
19 certified copy of the judgment and deliver same to the sheriff  
20 to be enforced by levy on the stocks or bonds deposited with  
21 the clerk of the court and the real estate described in the  
22 bail bond schedule. Any cash forfeited under subsection (g) of  
23 this Section shall be used to satisfy the judgment and costs  
24 and, without necessity of levy, ordered paid into the treasury  
25 of the municipal corporation wherein the bail bond was taken  
26 if the offense was a violation of any penal ordinance of a

1 political subdivision of this State, or into the treasury of  
2 the county wherein the bail bond was taken if the offense was a  
3 violation of any penal statute of this State, or to the person  
4 or entity to whom child support or maintenance is owed if the  
5 bond was taken for failure to appear in a matter involving  
6 child support or maintenance. The stocks, bonds and real  
7 estate shall be sold in the same manner as in sales for the  
8 enforcement of a judgment in civil actions and the proceeds of  
9 such sale shall be used to satisfy all court costs, prior  
10 encumbrances, if any, and from the balance a sufficient amount  
11 to satisfy the judgment shall be paid into the treasury of the  
12 municipal corporation wherein the bail bond was taken if the  
13 offense was a violation of any penal ordinance of a political  
14 subdivision of this State, or into the treasury of the county  
15 wherein the bail bond was taken if the offense was a violation  
16 of any penal statute of this State. The balance shall be  
17 returned to the owner. The real estate so sold may be redeemed  
18 in the same manner as real estate may be redeemed after  
19 judicial sales or sales for the enforcement of judgments in  
20 civil actions.

21 (i) No stocks, bonds or real estate may be used or accepted  
22 as bail bond security in this State more than once in any 12  
23 month period.

24 (725 ILCS 5/110-9.1 new)

25 Sec. 110-9.1. Taking of bail by peace officer. When bail

1 has been set by a judicial officer for a particular offense or  
2 offender any sheriff or other peace officer may take bail in  
3 accordance with the provisions of Section 110-7.1 or 110-8.1  
4 of this Code and release the offender to appear in accordance  
5 with the conditions of the bail bond, the Notice to Appear or  
6 the Summons. The officer shall give a receipt to the offender  
7 for the bail so taken and within a reasonable time deposit such  
8 bail with the clerk of the court having jurisdiction of the  
9 offense. A sheriff or other peace officer taking bail in  
10 accordance with the provisions of Section 110-7.1 or 110-8.1  
11 of this Code shall accept payments made in the form of  
12 currency, and may accept other forms of payment as the sheriff  
13 shall by rule authorize. For purposes of this Section,  
14 "currency" has the meaning provided in subsection (a) of  
15 Section 3 of the Currency Reporting Act.

16 (725 ILCS 5/110-13.1 new)

17 Sec. 110-13.1. Persons prohibited from furnishing bail  
18 security. No attorney at law practicing in this State and no  
19 official authorized to admit another to bail or to accept bail  
20 shall furnish any part of any security for bail in any criminal  
21 action or any proceeding nor shall any such person act as  
22 surety for any accused admitted to bail.

23 (725 ILCS 5/110-14.1 new)

24 Sec. 110-14.1. Credit for incarceration on bailable

1 offense; credit against monetary bail for certain offenses.

2 (a) Any person incarcerated on a bailable offense who does  
3 not supply bail and against whom a fine is levied on conviction  
4 of the offense shall be allowed a credit of \$30 for each day so  
5 incarcerated upon application of the defendant. However, in no  
6 case shall the amount so allowed or credited exceed the amount  
7 of the fine.

8 (b) Subsection (a) does not apply to a person incarcerated  
9 for sexual assault as defined in paragraph (1) of subsection  
10 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

11 (c) A person subject to bail on a Category B offense,  
12 before January 1, 2023, shall have \$30 deducted from his or her  
13 10% cash bond amount every day the person is incarcerated. The  
14 sheriff shall calculate and apply this \$30 per day reduction  
15 and send notice to the circuit clerk if a defendant's 10% cash  
16 bond amount is reduced to \$0, at which point the defendant  
17 shall be released upon his or her own recognizance.

18 (d) The court may deny the incarceration credit in  
19 subsection (c) of this Section if the person has failed to  
20 appear as required before the court and is incarcerated based  
21 on a warrant for failure to appear on the same original  
22 criminal offense.

23 (725 ILCS 5/110-15.1 new)

24 Sec. 110-15.1. Applicability of provisions for giving and  
25 taking bail. The provisions of Sections 110-7.1 and 110-8.1 of

1 this Code are exclusive of other provisions of law for the  
2 giving, taking, or enforcement of bail. In all cases where a  
3 person is admitted to bail the provisions of Sections 110-7.1  
4 and 110-8.1 of this Code shall be applicable.

5 However, the Supreme Court may, by rule or order,  
6 prescribe a uniform schedule of amounts of bail in all but  
7 felony offenses. The uniform schedule shall not require a  
8 person cited for violating the Illinois Vehicle Code or a  
9 similar provision of a local ordinance for which a violation  
10 is a petty offense as defined by Section 5-1-17 of the Unified  
11 Code of Corrections, excluding business offenses as defined by  
12 Section 5-1-2 of the Unified Code of Corrections or a  
13 violation of Section 15-111 or subsection (d) of Section 3-401  
14 of the Illinois Vehicle Code, to post bond to secure bail for  
15 his or her release. Such uniform schedule may provide that the  
16 cash deposit provisions of Section 110-7.1 shall not apply to  
17 bail amounts established for alleged violations punishable by  
18 fine alone, and the schedule may further provide that in  
19 specified traffic cases a valid Illinois chauffeur's or  
20 operator's license must be deposited, in addition to 10% of  
21 the amount of the bail specified in the schedule.

22 (725 ILCS 5/110-16.1 new)

23 Sec. 110-16.1. Bail bond-forfeiture in same case or  
24 absents self during trial-not bailable. If a person admitted  
25 to bail on a felony charge forfeits his bond and fails to

1 appear in court during the 30 days immediately after such  
2 forfeiture, on being taken into custody thereafter he shall  
3 not be bailable in the case in question, unless the court finds  
4 that his absence was not for the purpose of obstructing  
5 justice or avoiding prosecution.

6 (725 ILCS 5/110-17.1 new)

7 Sec. 110-17.1. Unclaimed bail deposits. Any sum of money  
8 deposited by any person to secure his or her release from  
9 custody which remains unclaimed by the person entitled to its  
10 return for 3 years after the conditions of the bail bond have  
11 been performed and the accused has been discharged from all  
12 obligations in the cause shall be presumed to be abandoned and  
13 subject to disposition under the Revised Uniform Unclaimed  
14 Property Act.

15 (725 ILCS 5/110-18.1 new)

16 Sec. 110-18.1. Reimbursement. The sheriff of each county  
17 shall certify to the treasurer of each county the number of  
18 days that persons had been detained in the custody of the  
19 sheriff without a bond being set as a result of an order  
20 entered pursuant to Section 110-6.1 of this Code. The county  
21 treasurer shall, no later than January 1, annually certify to  
22 the Supreme Court the number of days that persons had been  
23 detained without bond during the twelve-month period ending  
24 November 30. The Supreme Court shall reimburse, from funds

1 appropriated to it by the General Assembly for such purposes,  
2 the treasurer of each county an amount of money for deposit in  
3 the county general revenue fund at a rate of \$50 per day for  
4 each day that persons were detained in custody without bail as  
5 a result of an order entered pursuant to Section 110-6.1 of  
6 this Code.

7 (725 ILCS 5/Art. 110B heading new)

8 ARTICLE 110B. PEACE BONDS

9 (725 ILCS 5/110B-5 new)

10 Sec. 110B-5. Courts as conservators of the peace. All  
11 courts are conservators of the peace, shall cause to be kept  
12 all laws made for the preservation of the peace, and may  
13 require persons to give security to keep the peace or for their  
14 good behavior, or both, as provided by this Article.

15 (725 ILCS 5/110B-10 new)

16 Sec. 110B-10. Complaints. When complaint is made to a  
17 judge that a person has threatened or is about to commit an  
18 offense against the person or property of another, the court  
19 shall examine on oath the complaint, and any witness who may be  
20 produced, and reduce the complaint to writing, and cause it to  
21 be subscribed and sworn to by the complainant.

22 The complaint may be issued electronically or  
23 electromagnetically by use of a facsimile transmission

1 machine, and that complaint has the same validity as a written  
2 complaint.

3 (725 ILCS 5/110B-15 new)

4 Sec. 110B-15. Warrants. If the court is satisfied that  
5 there is danger that an offense will be committed, the court  
6 shall issue a warrant requiring the proper officer to whom it  
7 is directed forthwith to apprehend the person complained of  
8 and bring him or her before the court having jurisdiction in  
9 the premises.

10 The warrant may be issued electronically or  
11 electromagnetically by use of a facsimile transmission  
12 machine, and that warrant has the same validity as a written  
13 warrant.

14 (725 ILCS 5/110B-20 new)

15 Sec. 110B-20. Hearing. When the person complained of is  
16 brought before the court if the charge is controverted, the  
17 testimony produced on behalf of the plaintiff and defendant  
18 shall be heard.

19 (725 ILCS 5/110B-25 new)

20 Sec. 110B-25. Malicious prosecution; costs. If it appears  
21 that there is no just reason to fear the commission of the  
22 offense, the defendant shall be discharged. If the court is of  
23 the opinion that the prosecution was commenced maliciously



1 without probable cause, the court may enter judgment against  
2 the complainant for the costs of the prosecution.

3 (725 ILCS 5/110B-30 new)

4 Sec. 110B-30. Recognizance. If there is just reason to  
5 fear the commission of an offense, the defendant shall be  
6 required to give a recognizance, with sufficient security, in  
7 the sum as the court may direct, to keep the peace towards all  
8 people of this State, and especially towards the person  
9 against whom or whose property there is reason to fear the  
10 offense may be committed, for such time, not exceeding 12  
11 months, as the court may order. But he or she shall not be  
12 bound over to the next court unless he or she is also charged  
13 with some other offense for which he or she ought to be held to  
14 answer at the court.

15 (725 ILCS 5/110B-35 new)

16 Sec. 110B-35. Refusal to give recognizance. If the person  
17 so ordered to recognize complies with the order, he or she  
18 shall be discharged; but if he or she refuses or neglects, the  
19 court shall commit him or her to jail during the period for  
20 which he or she was required to give security, or until he or  
21 she so recognizes, stating in the warrant the cause of  
22 commitment, with the sum and time for which the security was  
23 required.

1 (725 ILCS 5/110B-40 new)

2 Sec. 110B-40. Costs of prosecution. When a person is  
3 required to give security to keep the peace, or for his or her  
4 good behavior, the court may further order that the costs of  
5 the prosecution, or any part of the costs, shall be paid by  
6 that person, who shall stand committed until the costs are  
7 paid or he or she is otherwise legally discharged.

8 (725 ILCS 5/110B-45 new)

9 Sec. 110B-45. Discharge upon giving recognizance. A person  
10 committed for not finding sureties, or refusing to recognize  
11 as required by the court, may be discharged on giving the  
12 security as was required.

13 (725 ILCS 5/110B-50 new)

14 Sec. 110B-50. Filing of recognizance; breach of condition.  
15 Every recognizance taken in accordance with the foregoing  
16 provisions shall be filed of record by the clerk and upon a  
17 breach of the condition the same shall be prosecuted by the  
18 State's Attorney.

19 (725 ILCS 5/110B-55 new)

20 Sec. 110B-55. Conviction not needed. In proceeding upon a  
21 recognizance it is not necessary to show a conviction of the  
22 defendant of an offense against the person or property of  
23 another.

1 (725 ILCS 5/110B-60 new)

2 Sec. 110B-60. Threat made in court. A person who, in the  
3 presence of a court, commits or threatens to commit an offense  
4 against the person or property of another, may be ordered,  
5 without process, to enter into a recognizance to keep the  
6 peace for a period not exceeding 12 months, and in case of  
7 refusal be committed as in other cases.

8 (725 ILCS 5/110B-65 new)

9 Sec. 110B-65. Remitting recognizance. When, upon an action  
10 brought upon a recognizance, the penalty for the action is  
11 adjudged forfeited, the court may, on the petition of a  
12 defendant, remit the portion of it as the circumstances of the  
13 case render just and reasonable.

14 (725 ILCS 5/110B-70 new)

15 Sec. 110B-70. Surrender of principal. The sureties of a  
16 person bound to keep the peace may, at any time, surrender  
17 their principal to the sheriff of the county in which the  
18 principal was bound, under the same rules and regulations  
19 governing the surrender of the principal in other criminal  
20 cases.

21 (725 ILCS 5/110B-75 new)

22 Sec. 110B-75. New recognizance. The person so surrendered

1 may recognize anew, with sufficient sureties, before a court,  
2 for the residue of the time, and shall thereupon be  
3 discharged.

4 (725 ILCS 5/110B-80 new)

5 Sec. 110B-80. Amended complaint. No proceeding to prevent  
6 a breach of the peace shall be dismissed on account of any  
7 informality or insufficiency in the complaint, or any process  
8 or proceeding, but the complaint may be amended, by order of  
9 the court, to conform to the facts in the case.

10 Section 2-236. The Firearm Seizure Act is amended by  
11 changing Section 4 as follows:

12 (725 ILCS 165/4) (from Ch. 38, par. 161-4)

13 Sec. 4. In lieu of requiring the surrender of any firearm,  
14 the court may require the defendant to give a recognizance as  
15 provided in Article 110B ~~110A~~ of the Code of Criminal  
16 Procedure of 1963.

17 (Source: P.A. 96-328, eff. 8-11-09.)

18 Section 2-240. The Rights of Crime Victims and Witnesses  
19 Act is amended by changing Sections 3, 4 and 4.5 as follows:

20 (725 ILCS 120/3) (from Ch. 38, par. 1403)

21 Sec. 3. The terms used in this Act shall have the following

1 meanings:

2 (a) "Crime victim" or "victim" means: (1) any natural  
3 person determined by the prosecutor or the court to have  
4 suffered direct physical or psychological harm as a result of  
5 a violent crime perpetrated or attempted against that person  
6 or direct physical or psychological harm as a result of (i) a  
7 violation of Section 11-501 of the Illinois Vehicle Code or  
8 similar provision of a local ordinance or (ii) a violation of  
9 Section 9-3 of the Criminal Code of 1961 or the Criminal Code  
10 of 2012; (2) in the case of a crime victim who is under 18  
11 years of age or an adult victim who is incompetent or  
12 incapacitated, both parents, legal guardians, foster parents,  
13 or a single adult representative; (3) in the case of an adult  
14 deceased victim, 2 representatives who may be the spouse,  
15 parent, child or sibling of the victim, or the representative  
16 of the victim's estate; and (4) an immediate family member of a  
17 victim under clause (1) of this paragraph (a) chosen by the  
18 victim. If the victim is 18 years of age or over, the victim  
19 may choose any person to be the victim's representative. In no  
20 event shall the defendant or any person who aided and abetted  
21 in the commission of the crime be considered a victim, a crime  
22 victim, or a representative of the victim.

23 A board, agency, or other governmental entity making  
24 decisions regarding an offender's release, sentence reduction,  
25 or clemency can determine additional persons are victims for  
26 the purpose of its proceedings.

1           (a-3) "Advocate" means a person whose communications with  
2 the victim are privileged under Section 8-802.1 or 8-802.2 of  
3 the Code of Civil Procedure, or Section 227 of the Illinois  
4 Domestic Violence Act of 1986.

5           (a-5) "Confer" means to consult together, share  
6 information, compare opinions and carry on a discussion or  
7 deliberation.

8           (a-7) "Sentence" includes, but is not limited to, the  
9 imposition of sentence, a request for a reduction in sentence,  
10 parole, mandatory supervised release, aftercare release, early  
11 release, inpatient treatment, outpatient treatment,  
12 conditional release after a finding that the defendant is not  
13 guilty by reason of insanity, clemency, or a proposal that  
14 would reduce the defendant's sentence or result in the  
15 defendant's release. "Early release" refers to a discretionary  
16 release.

17           (a-9) "Sentencing" includes, but is not limited to, the  
18 imposition of sentence and a request for a reduction in  
19 sentence, parole, mandatory supervised release, aftercare  
20 release, early release, consideration of inpatient treatment  
21 or outpatient treatment, or conditional release after a  
22 finding that the defendant is not guilty by reason of  
23 insanity.

24           (a-10) "Status hearing" means a hearing designed to  
25 provide information to the court, at which no motion of a  
26 substantive nature and no constitutional or statutory right of

1 a crime victim is implicated or at issue.

2 (b) "Witness" means: any person who personally observed  
3 the commission of a crime and who will testify on behalf of the  
4 State of Illinois; or a person who will be called by the  
5 prosecution to give testimony establishing a necessary nexus  
6 between the offender and the violent crime.

7 (c) "Violent crime" means: (1) any felony in which force  
8 or threat of force was used against the victim; (2) any offense  
9 involving sexual exploitation, sexual conduct, or sexual  
10 penetration; (3) a violation of Section 11-20.1, 11-20.1B,  
11 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the  
12 Criminal Code of 2012; (4) domestic battery or stalking; (5)  
13 violation of an order of protection, a civil no contact order,  
14 or a stalking no contact order; (6) any misdemeanor which  
15 results in death or great bodily harm to the victim; or (7) any  
16 violation of Section 9-3 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012, or Section 11-501 of the Illinois  
18 Vehicle Code, or a similar provision of a local ordinance, if  
19 the violation resulted in personal injury or death. "Violent  
20 crime" includes any action committed by a juvenile that would  
21 be a violent crime if committed by an adult. For the purposes  
22 of this paragraph, "personal injury" shall include any Type A  
23 injury as indicated on the traffic crash report completed by a  
24 law enforcement officer that requires immediate professional  
25 attention in either a doctor's office or medical facility. A  
26 type A injury shall include severely bleeding wounds,

1 distorted extremities, and injuries that require the injured  
2 party to be carried from the scene.

3 (d) (Blank).

4 (e) "Court proceedings" includes, but is not limited to,  
5 the preliminary hearing, any post-arraignment hearing the  
6 effect of which may be the release of the defendant from  
7 custody or to alter the conditions of bond, change of plea  
8 hearing, the trial, any pretrial or post-trial hearing,  
9 sentencing, any oral argument or hearing before an Illinois  
10 appellate court, any hearing under the Mental Health and  
11 Developmental Disabilities Code or Section 5-2-4 of the  
12 Unified Code of Corrections after a finding that the defendant  
13 is not guilty by reason of insanity, including a hearing for  
14 conditional release, any hearing related to a modification of  
15 sentence, probation revocation hearing, aftercare release or  
16 parole hearings, post-conviction relief proceedings, habeas  
17 corpus proceedings and clemency proceedings related to the  
18 defendant's conviction or sentence. For purposes of the  
19 victim's right to be present, "court proceedings" does not  
20 include (1) hearings under Section 109-1 of the Code of  
21 Criminal Procedure of 1963, (2) grand jury proceedings, ~~(2)~~  
22 (3) status hearings, or ~~(3)~~ (4) the issuance of an order or  
23 decision of an Illinois court that dismisses a charge,  
24 reverses a conviction, reduces a sentence, or releases an  
25 offender under a court rule.

26 (f) "Concerned citizen" includes relatives of the victim,



1 friends of the victim, witnesses to the crime, or any other  
2 person associated with the victim or prisoner.

3 (g) "Victim's attorney" means an attorney retained by the  
4 victim for the purposes of asserting the victim's  
5 constitutional and statutory rights. An attorney retained by  
6 the victim means an attorney who is hired to represent the  
7 victim at the victim's expense or an attorney who has agreed to  
8 provide pro bono representation. Nothing in this statute  
9 creates a right to counsel at public expense for a victim.

10 (h) "Support person" means a person chosen by a victim to  
11 be present at court proceedings.

12 (Source: P.A. 102-982, eff. 7-1-23; 102-1104, eff. 1-1-23.)

13 (725 ILCS 120/4) (from Ch. 38, par. 1404)

14 Sec. 4. Rights of crime victims.

15 (a) Crime victims shall have the following rights:

16 (1) The right to be treated with fairness and respect  
17 for their dignity and privacy and to be free from  
18 harassment, intimidation, and abuse throughout the  
19 criminal justice process.

20 (1.5) The right to notice and to a hearing before a  
21 court ruling on a request for access to any of the victim's  
22 records, information, or communications which are  
23 privileged or confidential by law.

24 (2) The right to timely notification of all court  
25 proceedings.

1 (3) The right to communicate with the prosecution.

2 (4) The right to be heard at any post-arraignment  
3 court proceeding in which a right of the victim is at issue  
4 and any court proceeding involving a post-arraignment  
5 release decision, plea, or sentencing.

6 (5) The right to be notified of the conviction, the  
7 sentence, the imprisonment and the release of the accused.

8 (6) The right to the timely disposition of the case  
9 following the arrest of the accused.

10 (7) The right to be reasonably protected from the  
11 accused through the criminal justice process.

12 (7.5) The right to have the safety of the victim and  
13 the victim's family considered in denying or fixing the  
14 amount of bail, determining whether to release the  
15 defendant, and setting conditions of release after arrest  
16 and conviction.

17 (8) The right to be present at the trial and all other  
18 court proceedings on the same basis as the accused, unless  
19 the victim is to testify and the court determines that the  
20 victim's testimony would be materially affected if the  
21 victim hears other testimony at the trial.

22 (9) The right to have present at all court  
23 proceedings, including proceedings under the Juvenile  
24 Court Act of 1987, subject to the rules of evidence, an  
25 advocate and other support person of the victim's choice.

26 (10) The right to restitution.

1           (b) Any law enforcement agency that investigates an  
2 offense committed in this State shall provide a crime victim  
3 with a written statement and explanation of the rights of  
4 crime victims under this amendatory Act of the 99th General  
5 Assembly within 48 hours of law enforcement's initial contact  
6 with a victim. The statement shall include information about  
7 crime victim compensation, including how to contact the Office  
8 of the Illinois Attorney General to file a claim, and  
9 appropriate referrals to local and State programs that provide  
10 victim services. The content of the statement shall be  
11 provided to law enforcement by the Attorney General. Law  
12 enforcement shall also provide a crime victim with a sign-off  
13 sheet that the victim shall sign and date as an  
14 acknowledgement that he or she has been furnished with  
15 information and an explanation of the rights of crime victims  
16 and compensation set forth in this Act.

17           (b-5) Upon the request of the victim, the law enforcement  
18 agency having jurisdiction shall provide a free copy of the  
19 police report concerning the victim's incident, as soon as  
20 practicable, but in no event later than 5 business days from  
21 the request.

22           (c) The Clerk of the Circuit Court shall post the rights of  
23 crime victims set forth in Article I, Section 8.1(a) of the  
24 Illinois Constitution and subsection (a) of this Section  
25 within 3 feet of the door to any courtroom where criminal  
26 proceedings are conducted. The clerk may also post the rights

1 in other locations in the courthouse.

2 (d) At any point, the victim has the right to retain a  
3 victim's attorney who may be present during all stages of any  
4 interview, investigation, or other interaction with  
5 representatives of the criminal justice system. Treatment of  
6 the victim should not be affected or altered in any way as a  
7 result of the victim's decision to exercise this right.

8 (Source: P.A. 100-1087, eff. 1-1-19; 101-652, eff. 1-1-23.)

9 (725 ILCS 120/4.5)

10 Sec. 4.5. Procedures to implement the rights of crime  
11 victims. To afford crime victims their rights, law  
12 enforcement, prosecutors, judges, and corrections will provide  
13 information, as appropriate, of the following procedures:

14 (a) At the request of the crime victim, law enforcement  
15 authorities investigating the case shall provide notice of the  
16 status of the investigation, except where the State's Attorney  
17 determines that disclosure of such information would  
18 unreasonably interfere with the investigation, until such time  
19 as the alleged assailant is apprehended or the investigation  
20 is closed.

21 (a-5) When law enforcement authorities reopen a closed  
22 case to resume investigating, they shall provide notice of the  
23 reopening of the case, except where the State's Attorney  
24 determines that disclosure of such information would  
25 unreasonably interfere with the investigation.

1 (b) The office of the State's Attorney:

2 (1) shall provide notice of the filing of an  
3 information, the return of an indictment, or the filing of  
4 a petition to adjudicate a minor as a delinquent for a  
5 violent crime;

6 (2) shall provide timely notice of the date, time, and  
7 place of court proceedings; of any change in the date,  
8 time, and place of court proceedings; and of any  
9 cancellation of court proceedings. Notice shall be  
10 provided in sufficient time, wherever possible, for the  
11 victim to make arrangements to attend or to prevent an  
12 unnecessary appearance at court proceedings;

13 (3) or victim advocate personnel shall provide  
14 information of social services and financial assistance  
15 available for victims of crime, including information of  
16 how to apply for these services and assistance;

17 (3.5) or victim advocate personnel shall provide  
18 information about available victim services, including  
19 referrals to programs, counselors, and agencies that  
20 assist a victim to deal with trauma, loss, and grief;

21 (4) shall assist in having any stolen or other  
22 personal property held by law enforcement authorities for  
23 evidentiary or other purposes returned as expeditiously as  
24 possible, pursuant to the procedures set out in Section  
25 115-9 of the Code of Criminal Procedure of 1963;

26 (5) or victim advocate personnel shall provide

1 appropriate employer intercession services to ensure that  
2 employers of victims will cooperate with the criminal  
3 justice system in order to minimize an employee's loss of  
4 pay and other benefits resulting from court appearances;

5 (6) shall provide, whenever possible, a secure waiting  
6 area during court proceedings that does not require  
7 victims to be in close proximity to defendants or  
8 juveniles accused of a violent crime, and their families  
9 and friends;

10 (7) shall provide notice to the crime victim of the  
11 right to have a translator present at all court  
12 proceedings and, in compliance with the federal Americans  
13 with Disabilities Act of 1990, the right to communications  
14 access through a sign language interpreter or by other  
15 means;

16 (8) (blank);

17 (8.5) shall inform the victim of the right to be  
18 present at all court proceedings, unless the victim is to  
19 testify and the court determines that the victim's  
20 testimony would be materially affected if the victim hears  
21 other testimony at trial;

22 (9) shall inform the victim of the right to have  
23 present at all court proceedings, subject to the rules of  
24 evidence and confidentiality, an advocate and other  
25 support person of the victim's choice;

26 (9.3) shall inform the victim of the right to retain

1 an attorney, at the victim's own expense, who, upon  
2 written notice filed with the clerk of the court and  
3 State's Attorney, is to receive copies of all notices,  
4 motions, and court orders filed thereafter in the case, in  
5 the same manner as if the victim were a named party in the  
6 case;

7 (9.5) shall inform the victim of (A) the victim's  
8 right under Section 6 of this Act to make a statement at  
9 the sentencing hearing; (B) the right of the victim's  
10 spouse, guardian, parent, grandparent, and other immediate  
11 family and household members under Section 6 of this Act  
12 to present a statement at sentencing; and (C) if a  
13 presentence report is to be prepared, the right of the  
14 victim's spouse, guardian, parent, grandparent, and other  
15 immediate family and household members to submit  
16 information to the preparer of the presentence report  
17 about the effect the offense has had on the victim and the  
18 person;

19 (10) at the sentencing shall make a good faith attempt  
20 to explain the minimum amount of time during which the  
21 defendant may actually be physically imprisoned. The  
22 Office of the State's Attorney shall further notify the  
23 crime victim of the right to request from the Prisoner  
24 Review Board or Department of Juvenile Justice information  
25 concerning the release of the defendant;

26 (11) shall request restitution at sentencing and as

1 part of a plea agreement if the victim requests  
2 restitution;

3 (12) shall, upon the court entering a verdict of not  
4 guilty by reason of insanity, inform the victim of the  
5 notification services available from the Department of  
6 Human Services, including the statewide telephone number,  
7 under subparagraph (d) (2) of this Section;

8 (13) shall provide notice within a reasonable time  
9 after receipt of notice from the custodian, of the release  
10 of the defendant on ~~pretrial release~~ bail or personal  
11 recognizance or the release from detention of a minor who  
12 has been detained;

13 (14) shall explain in nontechnical language the  
14 details of any plea or verdict of a defendant, or any  
15 adjudication of a juvenile as a delinquent;

16 (15) shall make all reasonable efforts to consult with  
17 the crime victim before the Office of the State's Attorney  
18 makes an offer of a plea bargain to the defendant or enters  
19 into negotiations with the defendant concerning a possible  
20 plea agreement, and shall consider the written statement,  
21 if prepared prior to entering into a plea agreement. The  
22 right to consult with the prosecutor does not include the  
23 right to veto a plea agreement or to insist the case go to  
24 trial. If the State's Attorney has not consulted with the  
25 victim prior to making an offer or entering into plea  
26 negotiations with the defendant, the Office of the State's



1 Attorney shall notify the victim of the offer or the  
2 negotiations within 2 business days and confer with the  
3 victim;

4 (16) shall provide notice of the ultimate disposition  
5 of the cases arising from an indictment or an information,  
6 or a petition to have a juvenile adjudicated as a  
7 delinquent for a violent crime;

8 (17) shall provide notice of any appeal taken by the  
9 defendant and information on how to contact the  
10 appropriate agency handling the appeal, and how to request  
11 notice of any hearing, oral argument, or decision of an  
12 appellate court;

13 (18) shall provide timely notice of any request for  
14 post-conviction review filed by the defendant under  
15 Article 122 of the Code of Criminal Procedure of 1963, and  
16 of the date, time and place of any hearing concerning the  
17 petition. Whenever possible, notice of the hearing shall  
18 be given within 48 hours of the court's scheduling of the  
19 hearing;

20 (19) shall forward a copy of any statement presented  
21 under Section 6 to the Prisoner Review Board or Department  
22 of Juvenile Justice to be considered in making a  
23 determination under Section 3-2.5-85 or subsection (b) of  
24 Section 3-3-8 of the Unified Code of Corrections;

25 (20) shall, within a reasonable time, offer to meet  
26 with the crime victim regarding the decision of the

1 State's Attorney not to charge an offense, and shall meet  
2 with the victim, if the victim agrees. The victim has a  
3 right to have an attorney, advocate, and other support  
4 person of the victim's choice attend this meeting with the  
5 victim; and

6 (21) shall give the crime victim timely notice of any  
7 decision not to pursue charges and consider the safety of  
8 the victim when deciding how to give such notice.

9 (c) The court shall ensure that the rights of the victim  
10 are afforded.

11 (c-5) The following procedures shall be followed to afford  
12 victims the rights guaranteed by Article I, Section 8.1 of the  
13 Illinois Constitution:

14 (1) Written notice. A victim may complete a written  
15 notice of intent to assert rights on a form prepared by the  
16 Office of the Attorney General and provided to the victim  
17 by the State's Attorney. The victim may at any time  
18 provide a revised written notice to the State's Attorney.  
19 The State's Attorney shall file the written notice with  
20 the court. At the beginning of any court proceeding in  
21 which the right of a victim may be at issue, the court and  
22 prosecutor shall review the written notice to determine  
23 whether the victim has asserted the right that may be at  
24 issue.

25 (2) Victim's retained attorney. A victim's attorney  
26 shall file an entry of appearance limited to assertion of

1 the victim's rights. Upon the filing of the entry of  
2 appearance and service on the State's Attorney and the  
3 defendant, the attorney is to receive copies of all  
4 notices, motions and court orders filed thereafter in the  
5 case.

6 (3) Standing. The victim has standing to assert the  
7 rights enumerated in subsection (a) of Article I, Section  
8 8.1 of the Illinois Constitution and the statutory rights  
9 under Section 4 of this Act in any court exercising  
10 jurisdiction over the criminal case. The prosecuting  
11 attorney, a victim, or the victim's retained attorney may  
12 assert the victim's rights. The defendant in the criminal  
13 case has no standing to assert a right of the victim in any  
14 court proceeding, including on appeal.

15 (4) Assertion of and enforcement of rights.

16 (A) The prosecuting attorney shall assert a  
17 victim's right or request enforcement of a right by  
18 filing a motion or by orally asserting the right or  
19 requesting enforcement in open court in the criminal  
20 case outside the presence of the jury. The prosecuting  
21 attorney shall consult with the victim and the  
22 victim's attorney regarding the assertion or  
23 enforcement of a right. If the prosecuting attorney  
24 decides not to assert or enforce a victim's right, the  
25 prosecuting attorney shall notify the victim or the  
26 victim's attorney in sufficient time to allow the

1 victim or the victim's attorney to assert the right or  
2 to seek enforcement of a right.

3 (B) If the prosecuting attorney elects not to  
4 assert a victim's right or to seek enforcement of a  
5 right, the victim or the victim's attorney may assert  
6 the victim's right or request enforcement of a right  
7 by filing a motion or by orally asserting the right or  
8 requesting enforcement in open court in the criminal  
9 case outside the presence of the jury.

10 (C) If the prosecuting attorney asserts a victim's  
11 right or seeks enforcement of a right, unless the  
12 prosecuting attorney objects or the trial court does  
13 not allow it, the victim or the victim's attorney may  
14 be heard regarding the prosecuting attorney's motion  
15 or may file a simultaneous motion to assert or request  
16 enforcement of the victim's right. If the victim or  
17 the victim's attorney was not allowed to be heard at  
18 the hearing regarding the prosecuting attorney's  
19 motion, and the court denies the prosecuting  
20 attorney's assertion of the right or denies the  
21 request for enforcement of a right, the victim or  
22 victim's attorney may file a motion to assert the  
23 victim's right or to request enforcement of the right  
24 within 10 days of the court's ruling. The motion need  
25 not demonstrate the grounds for a motion for  
26 reconsideration. The court shall rule on the merits of

1 the motion.

2 (D) The court shall take up and decide any motion  
3 or request asserting or seeking enforcement of a  
4 victim's right without delay, unless a specific time  
5 period is specified by law or court rule. The reasons  
6 for any decision denying the motion or request shall  
7 be clearly stated on the record.

8 (E) No later than January 1, 2023, the Office of  
9 the Attorney General shall:

10 (i) designate an administrative authority  
11 within the Office of the Attorney General to  
12 receive and investigate complaints relating to the  
13 provision or violation of the rights of a crime  
14 victim as described in Article I, Section 8.1 of  
15 the Illinois Constitution and in this Act;

16 (ii) create and administer a course of  
17 training for employees and offices of the State of  
18 Illinois that fail to comply with provisions of  
19 Illinois law pertaining to the treatment of crime  
20 victims as described in Article I, Section 8.1 of  
21 the Illinois Constitution and in this Act as  
22 required by the court under Section 5 of this Act;  
23 and

24 (iii) have the authority to make  
25 recommendations to employees and offices of the  
26 State of Illinois to respond more effectively to

1           the needs of crime victims, including regarding  
2           the violation of the rights of a crime victim.

3           (F) Crime victims' rights may also be asserted by  
4           filing a complaint for mandamus, injunctive, or  
5           declaratory relief in the jurisdiction in which the  
6           victim's right is being violated or where the crime is  
7           being prosecuted. For complaints or motions filed by  
8           or on behalf of the victim, the clerk of court shall  
9           waive filing fees that would otherwise be owed by the  
10          victim for any court filing with the purpose of  
11          enforcing crime victims' rights. If the court denies  
12          the relief sought by the victim, the reasons for the  
13          denial shall be clearly stated on the record in the  
14          transcript of the proceedings, in a written opinion,  
15          or in the docket entry, and the victim may appeal the  
16          circuit court's decision to the appellate court. The  
17          court shall issue prompt rulings regarding victims'  
18          rights. Proceedings seeking to enforce victims' rights  
19          shall not be stayed or subject to unreasonable delay  
20          via continuances.

21          (5) Violation of rights and remedies.

22                 (A) If the court determines that a victim's right  
23                 has been violated, the court shall determine the  
24                 appropriate remedy for the violation of the victim's  
25                 right by hearing from the victim and the parties,  
26                 considering all factors relevant to the issue, and

1           then awarding appropriate relief to the victim.

2           (A-5) Consideration of an issue of a substantive  
3           nature or an issue that implicates the constitutional  
4           or statutory right of a victim at a court proceeding  
5           labeled as a status hearing shall constitute a per se  
6           violation of a victim's right.

7           (B) The appropriate remedy shall include only  
8           actions necessary to provide the victim the right to  
9           which the victim was entitled. Remedies may include,  
10          but are not limited to: injunctive relief requiring  
11          the victim's right to be afforded; declaratory  
12          judgment recognizing or clarifying the victim's  
13          rights; a writ of mandamus; and may include reopening  
14          previously held proceedings; however, in no event  
15          shall the court vacate a conviction. Any remedy shall  
16          be tailored to provide the victim an appropriate  
17          remedy without violating any constitutional right of  
18          the defendant. In no event shall the appropriate  
19          remedy to the victim be a new trial or damages.

20          The court shall impose a mandatory training course  
21          provided by the Attorney General for the employee under  
22          item (ii) of subparagraph (E) of paragraph (4), which must  
23          be successfully completed within 6 months of the entry of  
24          the court order.

25          This paragraph (5) takes effect January 2, 2023.

26          (6) Right to be heard. Whenever a victim has the right

1 to be heard, the court shall allow the victim to exercise  
2 the right in any reasonable manner the victim chooses.

3 (7) Right to attend trial. A party must file a written  
4 motion to exclude a victim from trial at least 60 days  
5 prior to the date set for trial. The motion must state with  
6 specificity the reason exclusion is necessary to protect a  
7 constitutional right of the party, and must contain an  
8 offer of proof. The court shall rule on the motion within  
9 30 days. If the motion is granted, the court shall set  
10 forth on the record the facts that support its finding  
11 that the victim's testimony will be materially affected if  
12 the victim hears other testimony at trial.

13 (8) Right to have advocate and support person present  
14 at court proceedings.

15 (A) A party who intends to call an advocate as a  
16 witness at trial must seek permission of the court  
17 before the subpoena is issued. The party must file a  
18 written motion at least 90 days before trial that sets  
19 forth specifically the issues on which the advocate's  
20 testimony is sought and an offer of proof regarding  
21 (i) the content of the anticipated testimony of the  
22 advocate; and (ii) the relevance, admissibility, and  
23 materiality of the anticipated testimony. The court  
24 shall consider the motion and make findings within 30  
25 days of the filing of the motion. If the court finds by  
26 a preponderance of the evidence that: (i) the



1 anticipated testimony is not protected by an absolute  
2 privilege; and (ii) the anticipated testimony contains  
3 relevant, admissible, and material evidence that is  
4 not available through other witnesses or evidence, the  
5 court shall issue a subpoena requiring the advocate to  
6 appear to testify at an in camera hearing. The  
7 prosecuting attorney and the victim shall have 15 days  
8 to seek appellate review before the advocate is  
9 required to testify at an ex parte in camera  
10 proceeding.

11 The prosecuting attorney, the victim, and the  
12 advocate's attorney shall be allowed to be present at  
13 the ex parte in camera proceeding. If, after  
14 conducting the ex parte in camera hearing, the court  
15 determines that due process requires any testimony  
16 regarding confidential or privileged information or  
17 communications, the court shall provide to the  
18 prosecuting attorney, the victim, and the advocate's  
19 attorney a written memorandum on the substance of the  
20 advocate's testimony. The prosecuting attorney, the  
21 victim, and the advocate's attorney shall have 15 days  
22 to seek appellate review before a subpoena may be  
23 issued for the advocate to testify at trial. The  
24 presence of the prosecuting attorney at the ex parte  
25 in camera proceeding does not make the substance of  
26 the advocate's testimony that the court has ruled

1 inadmissible subject to discovery.

2 (B) If a victim has asserted the right to have a  
3 support person present at the court proceedings, the  
4 victim shall provide the name of the person the victim  
5 has chosen to be the victim's support person to the  
6 prosecuting attorney, within 60 days of trial. The  
7 prosecuting attorney shall provide the name to the  
8 defendant. If the defendant intends to call the  
9 support person as a witness at trial, the defendant  
10 must seek permission of the court before a subpoena is  
11 issued. The defendant must file a written motion at  
12 least 45 days prior to trial that sets forth  
13 specifically the issues on which the support person  
14 will testify and an offer of proof regarding: (i) the  
15 content of the anticipated testimony of the support  
16 person; and (ii) the relevance, admissibility, and  
17 materiality of the anticipated testimony.

18 If the prosecuting attorney intends to call the  
19 support person as a witness during the State's  
20 case-in-chief, the prosecuting attorney shall inform  
21 the court of this intent in the response to the  
22 defendant's written motion. The victim may choose a  
23 different person to be the victim's support person.  
24 The court may allow the defendant to inquire about  
25 matters outside the scope of the direct examination  
26 during cross-examination. If the court allows the

1 defendant to do so, the support person shall be  
2 allowed to remain in the courtroom after the support  
3 person has testified. A defendant who fails to  
4 question the support person about matters outside the  
5 scope of direct examination during the State's  
6 case-in-chief waives the right to challenge the  
7 presence of the support person on appeal. The court  
8 shall allow the support person to testify if called as  
9 a witness in the defendant's case-in-chief or the  
10 State's rebuttal.

11 If the court does not allow the defendant to  
12 inquire about matters outside the scope of the direct  
13 examination, the support person shall be allowed to  
14 remain in the courtroom after the support person has  
15 been called by the defendant or the defendant has  
16 rested. The court shall allow the support person to  
17 testify in the State's rebuttal.

18 If the prosecuting attorney does not intend to  
19 call the support person in the State's case-in-chief,  
20 the court shall verify with the support person whether  
21 the support person, if called as a witness, would  
22 testify as set forth in the offer of proof. If the  
23 court finds that the support person would testify as  
24 set forth in the offer of proof, the court shall rule  
25 on the relevance, materiality, and admissibility of  
26 the anticipated testimony. If the court rules the

1 anticipated testimony is admissible, the court shall  
2 issue the subpoena. The support person may remain in  
3 the courtroom after the support person testifies and  
4 shall be allowed to testify in rebuttal.

5 If the court excludes the victim's support person  
6 during the State's case-in-chief, the victim shall be  
7 allowed to choose another support person to be present  
8 in court.

9 If the victim fails to designate a support person  
10 within 60 days of trial and the defendant has  
11 subpoenaed the support person to testify at trial, the  
12 court may exclude the support person from the trial  
13 until the support person testifies. If the court  
14 excludes the support person the victim may choose  
15 another person as a support person.

16 (9) Right to notice and hearing before disclosure of  
17 confidential or privileged information or records.

18 (A) A defendant who seeks to subpoena testimony or  
19 records of or concerning the victim that are  
20 confidential or privileged by law must seek permission  
21 of the court before the subpoena is issued. The  
22 defendant must file a written motion and an offer of  
23 proof regarding the relevance, admissibility and  
24 materiality of the testimony or records. If the court  
25 finds by a preponderance of the evidence that:

26 (i) the testimony or records are not protected

1 by an absolute privilege and

2 (ii) the testimony or records contain  
3 relevant, admissible, and material evidence that  
4 is not available through other witnesses or  
5 evidence, the court shall issue a subpoena  
6 requiring the witness to appear in camera or a  
7 sealed copy of the records be delivered to the  
8 court to be reviewed in camera. If, after  
9 conducting an in camera review of the witness  
10 statement or records, the court determines that  
11 due process requires disclosure of any potential  
12 testimony or any portion of the records, the court  
13 shall provide copies of the records that it  
14 intends to disclose to the prosecuting attorney  
15 and the victim. The prosecuting attorney and the  
16 victim shall have 30 days to seek appellate review  
17 before the records are disclosed to the defendant,  
18 used in any court proceeding, or disclosed to  
19 anyone or in any way that would subject the  
20 testimony or records to public review. The  
21 disclosure of copies of any portion of the  
22 testimony or records to the prosecuting attorney  
23 under this Section does not make the records  
24 subject to discovery or required to be provided to  
25 the defendant.

26 (B) A prosecuting attorney who seeks to subpoena

1 information or records concerning the victim that are  
2 confidential or privileged by law must first request  
3 the written consent of the crime victim. If the victim  
4 does not provide such written consent, including where  
5 necessary the appropriate signed document required for  
6 waiving privilege, the prosecuting attorney must serve  
7 the subpoena at least 21 days prior to the date a  
8 response or appearance is required to allow the  
9 subject of the subpoena time to file a motion to quash  
10 or request a hearing. The prosecuting attorney must  
11 also send a written notice to the victim at least 21  
12 days prior to the response date to allow the victim to  
13 file a motion or request a hearing. The notice to the  
14 victim shall inform the victim (i) that a subpoena has  
15 been issued for confidential information or records  
16 concerning the victim, (ii) that the victim has the  
17 right to request a hearing prior to the response date  
18 of the subpoena, and (iii) how to request the hearing.  
19 The notice to the victim shall also include a copy of  
20 the subpoena. If requested, a hearing regarding the  
21 subpoena shall occur before information or records are  
22 provided to the prosecuting attorney.

23 (10) Right to notice of court proceedings. If the  
24 victim is not present at a court proceeding in which a  
25 right of the victim is at issue, the court shall ask the  
26 prosecuting attorney whether the victim was notified of

1 the time, place, and purpose of the court proceeding and  
2 that the victim had a right to be heard at the court  
3 proceeding. If the court determines that timely notice was  
4 not given or that the victim was not adequately informed  
5 of the nature of the court proceeding, the court shall not  
6 rule on any substantive issues, accept a plea, or impose a  
7 sentence and shall continue the hearing for the time  
8 necessary to notify the victim of the time, place and  
9 nature of the court proceeding. The time between court  
10 proceedings shall not be attributable to the State under  
11 Section 103-5 of the Code of Criminal Procedure of 1963.

12 (11) Right to timely disposition of the case. A victim  
13 has the right to timely disposition of the case so as to  
14 minimize the stress, cost, and inconvenience resulting  
15 from the victim's involvement in the case. Before ruling  
16 on a motion to continue trial or other court proceeding,  
17 the court shall inquire into the circumstances for the  
18 request for the delay and, if the victim has provided  
19 written notice of the assertion of the right to a timely  
20 disposition, and whether the victim objects to the delay.  
21 If the victim objects, the prosecutor shall inform the  
22 court of the victim's objections. If the prosecutor has  
23 not conferred with the victim about the continuance, the  
24 prosecutor shall inform the court of the attempts to  
25 confer. If the court finds the attempts of the prosecutor  
26 to confer with the victim were inadequate to protect the

1 victim's right to be heard, the court shall give the  
2 prosecutor at least 3 but not more than 5 business days to  
3 confer with the victim. In ruling on a motion to continue,  
4 the court shall consider the reasons for the requested  
5 continuance, the number and length of continuances that  
6 have been granted, the victim's objections and procedures  
7 to avoid further delays. If a continuance is granted over  
8 the victim's objection, the court shall specify on the  
9 record the reasons for the continuance and the procedures  
10 that have been or will be taken to avoid further delays.

11 (12) Right to Restitution.

12 (A) If the victim has asserted the right to  
13 restitution and the amount of restitution is known at  
14 the time of sentencing, the court shall enter the  
15 judgment of restitution at the time of sentencing.

16 (B) If the victim has asserted the right to  
17 restitution and the amount of restitution is not known  
18 at the time of sentencing, the prosecutor shall,  
19 within 5 days after sentencing, notify the victim what  
20 information and documentation related to restitution  
21 is needed and that the information and documentation  
22 must be provided to the prosecutor within 45 days  
23 after sentencing. Failure to timely provide  
24 information and documentation related to restitution  
25 shall be deemed a waiver of the right to restitution.  
26 The prosecutor shall file and serve within 60 days



1 after sentencing a proposed judgment for restitution  
2 and a notice that includes information concerning the  
3 identity of any victims or other persons seeking  
4 restitution, whether any victim or other person  
5 expressly declines restitution, the nature and amount  
6 of any damages together with any supporting  
7 documentation, a restitution amount recommendation,  
8 and the names of any co-defendants and their case  
9 numbers. Within 30 days after receipt of the proposed  
10 judgment for restitution, the defendant shall file any  
11 objection to the proposed judgment, a statement of  
12 grounds for the objection, and a financial statement.  
13 If the defendant does not file an objection, the court  
14 may enter the judgment for restitution without further  
15 proceedings. If the defendant files an objection and  
16 either party requests a hearing, the court shall  
17 schedule a hearing.

18 (13) Access to presentence reports.

19 (A) The victim may request a copy of the  
20 presentence report prepared under the Unified Code of  
21 Corrections from the State's Attorney. The State's  
22 Attorney shall redact the following information before  
23 providing a copy of the report:

24 (i) the defendant's mental history and  
25 condition;

26 (ii) any evaluation prepared under subsection

1 (b) or (b-5) of Section 5-3-2; and  
2 (iii) the name, address, phone number, and  
3 other personal information about any other victim.

4 (B) The State's Attorney or the defendant may  
5 request the court redact other information in the  
6 report that may endanger the safety of any person.

7 (C) The State's Attorney may orally disclose to  
8 the victim any of the information that has been  
9 redacted if there is a reasonable likelihood that the  
10 information will be stated in court at the sentencing.

11 (D) The State's Attorney must advise the victim  
12 that the victim must maintain the confidentiality of  
13 the report and other information. Any dissemination of  
14 the report or information that was not stated at a  
15 court proceeding constitutes indirect criminal  
16 contempt of court.

17 (14) Appellate relief. If the trial court denies the  
18 relief requested, the victim, the victim's attorney, or  
19 the prosecuting attorney may file an appeal within 30 days  
20 of the trial court's ruling. The trial or appellate court  
21 may stay the court proceedings if the court finds that a  
22 stay would not violate a constitutional right of the  
23 defendant. If the appellate court denies the relief  
24 sought, the reasons for the denial shall be clearly stated  
25 in a written opinion. In any appeal in a criminal case, the  
26 State may assert as error the court's denial of any crime

1 victim's right in the proceeding to which the appeal  
2 relates.

3 (15) Limitation on appellate relief. In no case shall  
4 an appellate court provide a new trial to remedy the  
5 violation of a victim's right.

6 (16) The right to be reasonably protected from the  
7 accused throughout the criminal justice process and the  
8 right to have the safety of the victim and the victim's  
9 family considered in denying or fixing the amount of bail,  
10 determining whether to release the defendant, and setting  
11 conditions of release after arrest and conviction. A  
12 victim of domestic violence, a sexual offense, or stalking  
13 may request the entry of a protective order under Article  
14 112A of the Code of Criminal Procedure of 1963.

15 (d) Procedures after the imposition of sentence.

16 (1) The Prisoner Review Board shall inform a victim or  
17 any other concerned citizen, upon written request, of the  
18 prisoner's release on parole, mandatory supervised  
19 release, electronic detention, work release, international  
20 transfer or exchange, or by the custodian, other than the  
21 Department of Juvenile Justice, of the discharge of any  
22 individual who was adjudicated a delinquent for a crime  
23 from State custody and by the sheriff of the appropriate  
24 county of any such person's final discharge from county  
25 custody. The Prisoner Review Board, upon written request,  
26 shall provide to a victim or any other concerned citizen a

1 recent photograph of any person convicted of a felony,  
2 upon his or her release from custody. The Prisoner Review  
3 Board, upon written request, shall inform a victim or any  
4 other concerned citizen when feasible at least 7 days  
5 prior to the prisoner's release on furlough of the times  
6 and dates of such furlough. Upon written request by the  
7 victim or any other concerned citizen, the State's  
8 Attorney shall notify the person once of the times and  
9 dates of release of a prisoner sentenced to periodic  
10 imprisonment. Notification shall be based on the most  
11 recent information as to the victim's or other concerned  
12 citizen's residence or other location available to the  
13 notifying authority.

14 (2) When the defendant has been committed to the  
15 Department of Human Services pursuant to Section 5-2-4 or  
16 any other provision of the Unified Code of Corrections,  
17 the victim may request to be notified by the releasing  
18 authority of the approval by the court of an on-grounds  
19 pass, a supervised off-grounds pass, an unsupervised  
20 off-grounds pass, or conditional release; the release on  
21 an off-grounds pass; the return from an off-grounds pass;  
22 transfer to another facility; conditional release; escape;  
23 death; or final discharge from State custody. The  
24 Department of Human Services shall establish and maintain  
25 a statewide telephone number to be used by victims to make  
26 notification requests under these provisions and shall

1 publicize this telephone number on its website and to the  
2 State's Attorney of each county.

3 (3) In the event of an escape from State custody, the  
4 Department of Corrections or the Department of Juvenile  
5 Justice immediately shall notify the Prisoner Review Board  
6 of the escape and the Prisoner Review Board shall notify  
7 the victim. The notification shall be based upon the most  
8 recent information as to the victim's residence or other  
9 location available to the Board. When no such information  
10 is available, the Board shall make all reasonable efforts  
11 to obtain the information and make the notification. When  
12 the escapee is apprehended, the Department of Corrections  
13 or the Department of Juvenile Justice immediately shall  
14 notify the Prisoner Review Board and the Board shall  
15 notify the victim.

16 (4) The victim of the crime for which the prisoner has  
17 been sentenced has the right to register with the Prisoner  
18 Review Board's victim registry. Victims registered with  
19 the Board shall receive reasonable written notice not less  
20 than 30 days prior to the parole hearing or target  
21 aftercare release date. The victim has the right to submit  
22 a victim statement for consideration by the Prisoner  
23 Review Board or the Department of Juvenile Justice in  
24 writing, on film, videotape, or other electronic means, or  
25 in the form of a recording prior to the parole hearing or  
26 target aftercare release date, or in person at the parole

1 hearing or aftercare release protest hearing, or by  
2 calling the toll-free number established in subsection (f)  
3 of this Section. The victim shall be notified within 7  
4 days after the prisoner has been granted parole or  
5 aftercare release and shall be informed of the right to  
6 inspect the registry of parole decisions, established  
7 under subsection (g) of Section 3-3-5 of the Unified Code  
8 of Corrections. The provisions of this paragraph (4) are  
9 subject to the Open Parole Hearings Act. Victim statements  
10 provided to the Board shall be confidential and  
11 privileged, including any statements received prior to  
12 January 1, 2020 (the effective date of Public Act  
13 101-288), except if the statement was an oral statement  
14 made by the victim at a hearing open to the public.

15 (4-1) The crime victim has the right to submit a  
16 victim statement for consideration by the Prisoner Review  
17 Board or the Department of Juvenile Justice prior to or at  
18 a hearing to determine the conditions of mandatory  
19 supervised release of a person sentenced to a determinate  
20 sentence or at a hearing on revocation of mandatory  
21 supervised release of a person sentenced to a determinate  
22 sentence. A victim statement may be submitted in writing,  
23 on film, videotape, or other electronic means, or in the  
24 form of a recording, or orally at a hearing, or by calling  
25 the toll-free number established in subsection (f) of this  
26 Section. Victim statements provided to the Board shall be

1 confidential and privileged, including any statements  
2 received prior to January 1, 2020 (the effective date of  
3 Public Act 101-288), except if the statement was an oral  
4 statement made by the victim at a hearing open to the  
5 public.

6 (4-2) The crime victim has the right to submit a  
7 victim statement to the Prisoner Review Board for  
8 consideration at an executive clemency hearing as provided  
9 in Section 3-3-13 of the Unified Code of Corrections. A  
10 victim statement may be submitted in writing, on film,  
11 videotape, or other electronic means, or in the form of a  
12 recording prior to a hearing, or orally at a hearing, or by  
13 calling the toll-free number established in subsection (f)  
14 of this Section. Victim statements provided to the Board  
15 shall be confidential and privileged, including any  
16 statements received prior to January 1, 2020 (the  
17 effective date of Public Act 101-288), except if the  
18 statement was an oral statement made by the victim at a  
19 hearing open to the public.

20 (5) If a statement is presented under Section 6, the  
21 Prisoner Review Board or Department of Juvenile Justice  
22 shall inform the victim of any order of discharge pursuant  
23 to Section 3-2.5-85 or 3-3-8 of the Unified Code of  
24 Corrections.

25 (6) At the written or oral request of the victim of the  
26 crime for which the prisoner was sentenced or the State's

1 Attorney of the county where the person seeking parole or  
2 aftercare release was prosecuted, the Prisoner Review  
3 Board or Department of Juvenile Justice shall notify the  
4 victim and the State's Attorney of the county where the  
5 person seeking parole or aftercare release was prosecuted  
6 of the death of the prisoner if the prisoner died while on  
7 parole or aftercare release or mandatory supervised  
8 release.

9 (7) When a defendant who has been committed to the  
10 Department of Corrections, the Department of Juvenile  
11 Justice, or the Department of Human Services is released  
12 or discharged and subsequently committed to the Department  
13 of Human Services as a sexually violent person and the  
14 victim had requested to be notified by the releasing  
15 authority of the defendant's discharge, conditional  
16 release, death, or escape from State custody, the  
17 releasing authority shall provide to the Department of  
18 Human Services such information that would allow the  
19 Department of Human Services to contact the victim.

20 (8) When a defendant has been convicted of a sex  
21 offense as defined in Section 2 of the Sex Offender  
22 Registration Act and has been sentenced to the Department  
23 of Corrections or the Department of Juvenile Justice, the  
24 Prisoner Review Board or the Department of Juvenile  
25 Justice shall notify the victim of the sex offense of the  
26 prisoner's eligibility for release on parole, aftercare



1 release, mandatory supervised release, electronic  
2 detention, work release, international transfer or  
3 exchange, or by the custodian of the discharge of any  
4 individual who was adjudicated a delinquent for a sex  
5 offense from State custody and by the sheriff of the  
6 appropriate county of any such person's final discharge  
7 from county custody. The notification shall be made to the  
8 victim at least 30 days, whenever possible, before release  
9 of the sex offender.

10 (e) The officials named in this Section may satisfy some  
11 or all of their obligations to provide notices and other  
12 information through participation in a statewide victim and  
13 witness notification system established by the Attorney  
14 General under Section 8.5 of this Act.

15 (f) The Prisoner Review Board shall establish a toll-free  
16 number that may be accessed by the crime victim to present a  
17 victim statement to the Board in accordance with paragraphs  
18 (4), (4-1), and (4-2) of subsection (d).

19 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;  
20 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.  
21 8-20-21; 102-813, eff. 5-13-22.)

22 Section 2-245. The Pretrial Services Act is amended by  
23 changing Sections 7, 11, 19, 20, 22, and 34 as follows:

24 (725 ILCS 185/7) (from Ch. 38, par. 307)

1           Sec. 7. Pretrial services agencies shall perform the  
2 following duties for the circuit court:

3           (a) Interview and assemble verified information and data  
4 concerning the community ties, employment, residency, criminal  
5 record, and social background of arrested persons who are to  
6 be, or have been, presented in court for first appearance on  
7 felony charges, to assist the court in determining the  
8 appropriate terms and conditions of bail ~~pretrial release~~;

9           (b) Submit written reports of those investigations to the  
10 court along with such findings and recommendations, if any, as  
11 may be necessary to assess ~~appropriate conditions which shall~~  
12 ~~be imposed to protect against the risks of nonappearance and~~  
13 ~~commission of new offenses or other interference with the~~  
14 ~~orderly administration of justice before trial~~;

15           (1) the need for financial security to assure the  
16 defendant's appearance at later proceedings; and

17           (2) appropriate conditions which shall be imposed to  
18 protect against the risks of nonappearance and commission of  
19 new offenses or other interference with the orderly  
20 administration of justice before trial;

21           (c) Supervise compliance with bail ~~pretrial release~~  
22 conditions, and promptly report violations of those conditions  
23 to the court and prosecutor to ~~ensure~~ assure effective  
24 enforcement;

25           (d) Cooperate with the court and all other criminal  
26 justice agencies in the development of programs to minimize

1 unnecessary pretrial detention and protect the public against  
2 breaches of bail ~~pretrial release~~ conditions; and

3 (e) Monitor the local operations of the bail ~~pretrial~~  
4 ~~release~~ system and maintain accurate and comprehensive records  
5 of program activities.

6 (Source: P.A. 102-1104, eff. 1-1-23.)

7 (725 ILCS 185/11) (from Ch. 38, par. 311)

8 Sec. 11. No person shall be interviewed by a pretrial  
9 services agency unless he or she has first been apprised of the  
10 identity and purpose of the interviewer, the scope of the  
11 interview, the right to secure legal advice, and the right to  
12 refuse cooperation. Inquiry of the defendant shall carefully  
13 exclude questions concerning the details of the current  
14 charge. Statements made by the defendant during the interview,  
15 or evidence derived therefrom, are admissible in evidence only  
16 when the court is considering the imposition of pretrial or  
17 posttrial conditions to bail or recognizance ~~of release,~~  
18 ~~denial of pretrial release,~~ or when considering the  
19 modification of a prior release order.

20 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 12-6-22.)

21 (725 ILCS 185/19) (from Ch. 38, par. 319)

22 Sec. 19. Written reports under Section 17 shall set forth  
23 all factual findings on which any recommendation and  
24 conclusions contained therein are based together with the

1 source of each fact, and shall contain information and data  
2 relevant to ~~appropriate conditions imposed to protect against~~  
3 ~~the risk of nonappearance and commission of new offenses or~~  
4 ~~other interference with the orderly administration of justice~~  
5 ~~before trial.~~ the following issues:

6 (a) The need for financial security to assure the  
7 defendant's appearance for later court proceedings; and

8 (b) Appropriate conditions imposed to protect against the  
9 risk of nonappearance and commission of new offenses or other  
10 interference with the orderly administration of justice before  
11 trial.

12 (Source: P.A. 102-1104, eff. 1-1-23.)

13 (725 ILCS 185/20) (from Ch. 38, par. 320)

14 Sec. 20. In preparing and presenting its written reports  
15 under Sections 17 and 19, pretrial services agencies shall in  
16 appropriate cases include specific recommendations for the  
17 setting, increase, or decrease ~~the conditions of bail~~ pretrial  
18 release; the release of the interviewee on his own  
19 recognizance in sums certain; and the imposition of pretrial  
20 conditions to bail ~~of pretrial release~~ or recognizance  
21 designed to minimize the risks of nonappearance, the  
22 commission of new offenses while awaiting trial, and other  
23 potential interference with the orderly administration of  
24 justice. In establishing objective internal criteria of any  
25 such recommendation policies, the agency may utilize so-called

1 "point scales" for evaluating the aforementioned risks, but no  
2 interviewee shall be considered as ineligible for particular  
3 agency recommendations by sole reference to such procedures.  
4 (Source: P.A. 101-652, eff. 1-1-23.)

5 (725 ILCS 185/22) (from Ch. 38, par. 322)

6 Sec. 22. If so ordered by the court, the pretrial services  
7 agency shall prepare and submit for the court's approval and  
8 signature a uniform release order on the uniform form  
9 established by the Supreme Court in all cases where an  
10 interviewee may be released from custody under conditions  
11 contained in an agency report. Such conditions shall become  
12 part of the conditions of the bail bond ~~pretrial release~~. A  
13 copy of the uniform release order shall be provided to the  
14 defendant and defendant's attorney of record, and the  
15 prosecutor.

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

17 (725 ILCS 185/34)

18 Sec. 34. Probation and court services departments  
19 considered pretrial services agencies. For the purposes of  
20 administering the provisions of Public Act 95-773, known as  
21 the Cindy Bischof Law, all probation and court services  
22 departments are to be considered pretrial services agencies  
23 under this Act and under the bail bond ~~pretrial release~~  
24 provisions of the Code of Criminal Procedure of 1963.

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

2 Section 2-250. The Quasi-criminal and Misdemeanor Bail Act  
3 is amended by changing the title of the Act and Sections 0.01,  
4 1, 2, 3, and 5 as follows:

5 (725 ILCS 195/Act title)

6 An Act to authorize designated officers to let persons  
7 charged with quasi-criminal offenses and misdemeanors to  
8 ~~pretrial release~~ bail and to accept and receipt for fines on  
9 pleas of guilty in minor offenses, in accordance with  
10 schedules established by rule of court.

11 (725 ILCS 195/0.01) (from Ch. 16, par. 80)

12 Sec. 0.01. Short title. This Act may be cited as the  
13 Quasi-criminal and Misdemeanor Bail ~~Pretrial Release~~ Act.

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

15 (725 ILCS 195/1) (from Ch. 16, par. 81)

16 Sec. 1. Whenever in any circuit there shall be in force a  
17 rule or order of the Supreme Court establishing a uniform  
18 schedule ~~form~~ prescribing the amounts of bail ~~conditions of~~  
19 ~~pretrial release~~ for specified conservation cases, traffic  
20 cases, quasi-criminal offenses and misdemeanors, any general  
21 superintendent, chief, captain, lieutenant, or sergeant of  
22 police, or other police officer, the sheriff, the circuit

1 clerk, and any deputy sheriff or deputy circuit clerk  
2 designated by the Circuit Court for the purpose, are  
3 authorized to let to bail ~~pretrial release~~ any person charged  
4 with a quasi-criminal offense or misdemeanor and to accept and  
5 receipt for bonds or cash bail in accordance with regulations  
6 established by rule or order of the Supreme Court. Unless  
7 otherwise provided by Supreme Court Rule, no such bail may be  
8 posted or accepted in any place other than a police station,  
9 sheriff's office or jail, or other county, municipal or other  
10 building housing governmental units, or a division  
11 headquarters building of the Illinois State Police. Bonds and  
12 cash so received shall be delivered to the office of the  
13 circuit clerk or that of his designated deputy as provided by  
14 regulation. Such cash and securities so received shall be  
15 delivered to the office of such clerk or deputy clerk within at  
16 least 48 hours of receipt or within the time set for the  
17 accused's appearance in court whichever is earliest.

18 In all cases where a person is admitted to bail under a  
19 uniform schedule prescribing the amount of bail for specified  
20 conservation cases, traffic cases, quasi-criminal offenses and  
21 misdemeanors the provisions of Section 110-15.1 of the Code of  
22 Criminal Procedure of 1963 shall be applicable.

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

24 (725 ILCS 195/2) (from Ch. 16, par. 82)

25 Sec. 2. The conditions of the bail bond or deposit of cash

1 ~~bail pretrial release~~ shall be that the accused will appear to  
2 answer the charge in court at a time and place specified in the  
3 ~~bond pretrial release form~~ and thereafter as ordered by the  
4 court until discharged on final order of the court and to  
5 submit himself to the orders and process of the court. The  
6 accused shall be furnished with an official receipt on a form  
7 prescribed by rule of court for any cash or other security  
8 deposited, and shall receive a copy of the bond pretrial  
9 ~~release form~~ specifying the time and place of his court  
10 appearance.

11 Upon performance of the conditions of the bond pretrial  
12 ~~release,~~ the bond pretrial release form shall be null and void  
13 any cash bail or other security shall be returned to the  
14 accused and any cash bail or other security shall be returned  
15 to the accused ~~the accused shall be released from the~~  
16 ~~conditions of pretrial release.~~

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

18 (725 ILCS 195/3) (from Ch. 16, par. 83)

19 Sec. 3. In lieu of making bond or depositing cash bail as  
20 provided in this Act or the deposit of other security  
21 authorized by law ~~complying with the conditions of pretrial~~  
22 ~~release,~~ any accused person has the right to be brought  
23 without unnecessary delay before the nearest or most  
24 accessible judge of the circuit to be dealt with according to  
25 law.



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

2 (725 ILCS 195/5) (from Ch. 16, par. 85)

3 Sec. 5. Any person authorized to accept bail ~~pretrial~~  
4 ~~release~~ or pleas of guilty by this Act who violates any  
5 provision of this Act is guilty of a Class B misdemeanor.

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

7 Section 2-255. The Unified Code of Corrections is amended  
8 by changing Sections 5-3-2, 5-5-3.2, 5-6-4, 5-6-4.1, 5-8A-7,  
9 and 8-2-1 as follows:

10 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

11 Sec. 5-3-2. Presentence report.

12 (a) In felony cases, the presentence report shall set  
13 forth:

14 (1) the defendant's history of delinquency or  
15 criminality, physical and mental history and condition,  
16 family situation and background, economic status,  
17 education, occupation and personal habits;

18 (2) information about special resources within the  
19 community which might be available to assist the  
20 defendant's rehabilitation, including treatment centers,  
21 residential facilities, vocational training services,  
22 correctional manpower programs, employment opportunities,  
23 special educational programs, alcohol and drug abuse

1 programming, psychiatric and marriage counseling, and  
2 other programs and facilities which could aid the  
3 defendant's successful reintegration into society;

4 (3) the effect the offense committed has had upon the  
5 victim or victims thereof, and any compensatory benefit  
6 that various sentencing alternatives would confer on such  
7 victim or victims;

8 (3.5) information provided by the victim's spouse,  
9 guardian, parent, grandparent, and other immediate family  
10 and household members about the effect the offense  
11 committed has had on the victim and on the person  
12 providing the information; if the victim's spouse,  
13 guardian, parent, grandparent, or other immediate family  
14 or household member has provided a written statement, the  
15 statement shall be attached to the report;

16 (4) information concerning the defendant's status  
17 since arrest, including his record if released on his own  
18 recognizance, or the defendant's achievement record if  
19 released on a conditional pre-trial supervision program;

20 (5) when appropriate, a plan, based upon the personal,  
21 economic and social adjustment needs of the defendant,  
22 utilizing public and private community resources as an  
23 alternative to institutional sentencing;

24 (6) any other matters that the investigatory officer  
25 deems relevant or the court directs to be included;

26 (7) information concerning the defendant's eligibility

1 for a sentence to a county impact incarceration program  
2 under Section 5-8-1.2 of this Code; and

3 (8) information concerning the defendant's eligibility  
4 for a sentence to an impact incarceration program  
5 administered by the Department under Section 5-8-1.1.

6 (b) The investigation shall include a physical and mental  
7 examination of the defendant when so ordered by the court. If  
8 the court determines that such an examination should be made,  
9 it shall issue an order that the defendant submit to  
10 examination at such time and place as designated by the court  
11 and that such examination be conducted by a physician,  
12 psychologist or psychiatrist designated by the court. Such an  
13 examination may be conducted in a court clinic if so ordered by  
14 the court. The cost of such examination shall be paid by the  
15 county in which the trial is held.

16 (b-5) In cases involving felony sex offenses in which the  
17 offender is being considered for probation only or any felony  
18 offense that is sexually motivated as defined in the Sex  
19 Offender Management Board Act in which the offender is being  
20 considered for probation only, the investigation shall include  
21 a sex offender evaluation by an evaluator approved by the  
22 Board and conducted in conformance with the standards  
23 developed under the Sex Offender Management Board Act. In  
24 cases in which the offender is being considered for any  
25 mandatory prison sentence, the investigation shall not include  
26 a sex offender evaluation.

1 (c) In misdemeanor, business offense or petty offense  
2 cases, except as specified in subsection (d) of this Section,  
3 when a presentence report has been ordered by the court, such  
4 presentence report shall contain information on the  
5 defendant's history of delinquency or criminality and shall  
6 further contain only those matters listed in any of paragraphs  
7 (1) through (6) of subsection (a) or in subsection (b) of this  
8 Section as are specified by the court in its order for the  
9 report.

10 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or  
11 12-30 of the Criminal Code of 1961 or the Criminal Code of  
12 2012, the presentence report shall set forth information about  
13 alcohol, drug abuse, psychiatric, and marriage counseling or  
14 other treatment programs and facilities, information on the  
15 defendant's history of delinquency or criminality, and shall  
16 contain those additional matters listed in any of paragraphs  
17 (1) through (6) of subsection (a) or in subsection (b) of this  
18 Section as are specified by the court.

19 (e) Nothing in this Section shall cause the defendant to  
20 be held without ~~pretrial release~~ bail or to have his ~~pretrial~~  
21 ~~release~~ bail revoked for the purpose of preparing the  
22 presentence report or making an examination.

23 (Source: P.A. 101-105, eff. 1-1-20; 101-652, eff. 1-1-23;  
24 102-558, eff. 8-20-21.)

25 (730 ILCS 5/5-5-3.2)

1           Sec. 5-5-3.2. Factors in aggravation and extended-term  
2 sentencing.

3           (a) The following factors shall be accorded weight in  
4 favor of imposing a term of imprisonment or may be considered  
5 by the court as reasons to impose a more severe sentence under  
6 Section 5-8-1 or Article 4.5 of Chapter V:

7           (1) the defendant's conduct caused or threatened  
8 serious harm;

9           (2) the defendant received compensation for committing  
10 the offense;

11           (3) the defendant has a history of prior delinquency  
12 or criminal activity;

13           (4) the defendant, by the duties of his office or by  
14 his position, was obliged to prevent the particular  
15 offense committed or to bring the offenders committing it  
16 to justice;

17           (5) the defendant held public office at the time of  
18 the offense, and the offense related to the conduct of  
19 that office;

20           (6) the defendant utilized his professional reputation  
21 or position in the community to commit the offense, or to  
22 afford him an easier means of committing it;

23           (7) the sentence is necessary to deter others from  
24 committing the same crime;

25           (8) the defendant committed the offense against a  
26 person 60 years of age or older or such person's property;

1           (9) the defendant committed the offense against a  
2 person who has a physical disability or such person's  
3 property;

4           (10) by reason of another individual's actual or  
5 perceived race, color, creed, religion, ancestry, gender,  
6 sexual orientation, physical or mental disability, or  
7 national origin, the defendant committed the offense  
8 against (i) the person or property of that individual;  
9 (ii) the person or property of a person who has an  
10 association with, is married to, or has a friendship with  
11 the other individual; or (iii) the person or property of a  
12 relative (by blood or marriage) of a person described in  
13 clause (i) or (ii). For the purposes of this Section,  
14 "sexual orientation" has the meaning ascribed to it in  
15 paragraph (O-1) of Section 1-103 of the Illinois Human  
16 Rights Act;

17           (11) the offense took place in a place of worship or on  
18 the grounds of a place of worship, immediately prior to,  
19 during or immediately following worship services. For  
20 purposes of this subparagraph, "place of worship" shall  
21 mean any church, synagogue or other building, structure or  
22 place used primarily for religious worship;

23           (12) the defendant was convicted of a felony committed  
24 while he was released on bail ~~on pretrial release~~ or his  
25 own recognizance pending trial for a prior felony and was  
26 convicted of such prior felony, or the defendant was

1 convicted of a felony committed while he was serving a  
2 period of probation, conditional discharge, or mandatory  
3 supervised release under subsection (d) of Section 5-8-1  
4 for a prior felony;

5 (13) the defendant committed or attempted to commit a  
6 felony while he was wearing a bulletproof vest. For the  
7 purposes of this paragraph (13), a bulletproof vest is any  
8 device which is designed for the purpose of protecting the  
9 wearer from bullets, shot or other lethal projectiles;

10 (14) the defendant held a position of trust or  
11 supervision such as, but not limited to, family member as  
12 defined in Section 11-0.1 of the Criminal Code of 2012,  
13 teacher, scout leader, baby sitter, or day care worker, in  
14 relation to a victim under 18 years of age, and the  
15 defendant committed an offense in violation of Section  
16 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
17 11-14.4 except for an offense that involves keeping a  
18 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
19 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
20 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
21 of 2012 against that victim;

22 (15) the defendant committed an offense related to the  
23 activities of an organized gang. For the purposes of this  
24 factor, "organized gang" has the meaning ascribed to it in  
25 Section 10 of the Streetgang Terrorism Omnibus Prevention  
26 Act;

1           (16) the defendant committed an offense in violation  
2           of one of the following Sections while in a school,  
3           regardless of the time of day or time of year; on any  
4           conveyance owned, leased, or contracted by a school to  
5           transport students to or from school or a school related  
6           activity; on the real property of a school; or on a public  
7           way within 1,000 feet of the real property comprising any  
8           school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,  
9           11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,  
10          11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,  
11          12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,  
12          12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except  
13          for subdivision (a)(4) or (g)(1), of the Criminal Code of  
14          1961 or the Criminal Code of 2012;

15          (16.5) the defendant committed an offense in violation  
16          of one of the following Sections while in a day care  
17          center, regardless of the time of day or time of year; on  
18          the real property of a day care center, regardless of the  
19          time of day or time of year; or on a public way within  
20          1,000 feet of the real property comprising any day care  
21          center, regardless of the time of day or time of year:  
22          Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
23          11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
24          11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
25          12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
26          18-2, or 33A-2, or Section 12-3.05 except for subdivision



1 (a) (4) or (g) (1), of the Criminal Code of 1961 or the  
2 Criminal Code of 2012;

3 (17) the defendant committed the offense by reason of  
4 any person's activity as a community policing volunteer or  
5 to prevent any person from engaging in activity as a  
6 community policing volunteer. For the purpose of this  
7 Section, "community policing volunteer" has the meaning  
8 ascribed to it in Section 2-3.5 of the Criminal Code of  
9 2012;

10 (18) the defendant committed the offense in a nursing  
11 home or on the real property comprising a nursing home.  
12 For the purposes of this paragraph (18), "nursing home"  
13 means a skilled nursing or intermediate long term care  
14 facility that is subject to license by the Illinois  
15 Department of Public Health under the Nursing Home Care  
16 Act, the Specialized Mental Health Rehabilitation Act of  
17 2013, the ID/DD Community Care Act, or the MC/DD Act;

18 (19) the defendant was a federally licensed firearm  
19 dealer and was previously convicted of a violation of  
20 subsection (a) of Section 3 of the Firearm Owners  
21 Identification Card Act and has now committed either a  
22 felony violation of the Firearm Owners Identification Card  
23 Act or an act of armed violence while armed with a firearm;

24 (20) the defendant (i) committed the offense of  
25 reckless homicide under Section 9-3 of the Criminal Code  
26 of 1961 or the Criminal Code of 2012 or the offense of

1 driving under the influence of alcohol, other drug or  
2 drugs, intoxicating compound or compounds or any  
3 combination thereof under Section 11-501 of the Illinois  
4 Vehicle Code or a similar provision of a local ordinance  
5 and (ii) was operating a motor vehicle in excess of 20  
6 miles per hour over the posted speed limit as provided in  
7 Article VI of Chapter 11 of the Illinois Vehicle Code;

8 (21) the defendant (i) committed the offense of  
9 reckless driving or aggravated reckless driving under  
10 Section 11-503 of the Illinois Vehicle Code and (ii) was  
11 operating a motor vehicle in excess of 20 miles per hour  
12 over the posted speed limit as provided in Article VI of  
13 Chapter 11 of the Illinois Vehicle Code;

14 (22) the defendant committed the offense against a  
15 person that the defendant knew, or reasonably should have  
16 known, was a member of the Armed Forces of the United  
17 States serving on active duty. For purposes of this clause  
18 (22), the term "Armed Forces" means any of the Armed  
19 Forces of the United States, including a member of any  
20 reserve component thereof or National Guard unit called to  
21 active duty;

22 (23) the defendant committed the offense against a  
23 person who was elderly or infirm or who was a person with a  
24 disability by taking advantage of a family or fiduciary  
25 relationship with the elderly or infirm person or person  
26 with a disability;

1           (24) the defendant committed any offense under Section  
2           11-20.1 of the Criminal Code of 1961 or the Criminal Code  
3           of 2012 and possessed 100 or more images;

4           (25) the defendant committed the offense while the  
5           defendant or the victim was in a train, bus, or other  
6           vehicle used for public transportation;

7           (26) the defendant committed the offense of child  
8           pornography or aggravated child pornography, specifically  
9           including paragraph (1), (2), (3), (4), (5), or (7) of  
10          subsection (a) of Section 11-20.1 of the Criminal Code of  
11          1961 or the Criminal Code of 2012 where a child engaged in,  
12          solicited for, depicted in, or posed in any act of sexual  
13          penetration or bound, fettered, or subject to sadistic,  
14          masochistic, or sadomasochistic abuse in a sexual context  
15          and specifically including paragraph (1), (2), (3), (4),  
16          (5), or (7) of subsection (a) of Section 11-20.1B or  
17          Section 11-20.3 of the Criminal Code of 1961 where a child  
18          engaged in, solicited for, depicted in, or posed in any  
19          act of sexual penetration or bound, fettered, or subject  
20          to sadistic, masochistic, or sadomasochistic abuse in a  
21          sexual context;

22          (27) the defendant committed the offense of first  
23          degree murder, assault, aggravated assault, battery,  
24          aggravated battery, robbery, armed robbery, or aggravated  
25          robbery against a person who was a veteran and the  
26          defendant knew, or reasonably should have known, that the

1 person was a veteran performing duties as a representative  
2 of a veterans' organization. For the purposes of this  
3 paragraph (27), "veteran" means an Illinois resident who  
4 has served as a member of the United States Armed Forces, a  
5 member of the Illinois National Guard, or a member of the  
6 United States Reserve Forces; and "veterans' organization"  
7 means an organization comprised of members of which  
8 substantially all are individuals who are veterans or  
9 spouses, widows, or widowers of veterans, the primary  
10 purpose of which is to promote the welfare of its members  
11 and to provide assistance to the general public in such a  
12 way as to confer a public benefit;

13 (28) the defendant committed the offense of assault,  
14 aggravated assault, battery, aggravated battery, robbery,  
15 armed robbery, or aggravated robbery against a person that  
16 the defendant knew or reasonably should have known was a  
17 letter carrier or postal worker while that person was  
18 performing his or her duties delivering mail for the  
19 United States Postal Service;

20 (29) the defendant committed the offense of criminal  
21 sexual assault, aggravated criminal sexual assault,  
22 criminal sexual abuse, or aggravated criminal sexual abuse  
23 against a victim with an intellectual disability, and the  
24 defendant holds a position of trust, authority, or  
25 supervision in relation to the victim;

26 (30) the defendant committed the offense of promoting

1 juvenile prostitution, patronizing a prostitute, or  
2 patronizing a minor engaged in prostitution and at the  
3 time of the commission of the offense knew that the  
4 prostitute or minor engaged in prostitution was in the  
5 custody or guardianship of the Department of Children and  
6 Family Services;

7 (31) the defendant (i) committed the offense of  
8 driving while under the influence of alcohol, other drug  
9 or drugs, intoxicating compound or compounds or any  
10 combination thereof in violation of Section 11-501 of the  
11 Illinois Vehicle Code or a similar provision of a local  
12 ordinance and (ii) the defendant during the commission of  
13 the offense was driving his or her vehicle upon a roadway  
14 designated for one-way traffic in the opposite direction  
15 of the direction indicated by official traffic control  
16 devices;

17 (32) the defendant committed the offense of reckless  
18 homicide while committing a violation of Section 11-907 of  
19 the Illinois Vehicle Code;

20 (33) the defendant was found guilty of an  
21 administrative infraction related to an act or acts of  
22 public indecency or sexual misconduct in the penal  
23 institution. In this paragraph (33), "penal institution"  
24 has the same meaning as in Section 2-14 of the Criminal  
25 Code of 2012; or

26 (34) the defendant committed the offense of leaving

1 the scene of a crash in violation of subsection (b) of  
2 Section 11-401 of the Illinois Vehicle Code and the crash  
3 resulted in the death of a person and at the time of the  
4 offense, the defendant was: (i) driving under the  
5 influence of alcohol, other drug or drugs, intoxicating  
6 compound or compounds or any combination thereof as  
7 defined by Section 11-501 of the Illinois Vehicle Code; or  
8 (ii) operating the motor vehicle while using an electronic  
9 communication device as defined in Section 12-610.2 of the  
10 Illinois Vehicle Code.

11 For the purposes of this Section:

12 "School" is defined as a public or private elementary or  
13 secondary school, community college, college, or university.

14 "Day care center" means a public or private State  
15 certified and licensed day care center as defined in Section  
16 2.09 of the Child Care Act of 1969 that displays a sign in  
17 plain view stating that the property is a day care center.

18 "Intellectual disability" means significantly subaverage  
19 intellectual functioning which exists concurrently with  
20 impairment in adaptive behavior.

21 "Public transportation" means the transportation or  
22 conveyance of persons by means available to the general  
23 public, and includes paratransit services.

24 "Traffic control devices" means all signs, signals,  
25 markings, and devices that conform to the Illinois Manual on  
26 Uniform Traffic Control Devices, placed or erected by

1 authority of a public body or official having jurisdiction,  
2 for the purpose of regulating, warning, or guiding traffic.

3 (b) The following factors, related to all felonies, may be  
4 considered by the court as reasons to impose an extended term  
5 sentence under Section 5-8-2 upon any offender:

6 (1) When a defendant is convicted of any felony, after  
7 having been previously convicted in Illinois or any other  
8 jurisdiction of the same or similar class felony or  
9 greater class felony, when such conviction has occurred  
10 within 10 years after the previous conviction, excluding  
11 time spent in custody, and such charges are separately  
12 brought and tried and arise out of different series of  
13 acts; or

14 (2) When a defendant is convicted of any felony and  
15 the court finds that the offense was accompanied by  
16 exceptionally brutal or heinous behavior indicative of  
17 wanton cruelty; or

18 (3) When a defendant is convicted of any felony  
19 committed against:

20 (i) a person under 12 years of age at the time of  
21 the offense or such person's property;

22 (ii) a person 60 years of age or older at the time  
23 of the offense or such person's property; or

24 (iii) a person who had a physical disability at  
25 the time of the offense or such person's property; or

26 (4) When a defendant is convicted of any felony and

1 the offense involved any of the following types of  
2 specific misconduct committed as part of a ceremony, rite,  
3 initiation, observance, performance, practice or activity  
4 of any actual or ostensible religious, fraternal, or  
5 social group:

6 (i) the brutalizing or torturing of humans or  
7 animals;

8 (ii) the theft of human corpses;

9 (iii) the kidnapping of humans;

10 (iv) the desecration of any cemetery, religious,  
11 fraternal, business, governmental, educational, or  
12 other building or property; or

13 (v) ritualized abuse of a child; or

14 (5) When a defendant is convicted of a felony other  
15 than conspiracy and the court finds that the felony was  
16 committed under an agreement with 2 or more other persons  
17 to commit that offense and the defendant, with respect to  
18 the other individuals, occupied a position of organizer,  
19 supervisor, financier, or any other position of management  
20 or leadership, and the court further finds that the felony  
21 committed was related to or in furtherance of the criminal  
22 activities of an organized gang or was motivated by the  
23 defendant's leadership in an organized gang; or

24 (6) When a defendant is convicted of an offense  
25 committed while using a firearm with a laser sight  
26 attached to it. For purposes of this paragraph, "laser



1           sight" has the meaning ascribed to it in Section 26-7 of  
2           the Criminal Code of 2012; or

3           (7) When a defendant who was at least 17 years of age  
4           at the time of the commission of the offense is convicted  
5           of a felony and has been previously adjudicated a  
6           delinquent minor under the Juvenile Court Act of 1987 for  
7           an act that if committed by an adult would be a Class X or  
8           Class 1 felony when the conviction has occurred within 10  
9           years after the previous adjudication, excluding time  
10          spent in custody; or

11          (8) When a defendant commits any felony and the  
12          defendant used, possessed, exercised control over, or  
13          otherwise directed an animal to assault a law enforcement  
14          officer engaged in the execution of his or her official  
15          duties or in furtherance of the criminal activities of an  
16          organized gang in which the defendant is engaged; or

17          (9) When a defendant commits any felony and the  
18          defendant knowingly video or audio records the offense  
19          with the intent to disseminate the recording.

20          (c) The following factors may be considered by the court  
21          as reasons to impose an extended term sentence under Section  
22          5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed  
23          offenses:

24          (1) When a defendant is convicted of first degree  
25          murder, after having been previously convicted in Illinois  
26          of any offense listed under paragraph (c)(2) of Section

1           5-5-3 (730 ILCS 5/5-5-3), when that conviction has  
2 occurred within 10 years after the previous conviction,  
3 excluding time spent in custody, and the charges are  
4 separately brought and tried and arise out of different  
5 series of acts.

6           (1.5) When a defendant is convicted of first degree  
7 murder, after having been previously convicted of domestic  
8 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
9 (720 ILCS 5/12-3.3) committed on the same victim or after  
10 having been previously convicted of violation of an order  
11 of protection (720 ILCS 5/12-30) in which the same victim  
12 was the protected person.

13           (2) When a defendant is convicted of voluntary  
14 manslaughter, second degree murder, involuntary  
15 manslaughter, or reckless homicide in which the defendant  
16 has been convicted of causing the death of more than one  
17 individual.

18           (3) When a defendant is convicted of aggravated  
19 criminal sexual assault or criminal sexual assault, when  
20 there is a finding that aggravated criminal sexual assault  
21 or criminal sexual assault was also committed on the same  
22 victim by one or more other individuals, and the defendant  
23 voluntarily participated in the crime with the knowledge  
24 of the participation of the others in the crime, and the  
25 commission of the crime was part of a single course of  
26 conduct during which there was no substantial change in

1 the nature of the criminal objective.

2 (4) If the victim was under 18 years of age at the time  
3 of the commission of the offense, when a defendant is  
4 convicted of aggravated criminal sexual assault or  
5 predatory criminal sexual assault of a child under  
6 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
7 of Section 12-14.1 of the Criminal Code of 1961 or the  
8 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

9 (5) When a defendant is convicted of a felony  
10 violation of Section 24-1 of the Criminal Code of 1961 or  
11 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
12 finding that the defendant is a member of an organized  
13 gang.

14 (6) When a defendant was convicted of unlawful use of  
15 weapons under Section 24-1 of the Criminal Code of 1961 or  
16 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
17 a weapon that is not readily distinguishable as one of the  
18 weapons enumerated in Section 24-1 of the Criminal Code of  
19 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

20 (7) When a defendant is convicted of an offense  
21 involving the illegal manufacture of a controlled  
22 substance under Section 401 of the Illinois Controlled  
23 Substances Act (720 ILCS 570/401), the illegal manufacture  
24 of methamphetamine under Section 25 of the Methamphetamine  
25 Control and Community Protection Act (720 ILCS 646/25), or  
26 the illegal possession of explosives and an emergency

1 response officer in the performance of his or her duties  
2 is killed or injured at the scene of the offense while  
3 responding to the emergency caused by the commission of  
4 the offense. In this paragraph, "emergency" means a  
5 situation in which a person's life, health, or safety is  
6 in jeopardy; and "emergency response officer" means a  
7 peace officer, community policing volunteer, fireman,  
8 emergency medical technician-ambulance, emergency medical  
9 technician-intermediate, emergency medical  
10 technician-paramedic, ambulance driver, other medical  
11 assistance or first aid personnel, or hospital emergency  
12 room personnel.

13 (8) When the defendant is convicted of attempted mob  
14 action, solicitation to commit mob action, or conspiracy  
15 to commit mob action under Section 8-1, 8-2, or 8-4 of the  
16 Criminal Code of 2012, where the criminal object is a  
17 violation of Section 25-1 of the Criminal Code of 2012,  
18 and an electronic communication is used in the commission  
19 of the offense. For the purposes of this paragraph (8),  
20 "electronic communication" shall have the meaning provided  
21 in Section 26.5-0.1 of the Criminal Code of 2012.

22 (d) For the purposes of this Section, "organized gang" has  
23 the meaning ascribed to it in Section 10 of the Illinois  
24 Streetgang Terrorism Omnibus Prevention Act.

25 (e) The court may impose an extended term sentence under  
26 Article 4.5 of Chapter V upon an offender who has been

1 convicted of a felony violation of Section 11-1.20, 11-1.30,  
2 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
3 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
4 when the victim of the offense is under 18 years of age at the  
5 time of the commission of the offense and, during the  
6 commission of the offense, the victim was under the influence  
7 of alcohol, regardless of whether or not the alcohol was  
8 supplied by the offender; and the offender, at the time of the  
9 commission of the offense, knew or should have known that the  
10 victim had consumed alcohol.

11 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;  
12 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.  
13 8-20-21; 102-982, eff. 7-1-23.)

14 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

15 Sec. 5-6-4. Violation, modification or revocation of  
16 probation, of conditional discharge or supervision or of a  
17 sentence of county impact incarceration - hearing.

18 (a) Except in cases where conditional discharge or  
19 supervision was imposed for a petty offense as defined in  
20 Section 5-1-17, when a petition is filed charging a violation  
21 of a condition, the court may:

22 (1) in the case of probation violations, order the  
23 issuance of a notice to the offender to be present by the  
24 County Probation Department or such other agency  
25 designated by the court to handle probation matters; and

1 in the case of conditional discharge or supervision  
2 violations, such notice to the offender shall be issued by  
3 the Circuit Court Clerk; and in the case of a violation of  
4 a sentence of county impact incarceration, such notice  
5 shall be issued by the Sheriff;

6 (2) order a summons to the offender to be present for  
7 hearing; or

8 (3) order a warrant for the offender's arrest where  
9 there is danger of his fleeing the jurisdiction or causing  
10 serious harm to others or when the offender fails to  
11 answer a summons or notice from the clerk of the court or  
12 Sheriff.

13 Personal service of the petition for violation of  
14 probation or the issuance of such warrant, summons or notice  
15 shall toll the period of probation, conditional discharge,  
16 supervision, or sentence of county impact incarceration until  
17 the final determination of the charge, and the term of  
18 probation, conditional discharge, supervision, or sentence of  
19 county impact incarceration shall not run until the hearing  
20 and disposition of the petition for violation.

21 (b) The court shall conduct a hearing of the alleged  
22 violation. The court shall admit the offender to bail ~~pretrial~~  
23 ~~release~~ pending the hearing unless the alleged violation is  
24 itself a criminal offense in which case the offender shall be  
25 admitted to bail ~~pretrial~~ ~~release~~ on such terms as are  
26 provided in the Code of Criminal Procedure of 1963, as

1 amended. In any case where an offender remains incarcerated  
2 only as a result of his alleged violation of the court's  
3 earlier order of probation, supervision, conditional  
4 discharge, or county impact incarceration such hearing shall  
5 be held within 14 days of the onset of said incarceration,  
6 unless the alleged violation is the commission of another  
7 offense by the offender during the period of probation,  
8 supervision or conditional discharge in which case such  
9 hearing shall be held within the time limits described in  
10 Section 103-5 of the Code of Criminal Procedure of 1963, as  
11 amended.

12 (c) The State has the burden of going forward with the  
13 evidence and proving the violation by the preponderance of the  
14 evidence. The evidence shall be presented in open court with  
15 the right of confrontation, cross-examination, and  
16 representation by counsel.

17 (d) Probation, conditional discharge, periodic  
18 imprisonment and supervision shall not be revoked for failure  
19 to comply with conditions of a sentence or supervision, which  
20 imposes financial obligations upon the offender unless such  
21 failure is due to his willful refusal to pay.

22 (e) If the court finds that the offender has violated a  
23 condition at any time prior to the expiration or termination  
24 of the period, it may continue him on the existing sentence,  
25 with or without modifying or enlarging the conditions, or may  
26 impose any other sentence that was available under Article 4.5

1 of Chapter V of this Code or Section 11-501 of the Illinois  
2 Vehicle Code at the time of initial sentencing. If the court  
3 finds that the person has failed to successfully complete his  
4 or her sentence to a county impact incarceration program, the  
5 court may impose any other sentence that was available under  
6 Article 4.5 of Chapter V of this Code or Section 11-501 of the  
7 Illinois Vehicle Code at the time of initial sentencing,  
8 except for a sentence of probation or conditional discharge.  
9 If the court finds that the offender has violated paragraph  
10 (8.6) of subsection (a) of Section 5-6-3, the court shall  
11 revoke the probation of the offender. If the court finds that  
12 the offender has violated subsection (o) of Section 5-6-3.1,  
13 the court shall revoke the supervision of the offender.

14 (f) The conditions of probation, of conditional discharge,  
15 of supervision, or of a sentence of county impact  
16 incarceration may be modified by the court on motion of the  
17 supervising agency or on its own motion or at the request of  
18 the offender after notice and a hearing.

19 (g) A judgment revoking supervision, probation,  
20 conditional discharge, or a sentence of county impact  
21 incarceration is a final appealable order.

22 (h) Resentencing after revocation of probation,  
23 conditional discharge, supervision, or a sentence of county  
24 impact incarceration shall be under Article 4. The term on  
25 probation, conditional discharge or supervision shall not be  
26 credited by the court against a sentence of imprisonment or



1 periodic imprisonment unless the court orders otherwise. The  
2 amount of credit to be applied against a sentence of  
3 imprisonment or periodic imprisonment when the defendant  
4 served a term or partial term of periodic imprisonment shall  
5 be calculated upon the basis of the actual days spent in  
6 confinement rather than the duration of the term.

7 (i) Instead of filing a violation of probation,  
8 conditional discharge, supervision, or a sentence of county  
9 impact incarceration, an agent or employee of the supervising  
10 agency with the concurrence of his or her supervisor may serve  
11 on the defendant a Notice of Intermediate Sanctions. The  
12 Notice shall contain the technical violation or violations  
13 involved, the date or dates of the violation or violations,  
14 and the intermediate sanctions to be imposed. Upon receipt of  
15 the Notice, the defendant shall immediately accept or reject  
16 the intermediate sanctions. If the sanctions are accepted,  
17 they shall be imposed immediately. If the intermediate  
18 sanctions are rejected or the defendant does not respond to  
19 the Notice, a violation of probation, conditional discharge,  
20 supervision, or a sentence of county impact incarceration  
21 shall be immediately filed with the court. The State's  
22 Attorney and the sentencing court shall be notified of the  
23 Notice of Sanctions. Upon successful completion of the  
24 intermediate sanctions, a court may not revoke probation,  
25 conditional discharge, supervision, or a sentence of county  
26 impact incarceration or impose additional sanctions for the

1 same violation. A notice of intermediate sanctions may not be  
2 issued for any violation of probation, conditional discharge,  
3 supervision, or a sentence of county impact incarceration  
4 which could warrant an additional, separate felony charge. The  
5 intermediate sanctions shall include a term of home detention  
6 as provided in Article 8A of Chapter V of this Code for  
7 multiple or repeat violations of the terms and conditions of a  
8 sentence of probation, conditional discharge, or supervision.

9 (j) When an offender is re-sentenced after revocation of  
10 probation that was imposed in combination with a sentence of  
11 imprisonment for the same offense, the aggregate of the  
12 sentences may not exceed the maximum term authorized under  
13 Article 4.5 of Chapter V.

14 (k) (1) On and after the effective date of this amendatory  
15 Act of the 101st General Assembly, this subsection (k) shall  
16 apply to arrest warrants in Cook County only. An arrest  
17 warrant issued under paragraph (3) of subsection (a) when the  
18 underlying conviction is for the offense of theft, retail  
19 theft, or possession of a controlled substance shall remain  
20 active for a period not to exceed 10 years from the date the  
21 warrant was issued unless a motion to extend the warrant is  
22 filed by the office of the State's Attorney or by, or on behalf  
23 of, the agency supervising the wanted person. A motion to  
24 extend the warrant shall be filed within one year before the  
25 warrant expiration date and notice shall be provided to the  
26 office of the sheriff.

1 (2) If a motion to extend a warrant issued under paragraph  
2 (3) of subsection (a) is not filed, the warrant shall be  
3 quashed and recalled as a matter of law under paragraph (1) of  
4 this subsection (k) and the wanted person's period of  
5 probation, conditional discharge, or supervision shall  
6 terminate unsatisfactorily as a matter of law.

7 (Source: P.A. 101-406, eff. 1-1-20; 101-652, eff. 1-1-23.)

8 (730 ILCS 5/5-6-4.1) (from Ch. 38, par. 1005-6-4.1)

9 Sec. 5-6-4.1. Violation, modification or revocation of  
10 conditional discharge or supervision - hearing.)

11 (a) In cases where a defendant was placed upon supervision  
12 or conditional discharge for the commission of a petty  
13 offense, upon the oral or written motion of the State, or on  
14 the court's own motion, which charges that a violation of a  
15 condition of that conditional discharge or supervision has  
16 occurred, the court may:

17 (1) conduct a hearing instanter if the offender is  
18 present in court;

19 (2) order the issuance by the court clerk of a notice  
20 to the offender to be present for a hearing for violation;

21 (3) order summons to the offender to be present; or

22 (4) order a warrant for the offender's arrest.

23 The oral motion, if the defendant is present, or the  
24 issuance of such warrant, summons or notice shall toll the  
25 period of conditional discharge or supervision until the final

1 determination of the charge, and the term of conditional  
2 discharge or supervision shall not run until the hearing and  
3 disposition of the petition for violation.

4 (b) The Court shall admit the offender to bail ~~pretrial~~  
5 ~~release~~ pending the hearing.

6 (c) The State has the burden of going forward with the  
7 evidence and proving the violation by the preponderance of the  
8 evidence. The evidence shall be presented in open court with  
9 the right of confrontation, cross-examination, and  
10 representation by counsel.

11 (d) Conditional discharge or supervision shall not be  
12 revoked for failure to comply with the conditions of the  
13 discharge or supervision which imposed financial obligations  
14 upon the offender unless such failure is due to his wilful  
15 refusal to pay.

16 (e) If the court finds that the offender has violated a  
17 condition at any time prior to the expiration or termination  
18 of the period, it may continue him on the existing sentence or  
19 supervision with or without modifying or enlarging the  
20 conditions, or may impose any other sentence that was  
21 available under Article 4.5 of Chapter V of this Code or  
22 Section 11-501 of the Illinois Vehicle Code at the time of  
23 initial sentencing.

24 (f) The conditions of conditional discharge and of  
25 supervision may be modified by the court on motion of the  
26 probation officer or on its own motion or at the request of the

1 offender after notice to the defendant and a hearing.

2 (g) A judgment revoking supervision is a final appealable  
3 order.

4 (h) Resentencing after revocation of conditional discharge  
5 or of supervision shall be under Article 4. Time served on  
6 conditional discharge or supervision shall be credited by the  
7 court against a sentence of imprisonment or periodic  
8 imprisonment unless the court orders otherwise.

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

10 (730 ILCS 5/5-8A-7)

11 Sec. 5-8A-7. Domestic violence surveillance program. If  
12 the Prisoner Review Board, Department of Corrections,  
13 Department of Juvenile Justice, or court (the supervising  
14 authority) orders electronic surveillance as a condition of  
15 parole, aftercare release, mandatory supervised release, early  
16 release, probation, or conditional discharge for a violation  
17 of an order of protection or as a condition of bail ~~pretrial~~  
18 ~~release~~ for a person charged with a violation of an order of  
19 protection, the supervising authority shall use the best  
20 available global positioning technology to track domestic  
21 violence offenders. Best available technology must have  
22 real-time and interactive capabilities that facilitate the  
23 following objectives: (1) immediate notification to the  
24 supervising authority of a breach of a court ordered exclusion  
25 zone; (2) notification of the breach to the offender; and (3)

1 communication between the supervising authority, law  
2 enforcement, and the victim, regarding the breach. The  
3 supervising authority may also require that the electronic  
4 surveillance ordered under this Section monitor the  
5 consumption of alcohol or drugs.

6 (Source: P.A. 100-201, eff. 8-18-17; 101-652, eff. 1-1-23.)

7 (730 ILCS 5/8-2-1) (from Ch. 38, par. 1008-2-1)

8 Sec. 8-2-1. Saving clause. The repeal of Acts or parts of  
9 Acts enumerated in Section 8-5-1 does not: (1) affect any  
10 offense committed, act done, prosecution pending, penalty,  
11 punishment or forfeiture incurred, or rights, powers or  
12 remedies accrued under any law in effect immediately prior to  
13 the effective date of this Code; (2) impair, avoid, or affect  
14 any grant or conveyance made or right acquired or cause of  
15 action then existing under any such repealed Act or amendment  
16 thereto; (3) affect or impair the validity of any bail or other  
17 bond ~~pretrial release~~ or other obligation issued or sold and  
18 constituting a valid obligation of the issuing authority  
19 immediately prior to the effective date of this Code; (4) the  
20 validity of any contract; or (5) the validity of any tax levied  
21 under any law in effect prior to the effective date of this  
22 Code. The repeal of any validating Act or part thereof shall  
23 not avoid the effect of the validation. No Act repealed by  
24 Section 8-5-1 shall repeal any Act or part thereof which  
25 embraces the same or a similar subject matter as the Act

1 repealed.

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

3 Section 2-260. The Unified Code of Corrections is amended  
4 by changing Sections 3-6-3, 5-4-1, 5-4.5-95, 5-4.5-100, 5-8-1,  
5 5-8-4, 5-8-6, 5-8A-2, 5-8A-4, and 5-8A-4.1 as follows:

6 (730 ILCS 5/3-6-3)

7 Sec. 3-6-3. Rules and regulations for sentence credit.

8 (a) (1) The Department of Corrections shall prescribe rules  
9 and regulations for awarding and revoking sentence credit for  
10 persons committed to the Department of Corrections and the  
11 Department of Juvenile Justice shall prescribe rules and  
12 regulations for awarding and revoking sentence credit for  
13 persons committed to the Department of Juvenile Justice under  
14 Section 5-8-6 of the Unified Code of Corrections, which shall  
15 be subject to review by the Prisoner Review Board.

16 (1.5) As otherwise provided by law, sentence credit may be  
17 awarded for the following:

18 (A) successful completion of programming while in  
19 custody of the Department of Corrections or the Department  
20 of Juvenile Justice or while in custody prior to  
21 sentencing;

22 (B) compliance with the rules and regulations of the  
23 Department; or

24 (C) service to the institution, service to a

1 community, or service to the State.

2 (2) Except as provided in paragraph (4.7) of this  
3 subsection (a), the rules and regulations on sentence credit  
4 shall provide, with respect to offenses listed in clause (i),  
5 (ii), or (iii) of this paragraph (2) committed on or after June  
6 19, 1998 or with respect to the offense listed in clause (iv)  
7 of this paragraph (2) committed on or after June 23, 2005 (the  
8 effective date of Public Act 94-71) or with respect to offense  
9 listed in clause (vi) committed on or after June 1, 2008 (the  
10 effective date of Public Act 95-625) or with respect to the  
11 offense of being an armed habitual criminal committed on or  
12 after August 2, 2005 (the effective date of Public Act 94-398)  
13 or with respect to the offenses listed in clause (v) of this  
14 paragraph (2) committed on or after August 13, 2007 (the  
15 effective date of Public Act 95-134) or with respect to the  
16 offense of aggravated domestic battery committed on or after  
17 July 23, 2010 (the effective date of Public Act 96-1224) or  
18 with respect to the offense of attempt to commit terrorism  
19 committed on or after January 1, 2013 (the effective date of  
20 Public Act 97-990), the following:

21 (i) that a prisoner who is serving a term of  
22 imprisonment for first degree murder or for the offense of  
23 terrorism shall receive no sentence credit and shall serve  
24 the entire sentence imposed by the court;

25 (ii) that a prisoner serving a sentence for attempt to  
26 commit terrorism, attempt to commit first degree murder,



1 solicitation of murder, solicitation of murder for hire,  
2 intentional homicide of an unborn child, predatory  
3 criminal sexual assault of a child, aggravated criminal  
4 sexual assault, criminal sexual assault, aggravated  
5 kidnapping, aggravated battery with a firearm as described  
6 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),  
7 or (e) (4) of Section 12-3.05, heinous battery as described  
8 in Section 12-4.1 or subdivision (a) (2) of Section  
9 12-3.05, being an armed habitual criminal, aggravated  
10 battery of a senior citizen as described in Section 12-4.6  
11 or subdivision (a) (4) of Section 12-3.05, or aggravated  
12 battery of a child as described in Section 12-4.3 or  
13 subdivision (b) (1) of Section 12-3.05 shall receive no  
14 more than 4.5 days of sentence credit for each month of his  
15 or her sentence of imprisonment;

16 (iii) that a prisoner serving a sentence for home  
17 invasion, armed robbery, aggravated vehicular hijacking,  
18 aggravated discharge of a firearm, or armed violence with  
19 a category I weapon or category II weapon, when the court  
20 has made and entered a finding, pursuant to subsection  
21 (c-1) of Section 5-4-1 of this Code, that the conduct  
22 leading to conviction for the enumerated offense resulted  
23 in great bodily harm to a victim, shall receive no more  
24 than 4.5 days of sentence credit for each month of his or  
25 her sentence of imprisonment;

26 (iv) that a prisoner serving a sentence for aggravated

1 discharge of a firearm, whether or not the conduct leading  
2 to conviction for the offense resulted in great bodily  
3 harm to the victim, shall receive no more than 4.5 days of  
4 sentence credit for each month of his or her sentence of  
5 imprisonment;

6 (v) that a person serving a sentence for gunrunning,  
7 narcotics racketeering, controlled substance trafficking,  
8 methamphetamine trafficking, drug-induced homicide,  
9 aggravated methamphetamine-related child endangerment,  
10 money laundering pursuant to clause (c) (4) or (5) of  
11 Section 29B-1 of the Criminal Code of 1961 or the Criminal  
12 Code of 2012, or a Class X felony conviction for delivery  
13 of a controlled substance, possession of a controlled  
14 substance with intent to manufacture or deliver,  
15 calculated criminal drug conspiracy, criminal drug  
16 conspiracy, street gang criminal drug conspiracy,  
17 participation in methamphetamine manufacturing,  
18 aggravated participation in methamphetamine  
19 manufacturing, delivery of methamphetamine, possession  
20 with intent to deliver methamphetamine, aggravated  
21 delivery of methamphetamine, aggravated possession with  
22 intent to deliver methamphetamine, methamphetamine  
23 conspiracy when the substance containing the controlled  
24 substance or methamphetamine is 100 grams or more shall  
25 receive no more than 7.5 days sentence credit for each  
26 month of his or her sentence of imprisonment;

1           (vi) that a prisoner serving a sentence for a second  
2           or subsequent offense of luring a minor shall receive no  
3           more than 4.5 days of sentence credit for each month of his  
4           or her sentence of imprisonment; and

5           (vii) that a prisoner serving a sentence for  
6           aggravated domestic battery shall receive no more than 4.5  
7           days of sentence credit for each month of his or her  
8           sentence of imprisonment.

9           (2.1) For all offenses, other than those enumerated in  
10          subdivision (a)(2)(i), (ii), or (iii) committed on or after  
11          June 19, 1998 or subdivision (a)(2)(iv) committed on or after  
12          June 23, 2005 (the effective date of Public Act 94-71) or  
13          subdivision (a)(2)(v) committed on or after August 13, 2007  
14          (the effective date of Public Act 95-134) or subdivision  
15          (a)(2)(vi) committed on or after June 1, 2008 (the effective  
16          date of Public Act 95-625) or subdivision (a)(2)(vii)  
17          committed on or after July 23, 2010 (the effective date of  
18          Public Act 96-1224), and other than the offense of aggravated  
19          driving under the influence of alcohol, other drug or drugs,  
20          or intoxicating compound or compounds, or any combination  
21          thereof as defined in subparagraph (F) of paragraph (1) of  
22          subsection (d) of Section 11-501 of the Illinois Vehicle Code,  
23          and other than the offense of aggravated driving under the  
24          influence of alcohol, other drug or drugs, or intoxicating  
25          compound or compounds, or any combination thereof as defined  
26          in subparagraph (C) of paragraph (1) of subsection (d) of

1 Section 11-501 of the Illinois Vehicle Code committed on or  
2 after January 1, 2011 (the effective date of Public Act  
3 96-1230), the rules and regulations shall provide that a  
4 prisoner who is serving a term of imprisonment shall receive  
5 one day of sentence credit for each day of his or her sentence  
6 of imprisonment or recommitment under Section 3-3-9. Each day  
7 of sentence credit shall reduce by one day the prisoner's  
8 period of imprisonment or recommitment under Section 3-3-9.

9 (2.2) A prisoner serving a term of natural life  
10 imprisonment shall receive no sentence credit.

11 (2.3) Except as provided in paragraph (4.7) of this  
12 subsection (a), the rules and regulations on sentence credit  
13 shall provide that a prisoner who is serving a sentence for  
14 aggravated driving under the influence of alcohol, other drug  
15 or drugs, or intoxicating compound or compounds, or any  
16 combination thereof as defined in subparagraph (F) of  
17 paragraph (1) of subsection (d) of Section 11-501 of the  
18 Illinois Vehicle Code, shall receive no more than 4.5 days of  
19 sentence credit for each month of his or her sentence of  
20 imprisonment.

21 (2.4) Except as provided in paragraph (4.7) of this  
22 subsection (a), the rules and regulations on sentence credit  
23 shall provide with respect to the offenses of aggravated  
24 battery with a machine gun or a firearm equipped with any  
25 device or attachment designed or used for silencing the report  
26 of a firearm or aggravated discharge of a machine gun or a

1 firearm equipped with any device or attachment designed or  
2 used for silencing the report of a firearm, committed on or  
3 after July 15, 1999 (the effective date of Public Act 91-121),  
4 that a prisoner serving a sentence for any of these offenses  
5 shall receive no more than 4.5 days of sentence credit for each  
6 month of his or her sentence of imprisonment.

7 (2.5) Except as provided in paragraph (4.7) of this  
8 subsection (a), the rules and regulations on sentence credit  
9 shall provide that a prisoner who is serving a sentence for  
10 aggravated arson committed on or after July 27, 2001 (the  
11 effective date of Public Act 92-176) shall receive no more  
12 than 4.5 days of sentence credit for each month of his or her  
13 sentence of imprisonment.

14 (2.6) Except as provided in paragraph (4.7) of this  
15 subsection (a), the rules and regulations on sentence credit  
16 shall provide that a prisoner who is serving a sentence for  
17 aggravated driving under the influence of alcohol, other drug  
18 or drugs, or intoxicating compound or compounds or any  
19 combination thereof as defined in subparagraph (C) of  
20 paragraph (1) of subsection (d) of Section 11-501 of the  
21 Illinois Vehicle Code committed on or after January 1, 2011  
22 (the effective date of Public Act 96-1230) shall receive no  
23 more than 4.5 days of sentence credit for each month of his or  
24 her sentence of imprisonment.

25 (3) In addition to the sentence credits earned under  
26 paragraphs (2.1), (4), (4.1), ~~(4.2)~~, and (4.7) of this

1 subsection (a), the rules and ~~regulations shall also provide~~  
2 ~~that the Director of Corrections or the Director of Juvenile~~  
3 ~~Justice may award up to 180 days of earned sentence credit for~~  
4 ~~prisoners serving a sentence of incarceration of less than 5~~  
5 ~~years, and up to 365 days of earned sentence credit for~~  
6 ~~prisoners serving a sentence of 5 years or longer. The~~  
7 ~~Director may grant this credit~~ for good conduct in specific  
8 instances as the ~~either~~ Director deems proper ~~for eligible~~  
9 ~~persons in the custody of each Director's respective~~  
10 ~~Department~~. The good conduct may include, but is not limited  
11 to, compliance with the rules and regulations of the  
12 Department, service to the Department, service to a community,  
13 or service to the State.

14 Eligible inmates for an award of earned sentence credit  
15 under this paragraph (3) may be selected to receive the credit  
16 at the ~~either~~ Director's or his or her designee's sole  
17 discretion. Eligibility for the additional earned sentence  
18 credit under this paragraph (3) shall ~~may~~ be based on, but is  
19 not limited to, ~~participation in programming offered by the~~  
20 ~~Department as appropriate for the prisoner based on the~~  
21 results of any available risk/needs assessment or other  
22 relevant assessments or evaluations administered by the  
23 Department using a validated instrument, the circumstances of  
24 the crime, any ~~demonstrated commitment to rehabilitation by a~~  
25 prisoner with a history of conviction for a forcible felony  
26 enumerated in Section 2-8 of the Criminal Code of 2012, the

1 inmate's behavior and ~~improvements in~~ disciplinary history  
2 while incarcerated, and the inmate's commitment to  
3 rehabilitation, including participation in programming offered  
4 by the Department.

5 The Director of Corrections or the Director of Juvenile  
6 Justice shall not award sentence credit under this paragraph  
7 (3) to an inmate unless the inmate has served a minimum of 60  
8 days of the sentence, including time served in a county jail;  
9 except nothing in this paragraph shall be construed to permit  
10 either Director to extend an inmate's sentence beyond that  
11 which was imposed by the court. Prior to awarding credit under  
12 this paragraph (3), each Director shall make a written  
13 determination that the inmate:

14 (A) is eligible for the earned sentence credit;

15 (B) has served a minimum of 60 days, or as close to 60  
16 days as the sentence will allow;

17 (B-1) has received a risk/needs assessment or other  
18 relevant evaluation or assessment administered by the  
19 Department using a validated instrument; and

20 (C) has met the eligibility criteria established by  
21 rule for earned sentence credit.

22 The Director of Corrections or the Director of Juvenile  
23 Justice shall determine the form and content of the written  
24 determination required in this subsection.

25 (3.5) The Department shall provide annual written reports  
26 to the Governor and the General Assembly on the award of earned

1 sentence credit no later than February 1 of each year. The  
2 Department must publish both reports on its website within 48  
3 hours of transmitting the reports to the Governor and the  
4 General Assembly. The reports must include:

5 (A) the number of inmates awarded earned sentence  
6 credit;

7 (B) the average amount of earned sentence credit  
8 awarded;

9 (C) the holding offenses of inmates awarded earned  
10 sentence credit; and

11 (D) the number of earned sentence credit revocations.

12 (4) (A) Except as provided in paragraph (4.7) of this  
13 subsection (a), the rules and regulations shall also provide  
14 that the sentence credit accumulated and retained under  
15 paragraph (2.1) of subsection (a) of this Section by any  
16 inmate during specific periods of time in which such inmate  
17 ~~any prisoner who~~ is engaged full-time in substance abuse  
18 programs, correctional industry assignments, educational  
19 programs, ~~work release programs or activities in accordance~~  
20 ~~with Article 13 of Chapter III of this Code,~~ behavior  
21 modification programs, life skills courses, or re-entry  
22 planning provided by the Department under this paragraph (4)  
23 and satisfactorily completes the assigned program as  
24 determined by the standards of the Department, shall receive  
25 be multiplied by a factor of 1.25 for program participation  
26 before August 11, 1993 and 1.50 for program participation on



1 ~~or after that date one day of sentence credit for each day in~~  
2 ~~which that prisoner is engaged in the activities described in~~  
3 ~~this paragraph.~~ The rules and regulations shall also provide  
4 that sentence credit, subject to the same offense limits and  
5 multiplier provided in this paragraph, may be provided to an  
6 inmate who was held in pre-trial detention prior to his or her  
7 current commitment to the Department of Corrections and  
8 successfully completed a full-time, 60-day or longer substance  
9 abuse program, educational program, behavior modification  
10 program, life skills course, or re-entry planning provided by  
11 the county department of corrections or county jail.  
12 Calculation of this county program credit shall be done at  
13 sentencing as provided in Section 5-4.5-100 of this Code and  
14 shall be included in the sentencing order. However, no inmate  
15 shall be eligible for the additional sentence credit under  
16 this paragraph (4) or (4.1) of this subsection (a) while  
17 assigned to a boot camp or electronic detention ~~The rules and~~  
18 ~~regulations shall also provide that sentence credit may be~~  
19 ~~provided to an inmate who is in compliance with programming~~  
20 ~~requirements in an adult transition center.~~

21 (B) The Department shall award sentence credit under this  
22 paragraph (4) accumulated prior to January 1, 2020 (the  
23 effective date of Public Act 101-440) in an amount specified  
24 in subparagraph (C) of this paragraph (4) to an inmate serving  
25 a sentence for an offense committed prior to June 19, 1998, if  
26 the Department determines that the inmate is entitled to this

1 sentence credit, based upon:

2 (i) documentation provided by the Department that the  
3 inmate engaged in any full-time substance abuse programs,  
4 correctional industry assignments, educational programs,  
5 behavior modification programs, life skills courses, or  
6 re-entry planning provided by the Department under this  
7 paragraph (4) and satisfactorily completed the assigned  
8 program as determined by the standards of the Department  
9 during the inmate's current term of incarceration; or

10 (ii) the inmate's own testimony in the form of an  
11 affidavit or documentation, or a third party's  
12 documentation or testimony in the form of an affidavit  
13 that the inmate likely engaged in any full-time substance  
14 abuse programs, correctional industry assignments,  
15 educational programs, behavior modification programs, life  
16 skills courses, or re-entry planning provided by the  
17 Department under paragraph (4) and satisfactorily  
18 completed the assigned program as determined by the  
19 standards of the Department during the inmate's current  
20 term of incarceration.

21 (C) If the inmate can provide documentation that he or she  
22 is entitled to sentence credit under subparagraph (B) in  
23 excess of 45 days of participation in those programs, the  
24 inmate shall receive 90 days of sentence credit. If the inmate  
25 cannot provide documentation of more than 45 days of  
26 participation in those programs, the inmate shall receive 45

1 days of sentence credit. In the event of a disagreement  
2 between the Department and the inmate as to the amount of  
3 credit accumulated under subparagraph (B), if the Department  
4 provides documented proof of a lesser amount of days of  
5 participation in those programs, that proof shall control. If  
6 the Department provides no documentary proof, the inmate's  
7 proof as set forth in clause (ii) of subparagraph (B) shall  
8 control as to the amount of sentence credit provided.

9 (D) If the inmate has been convicted of a sex offense as  
10 defined in Section 2 of the Sex Offender Registration Act,  
11 sentencing credits under subparagraph (B) of this paragraph  
12 (4) shall be awarded by the Department only if the conditions  
13 set forth in paragraph (4.6) of subsection (a) are satisfied.  
14 No inmate serving a term of natural life imprisonment shall  
15 receive sentence credit under subparagraph (B) of this  
16 paragraph (4).

17 (E) The rules and regulations shall provide for the  
18 recalculation of program credits awarded pursuant to this  
19 paragraph (4) prior to July 1, 2021 (the effective date of  
20 Public Act 101-652) at the rate set for such credits on and  
21 after July 1, 2021.

22 Educational, vocational, substance abuse, behavior  
23 modification programs, life skills courses, re-entry planning,  
24 and correctional industry programs under which sentence credit  
25 may be earned under this paragraph (4) and paragraph (4.1) of  
26 this subsection (a) shall be evaluated by the Department on

1 the basis of documented standards. The Department shall report  
2 the results of these evaluations to the Governor and the  
3 General Assembly by September 30th of each year. The reports  
4 shall include data relating to the recidivism rate among  
5 program participants.

6 Availability of these programs shall be subject to the  
7 limits of fiscal resources appropriated by the General  
8 Assembly for these purposes. Eligible inmates who are denied  
9 immediate admission shall be placed on a waiting list under  
10 criteria established by the Department. ~~The rules and~~  
11 ~~regulations shall provide that a prisoner who has been placed~~  
12 ~~on a waiting list but is transferred for non-disciplinary~~  
13 ~~reasons before beginning a program shall receive priority~~  
14 ~~placement on the waitlist for appropriate programs at the new~~  
15 ~~facility.~~ The inability of any inmate to become engaged in any  
16 such programs by reason of insufficient program resources or  
17 for any other reason established under the rules and  
18 regulations of the Department shall not be deemed a cause of  
19 action under which the Department or any employee or agent of  
20 the Department shall be liable for damages to the inmate. ~~The~~  
21 ~~rules and regulations shall provide that a prisoner who begins~~  
22 ~~an educational, vocational, substance abuse, work release~~  
23 ~~programs or activities in accordance with Article 13 of~~  
24 ~~Chapter III of this Code, behavior modification program, life~~  
25 ~~skills course, re-entry planning, or correctional industry~~  
26 ~~programs but is unable to complete the program due to illness,~~

1 ~~disability, transfer, lockdown, or another reason outside of~~  
2 ~~the prisoner's control shall receive prorated sentence credits~~  
3 ~~for the days in which the prisoner did participate.~~

4 (4.1) Except as provided in paragraph (4.7) of this  
5 subsection (a), the rules and regulations shall also provide  
6 that an additional 90 days of sentence credit shall be awarded  
7 to any prisoner who passes high school equivalency testing  
8 while the prisoner is committed to the Department of  
9 Corrections. The sentence credit awarded under this paragraph  
10 (4.1) shall be in addition to, and shall not affect, the award  
11 of sentence credit under any other paragraph of this Section,  
12 but shall also be pursuant to the guidelines and restrictions  
13 set forth in paragraph (4) of subsection (a) of this Section.  
14 The sentence credit provided for in this paragraph shall be  
15 available only to those prisoners who have not previously  
16 earned a high school diploma or a State of Illinois High School  
17 Diploma. If, after an award of the high school equivalency  
18 testing sentence credit has been made, the Department  
19 determines that the prisoner was not eligible, then the award  
20 shall be revoked. The Department may also award 90 days of  
21 sentence credit to any committed person who passed high school  
22 equivalency testing while he or she was held in pre-trial  
23 detention prior to the current commitment to the Department of  
24 Corrections. ~~Except as provided in paragraph (4.7) of this~~  
25 ~~subsection (a), the rules and regulations shall provide that~~  
26 ~~an additional 120 days of sentence credit shall be awarded to~~

1 ~~any prisoner who obtains an associate degree while the~~  
2 ~~prisoner is committed to the Department of Corrections,~~  
3 ~~regardless of the date that the associate degree was obtained,~~  
4 ~~including if prior to July 1, 2021 (the effective date of~~  
5 ~~Public Act 101-652). The sentence credit awarded under this~~  
6 ~~paragraph (4.1) shall be in addition to, and shall not affect,~~  
7 ~~the award of sentence credit under any other paragraph of this~~  
8 ~~Section, but shall also be under the guidelines and~~  
9 ~~restrictions set forth in paragraph (4) of subsection (a) of~~  
10 ~~this Section. The sentence credit provided for in this~~  
11 ~~paragraph (4.1) shall be available only to those prisoners who~~  
12 ~~have not previously earned an associate degree prior to the~~  
13 ~~current commitment to the Department of Corrections. If, after~~  
14 ~~an award of the associate degree sentence credit has been made~~  
15 ~~and the Department determines that the prisoner was not~~  
16 ~~eligible, then the award shall be revoked. The Department may~~  
17 ~~also award 120 days of sentence credit to any committed person~~  
18 ~~who earned an associate degree while he or she was held in~~  
19 ~~pre trial detention prior to the current commitment to the~~  
20 ~~Department of Corrections.~~

21 Except as provided in paragraph (4.7) of this subsection  
22 (a), the rules and regulations shall provide that an  
23 additional 180 days of sentence credit shall be awarded to any  
24 prisoner who obtains a bachelor's degree while the prisoner is  
25 committed to the Department of Corrections. The sentence  
26 credit awarded under this paragraph (4.1) shall be in addition

1 to, and shall not affect, the award of sentence credit under  
2 any other paragraph of this Section, but shall also be under  
3 the guidelines and restrictions set forth in paragraph (4) of  
4 this subsection (a). The sentence credit provided for in this  
5 paragraph shall be available only to those prisoners who have  
6 not earned a bachelor's degree prior to the current commitment  
7 to the Department of Corrections. If, after an award of the  
8 bachelor's degree sentence credit has been made, the  
9 Department determines that the prisoner was not eligible, then  
10 the award shall be revoked. The Department may also award 180  
11 days of sentence credit to any committed person who earned a  
12 bachelor's degree while he or she was held in pre-trial  
13 detention prior to the current commitment to the Department of  
14 Corrections.

15 Except as provided in paragraph (4.7) of this subsection  
16 (a), the rules and regulations shall provide that an  
17 additional 180 days of sentence credit shall be awarded to any  
18 prisoner who obtains a master's or professional degree while  
19 the prisoner is committed to the Department of Corrections.  
20 The sentence credit awarded under this paragraph (4.1) shall  
21 be in addition to, and shall not affect, the award of sentence  
22 credit under any other paragraph of this Section, but shall  
23 also be under the guidelines and restrictions set forth in  
24 paragraph (4) of this subsection (a). The sentence credit  
25 provided for in this paragraph shall be available only to  
26 those prisoners who have not previously earned a master's or

1 professional degree prior to the current commitment to the  
2 Department of Corrections. If, after an award of the master's  
3 or professional degree sentence credit has been made, the  
4 Department determines that the prisoner was not eligible, then  
5 the award shall be revoked. The Department may also award 180  
6 days of sentence credit to any committed person who earned a  
7 master's or professional degree while he or she was held in  
8 pre-trial detention prior to the current commitment to the  
9 Department of Corrections.

10 ~~(4.2) (A) The rules and regulations shall also provide that~~  
11 ~~any prisoner engaged in self-improvement programs, volunteer~~  
12 ~~work, or work assignments that are not otherwise eligible~~  
13 ~~activities under paragraph (4), shall receive up to 0.5 days~~  
14 ~~of sentence credit for each day in which the prisoner is~~  
15 ~~engaged in activities described in this paragraph.~~

16 ~~(B) The rules and regulations shall provide for the award~~  
17 ~~of sentence credit under this paragraph (4.2) for qualifying~~  
18 ~~days of engagement in eligible activities occurring prior to~~  
19 ~~July 1, 2021 (the effective date of Public Act 101-652).~~

20 (4.5) The rules and regulations on sentence credit shall  
21 also provide that when the court's sentencing order recommends  
22 a prisoner for substance abuse treatment and the crime was  
23 committed on or after September 1, 2003 (the effective date of  
24 Public Act 93-354), the prisoner shall receive no sentence  
25 credit awarded under clause (3) of this subsection (a) unless  
26 he or she participates in and completes a substance abuse



1 treatment program. The Director of Corrections may waive the  
2 requirement to participate in or complete a substance abuse  
3 treatment program in specific instances if the prisoner is not  
4 a good candidate for a substance abuse treatment program for  
5 medical, programming, or operational reasons. Availability of  
6 substance abuse treatment shall be subject to the limits of  
7 fiscal resources appropriated by the General Assembly for  
8 these purposes. If treatment is not available and the  
9 requirement to participate and complete the treatment has not  
10 been waived by the Director, the prisoner shall be placed on a  
11 waiting list under criteria established by the Department. The  
12 Director may allow a prisoner placed on a waiting list to  
13 participate in and complete a substance abuse education class  
14 or attend substance abuse self-help meetings in lieu of a  
15 substance abuse treatment program. A prisoner on a waiting  
16 list who is not placed in a substance abuse program prior to  
17 release may be eligible for a waiver and receive sentence  
18 credit under clause (3) of this subsection (a) at the  
19 discretion of the Director.

20 (4.6) The rules and regulations on sentence credit shall  
21 also provide that a prisoner who has been convicted of a sex  
22 offense as defined in Section 2 of the Sex Offender  
23 Registration Act shall receive no sentence credit unless he or  
24 she either has successfully completed or is participating in  
25 sex offender treatment as defined by the Sex Offender  
26 Management Board. However, prisoners who are waiting to

1 receive treatment, but who are unable to do so due solely to  
2 the lack of resources on the part of the Department, may, at  
3 either Director's sole discretion, be awarded sentence credit  
4 at a rate as the Director shall determine.

5 (4.7) On or after January 1, 2018 (the effective date of  
6 Public Act 100-3), sentence credit under paragraph (3), (4),  
7 or (4.1) of this subsection (a) may be awarded to a prisoner  
8 who is serving a sentence for an offense described in  
9 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned  
10 on or after January 1, 2018 (the effective date of Public Act  
11 100-3); provided, the award of the credits under this  
12 paragraph (4.7) shall not reduce the sentence of the prisoner  
13 to less than the following amounts:

14 (i) 85% of his or her sentence if the prisoner is  
15 required to serve 85% of his or her sentence; or

16 (ii) 60% of his or her sentence if the prisoner is  
17 required to serve 75% of his or her sentence, except if the  
18 prisoner is serving a sentence for gunrunning his or her  
19 sentence shall not be reduced to less than 75%.

20 (iii) 100% of his or her sentence if the prisoner is  
21 required to serve 100% of his or her sentence.

22 (5) Whenever the Department is to release any inmate  
23 earlier than it otherwise would because of a grant of earned  
24 sentence credit under paragraph (3) of subsection (a) of this  
25 Section given at any time during the term, the Department  
26 shall give reasonable notice of the impending release not less

1 than 14 days prior to the date of the release to the State's  
2 Attorney of the county where the prosecution of the inmate  
3 took place, and if applicable, the State's Attorney of the  
4 county into which the inmate will be released. The Department  
5 must also make identification information and a recent photo  
6 of the inmate being released accessible on the Internet by  
7 means of a hyperlink labeled "Community Notification of Inmate  
8 Early Release" on the Department's World Wide Web homepage.  
9 The identification information shall include the inmate's:  
10 name, any known alias, date of birth, physical  
11 characteristics, commitment offense, and county where  
12 conviction was imposed. The identification information shall  
13 be placed on the website within 3 days of the inmate's release  
14 and the information may not be removed until either:  
15 completion of the first year of mandatory supervised release  
16 or return of the inmate to custody of the Department.

17 (b) Whenever a person is or has been committed under  
18 several convictions, with separate sentences, the sentences  
19 shall be construed under Section 5-8-4 in granting and  
20 forfeiting of sentence credit.

21 (c) ~~(1)~~ The Department shall prescribe rules and  
22 regulations for revoking sentence credit, including revoking  
23 sentence credit awarded under paragraph (3) of subsection (a)  
24 of this Section. ~~The Department shall prescribe rules and~~  
25 ~~regulations establishing and requiring the use of a sanctions~~  
26 ~~matrix for revoking sentence credit.~~ The Department shall

1 prescribe rules and regulations for suspending or reducing the  
2 rate of accumulation of sentence credit for specific rule  
3 violations, during imprisonment. These rules and regulations  
4 shall provide that no inmate may be penalized more than one  
5 year of sentence credit for any one infraction.

6 ~~(2)~~ When the Department seeks to revoke, suspend, or  
7 reduce the rate of accumulation of any sentence credits for an  
8 alleged infraction of its rules, it shall bring charges  
9 therefor against the prisoner sought to be so deprived of  
10 sentence credits before the Prisoner Review Board as provided  
11 in subparagraph (a) (4) of Section 3-3-2 of this Code, if the  
12 amount of credit at issue exceeds 30 days, ~~whether from one~~  
13 ~~infraction or cumulatively from multiple infractions arising~~  
14 ~~out of a single event,~~ or when, during any 12-month period, the  
15 cumulative amount of credit revoked exceeds 30 days except  
16 where the infraction is committed or discovered within 60 days  
17 of scheduled release. In those cases, the Department of  
18 Corrections may revoke up to 30 days of sentence credit. The  
19 Board may subsequently approve the revocation of additional  
20 sentence credit, if the Department seeks to revoke sentence  
21 credit in excess of 30 days. However, the Board shall not be  
22 empowered to review the Department's decision with respect to  
23 the loss of 30 days of sentence credit within any calendar year  
24 for any prisoner or to increase any penalty beyond the length  
25 requested by the Department.

26 ~~(3)~~ The Director of Corrections ~~or the Director of~~

1 ~~Juvenile Justice~~, in appropriate cases, may restore up to 30  
2 days of sentence credits which have been revoked, suspended,  
3 or reduced. Any restoration of sentence credits in excess of  
4 30 days shall be subject to review by the Prisoner Review  
5 Board. However, the Board may not restore sentence credit in  
6 excess of the amount requested by the Director ~~The Department~~  
7 ~~shall prescribe rules and regulations governing the~~  
8 ~~restoration of sentence credits. These rules and regulations~~  
9 ~~shall provide for the automatic restoration of sentence~~  
10 ~~credits following a period in which the prisoner maintains a~~  
11 ~~record without a disciplinary violation.~~

12 Nothing contained in this Section shall prohibit the  
13 Prisoner Review Board from ordering, pursuant to Section  
14 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
15 sentence imposed by the court that was not served due to the  
16 accumulation of sentence credit.

17 (d) If a lawsuit is filed by a prisoner in an Illinois or  
18 federal court against the State, the Department of  
19 Corrections, or the Prisoner Review Board, or against any of  
20 their officers or employees, and the court makes a specific  
21 finding that a pleading, motion, or other paper filed by the  
22 prisoner is frivolous, the Department of Corrections shall  
23 conduct a hearing to revoke up to 180 days of sentence credit  
24 by bringing charges against the prisoner sought to be deprived  
25 of the sentence credits before the Prisoner Review Board as  
26 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.

1 If the prisoner has not accumulated 180 days of sentence  
2 credit at the time of the finding, then the Prisoner Review  
3 Board may revoke all sentence credit accumulated by the  
4 prisoner.

5 For purposes of this subsection (d):

6 (1) "Frivolous" means that a pleading, motion, or  
7 other filing which purports to be a legal document filed  
8 by a prisoner in his or her lawsuit meets any or all of the  
9 following criteria:

10 (A) it lacks an arguable basis either in law or in  
11 fact;

12 (B) it is being presented for any improper  
13 purpose, such as to harass or to cause unnecessary  
14 delay or needless increase in the cost of litigation;

15 (C) the claims, defenses, and other legal  
16 contentions therein are not warranted by existing law  
17 or by a nonfrivolous argument for the extension,  
18 modification, or reversal of existing law or the  
19 establishment of new law;

20 (D) the allegations and other factual contentions  
21 do not have evidentiary support or, if specifically so  
22 identified, are not likely to have evidentiary support  
23 after a reasonable opportunity for further  
24 investigation or discovery; or

25 (E) the denials of factual contentions are not  
26 warranted on the evidence, or if specifically so

1 identified, are not reasonably based on a lack of  
2 information or belief.

3 (2) "Lawsuit" means a motion pursuant to Section 116-3  
4 of the Code of Criminal Procedure of 1963, a habeas corpus  
5 action under Article X of the Code of Civil Procedure or  
6 under federal law (28 U.S.C. 2254), a petition for claim  
7 under the Court of Claims Act, an action under the federal  
8 Civil Rights Act (42 U.S.C. 1983), or a second or  
9 subsequent petition for post-conviction relief under  
10 Article 122 of the Code of Criminal Procedure of 1963  
11 whether filed with or without leave of court or a second or  
12 subsequent petition for relief from judgment under Section  
13 2-1401 of the Code of Civil Procedure.

14 (e) Nothing in Public Act 90-592 or 90-593 affects the  
15 validity of Public Act 89-404.

16 (f) Whenever the Department is to release any inmate who  
17 has been convicted of a violation of an order of protection  
18 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or  
19 the Criminal Code of 2012, earlier than it otherwise would  
20 because of a grant of sentence credit, the Department, as a  
21 condition of release, shall require that the person, upon  
22 release, be placed under electronic surveillance as provided  
23 in Section 5-8A-7 of this Code.

24 (Source: P.A. 102-28, eff. 6-25-21; 102-558, eff. 8-20-21;  
25 102-784, eff. 5-13-22; 102-1100, eff. 1-1-23; 103-51, eff.  
26 1-1-24; 103-154, eff. 6-30-23; 103-330, eff. 1-1-24; revised

1 9-18-23.)

2 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

3 Sec. 5-4-1. Sentencing hearing.

4 (a) After a determination of guilt, a hearing shall be  
5 held to impose the sentence. However, prior to the imposition  
6 of sentence on an individual being sentenced for an offense  
7 based upon a charge for a violation of Section 11-501 of the  
8 Illinois Vehicle Code or a similar provision of a local  
9 ordinance, the individual must undergo a professional  
10 evaluation to determine if an alcohol or other drug abuse  
11 problem exists and the extent of such a problem. Programs  
12 conducting these evaluations shall be licensed by the  
13 Department of Human Services. However, if the individual is  
14 not a resident of Illinois, the court may, in its discretion,  
15 accept an evaluation from a program in the state of such  
16 individual's residence. The court shall make a specific  
17 finding about whether the defendant is eligible for  
18 participation in a Department impact incarceration program as  
19 provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an  
20 explanation as to why a sentence to impact incarceration is  
21 not an appropriate sentence. The court may in its sentencing  
22 order recommend a defendant for placement in a Department of  
23 Corrections substance abuse treatment program as provided in  
24 paragraph (a) of subsection (1) of Section 3-2-2 conditioned  
25 upon the defendant being accepted in a program by the



1 Department of Corrections. At the hearing the court shall:

2 (1) consider the evidence, if any, received upon the  
3 trial;

4 (2) consider any presentence reports;

5 (3) consider the financial impact of incarceration  
6 based on the financial impact statement filed with the  
7 clerk of the court by the Department of Corrections;

8 (4) consider evidence and information offered by the  
9 parties in aggravation and mitigation;

10 (4.5) consider substance abuse treatment, eligibility  
11 screening, and an assessment, if any, of the defendant by  
12 an agent designated by the State of Illinois to provide  
13 assessment services for the Illinois courts;

14 (5) hear arguments as to sentencing alternatives;

15 (6) afford the defendant the opportunity to make a  
16 statement in his own behalf;

17 (7) afford the victim of a violent crime or a  
18 violation of Section 11-501 of the Illinois Vehicle Code,  
19 or a similar provision of a local ordinance, the  
20 opportunity to present an oral or written statement, as  
21 guaranteed by Article I, Section 8.1 of the Illinois  
22 Constitution and provided in Section 6 of the Rights of  
23 Crime Victims and Witnesses Act. The court shall allow a  
24 victim to make an oral statement if the victim is present  
25 in the courtroom and requests to make an oral or written  
26 statement. An oral or written statement includes the

1 victim or a representative of the victim reading the  
2 written statement. The court may allow persons impacted by  
3 the crime who are not victims under subsection (a) of  
4 Section 3 of the Rights of Crime Victims and Witnesses Act  
5 to present an oral or written statement. A victim and any  
6 person making an oral statement shall not be put under  
7 oath or subject to cross-examination. All statements  
8 offered under this paragraph (7) shall become part of the  
9 record of the court. In this paragraph (7), "victim of a  
10 violent crime" means a person who is a victim of a violent  
11 crime for which the defendant has been convicted after a  
12 bench or jury trial or a person who is the victim of a  
13 violent crime with which the defendant was charged and the  
14 defendant has been convicted under a plea agreement of a  
15 crime that is not a violent crime as defined in subsection  
16 (c) of 3 of the Rights of Crime Victims and Witnesses Act;

17 (7.5) afford a qualified person affected by: (i) a  
18 violation of Section 405, 405.1, 405.2, or 407 of the  
19 Illinois Controlled Substances Act or a violation of  
20 Section 55 or Section 65 of the Methamphetamine Control  
21 and Community Protection Act; or (ii) a Class 4 felony  
22 violation of Section 11-14, 11-14.3 except as described in  
23 subdivisions (a)(2)(A) and (a)(2)(B), 11-15, 11-17, 11-18,  
24 11-18.1, or 11-19 of the Criminal Code of 1961 or the  
25 Criminal Code of 2012, committed by the defendant the  
26 opportunity to make a statement concerning the impact on

1 the qualified person and to offer evidence in aggravation  
2 or mitigation; provided that the statement and evidence  
3 offered in aggravation or mitigation shall first be  
4 prepared in writing in conjunction with the State's  
5 Attorney before it may be presented orally at the hearing.  
6 Sworn testimony offered by the qualified person is subject  
7 to the defendant's right to cross-examine. All statements  
8 and evidence offered under this paragraph (7.5) shall  
9 become part of the record of the court. In this paragraph  
10 (7.5), "qualified person" means any person who: (i) lived  
11 or worked within the territorial jurisdiction where the  
12 offense took place when the offense took place; or (ii) is  
13 familiar with various public places within the territorial  
14 jurisdiction where the offense took place when the offense  
15 took place. "Qualified person" includes any peace officer  
16 or any member of any duly organized State, county, or  
17 municipal peace officer unit assigned to the territorial  
18 jurisdiction where the offense took place when the offense  
19 took place;

20 (8) in cases of reckless homicide afford the victim's  
21 spouse, guardians, parents or other immediate family  
22 members an opportunity to make oral statements;

23 (9) in cases involving a felony sex offense as defined  
24 under the Sex Offender Management Board Act, consider the  
25 results of the sex offender evaluation conducted pursuant  
26 to Section 5-3-2 of this Act; and

1           (10) make a finding of whether a motor vehicle was  
2           used in the commission of the offense for which the  
3           defendant is being sentenced.

4           (b) All sentences shall be imposed by the judge based upon  
5           his independent assessment of the elements specified above and  
6           any agreement as to sentence reached by the parties. The judge  
7           who presided at the trial or the judge who accepted the plea of  
8           guilty shall impose the sentence unless he is no longer  
9           sitting as a judge in that court. Where the judge does not  
10          impose sentence at the same time on all defendants who are  
11          convicted as a result of being involved in the same offense,  
12          the defendant or the State's Attorney may advise the  
13          sentencing court of the disposition of any other defendants  
14          who have been sentenced.

15          (b-1) In imposing a sentence of imprisonment or periodic  
16          imprisonment for a Class 3 or Class 4 felony for which a  
17          sentence of probation or conditional discharge is an available  
18          sentence, if the defendant has no prior sentence of probation  
19          or conditional discharge and no prior conviction for a violent  
20          crime, the defendant shall not be sentenced to imprisonment  
21          before review and consideration of a presentence report and  
22          determination and explanation of why the particular evidence,  
23          information, factor in aggravation, factual finding, or other  
24          reasons support a sentencing determination that one or more of  
25          the factors under subsection (a) of Section 5-6-1 of this Code  
26          apply and that probation or conditional discharge is not an

1 appropriate sentence.

2 (c) In imposing a sentence for a violent crime or for an  
3 offense of operating or being in physical control of a vehicle  
4 while under the influence of alcohol, any other drug or any  
5 combination thereof, or a similar provision of a local  
6 ordinance, when such offense resulted in the personal injury  
7 to someone other than the defendant, the trial judge shall  
8 specify on the record the particular evidence, information,  
9 factors in mitigation and aggravation or other reasons that  
10 led to his sentencing determination. The full verbatim record  
11 of the sentencing hearing shall be filed with the clerk of the  
12 court and shall be a public record.

13 (c-1) In imposing a sentence for the offense of aggravated  
14 kidnapping for ransom, home invasion, armed robbery,  
15 aggravated vehicular hijacking, aggravated discharge of a  
16 firearm, or armed violence with a category I weapon or  
17 category II weapon, the trial judge shall make a finding as to  
18 whether the conduct leading to conviction for the offense  
19 resulted in great bodily harm to a victim, and shall enter that  
20 finding and the basis for that finding in the record.

21 (c-1.5) (Blank). ~~Notwithstanding any other provision of~~  
22 ~~law to the contrary, in imposing a sentence for an offense that~~  
23 ~~requires a mandatory minimum sentence of imprisonment, the~~  
24 ~~court may instead sentence the offender to probation,~~  
25 ~~conditional discharge, or a lesser term of imprisonment it~~  
26 ~~deems appropriate if: (1) the offense involves the use or~~

1 ~~possession of drugs, retail theft, or driving on a revoked~~  
2 ~~license due to unpaid financial obligations; (2) the court~~  
3 ~~finds that the defendant does not pose a risk to public safety;~~  
4 ~~and (3) the interest of justice requires imposing a term of~~  
5 ~~probation, conditional discharge, or a lesser term of~~  
6 ~~imprisonment. The court must state on the record its reasons~~  
7 ~~for imposing probation, conditional discharge, or a lesser~~  
8 ~~term of imprisonment.~~

9 (c-2) If the defendant is sentenced to prison, other than  
10 when a sentence of natural life imprisonment is imposed, at  
11 the time the sentence is imposed the judge shall state on the  
12 record in open court the approximate period of time the  
13 defendant will serve in custody according to the then current  
14 statutory rules and regulations for sentence credit found in  
15 Section 3-6-3 and other related provisions of this Code. This  
16 statement is intended solely to inform the public, has no  
17 legal effect on the defendant's actual release, and may not be  
18 relied on by the defendant on appeal.

19 The judge's statement, to be given after pronouncing the  
20 sentence, other than when the sentence is imposed for one of  
21 the offenses enumerated in paragraph (a) (4) of Section 3-6-3,  
22 shall include the following:

23 "The purpose of this statement is to inform the public of  
24 the actual period of time this defendant is likely to spend in  
25 prison as a result of this sentence. The actual period of  
26 prison time served is determined by the statutes of Illinois

1 as applied to this sentence by the Illinois Department of  
2 Corrections and the Illinois Prisoner Review Board. In this  
3 case, assuming the defendant receives all of his or her  
4 sentence credit, the period of estimated actual custody is ...  
5 years and ... months, less up to 180 days additional earned  
6 sentence credit. If the defendant, because of his or her own  
7 misconduct or failure to comply with the institutional  
8 regulations, does not receive those credits, the actual time  
9 served in prison will be longer. The defendant may also  
10 receive an additional one-half day sentence credit for each  
11 day of participation in vocational, industry, substance abuse,  
12 and educational programs as provided for by Illinois statute."

13 When the sentence is imposed for one of the offenses  
14 enumerated in paragraph (a)(2) of Section 3-6-3, other than  
15 first degree murder, and the offense was committed on or after  
16 June 19, 1998, and when the sentence is imposed for reckless  
17 homicide as defined in subsection (e) of Section 9-3 of the  
18 Criminal Code of 1961 or the Criminal Code of 2012 if the  
19 offense was committed on or after January 1, 1999, and when the  
20 sentence is imposed for aggravated driving under the influence  
21 of alcohol, other drug or drugs, or intoxicating compound or  
22 compounds, or any combination thereof as defined in  
23 subparagraph (F) of paragraph (1) of subsection (d) of Section  
24 11-501 of the Illinois Vehicle Code, and when the sentence is  
25 imposed for aggravated arson if the offense was committed on  
26 or after July 27, 2001 (the effective date of Public Act

1 92-176), and when the sentence is imposed for aggravated  
2 driving under the influence of alcohol, other drug or drugs,  
3 or intoxicating compound or compounds, or any combination  
4 thereof as defined in subparagraph (C) of paragraph (1) of  
5 subsection (d) of Section 11-501 of the Illinois Vehicle Code  
6 committed on or after January 1, 2011 (the effective date of  
7 Public Act 96-1230), the judge's statement, to be given after  
8 pronouncing the sentence, shall include the following:

9 "The purpose of this statement is to inform the public of  
10 the actual period of time this defendant is likely to spend in  
11 prison as a result of this sentence. The actual period of  
12 prison time served is determined by the statutes of Illinois  
13 as applied to this sentence by the Illinois Department of  
14 Corrections and the Illinois Prisoner Review Board. In this  
15 case, the defendant is entitled to no more than 4 1/2 days of  
16 sentence credit for each month of his or her sentence of  
17 imprisonment. Therefore, this defendant will serve at least  
18 85% of his or her sentence. Assuming the defendant receives 4  
19 1/2 days credit for each month of his or her sentence, the  
20 period of estimated actual custody is ... years and ...  
21 months. If the defendant, because of his or her own misconduct  
22 or failure to comply with the institutional regulations  
23 receives lesser credit, the actual time served in prison will  
24 be longer."

25 When a sentence of imprisonment is imposed for first  
26 degree murder and the offense was committed on or after June



1 19, 1998, the judge's statement, to be given after pronouncing  
2 the sentence, shall include the following:

3 "The purpose of this statement is to inform the public of  
4 the actual period of time this defendant is likely to spend in  
5 prison as a result of this sentence. The actual period of  
6 prison time served is determined by the statutes of Illinois  
7 as applied to this sentence by the Illinois Department of  
8 Corrections and the Illinois Prisoner Review Board. In this  
9 case, the defendant is not entitled to sentence credit.  
10 Therefore, this defendant will serve 100% of his or her  
11 sentence."

12 When the sentencing order recommends placement in a  
13 substance abuse program for any offense that results in  
14 incarceration in a Department of Corrections facility and the  
15 crime was committed on or after September 1, 2003 (the  
16 effective date of Public Act 93-354), the judge's statement,  
17 in addition to any other judge's statement required under this  
18 Section, to be given after pronouncing the sentence, shall  
19 include the following:

20 "The purpose of this statement is to inform the public of  
21 the actual period of time this defendant is likely to spend in  
22 prison as a result of this sentence. The actual period of  
23 prison time served is determined by the statutes of Illinois  
24 as applied to this sentence by the Illinois Department of  
25 Corrections and the Illinois Prisoner Review Board. In this  
26 case, the defendant shall receive no earned sentence credit

1 under clause (3) of subsection (a) of Section 3-6-3 until he or  
2 she participates in and completes a substance abuse treatment  
3 program or receives a waiver from the Director of Corrections  
4 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

5 (c-4) Before the sentencing hearing and as part of the  
6 presentence investigation under Section 5-3-1, the court shall  
7 inquire of the defendant whether the defendant is currently  
8 serving in or is a veteran of the Armed Forces of the United  
9 States. If the defendant is currently serving in the Armed  
10 Forces of the United States or is a veteran of the Armed Forces  
11 of the United States and has been diagnosed as having a mental  
12 illness by a qualified psychiatrist or clinical psychologist  
13 or physician, the court may:

14 (1) order that the officer preparing the presentence  
15 report consult with the United States Department of  
16 Veterans Affairs, Illinois Department of Veterans'  
17 Affairs, or another agency or person with suitable  
18 knowledge or experience for the purpose of providing the  
19 court with information regarding treatment options  
20 available to the defendant, including federal, State, and  
21 local programming; and

22 (2) consider the treatment recommendations of any  
23 diagnosing or treating mental health professionals  
24 together with the treatment options available to the  
25 defendant in imposing sentence.

26 For the purposes of this subsection (c-4), "qualified

1 psychiatrist" means a reputable physician licensed in Illinois  
2 to practice medicine in all its branches, who has specialized  
3 in the diagnosis and treatment of mental and nervous disorders  
4 for a period of not less than 5 years.

5 (c-6) In imposing a sentence, the trial judge shall  
6 specify, on the record, the particular evidence and other  
7 reasons which led to his or her determination that a motor  
8 vehicle was used in the commission of the offense.

9 (c-7) (Blank). ~~In imposing a sentence for a Class 3 or 4~~  
10 ~~felony, other than a violent crime as defined in Section 3 of~~  
11 ~~the Rights of Crime Victims and Witnesses Act, the court shall~~  
12 ~~determine and indicate in the sentencing order whether the~~  
13 ~~defendant has 4 or more or fewer than 4 months remaining on his~~  
14 ~~or her sentence accounting for time served.~~

15 (d) When the defendant is committed to the Department of  
16 Corrections, the State's Attorney shall and counsel for the  
17 defendant may file a statement with the clerk of the court to  
18 be transmitted to the department, agency or institution to  
19 which the defendant is committed to furnish such department,  
20 agency or institution with the facts and circumstances of the  
21 offense for which the person was committed together with all  
22 other factual information accessible to them in regard to the  
23 person prior to his commitment relative to his habits,  
24 associates, disposition and reputation and any other facts and  
25 circumstances which may aid such department, agency or  
26 institution during its custody of such person. The clerk shall

1 within 10 days after receiving any such statements transmit a  
2 copy to such department, agency or institution and a copy to  
3 the other party, provided, however, that this shall not be  
4 cause for delay in conveying the person to the department,  
5 agency or institution to which he has been committed.

6 (e) The clerk of the court shall transmit to the  
7 department, agency or institution, if any, to which the  
8 defendant is committed, the following:

9 (1) the sentence imposed;

10 (2) any statement by the court of the basis for  
11 imposing the sentence;

12 (3) any presentence reports;

13 (3.3) the person's last known complete street address  
14 prior to incarceration or legal residence, the person's  
15 race, whether the person is of Hispanic or Latino origin,  
16 and whether the person is 18 years of age or older;

17 (3.5) any sex offender evaluations;

18 (3.6) any substance abuse treatment eligibility  
19 screening and assessment of the defendant by an agent  
20 designated by the State of Illinois to provide assessment  
21 services for the Illinois courts;

22 (4) the number of days, if any, which the defendant  
23 has been in custody and for which he is entitled to credit  
24 against the sentence, which information shall be provided  
25 to the clerk by the sheriff;

26 (4.1) any finding of great bodily harm made by the

1 court with respect to an offense enumerated in subsection  
2 (c-1);

3 (5) all statements filed under subsection (d) of this  
4 Section;

5 (6) any medical or mental health records or summaries  
6 of the defendant;

7 (7) the municipality where the arrest of the offender  
8 or the commission of the offense has occurred, where such  
9 municipality has a population of more than 25,000 persons;

10 (8) all statements made and evidence offered under  
11 paragraph (7) of subsection (a) of this Section; and

12 (9) all additional matters which the court directs the  
13 clerk to transmit.

14 (f) In cases in which the court finds that a motor vehicle  
15 was used in the commission of the offense for which the  
16 defendant is being sentenced, the clerk of the court shall,  
17 within 5 days thereafter, forward a report of such conviction  
18 to the Secretary of State.

19 (Source: P.A. 102-813, eff. 5-13-22; 103-18, eff. 1-1-24;  
20 103-51, eff. 1-1-24; revised 7-31-23.)

21 (730 ILCS 5/5-4.5-95)

22 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

23 (a) HABITUAL CRIMINALS.

24 (1) Every person who has been twice convicted in any  
25 state or federal court of an offense that contains the

1 same elements as an offense now (the date of the offense  
2 committed after the 2 prior convictions) classified in  
3 Illinois as a Class X felony, criminal sexual assault,  
4 aggravated kidnapping, or first degree murder, and who is  
5 thereafter convicted of a Class X felony, criminal sexual  
6 assault, or first degree murder, committed after the 2  
7 prior convictions, shall be adjudged an habitual criminal.

8 (2) The 2 prior convictions need not have been for the  
9 same offense.

10 (3) Any convictions that result from or are connected  
11 with the same transaction, or result from offenses  
12 committed at the same time, shall be counted for the  
13 purposes of this Section as one conviction.

14 (4) This Section does not apply unless each of the  
15 following requirements are satisfied:

16 (A) The third offense was committed after July 3,  
17 1980.

18 (B) The third offense was committed within 20  
19 years of the date that judgment was entered on the  
20 first conviction; provided, however, that time spent  
21 in custody shall not be counted.

22 (C) The third offense was committed after  
23 conviction on the second offense.

24 (D) The second offense was committed after  
25 conviction on the first offense.

26 (E) (Blank). ~~The first offense was committed when~~

1           ~~the person was 21 years of age or older.~~

2           (5) Anyone who, having attained the age of 18 at the  
3 time of the third offense, is adjudged an habitual  
4 criminal shall be sentenced to a term of natural life  
5 imprisonment.

6           (6) A prior conviction shall not be alleged in the  
7 indictment, and no evidence or other disclosure of that  
8 conviction shall be presented to the court or the jury  
9 during the trial of an offense set forth in this Section  
10 unless otherwise permitted by the issues properly raised  
11 in that trial. After a plea or verdict or finding of guilty  
12 and before sentence is imposed, the prosecutor may file  
13 with the court a verified written statement signed by the  
14 State's Attorney concerning any former conviction of an  
15 offense set forth in this Section rendered against the  
16 defendant. The court shall then cause the defendant to be  
17 brought before it; shall inform the defendant of the  
18 allegations of the statement so filed, and of his or her  
19 right to a hearing before the court on the issue of that  
20 former conviction and of his or her right to counsel at  
21 that hearing; and unless the defendant admits such  
22 conviction, shall hear and determine the issue, and shall  
23 make a written finding thereon. If a sentence has  
24 previously been imposed, the court may vacate that  
25 sentence and impose a new sentence in accordance with this  
26 Section.

1           (7) A duly authenticated copy of the record of any  
2           alleged former conviction of an offense set forth in this  
3           Section shall be prima facie evidence of that former  
4           conviction; and a duly authenticated copy of the record of  
5           the defendant's final release or discharge from probation  
6           granted, or from sentence and parole supervision (if any)  
7           imposed pursuant to that former conviction, shall be prima  
8           facie evidence of that release or discharge.

9           (8) Any claim that a previous conviction offered by  
10          the prosecution is not a former conviction of an offense  
11          set forth in this Section because of the existence of any  
12          exceptions described in this Section, is waived unless  
13          duly raised at the hearing on that conviction, or unless  
14          the prosecution's proof shows the existence of the  
15          exceptions described in this Section.

16          (9) If the person so convicted shows to the  
17          satisfaction of the court before whom that conviction was  
18          had that he or she was released from imprisonment, upon  
19          either of the sentences upon a pardon granted for the  
20          reason that he or she was innocent, that conviction and  
21          sentence shall not be considered under this Section.

22          (b) When a defendant, over the age of 21 years, is  
23          convicted of a Class 1 or Class 2 ~~forcible~~ felony, except for  
24          an offense listed in subsection (c-5) of this Section, after  
25          having twice been convicted in any state or federal court of an  
26          offense that contains the same elements as an offense now (the



1 date the Class 1 or Class 2 ~~forcible~~ felony was committed)  
2 classified in Illinois as a Class 2 or greater Class ~~forcible~~  
3 felony, except for an offense listed in subsection (c-5) of  
4 this Section, and those charges are separately brought and  
5 tried and arise out of different series of acts, that  
6 defendant shall be sentenced as a Class X offender. This  
7 subsection does not apply unless:

8 (1) the first ~~forcible~~ felony was committed after  
9 February 1, 1978 (the effective date of Public Act  
10 80-1099);

11 (2) the second ~~forcible~~ felony was committed after  
12 conviction on the first;

13 (3) the third ~~forcible~~ felony was committed after  
14 conviction on the second; and

15 (4) (blank). ~~the first offense was committed when the~~  
16 ~~person was 21 years of age or older.~~

17 (c) (Blank).

18 (c-5) Subsection (b) of this Section does not apply to  
19 Class 1 or Class 2 felony convictions for a violation of  
20 Section 16-1 of the Criminal Code of 2012.

21 A person sentenced as a Class X offender under this  
22 subsection (b) is not eligible to apply for treatment as a  
23 condition of probation as provided by Section 40-10 of the  
24 Substance Use Disorder Act (20 ILCS 301/40-10).

25 (Source: P.A. 100-3, eff. 1-1-18; 100-759, eff. 1-1-19;  
26 101-652, eff. 7-1-21.)

1 (730 ILCS 5/5-4.5-100)

2 Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

3 (a) COMMENCEMENT. A sentence of imprisonment shall  
4 commence on the date on which the offender is received by the  
5 Department or the institution at which the sentence is to be  
6 served.

7 (b) CREDIT; TIME IN CUSTODY; SAME CHARGE. Except as set  
8 forth in subsection (e), the offender shall be given credit on  
9 the determinate sentence or maximum term and the minimum  
10 period of imprisonment for the number of days spent in custody  
11 as a result of the offense for which the sentence was imposed.  
12 The Department shall calculate the credit at the rate  
13 specified in Section 3-6-3 ~~(730 ILCS 5/3-6-3)~~. Except when  
14 prohibited by subsection (d-5), the ~~The~~ trial court shall give  
15 credit to the defendant for time spent in home detention on the  
16 same sentencing terms as incarceration as provided in Section  
17 5-8A-3 ~~(730 ILCS 5/5-8A-3)~~. ~~Home detention for purposes of~~  
18 ~~credit includes restrictions on liberty such as curfews~~  
19 ~~restricting movement for 12 hours or more per day and~~  
20 ~~electronic monitoring that restricts travel or movement.~~  
21 ~~Electronic monitoring is not required for home detention to be~~  
22 ~~considered custodial for purposes of sentencing credit.~~ The  
23 trial court may give credit to the defendant for the number of  
24 days spent confined for psychiatric or substance abuse  
25 treatment prior to judgment, if the court finds that the

1 detention or confinement was custodial.

2 (c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender  
3 arrested on one charge and prosecuted on another charge for  
4 conduct that occurred prior to his or her arrest shall be given  
5 credit on the determinate sentence or maximum term and the  
6 minimum term of imprisonment for time spent in custody under  
7 the former charge not credited against another sentence.

8 (c-5) CREDIT; PROGRAMMING. The trial court shall give the  
9 defendant credit for successfully completing county  
10 programming while in custody prior to imposition of sentence  
11 at the rate specified in Section 3-6-3 ~~(730 ILCS 5/3-6-3)~~. For  
12 the purposes of this subsection, "custody" includes time spent  
13 in home detention.

14 (d) (Blank).

15 (d-5) NO CREDIT; SOME HOME DETENTION. An offender  
16 sentenced to a term of imprisonment for an offense listed in  
17 paragraph (2) of subsection (c) of Section 5-5-3 or in  
18 paragraph (3) of subsection (c-1) of Section 11-501 of the  
19 Illinois Vehicle Code shall not receive credit for time spent  
20 in home detention prior to judgment.

21 (e) NO CREDIT; REVOCATION OF PAROLE, MANDATORY SUPERVISED  
22 RELEASE, OR PROBATION. An offender charged with the commission  
23 of an offense committed while on parole, mandatory supervised  
24 release, or probation shall not be given credit for time spent  
25 in custody under subsection (b) for that offense for any time  
26 spent in custody as a result of a revocation of parole,

1 mandatory supervised release, or probation where such  
2 revocation is based on a sentence imposed for a previous  
3 conviction, regardless of the facts upon which the revocation  
4 of parole, mandatory supervised release, or probation is  
5 based, unless both the State and the defendant agree that the  
6 time served for a violation of mandatory supervised release,  
7 parole, or probation shall be credited towards the sentence  
8 for the current offense.

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

10 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

11 Sec. 5-8-1. Natural life imprisonment; enhancements for  
12 use of a firearm; mandatory supervised release terms.

13 (a) Except as otherwise provided in the statute defining  
14 the offense or in Article 4.5 of Chapter V, a sentence of  
15 imprisonment for a felony shall be a determinate sentence set  
16 by the court under this Section, subject to Section 5-4.5-115  
17 of this Code, according to the following limitations:

18 (1) for first degree murder,

19 (a) (blank),

20 (b) if a trier of fact finds beyond a reasonable  
21 doubt that the murder was accompanied by exceptionally  
22 brutal or heinous behavior indicative of wanton  
23 cruelty or, except as set forth in subsection  
24 (a) (1) (c) of this Section, that any of the aggravating  
25 factors listed in subparagraph (b-5) are present, the

1 court may sentence the defendant, subject to Section  
2 5-4.5-105, to a term of natural life imprisonment, or

3 (b-5) A defendant who at the time of the  
4 commission of the offense has attained the age of 18 or  
5 more and who has been found guilty of first degree  
6 murder may be sentenced to a term of natural life  
7 imprisonment if:

8 (1) the murdered individual was an inmate at  
9 an institution or facility of the Department of  
10 Corrections, or any similar local correctional  
11 agency and was killed on the grounds thereof, or  
12 the murdered individual was otherwise present in  
13 such institution or facility with the knowledge  
14 and approval of the chief administrative officer  
15 thereof;

16 (2) the murdered individual was killed as a  
17 result of the hijacking of an airplane, train,  
18 ship, bus, or other public conveyance;

19 (3) the defendant committed the murder  
20 pursuant to a contract, agreement, or  
21 understanding by which he or she was to receive  
22 money or anything of value in return for  
23 committing the murder or procured another to  
24 commit the murder for money or anything of value;

25 (4) the murdered individual was killed in the  
26 course of another felony if:

1 (A) the murdered individual:

2 (i) was actually killed by the  
3 defendant, or

4 (ii) received physical injuries  
5 personally inflicted by the defendant  
6 substantially contemporaneously with  
7 physical injuries caused by one or more  
8 persons for whose conduct the defendant is  
9 legally accountable under Section 5-2 of  
10 this Code, and the physical injuries  
11 inflicted by either the defendant or the  
12 other person or persons for whose conduct  
13 he is legally accountable caused the death  
14 of the murdered individual; and (B) in  
15 performing the acts which caused the death  
16 of the murdered individual or which  
17 resulted in physical injuries personally  
18 inflicted by the defendant on the murdered  
19 individual under the circumstances of  
20 subdivision (ii) of clause (A) of this  
21 clause (4), the defendant acted with the  
22 intent to kill the murdered individual or  
23 with the knowledge that his or her acts  
24 created a strong probability of death or  
25 great bodily harm to the murdered  
26 individual or another; and

1 (B) in performing the acts which caused  
2 the death of the murdered individual or which  
3 resulted in physical injuries personally  
4 inflicted by the defendant on the murdered  
5 individual under the circumstances of  
6 subdivision (ii) of clause (A) of this clause  
7 (4), the defendant acted with the intent to  
8 kill the murdered individual or with the  
9 knowledge that his or her acts created a  
10 strong probability of death or great bodily  
11 harm to the murdered individual or another;  
12 and

13 (C) the other felony was an inherently  
14 violent crime or the attempt to commit an  
15 inherently violent crime. In this clause (C),  
16 "inherently violent crime" includes, but is  
17 not limited to, armed robbery, robbery,  
18 predatory criminal sexual assault of a child,  
19 aggravated criminal sexual assault, aggravated  
20 kidnapping, aggravated vehicular hijacking,  
21 aggravated arson, aggravated stalking,  
22 residential burglary, and home invasion;

23 (5) the defendant committed the murder with  
24 intent to prevent the murdered individual from  
25 testifying or participating in any criminal  
26 investigation or prosecution or giving material

1 assistance to the State in any investigation or  
2 prosecution, either against the defendant or  
3 another; or the defendant committed the murder  
4 because the murdered individual was a witness in  
5 any prosecution or gave material assistance to the  
6 State in any investigation or prosecution, either  
7 against the defendant or another; for purposes of  
8 this clause (5), "participating in any criminal  
9 investigation or prosecution" is intended to  
10 include those appearing in the proceedings in any  
11 capacity such as trial judges, prosecutors,  
12 defense attorneys, investigators, witnesses, or  
13 jurors;

14 (6) the defendant, while committing an offense  
15 punishable under Section 401, 401.1, 401.2, 405,  
16 405.2, 407 or 407.1 or subsection (b) of Section  
17 404 of the Illinois Controlled Substances Act, or  
18 while engaged in a conspiracy or solicitation to  
19 commit such offense, intentionally killed an  
20 individual or counseled, commanded, induced,  
21 procured or caused the intentional killing of the  
22 murdered individual;

23 (7) the defendant was incarcerated in an  
24 institution or facility of the Department of  
25 Corrections at the time of the murder, and while  
26 committing an offense punishable as a felony under



1 Illinois law, or while engaged in a conspiracy or  
2 solicitation to commit such offense, intentionally  
3 killed an individual or counseled, commanded,  
4 induced, procured or caused the intentional  
5 killing of the murdered individual;

6 (8) the murder was committed in a cold,  
7 calculated and premeditated manner pursuant to a  
8 preconceived plan, scheme or design to take a  
9 human life by unlawful means, and the conduct of  
10 the defendant created a reasonable expectation  
11 that the death of a human being would result  
12 therefrom;

13 (9) the defendant was a principal  
14 administrator, organizer, or leader of a  
15 calculated criminal drug conspiracy consisting of  
16 a hierarchical position of authority superior to  
17 that of all other members of the conspiracy, and  
18 the defendant counseled, commanded, induced,  
19 procured, or caused the intentional killing of the  
20 murdered person;

21 (10) the murder was intentional and involved  
22 the infliction of torture. For the purpose of this  
23 clause (10), torture means the infliction of or  
24 subjection to extreme physical pain, motivated by  
25 an intent to increase or prolong the pain,  
26 suffering or agony of the victim;

1           (11) the murder was committed as a result of  
2 the intentional discharge of a firearm by the  
3 defendant from a motor vehicle and the victim was  
4 not present within the motor vehicle;

5           (12) the murdered individual was a person with  
6 a disability and the defendant knew or should have  
7 known that the murdered individual was a person  
8 with a disability. For purposes of this clause  
9 (12), "person with a disability" means a person  
10 who suffers from a permanent physical or mental  
11 impairment resulting from disease, an injury, a  
12 functional disorder, or a congenital condition  
13 that renders the person incapable of adequately  
14 providing for his or her own health or personal  
15 care;

16           (13) the murdered individual was subject to an  
17 order of protection and the murder was committed  
18 by a person against whom the same order of  
19 protection was issued under the Illinois Domestic  
20 Violence Act of 1986;

21           (14) the murdered individual was known by the  
22 defendant to be a teacher or other person employed  
23 in any school and the teacher or other employee is  
24 upon the grounds of a school or grounds adjacent  
25 to a school, or is in any part of a building used  
26 for school purposes;

1           (15) the murder was committed by the defendant  
2           in connection with or as a result of the offense of  
3           terrorism as defined in Section 29D-14.9 of this  
4           Code;

5           (16) the murdered individual was a member of a  
6           congregation engaged in prayer or other religious  
7           activities at a church, synagogue, mosque, or  
8           other building, structure, or place used for  
9           religious worship; or

10          (17) (i) the murdered individual was a  
11          physician, physician assistant, psychologist,  
12          nurse, or advanced practice registered nurse;

13          (ii) the defendant knew or should have known  
14          that the murdered individual was a physician,  
15          physician assistant, psychologist, nurse, or  
16          advanced practice registered nurse; and

17          (iii) the murdered individual was killed in  
18          the course of acting in his or her capacity as a  
19          physician, physician assistant, psychologist,  
20          nurse, or advanced practice registered nurse, or  
21          to prevent him or her from acting in that  
22          capacity, or in retaliation for his or her acting  
23          in that capacity.

24          (c) the court shall sentence the defendant to a  
25          term of natural life imprisonment if the defendant, at  
26          the time of the commission of the murder, had attained

1 the age of 18, and:

2 (i) has previously been convicted of first  
3 degree murder under any state or federal law, or

4 (ii) is found guilty of murdering more than  
5 one victim, or

6 (iii) is found guilty of murdering a peace  
7 officer, fireman, or emergency management worker  
8 when the peace officer, fireman, or emergency  
9 management worker was killed in the course of  
10 performing his official duties, or to prevent the  
11 peace officer or fireman from performing his  
12 official duties, or in retaliation for the peace  
13 officer, fireman, or emergency management worker  
14 from performing his official duties, and the  
15 defendant knew or should have known that the  
16 murdered individual was a peace officer, fireman,  
17 or emergency management worker, or

18 (iv) is found guilty of murdering an employee  
19 of an institution or facility of the Department of  
20 Corrections, or any similar local correctional  
21 agency, when the employee was killed in the course  
22 of performing his official duties, or to prevent  
23 the employee from performing his official duties,  
24 or in retaliation for the employee performing his  
25 official duties, or

26 (v) is found guilty of murdering an emergency

1 medical technician - ambulance, emergency medical  
2 technician - intermediate, emergency medical  
3 technician - paramedic, ambulance driver or other  
4 medical assistance or first aid person while  
5 employed by a municipality or other governmental  
6 unit when the person was killed in the course of  
7 performing official duties or to prevent the  
8 person from performing official duties or in  
9 retaliation for performing official duties and the  
10 defendant knew or should have known that the  
11 murdered individual was an emergency medical  
12 technician - ambulance, emergency medical  
13 technician - intermediate, emergency medical  
14 technician - paramedic, ambulance driver, or other  
15 medical assistant or first aid personnel, or

16 (vi) (blank), or

17 (vii) is found guilty of first degree murder  
18 and the murder was committed by reason of any  
19 person's activity as a community policing  
20 volunteer or to prevent any person from engaging  
21 in activity as a community policing volunteer. For  
22 the purpose of this Section, "community policing  
23 volunteer" has the meaning ascribed to it in  
24 Section 2-3.5 of the Criminal Code of 2012.

25 For purposes of clause (v), "emergency medical  
26 technician - ambulance", "emergency medical technician

1 - intermediate", "emergency medical technician -  
2 paramedic", have the meanings ascribed to them in the  
3 Emergency Medical Services (EMS) Systems Act.

4 (d) (i) if the person committed the offense while  
5 armed with a firearm, 15 years shall be added to  
6 the term of imprisonment imposed by the court;

7 (ii) if, during the commission of the offense, the  
8 person personally discharged a firearm, 20 years shall  
9 be added to the term of imprisonment imposed by the  
10 court;

11 (iii) if, during the commission of the offense,  
12 the person personally discharged a firearm that  
13 proximately caused great bodily harm, permanent  
14 disability, permanent disfigurement, or death to  
15 another person, 25 years or up to a term of natural  
16 life shall be added to the term of imprisonment  
17 imposed by the court.

18 (2) (blank);

19 (2.5) for a person who has attained the age of 18 years  
20 at the time of the commission of the offense and who is  
21 convicted under the circumstances described in subdivision  
22 (b) (1) (B) of Section 11-1.20 or paragraph (3) of  
23 subsection (b) of Section 12-13, subdivision (d) (2) of  
24 Section 11-1.30 or paragraph (2) of subsection (d) of  
25 Section 12-14, subdivision (b) (1.2) of Section 11-1.40 or  
26 paragraph (1.2) of subsection (b) of Section 12-14.1,

1 subdivision (b) (2) of Section 11-1.40 or paragraph (2) of  
2 subsection (b) of Section 12-14.1 of the Criminal Code of  
3 1961 or the Criminal Code of 2012, the sentence shall be a  
4 term of natural life imprisonment.

5 (b) (Blank).

6 (c) (Blank).

7 (d) Subject to earlier termination under Section 3-3-8,  
8 the parole or mandatory supervised release term shall be  
9 written as part of the sentencing order and shall be as  
10 follows:

11 (1) for first degree murder or a Class X felony except  
12 for the offenses of predatory criminal sexual assault of a  
13 child, aggravated criminal sexual assault, and criminal  
14 sexual assault and except for the offense of aggravated  
15 child pornography under Section 11-20.1B, 11-20.3, or  
16 11-20.1 with sentencing under subsection (c-5) of Section  
17 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
18 of 2012, if committed on or after January 1, 2009, 3 years;

19 (2) for a Class 1 felony or a Class 2 felony except for  
20 the offense of criminal sexual assault and except for the  
21 offenses of manufacture and dissemination of child  
22 pornography under clauses (a)(1) and (a)(2) of Section  
23 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
24 of 2012, if committed on or after January 1, 2009, 2 years;

25 (3) for a Class 3 felony or a Class 4 felony, 1 year;

26 (4) for defendants who commit the offense of predatory

1 criminal sexual assault of a child, aggravated criminal  
2 sexual assault, or criminal sexual assault, on or after  
3 December 13, 2005 (the effective date of Public Act  
4 94-715), or who commit the offense of aggravated child  
5 pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
6 with sentencing under subsection (c-5) of Section 11-20.1  
7 of the Criminal Code of 1961 or the Criminal Code of 2012,  
8 manufacture of child pornography, or dissemination of  
9 child pornography after January 1, 2009, the term of  
10 mandatory supervised release shall range from a minimum of  
11 3 years to a maximum of the natural life of the defendant;

12 (5) if the victim is under 18 years of age, for a  
13 second or subsequent offense of aggravated criminal sexual  
14 abuse or felony criminal sexual abuse, 4 years, at least  
15 the first 2 years of which the defendant shall serve in an  
16 electronic monitoring or home detention program under  
17 Article 8A of Chapter V of this Code;

18 (6) for a felony domestic battery, aggravated domestic  
19 battery, stalking, aggravated stalking, and a felony  
20 violation of an order of protection, 4 years.

21 ~~(d) Subject to earlier termination under Section 3-3-8,~~  
22 ~~the parole or mandatory supervised release term shall be~~  
23 ~~written as part of the sentencing order and shall be as~~  
24 ~~follows:~~

25 ~~(1) for first degree murder or for the offenses of~~  
26 ~~predatory criminal sexual assault of a child, aggravated~~



1 ~~criminal sexual assault, and criminal sexual assault if~~  
2 ~~committed on or before December 12, 2005, 3 years;~~

3 ~~(1.5) except as provided in paragraph (7) of this~~  
4 ~~subsection (d), for a Class X felony except for the~~  
5 ~~offenses of predatory criminal sexual assault of a child,~~  
6 ~~aggravated criminal sexual assault, and criminal sexual~~  
7 ~~assault if committed on or after December 13, 2005 (the~~  
8 ~~effective date of Public Act 94 715) and except for the~~  
9 ~~offense of aggravated child pornography under Section~~  
10 ~~11 20.1B, 11 20.3, or 11 20.1 with sentencing under~~  
11 ~~subsection (c 5) of Section 11-20.1 of the Criminal Code~~  
12 ~~of 1961 or the Criminal Code of 2012, if committed on or~~  
13 ~~after January 1, 2009, 18 months;~~

14 ~~(2) except as provided in paragraph (7) of this~~  
15 ~~subsection (d), for a Class 1 felony or a Class 2 felony~~  
16 ~~except for the offense of criminal sexual assault if~~  
17 ~~committed on or after December 13, 2005 (the effective~~  
18 ~~date of Public Act 94 715) and except for the offenses of~~  
19 ~~manufacture and dissemination of child pornography under~~  
20 ~~clauses (a) (1) and (a) (2) of Section 11-20.1 of the~~  
21 ~~Criminal Code of 1961 or the Criminal Code of 2012, if~~  
22 ~~committed on or after January 1, 2009, 12 months;~~

23 ~~(3) except as provided in paragraph (4), (6), or (7)~~  
24 ~~of this subsection (d), for a Class 3 felony or a Class 4~~  
25 ~~felony, 6 months; no later than 45 days after the onset of~~  
26 ~~the term of mandatory supervised release, the Prisoner~~

1 ~~Review Board shall conduct a discretionary discharge~~  
2 ~~review pursuant to the provisions of Section 3-3-8, which~~  
3 ~~shall include the results of a standardized risk and needs~~  
4 ~~assessment tool administered by the Department of~~  
5 ~~Corrections; the changes to this paragraph (3) made by~~  
6 ~~this amendatory Act of the 102nd General Assembly apply to~~  
7 ~~all individuals released on mandatory supervised release~~  
8 ~~on or after the effective date of this amendatory Act of~~  
9 ~~the 102nd General Assembly, including those individuals~~  
10 ~~whose sentences were imposed prior to the effective date~~  
11 ~~of this amendatory Act of the 102nd General Assembly;~~

12 ~~(4) for defendants who commit the offense of predatory~~  
13 ~~criminal sexual assault of a child, aggravated criminal~~  
14 ~~sexual assault, or criminal sexual assault, on or after~~  
15 ~~December 13, 2005 (the effective date of Public Act~~  
16 ~~94-715), or who commit the offense of aggravated child~~  
17 ~~pornography under Section 11-20.1B, 11-20.3, or 11-20.1~~  
18 ~~with sentencing under subsection (c 5) of Section 11-20.1~~  
19 ~~of the Criminal Code of 1961 or the Criminal Code of 2012,~~  
20 ~~manufacture of child pornography, or dissemination of~~  
21 ~~child pornography after January 1, 2009, the term of~~  
22 ~~mandatory supervised release shall range from a minimum of~~  
23 ~~3 years to a maximum of the natural life of the defendant;~~

24 ~~(5) if the victim is under 18 years of age, for a~~  
25 ~~second or subsequent offense of aggravated criminal sexual~~  
26 ~~abuse or felony criminal sexual abuse, 4 years, at least~~

1 ~~the first 2 years of which the defendant shall serve in an~~  
2 ~~electronic monitoring or home detention program under~~  
3 ~~Article 8A of Chapter V of this Code;~~

4 ~~(6) for a felony domestic battery, aggravated domestic~~  
5 ~~battery, stalking, aggravated stalking, and a felony~~  
6 ~~violation of an order of protection, 4 years;~~

7 ~~(7) for any felony described in paragraph (a) (2) (ii),~~  
8 ~~(a) (2) (iii), (a) (2) (iv), (a) (2) (vi), (a) (2.1), (a) (2.3),~~  
9 ~~(a) (2.4), (a) (2.5), or (a) (2.6) of Article 5, Section~~  
10 ~~3-6-3 of the Unified Code of Corrections requiring an~~  
11 ~~inmate to serve a minimum of 85% of their court-imposed~~  
12 ~~sentence, except for the offenses of predatory criminal~~  
13 ~~sexual assault of a child, aggravated criminal sexual~~  
14 ~~assault, and criminal sexual assault if committed on or~~  
15 ~~after December 13, 2005 (the effective date of Public Act~~  
16 ~~94-715) and except for the offense of aggravated child~~  
17 ~~pornography under Section 11-20.1B, 11-20.3, or 11-20.1~~  
18 ~~with sentencing under subsection (c 5) of Section 11-20.1~~  
19 ~~of the Criminal Code of 1961 or the Criminal Code of 2012,~~  
20 ~~if committed on or after January 1, 2009 and except as~~  
21 ~~provided in paragraph (4) or paragraph (6) of this~~  
22 ~~subsection (d), the term of mandatory supervised release~~  
23 ~~shall be as follows:~~

24 ~~(A) Class X felony, 3 years;~~

25 ~~(B) Class 1 or Class 2 felonies, 2 years;~~

26 ~~(C) Class 3 or Class 4 felonies, 1 year.~~

1 (e) (Blank).

2 (f) (Blank).

3 (g) Notwithstanding any other provisions of this Act and  
4 of Public Act 101-652: (i) the provisions of paragraph (3) of  
5 subsection (d) are effective on July 1, 2022 and shall apply to  
6 all individuals convicted on or after the effective date of  
7 paragraph (3) of subsection (d); and (ii) the provisions of  
8 paragraphs (1.5) and (2) of subsection (d) are effective on  
9 July 1, 2021 and shall apply to all individuals convicted on or  
10 after the effective date of paragraphs (1.5) and (2) of  
11 subsection (d).

12 (Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21;  
13 102-694, eff. 1-7-22; 102-1104, eff. 12-6-22; 103-51, eff.  
14 1-1-24.)

15 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

16 Sec. 5-8-4. Concurrent and consecutive terms of  
17 imprisonment.

18 (a) Concurrent terms; multiple or additional sentences.  
19 When an Illinois court (i) imposes multiple sentences of  
20 imprisonment on a defendant at the same time or (ii) imposes a  
21 sentence of imprisonment on a defendant who is already subject  
22 to a sentence of imprisonment imposed by an Illinois court, a  
23 court of another state, or a federal court, then the sentences  
24 shall run concurrently unless otherwise determined by the  
25 Illinois court under this Section.

1 (b) Concurrent terms; misdemeanor and felony. A defendant  
2 serving a sentence for a misdemeanor who is convicted of a  
3 felony and sentenced to imprisonment shall be transferred to  
4 the Department of Corrections, and the misdemeanor sentence  
5 shall be merged in and run concurrently with the felony  
6 sentence.

7 (c) Consecutive terms; permissive. The court may impose  
8 consecutive sentences in any of the following circumstances:

9 (1) If, having regard to the nature and circumstances  
10 of the offense and the history and character of the  
11 defendant, it is the opinion of the court that consecutive  
12 sentences are required to protect the public from further  
13 criminal conduct by the defendant, the basis for which the  
14 court shall set forth in the record.

15 (2) If one of the offenses for which a defendant was  
16 convicted was a violation of Section 32-5.2 (aggravated  
17 false personation of a peace officer) of the Criminal Code  
18 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision  
19 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of  
20 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the  
21 offense was committed in attempting or committing a  
22 forcible felony.

23 ~~(3) If a person charged with a felony commits a~~  
24 ~~separate felony while on pretrial release or in pretrial~~  
25 ~~detention in a county jail facility or county detention~~  
26 ~~facility, then the sentences imposed upon conviction of~~

1 ~~these felonies may be served consecutively regardless of~~  
2 ~~the order in which the judgments of conviction are~~  
3 ~~entered.~~

4 ~~(4) If a person commits a battery against a county~~  
5 ~~correctional officer or sheriff's employee while serving a~~  
6 ~~sentence or in pretrial detention in a county jail~~  
7 ~~facility, then the sentence imposed upon conviction of the~~  
8 ~~battery may be served consecutively with the sentence~~  
9 ~~imposed upon conviction of the earlier misdemeanor or~~  
10 ~~felony, regardless of the order in which the judgments of~~  
11 ~~conviction are entered.~~

12 ~~(5) If a person admitted to pretrial release following~~  
13 ~~conviction of a felony commits a separate felony while~~  
14 ~~released pretrial or if a person detained in a county jail~~  
15 ~~facility or county detention facility following conviction~~  
16 ~~of a felony commits a separate felony while in detention,~~  
17 ~~then any sentence following conviction of the separate~~  
18 ~~felony may be consecutive to that of the original sentence~~  
19 ~~for which the defendant was released pretrial or detained.~~

20 ~~(6) If a person is found to be in possession of an item~~  
21 ~~of contraband, as defined in Section 31A-0.1 of the~~  
22 ~~Criminal Code of 2012, while serving a sentence in a~~  
23 ~~county jail or while in pretrial detention in a county~~  
24 ~~jail, the sentence imposed upon conviction for the offense~~  
25 ~~of possessing contraband in a penal institution may be~~  
26 ~~served consecutively to the sentence imposed for the~~

1 ~~offense for which the person is serving a sentence in the~~  
2 ~~county jail or while in pretrial detention, regardless of~~  
3 ~~the order in which the judgments of conviction are~~  
4 ~~entered.~~

5 ~~(7) If a person is sentenced for a violation of a~~  
6 ~~condition of pretrial release under Section 32-10 of the~~  
7 ~~Criminal Code of 1961 or the Criminal Code of 2012, any~~  
8 ~~sentence imposed for that violation may be served~~  
9 ~~consecutive to the sentence imposed for the charge for~~  
10 ~~which pretrial release had been granted and with respect~~  
11 ~~to which the defendant has been convicted.~~

12 (d) Consecutive terms; mandatory. The court shall impose  
13 consecutive sentences in each of the following circumstances:

14 (1) One of the offenses for which the defendant was  
15 convicted was first degree murder or a Class X or Class 1  
16 felony and the defendant inflicted severe bodily injury.

17 (2) The defendant was convicted of a violation of  
18 Section 11-1.20 or 12-13 (criminal sexual assault),  
19 11-1.30 or 12-14 (aggravated criminal sexual assault), or  
20 11-1.40 or 12-14.1 (predatory criminal sexual assault of a  
21 child) of the Criminal Code of 1961 or the Criminal Code of  
22 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,  
23 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or  
24 5/12-14.1).

25 (2.5) The defendant was convicted of a violation of  
26 paragraph (1), (2), (3), (4), (5), or (7) of subsection

1 (a) of Section 11-20.1 (child pornography) or of paragraph  
2 (1), (2), (3), (4), (5), or (7) of subsection (a) of  
3 Section 11-20.1B or 11-20.3 (aggravated child pornography)  
4 of the Criminal Code of 1961 or the Criminal Code of 2012;  
5 or the defendant was convicted of a violation of paragraph  
6 (6) of subsection (a) of Section 11-20.1 (child  
7 pornography) or of paragraph (6) of subsection (a) of  
8 Section 11-20.1B or 11-20.3 (aggravated child pornography)  
9 of the Criminal Code of 1961 or the Criminal Code of 2012,  
10 when the child depicted is under the age of 13.

11 (3) The defendant was convicted of armed violence  
12 based upon the predicate offense of any of the following:  
13 solicitation of murder, solicitation of murder for hire,  
14 heinous battery as described in Section 12-4.1 or  
15 subdivision (a)(2) of Section 12-3.05, aggravated battery  
16 of a senior citizen as described in Section 12-4.6 or  
17 subdivision (a)(4) of Section 12-3.05, criminal sexual  
18 assault, a violation of subsection (g) of Section 5 of the  
19 Cannabis Control Act (720 ILCS 550/5), cannabis  
20 trafficking, a violation of subsection (a) of Section 401  
21 of the Illinois Controlled Substances Act (720 ILCS  
22 570/401), controlled substance trafficking involving a  
23 Class X felony amount of controlled substance under  
24 Section 401 of the Illinois Controlled Substances Act (720  
25 ILCS 570/401), a violation of the Methamphetamine Control  
26 and Community Protection Act (720 ILCS 646/), calculated



1 criminal drug conspiracy, or streetgang criminal drug  
2 conspiracy.

3 (4) The defendant was convicted of the offense of  
4 leaving the scene of a motor vehicle crash involving death  
5 or personal injuries under Section 11-401 of the Illinois  
6 Vehicle Code (625 ILCS 5/11-401) and either: (A)  
7 aggravated driving under the influence of alcohol, other  
8 drug or drugs, or intoxicating compound or compounds, or  
9 any combination thereof under Section 11-501 of the  
10 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless  
11 homicide under Section 9-3 of the Criminal Code of 1961 or  
12 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an  
13 offense described in item (A) and an offense described in  
14 item (B).

15 (5) The defendant was convicted of a violation of  
16 Section 9-3.1 or Section 9-3.4 (concealment of homicidal  
17 death) or Section 12-20.5 (dismembering a human body) of  
18 the Criminal Code of 1961 or the Criminal Code of 2012 (720  
19 ILCS 5/9-3.1 or 5/12-20.5).

20 (5.5) The defendant was convicted of a violation of  
21 Section 24-3.7 (use of a stolen firearm in the commission  
22 of an offense) of the Criminal Code of 1961 or the Criminal  
23 Code of 2012.

24 (6) If the defendant was in the custody of the  
25 Department of Corrections at the time of the commission of  
26 the offense, the sentence shall be served consecutive to

1 the sentence under which the defendant is held by the  
2 Department of Corrections. If, however, the defendant is  
3 sentenced to punishment by death, the sentence shall be  
4 executed at such time as the court may fix without regard  
5 to the sentence under which the defendant may be held by  
6 the Department.

7 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)  
8 for escape or attempted escape shall be served consecutive  
9 to the terms under which the offender is held by the  
10 Department of Corrections.

11 (8) (Blank).

12 (8.1) If a person charged with a felony commits a  
13 separate felony while on bond or in pretrial detention in  
14 a county jail facility or county detention facility, then  
15 the sentences imposed upon conviction of these felonies  
16 shall be served consecutively regardless of the order in  
17 which the judgments of conviction are entered.

18 (8.5) (Blank).

19 (8.6) If a person commits a battery against a county  
20 correctional officer or sheriff's employee while serving a  
21 sentence or in pretrial detention in a county jail  
22 facility, then the sentence imposed upon conviction of the  
23 battery shall be served consecutively with the sentence  
24 imposed upon conviction of the earlier misdemeanor or  
25 felony, regardless of the order in which the judgments of  
26 conviction are entered.

1 (9) (Blank).

2 (9.1) If a person admitted to bail following  
3 conviction of a felony commits a separate felony while  
4 free on bond or if a person detained in a county jail  
5 facility or county detention facility following conviction  
6 of a felony commits a separate felony while in detention,  
7 then any sentence following conviction of the separate  
8 felony shall be consecutive to that of the original  
9 sentence for which the defendant was on bond or detained.

10 (10) (Blank).

11 (10.1) If a person is found to be in possession of an  
12 item of contraband, as defined in Section 31A-0.1 of the  
13 Criminal Code of 2012, while serving a sentence in a  
14 county jail or while in pre-trial detention in a county  
15 jail, the sentence imposed upon conviction for the offense  
16 of possessing contraband in a penal institution shall be  
17 served consecutively to the sentence imposed for the  
18 offense in which the person is serving sentence in the  
19 county jail or serving pretrial detention, regardless of  
20 the order in which the judgments of conviction are  
21 entered.

22 (11) (Blank).

23 (11.1) If a person is sentenced for a violation of  
24 bail bond under Section 32-10 of the Criminal Code of 1961  
25 or the Criminal Code of 2012, any sentence imposed for  
26 that violation shall be served consecutive to the sentence

1       imposed for the charge for which bail had been granted and  
2       with respect to which the defendant has been convicted.

3       (e) Consecutive terms; subsequent non-Illinois term. If an  
4 Illinois court has imposed a sentence of imprisonment on a  
5 defendant and the defendant is subsequently sentenced to a  
6 term of imprisonment by a court of another state or a federal  
7 court, then the Illinois sentence shall run consecutively to  
8 the sentence imposed by the court of the other state or the  
9 federal court. That same Illinois court, however, may order  
10 that the Illinois sentence run concurrently with the sentence  
11 imposed by the court of the other state or the federal court,  
12 but only if the defendant applies to that same Illinois court  
13 within 30 days after the sentence imposed by the court of the  
14 other state or the federal court is finalized.

15       (f) Consecutive terms; aggregate maximums and minimums.  
16 The aggregate maximum and aggregate minimum of consecutive  
17 sentences shall be determined as follows:

18       (1) For sentences imposed under law in effect prior to  
19 February 1, 1978, the aggregate maximum of consecutive  
20 sentences shall not exceed the maximum term authorized  
21 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of  
22 Chapter V for the 2 most serious felonies involved. The  
23 aggregate minimum period of consecutive sentences shall  
24 not exceed the highest minimum term authorized under  
25 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter  
26 V for the 2 most serious felonies involved. When sentenced

1           only for misdemeanors, a defendant shall not be  
2           consecutively sentenced to more than the maximum for one  
3           Class A misdemeanor.

4           (2) For sentences imposed under the law in effect on  
5           or after February 1, 1978, the aggregate of consecutive  
6           sentences for offenses that were committed as part of a  
7           single course of conduct during which there was no  
8           substantial change in the nature of the criminal objective  
9           shall not exceed the sum of the maximum terms authorized  
10          under Article 4.5 of Chapter V for the 2 most serious  
11          felonies involved, but no such limitation shall apply for  
12          offenses that were not committed as part of a single  
13          course of conduct during which there was no substantial  
14          change in the nature of the criminal objective. When  
15          sentenced only for misdemeanors, a defendant shall not be  
16          consecutively sentenced to more than the maximum for one  
17          Class A misdemeanor.

18          (g) Consecutive terms; manner served. In determining the  
19          manner in which consecutive sentences of imprisonment, one or  
20          more of which is for a felony, will be served, the Department  
21          of Corrections shall treat the defendant as though he or she  
22          had been committed for a single term subject to each of the  
23          following:

24                 (1) The maximum period of a term of imprisonment shall  
25                 consist of the aggregate of the maximums of the imposed  
26                 indeterminate terms, if any, plus the aggregate of the

1 imposed determinate sentences for felonies, plus the  
2 aggregate of the imposed determinate sentences for  
3 misdemeanors, subject to subsection (f) of this Section.

4 (2) The parole or mandatory supervised release term  
5 shall be as provided in paragraph (e) of Section 5-4.5-50  
6 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
7 involved.

8 (3) The minimum period of imprisonment shall be the  
9 aggregate of the minimum and determinate periods of  
10 imprisonment imposed by the court, subject to subsection  
11 (f) of this Section.

12 (4) The defendant shall be awarded credit against the  
13 aggregate maximum term and the aggregate minimum term of  
14 imprisonment for all time served in an institution since  
15 the commission of the offense or offenses and as a  
16 consequence thereof at the rate specified in Section 3-6-3  
17 (730 ILCS 5/3-6-3).

18 (h) Notwithstanding any other provisions of this Section,  
19 all sentences imposed by an Illinois court under this Code  
20 shall run concurrent to any and all sentences imposed under  
21 the Juvenile Court Act of 1987.

22 (Source: P.A. 102-350, eff. 8-13-21; 102-982, eff. 7-1-23;  
23 102-1104, eff. 12-6-22.)

24 (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)  
25 Sec. 5-8-6. Place of confinement.

1           (a) Offenders ~~Except as otherwise provided in this~~  
2 ~~subsection (a),~~ offenders sentenced to a term of imprisonment  
3 for a felony shall be committed to the penitentiary system of  
4 the Department of Corrections. However, such sentence shall  
5 not limit the powers of the Department of Children and Family  
6 Services in relation to any child under the age of one year in  
7 the sole custody of a person so sentenced, nor in relation to  
8 any child delivered by a female so sentenced while she is so  
9 confined as a consequence of such sentence. A ~~Except as~~  
10 ~~otherwise provided in this subsection (a),~~ a person sentenced  
11 for a felony may be assigned by the Department of Corrections  
12 to any of its institutions, facilities or programs. ~~An~~  
13 ~~offender sentenced to a term of imprisonment for a Class 3 or 4~~  
14 ~~felony, other than a violent crime as defined in Section 3 of~~  
15 ~~the Rights of Crime Victims and Witnesses Act, in which the~~  
16 ~~sentencing order indicates that the offender has less than 4~~  
17 ~~months remaining on his or her sentence accounting for time~~  
18 ~~served may not be confined in the penitentiary system of the~~  
19 ~~Department of Corrections but may be assigned to electronic~~  
20 ~~home detention under Article 8A of this Chapter V, an adult~~  
21 ~~transition center, or another facility or program within the~~  
22 ~~Department of Corrections.~~

23           (b) Offenders sentenced to a term of imprisonment for less  
24 than one year shall be committed to the custody of the sheriff.  
25 A person committed to the Department of Corrections, prior to  
26 July 14, 1983, for less than one year may be assigned by the

1 Department to any of its institutions, facilities or programs.

2 (c) All offenders under 18 years of age when sentenced to  
3 imprisonment shall be committed to the Department of Juvenile  
4 Justice and the court in its order of commitment shall set a  
5 definite term. The provisions of Section 3-3-3 shall be a part  
6 of such commitment as fully as though written in the order of  
7 commitment. The place of confinement for sentences imposed  
8 before the effective date of this amendatory Act of the 99th  
9 General Assembly are not affected or abated by this amendatory  
10 Act of the 99th General Assembly.

11 (d) No defendant shall be committed to the Department of  
12 Corrections for the recovery of a fine or costs.

13 (e) When a court sentences a defendant to a term of  
14 imprisonment concurrent with a previous and unexpired sentence  
15 of imprisonment imposed by any district court of the United  
16 States, it may commit the offender to the custody of the  
17 Attorney General of the United States. The Attorney General of  
18 the United States, or the authorized representative of the  
19 Attorney General of the United States, shall be furnished with  
20 the warrant of commitment from the court imposing sentence,  
21 which warrant of commitment shall provide that, when the  
22 offender is released from federal confinement, whether by  
23 parole or by termination of sentence, the offender shall be  
24 transferred by the Sheriff of the committing county to the  
25 Department of Corrections. The court shall cause the  
26 Department to be notified of such sentence at the time of



1 commitment and to be provided with copies of all records  
2 regarding the sentence.

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

4 (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

5 Sec. 5-8A-2. Definitions. As used in this Article:

6 (A) "Approved electronic monitoring device" means a device  
7 approved by the supervising authority which is primarily  
8 intended to record or transmit information as to the  
9 defendant's presence or nonpresence in the home, consumption  
10 of alcohol, consumption of drugs, location as determined  
11 through GPS, cellular triangulation, Wi-Fi, or other  
12 electronic means.

13 An approved electronic monitoring device may record or  
14 transmit: oral or wire communications or an auditory sound;  
15 visual images; or information regarding the offender's  
16 activities while inside the offender's home. These devices are  
17 subject to the required consent as set forth in Section 5-8A-5  
18 of this Article.

19 An approved electronic monitoring device may be used to  
20 record a conversation between the participant and the  
21 monitoring device, or the participant and the person  
22 supervising the participant solely for the purpose of  
23 identification and not for the purpose of eavesdropping or  
24 conducting any other illegally intrusive monitoring.

25 (A-10) "Department" means the Department of Corrections or

1 the Department of Juvenile Justice.

2 (A-20) "Electronic monitoring" means the monitoring of an  
3 inmate, person, or offender with an electronic device both  
4 within and outside of their home under the terms and  
5 conditions established by the supervising authority.

6 (B) "Excluded offenses" means first degree murder, escape,  
7 predatory criminal sexual assault of a child, aggravated  
8 criminal sexual assault, criminal sexual assault, aggravated  
9 battery with a firearm as described in Section 12-4.2 or  
10 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of Section  
11 12-3.05, bringing or possessing a firearm, ammunition or  
12 explosive in a penal institution, any "Super-X" drug offense  
13 or calculated criminal drug conspiracy or streetgang criminal  
14 drug conspiracy, or any predecessor or successor offenses with  
15 the same or substantially the same elements, or any inchoate  
16 offenses relating to the foregoing offenses.

17 (B-10) "GPS" means a device or system which utilizes the  
18 Global Positioning Satellite system for determining the  
19 location of a person, inmate or offender.

20 (C) "Home detention" means the confinement of a person  
21 convicted or charged with an offense to his or her place of  
22 residence under the terms and conditions established by the  
23 supervising authority. ~~Confinement need not be 24 hours per~~  
24 ~~day to qualify as home detention, and significant restrictions~~  
25 ~~on liberty such as 7pm to 7am curfews shall qualify. Home~~  
26 ~~confinement may or may not be accompanied by electronic~~

1 ~~monitoring, and electronic monitoring is not required for~~  
2 ~~purposes of sentencing credit.~~

3 (D) "Participant" means an inmate or offender placed into  
4 an electronic monitoring program.

5 (E) "Supervising authority" means the Department of  
6 Corrections, the Department of Juvenile Justice, probation  
7 department, ~~a Chief Judge's office, pretrial services division~~  
8 ~~or department,~~ sheriff, superintendent of municipal house of  
9 corrections or any other officer or agency charged with  
10 authorizing and supervising electronic monitoring and home  
11 detention.

12 (F) "Super-X drug offense" means a violation of Section  
13 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D);  
14 Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B),  
15 (C), or (D) of the Illinois Controlled Substances Act.

16 (G) "Wi-Fi" or "WiFi" means a device or system which  
17 utilizes a wireless local area network for determining the  
18 location of a person, inmate or offender.

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

20 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

21 Sec. 5-8A-4. Program description. The supervising  
22 authority may promulgate rules that prescribe reasonable  
23 guidelines under which an electronic monitoring and home  
24 detention program shall operate. When using electronic  
25 monitoring for home detention these rules shall ~~may~~ include,

1 but not be limited to, the following:

2 (A) The participant ~~may be instructed to~~ shall remain  
3 within the interior premises or within the property  
4 boundaries of his or her residence at all times during the  
5 hours designated by the supervising authority. Such  
6 instances of approved absences from the home ~~shall~~ may  
7 include, but are not limited to, the following:

8 (1) working or employment approved by the court or  
9 traveling to or from approved employment;

10 (2) unemployed and seeking employment approved for  
11 the participant by the court;

12 (3) undergoing medical, psychiatric, mental health  
13 treatment, counseling, or other treatment programs  
14 approved for the participant by the court;

15 (4) attending an educational institution or a  
16 program approved for the participant by the court;

17 (5) attending a regularly scheduled religious  
18 service at a place of worship;

19 (6) participating in community work release or  
20 community service programs approved for the  
21 participant by the supervising authority; ~~or~~

22 (7) for another compelling reason consistent with  
23 the public interest, as approved by the supervising  
24 authority; or-

25 ~~(8) purchasing groceries, food, or other basic~~  
26 ~~necessities.~~

1           ~~(A-1) At a minimum, any person ordered to pretrial~~  
2           ~~home confinement with or without electronic monitoring~~  
3           ~~must be provided with movement spread out over no fewer~~  
4           ~~than two days per week, to participate in basic activities~~  
5           ~~such as those listed in paragraph (A). In this subdivision~~  
6           ~~(A-1), "days" means a reasonable time period during a~~  
7           ~~calendar day, as outlined by the court in the order~~  
8           ~~placing the person on home confinement.~~

9           (B) The participant shall admit any person or agent  
10           designated by the supervising authority into his or her  
11           residence at any time for purposes of verifying the  
12           participant's compliance with the conditions of his or her  
13           detention.

14           (C) The participant shall make the necessary  
15           arrangements to allow for any person or agent designated  
16           by the supervising authority to visit the participant's  
17           place of education or employment at any time, based upon  
18           the approval of the educational institution employer or  
19           both, for the purpose of verifying the participant's  
20           compliance with the conditions of his or her detention.

21           (D) The participant shall acknowledge and participate  
22           with the approved electronic monitoring device as  
23           designated by the supervising authority at any time for  
24           the purpose of verifying the participant's compliance with  
25           the conditions of his or her detention.

26           (E) The participant shall maintain the following:

1 (1) ~~access to~~ a working telephone in the  
2 participant's home;

3 (2) a monitoring device in the participant's home,  
4 or on the participant's person, or both; and

5 (3) a monitoring device in the participant's home  
6 and on the participant's person in the absence of a  
7 telephone.

8 (F) The participant shall obtain approval from the  
9 supervising authority before the participant changes  
10 residence or the schedule described in subsection (A) of  
11 this Section. ~~Such approval shall not be unreasonably~~  
12 ~~withheld.~~

13 (G) The participant shall not commit another crime  
14 during the period of home detention ordered by the Court.

15 (H) Notice to the participant that violation of the  
16 order for home detention may subject the participant to  
17 prosecution for the crime of escape as described in  
18 Section 5-8A-4.1.

19 (I) The participant shall abide by other conditions as  
20 set by the supervising authority.

21 (J) This Section takes effect January 1, 2022.

22 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;  
23 102-687, eff. 12-17-21; 102-1104, eff. 12-6-22.)

24 (730 ILCS 5/5-8A-4.1)

25 Sec. 5-8A-4.1. Escape; failure to comply with a condition

1 of the electronic monitoring or home detention program.

2 (a) A person charged with or convicted of a felony, or  
3 charged with or adjudicated delinquent for an act which, if  
4 committed by an adult, would constitute a felony,  
5 conditionally released from the supervising authority through  
6 an electronic monitoring or home detention program, who  
7 knowingly ~~escapes or leaves from the geographic boundaries of~~  
8 ~~an electronic monitoring or home detention program with the~~  
9 ~~intent to evade prosecution~~ violates a condition of the  
10 electronic monitoring or home detention program is guilty of a  
11 Class 3 felony.

12 (b) A person charged with or convicted of a misdemeanor,  
13 or charged with or adjudicated delinquent for an act which, if  
14 committed by an adult, would constitute a misdemeanor,  
15 conditionally released from the supervising authority through  
16 an electronic monitoring or home detention program, who  
17 knowingly ~~escapes or leaves from the geographic boundaries of~~  
18 ~~an electronic monitoring or home detention program with the~~  
19 ~~intent to evade prosecution~~ violates a condition of the  
20 electronic monitoring or home detention program is guilty of a  
21 Class B misdemeanor.

22 (c) A person who violates this Section while armed with a  
23 dangerous weapon is guilty of a Class 1 felony.

24 (Source: P.A. 101-652, eff. 7-1-21; 102-1104, eff. 12-6-22.)

25 (730 ILCS 5/5-6-3.8 rep.)

1 (730 ILCS 5/5-8A-4.15 rep.)

2 Section 2-265. The Unified Code of Corrections is amended  
3 by repealing Sections 5-6-3.8 and 5-8A-4.15.

4 Section 2-270. The Probation and Probation Officers Act is  
5 amended by changing Section 18 as follows:

6 (730 ILCS 110/18)

7 Sec. 18. Probation and court services departments  
8 considered pretrial services agencies. For the purposes of  
9 administering the provisions of Public Act 95-773, known as  
10 the Cindy Bischof Law, all probation and court services  
11 departments are to be considered pretrial services agencies  
12 under the Pretrial Services Act and under the bail bond  
13 ~~pretrial release~~ provisions of the Code of Criminal Procedure  
14 of 1963.

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

16 Section 2-275. The County Jail Act is amended by changing  
17 Section 5 as follows:

18 (730 ILCS 125/5) (from Ch. 75, par. 105)

19 Sec. 5. Costs of maintaining prisoners.

20 (a) Except as provided in subsections (b) and (c), all  
21 costs of maintaining persons committed for violations of  
22 Illinois law, shall be the responsibility of the county.



1 Except as provided in subsection (b), all costs of maintaining  
2 persons committed under any ordinance or resolution of a unit  
3 of local government, including medical costs, is the  
4 responsibility of the unit of local government enacting the  
5 ordinance or resolution, and arresting the person.

6 (b) If a person who is serving a term of mandatory  
7 supervised release for a felony is incarcerated in a county  
8 jail, the Illinois Department of Corrections shall pay the  
9 county in which that jail is located one-half of the cost of  
10 incarceration, as calculated by the Governor's Office of  
11 Management and Budget and the county's chief financial  
12 officer, for each day that the person remains in the county  
13 jail after notice of the incarceration is given to the  
14 Illinois Department of Corrections by the county, provided  
15 that (i) the Illinois Department of Corrections has issued a  
16 warrant for an alleged violation of mandatory supervised  
17 release by the person; (ii) if the person is incarcerated on a  
18 new charge, unrelated to the offense for which he or she is on  
19 mandatory supervised release, there has been a court hearing  
20 at which bail has ~~the conditions of pretrial release have~~ been  
21 set on the new charge; (iii) the county has notified the  
22 Illinois Department of Corrections that the person is  
23 incarcerated in the county jail, which notice shall not be  
24 given until the bail hearing has concluded, if the person is  
25 incarcerated on a new charge; and (iv) the person remains  
26 incarcerated in the county jail for more than 48 hours after

1 the notice has been given to the Department of Corrections by  
2 the county. Calculation of the per diem cost shall be agreed  
3 upon prior to the passage of the annual State budget.

4 (c) If a person who is serving a term of mandatory  
5 supervised release is incarcerated in a county jail, following  
6 an arrest on a warrant issued by the Illinois Department of  
7 Corrections, solely for violation of a condition of mandatory  
8 supervised release and not on any new charges for a new  
9 offense, then the Illinois Department of Corrections shall pay  
10 the medical costs incurred by the county in securing treatment  
11 for that person, for any injury or condition other than one  
12 arising out of or in conjunction with the arrest of the person  
13 or resulting from the conduct of county personnel, while he or  
14 she remains in the county jail on the warrant issued by the  
15 Illinois Department of Corrections.

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

17 Section 2-280. The County Jail Good Behavior Allowance Act  
18 is amended by changing Section 3 as follows:

19 (730 ILCS 130/3) (from Ch. 75, par. 32)

20 Sec. 3. The good behavior of any person who commences a  
21 sentence of confinement in a county jail for a fixed term of  
22 imprisonment after January 1, 1987 shall entitle such person  
23 to a good behavior allowance, except that: (1) a person who  
24 inflicted physical harm upon another person in committing the

1 offense for which he is confined shall receive no good  
2 behavior allowance; and (2) a person sentenced for an offense  
3 for which the law provides a mandatory minimum sentence shall  
4 not receive any portion of a good behavior allowance that  
5 would reduce the sentence below the mandatory minimum; and (3)  
6 a person sentenced to a county impact incarceration program;  
7 and (4) a person who is convicted of criminal sexual assault  
8 under subdivision (a)(3) of Section 11-1.20 or paragraph  
9 (a)(3) of Section 12-13 of the Criminal Code of 1961 or the  
10 Criminal Code of 2012, criminal sexual abuse, or aggravated  
11 criminal sexual abuse shall receive no good behavior  
12 allowance. The good behavior allowance provided for in this  
13 Section shall not apply to individuals sentenced for a felony  
14 to probation or conditional discharge where a condition of  
15 such probation or conditional discharge is that the individual  
16 serve a sentence of periodic imprisonment or to individuals  
17 sentenced under an order of court for civil contempt.

18 Such good behavior allowance shall be cumulative and  
19 awarded as provided in this Section.

20 The good behavior allowance rate shall be cumulative and  
21 awarded on the following basis:

22 The prisoner shall receive one day of good behavior  
23 allowance for each day of service of sentence in the county  
24 jail, and one day of good behavior allowance for each day of  
25 incarceration in the county jail before sentencing for the  
26 offense that he or she is currently serving sentence but was

1 unable to post bail ~~comply with the conditions of pretrial~~  
2 ~~release~~ before sentencing, except that a prisoner serving a  
3 sentence of periodic imprisonment under Section 5-7-1 of the  
4 Unified Code of Corrections shall only be eligible to receive  
5 good behavior allowance if authorized by the sentencing judge.  
6 Each day of good behavior allowance shall reduce by one day the  
7 prisoner's period of incarceration set by the court. For the  
8 purpose of calculating a prisoner's good behavior allowance, a  
9 fractional part of a day shall not be calculated as a day of  
10 service of sentence in the county jail unless the fractional  
11 part of the day is over 12 hours in which case a whole day  
12 shall be credited on the good behavior allowance.

13 If consecutive sentences are served and the time served  
14 amounts to a total of one year or more, the good behavior  
15 allowance shall be calculated on a continuous basis throughout  
16 the entire time served beginning on the first date of sentence  
17 or incarceration, as the case may be.

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

19 Section 2-285. The Veterans and Servicemembers Court  
20 Treatment Act is amended by changing Section 20 as follows:

21 (730 ILCS 167/20)

22 Sec. 20. Eligibility. Veterans and servicemembers are  
23 eligible for veterans and servicemembers courts, provided the  
24 following:

1 (a) A defendant may be admitted into a veterans and  
2 servicemembers court program only upon the consent of the  
3 defendant and with the approval of the court. A defendant  
4 agrees to be admitted when a written consent to  
5 participate is provided to the court in open court and the  
6 defendant acknowledges understanding of its contents.

7 (a-5) Each veterans and servicemembers court shall  
8 have a target population defined in its written policies  
9 and procedures. The policies and procedures shall define  
10 that court's eligibility and exclusionary criteria.

11 (b) A defendant shall be excluded from a veterans and  
12 servicemembers court program if any of one of the  
13 following applies:

14 (1) The crime is a crime of violence as set forth  
15 in paragraph (3) of this subsection (b).

16 (2) The defendant does not demonstrate a  
17 willingness to participate in a treatment program.

18 (3) The defendant has been convicted of a crime of  
19 violence within the past 5 years excluding  
20 incarceration time, parole, and periods of mandatory  
21 supervised release. As used in this paragraph, "crime  
22 of violence" means: first degree murder, second degree  
23 murder, predatory criminal sexual assault of a child,  
24 aggravated criminal sexual assault, criminal sexual  
25 assault, armed robbery, aggravated arson, arson,  
26 aggravated kidnapping and kidnapping, aggravated

1 battery resulting in great bodily harm or permanent  
2 disability, aggravated domestic battery resulting in  
3 great bodily harm or permanent disability, aggravated  
4 criminal sexual abuse by a person in a position of  
5 trust or authority over a child, stalking, aggravated  
6 stalking, home invasion, aggravated vehicular  
7 hijacking, or any offense involving the discharge of a  
8 firearm.

9 (4) The defendant is charged with a violation of  
10 subparagraph (F) of paragraph (1) of subsection (d) of  
11 Section 11-501 of the Illinois Vehicle Code in which  
12 an individual is charged with aggravated driving under  
13 the influence that resulted in the death of another  
14 person or when the violation was a proximate cause of  
15 the death, unless, pursuant to subparagraph (G) of  
16 paragraph (1) of subsection (d) of Section 11-501 of  
17 the Illinois Vehicle Code, the court determines that  
18 extraordinary circumstances exist and require  
19 probation.

20 (4.1) The crime for which the defendant has been  
21 convicted is non-probationable.

22 (5) (Blank).

23 (6) (Blank).

24 (c) Notwithstanding subsection (a), the defendant may  
25 be admitted into a veterans and servicemembers court  
26 program only upon the agreement of the prosecutor if the

1 defendant is charged with a Class 2 or greater felony  
2 violation of:

3 (1) Section 401, 401.1, 405, or 405.2 of the  
4 Illinois Controlled Substances Act;

5 (2) Section 5, 5.1, or 5.2 of the Cannabis Control  
6 Act; or

7 (3) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56,  
8 or 65 of the Methamphetamine Control and Community  
9 Protection Act.

10 (Source: P.A. 102-1041, eff. 6-2-22; 103-154, eff. 6-30-23.)

11 Section 2-290. The Mental Health Court Treatment Act is  
12 amended by changing Section 20 as follows:

13 (730 ILCS 168/20)

14 Sec. 20. Eligibility.

15 (a) A defendant may be admitted into a mental health court  
16 program only upon the consent of the defendant and with the  
17 approval of the court. A defendant agrees to be admitted when a  
18 written consent to participate is provided to the court in  
19 open court and the defendant acknowledges understanding its  
20 contents.

21 (a-5) Each mental health court shall have a target  
22 population defined in its written policies and procedures. The  
23 policies and procedures shall define that court's eligibility  
24 and exclusionary criteria.

1 (b) A defendant shall be excluded from a mental health  
2 court program if any one of the following applies:

3 (1) The crime is a crime of violence as set forth in  
4 paragraph (3) of this subsection (b).

5 (2) The defendant does not demonstrate a willingness  
6 to participate in a treatment program.

7 (3) The defendant has been convicted of a crime of  
8 violence within the past 5 years excluding incarceration  
9 time, parole, and periods of mandatory supervised release.

10 As used in this paragraph (3), "crime of violence" means:  
11 first degree murder, second degree murder, predatory  
12 criminal sexual assault of a child, aggravated criminal  
13 sexual assault, criminal sexual assault, armed robbery,  
14 aggravated arson, arson, aggravated kidnapping,  
15 kidnapping, aggravated battery resulting in great bodily  
16 harm or permanent disability, aggravated domestic battery  
17 resulting in great bodily harm or permanent disability,  
18 aggravated criminal sexual abuse by a person in a position  
19 of trust or authority over a child, stalking, aggravated  
20 stalking, home invasion, aggravated vehicular hijacking,  
21 or any offense involving the discharge of a firearm.

22 (4) The defendant is charged with a violation of  
23 subparagraph (F) of paragraph (1) of subsection (d) of  
24 Section 11-501 of the Illinois Vehicle Code in which an  
25 individual is charged with aggravated driving under the  
26 influence that resulted in the death of another person or



1 when the violation was a proximate cause of the death,  
2 unless, pursuant to subparagraph (G) of paragraph (1) of  
3 subsection (d) of Section 11-501 of the Illinois Vehicle  
4 Code, the court determines that extraordinary  
5 circumstances exist and require probation.

6 (5) The crime for which the defendant has been  
7 convicted is non-probationable. ~~(Blank).~~

8 (6) (Blank).

9 (c) Notwithstanding subsection (a), the defendant may be  
10 admitted into a mental health court program only upon the  
11 agreement of the prosecutor if the defendant is charged with a  
12 Class 2 or greater felony violation of:

13 (1) Section 401, 401.1, 405, or 405.2 of the Illinois  
14 Controlled Substances Act;

15 (2) Section 5, 5.1, or 5.2 of the Cannabis Control  
16 Act; or

17 (3) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56, or  
18 65 of the Methamphetamine Control and Community Protection  
19 Act.

20 (Source: P.A. 101-652, eff. 7-1-21; 102-1041, eff. 6-2-22.)

21 Section 2-295. The Code of Civil Procedure is amended by  
22 changing Sections 10-106, 10-125, 10-127, 10-135, 10-136, and  
23 21-103 as follows:

24 (735 ILCS 5/10-106) (from Ch. 110, par. 10-106)

1           Sec. 10-106. Grant of relief - Penalty. Unless it shall  
2 appear from the complaint itself, or from the documents  
3 thereto annexed, that the party can neither be discharged,  
4 admitted to bail ~~pretrial release~~ nor otherwise relieved, the  
5 court shall forthwith award relief by habeas corpus. Any judge  
6 empowered to grant relief by habeas corpus who shall corruptly  
7 refuse to grant the relief when legally applied for in a case  
8 where it may lawfully be granted, or who shall for the purpose  
9 of oppression unreasonably delay the granting of such relief  
10 shall, for every such offense, forfeit to the prisoner or  
11 party affected a sum not exceeding \$1,000.

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

13           (735 ILCS 5/10-125) (from Ch. 110, par. 10-125)

14           Sec. 10-125. New commitment. In all cases where the  
15 imprisonment is for a criminal, or supposed criminal matter,  
16 if it appears to the court that there is sufficient legal cause  
17 for the commitment of the prisoner, although such commitment  
18 may have been informally made, or without due authority, or  
19 the process may have been executed by a person not duly  
20 authorized, the court shall make a new commitment in proper  
21 form, and direct it to the proper officer, or admit the party  
22 to bail ~~pretrial release~~ if the case is bailable ~~eligible for~~  
23 ~~pretrial release~~. The court shall also, when necessary, take  
24 the recognizance of all material witnesses against the  
25 prisoner, as in other cases. The recognizances shall be in the

1 form provided by law, and returned as other recognizances. If  
2 any judge shall neglect or refuse to bind any such prisoner or  
3 witness by recognizance, or to return a recognizance when  
4 taken as hereinabove stated, he or she shall be guilty of a  
5 Class A misdemeanor in office, and be proceeded against  
6 accordingly.

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

8 (735 ILCS 5/10-127) (from Ch. 110, par. 10-127)

9 Sec. 10-127. Grant of habeas corpus. It is not lawful for  
10 any court, on a second order of habeas corpus obtained by such  
11 prisoner, to discharge the prisoner, if he or she is clearly  
12 and specifically charged in the warrant of commitment with a  
13 criminal offense; but the court shall, on the return of such  
14 second order, have power only to admit such prisoner to bail  
15 ~~pretrial release~~ where the offense is bailable ~~eligible for~~  
16 ~~pretrial release~~ by law, or remand him or her to prison where  
17 the offense is not bailable ~~eligible for pretrial release~~, or  
18 being bailable ~~eligible for pretrial release~~, where such  
19 prisoner fails to give the bail required ~~comply with the terms~~  
20 ~~of pretrial release~~.

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

22 (735 ILCS 5/10-135) (from Ch. 110, par. 10-135)

23 Sec. 10-135. Habeas corpus to testify. The several courts  
24 having authority to grant relief by habeas corpus, may enter

1 orders, when necessary, to bring before them any prisoner to  
2 testify, or to be surrendered in discharge of bail ~~pretrial~~  
3 ~~release~~, or for trial upon any criminal charge lawfully  
4 pending in the same court or to testify in a criminal  
5 proceeding in another state as provided for by Section 2 of the  
6 "Uniform Act to secure the attendance of witnesses from within  
7 or without a state in criminal proceedings", approved July 23,  
8 1959, as heretofore or hereafter amended; and the order may be  
9 directed to any county in the State, and there be served and  
10 returned by any officer to whom it is directed.

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

12 (735 ILCS 5/10-136) (from Ch. 110, par. 10-136)

13 Sec. 10-136. Prisoner remanded or punished. After a  
14 prisoner has given his or her testimony, or been surrendered,  
15 or his or her bail ~~pretrial-release~~ discharged, or he or she  
16 has been tried for the crime with which he or she is charged,  
17 he or she shall be returned to the jail or other place of  
18 confinement from which he or she was taken for that purpose. If  
19 such prisoner is convicted of a crime punishable with death or  
20 imprisonment in the penitentiary, he or she may be punished  
21 accordingly; but in any case where the prisoner has been taken  
22 from the penitentiary, and his or her punishment is by  
23 imprisonment, the time of such imprisonment shall not commence  
24 to run until the expiration of the time of service under any  
25 former sentence.

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

2 (735 ILCS 5/21-103)

3 Sec. 21-103. Notice by publication.

4 (a) Previous notice shall be given of the intended  
5 application by publishing a notice thereof in some newspaper  
6 published in the municipality in which the person resides if  
7 the municipality is in a county with a population under  
8 2,000,000, or if the person does not reside in a municipality  
9 in a county with a population under 2,000,000, or if no  
10 newspaper is published in the municipality or if the person  
11 resides in a county with a population of 2,000,000 or more,  
12 then in some newspaper published in the county where the  
13 person resides, or if no newspaper is published in that  
14 county, then in some convenient newspaper published in this  
15 State. The notice shall be inserted for 3 consecutive weeks  
16 after filing, the first insertion to be at least 6 weeks before  
17 the return day upon which the petition is to be heard, and  
18 shall be signed by the petitioner or, in case of a minor, the  
19 minor's parent or guardian, and shall set forth the return day  
20 of court on which the petition is to be heard and the name  
21 sought to be assumed.

22 (b) The publication requirement of subsection (a) shall  
23 not be required in any application for a change of name  
24 involving a minor if, before making judgment under this  
25 Article, reasonable notice and opportunity to be heard is

1 given to any parent whose parental rights have not been  
2 previously terminated and to any person who has physical  
3 custody of the child. If any of these persons are outside this  
4 State, notice and opportunity to be heard shall be given under  
5 Section 21-104.

6 (b-3) The publication requirement of subsection (a) shall  
7 not be required in any application for a change of name  
8 involving a person who has received a judgment of ~~for~~  
9 dissolution of marriage or declaration of invalidity of  
10 marriage and wishes to change his or her name to resume the use  
11 of his or her former or maiden name.

12 (b-5) The court may issue an order directing that the  
13 notice and publication requirement be waived for a change of  
14 name involving a person who files with the court a statement,  
15 verified under oath as provided under Section 1-109 of this  
16 Code, that the person believes that publishing notice of the  
17 name change would be a hardship, including, but not limited  
18 to, a negative impact on the person's health or safety.

19 (b-6) In a case where waiver of the notice and publication  
20 requirement is sought, the petition for waiver is presumed  
21 granted and heard at the same hearing as the petition for name  
22 change. The court retains discretion to determine whether a  
23 hardship is shown and may order the petitioner to publish  
24 thereafter.

25 (c) The Director of the Illinois State Police or his or her  
26 designee may apply to the circuit court for an order directing

1 that the notice and publication requirements of this Section  
2 be waived if the Director or his or her designee certifies that  
3 the name change being sought is intended to protect a witness  
4 during and following a criminal investigation or proceeding.

5 (c-1) The court may also enter a written order waiving the  
6 publication requirement of subsection (a) if:

7 (i) the petitioner is 18 years of age or older; and

8 (ii) concurrent with the petition, the petitioner  
9 files with the court a statement, verified under oath as  
10 provided under Section 1-109 of this Code, attesting that  
11 the petitioner is or has been a person protected under the  
12 Illinois Domestic Violence Act of 1986, the Stalking No  
13 Contact Order Act, the Civil No Contact Order Act, Article  
14 112A of the Code of Criminal Procedure of 1963, a  
15 condition of bail ~~pretrial release~~ under subsections (b)  
16 through (d) of Section 110-10 of the Code of Criminal  
17 Procedure of 1963, or a similar provision of a law in  
18 another state or jurisdiction.

19 The petitioner may attach to the statement any supporting  
20 documents, including relevant court orders.

21 (c-2) If the petitioner files a statement attesting that  
22 disclosure of the petitioner's address would put the  
23 petitioner or any member of the petitioner's family or  
24 household at risk or reveal the confidential address of a  
25 shelter for domestic violence victims, that address may be  
26 omitted from all documents filed with the court, and the

1 petitioner may designate an alternative address for service.

2 (c-3) Court administrators may allow domestic abuse  
3 advocates, rape crisis advocates, and victim advocates to  
4 assist petitioners in the preparation of name changes under  
5 subsection (c-1).

6 (c-4) If the publication requirements of subsection (a)  
7 have been waived, the circuit court shall enter an order  
8 impounding the case.

9 (d) The maximum rate charged for publication of a notice  
10 under this Section may not exceed the lowest classified rate  
11 paid by commercial users for comparable space in the newspaper  
12 in which the notice appears and shall include all cash  
13 discounts, multiple insertion discounts, and similar benefits  
14 extended to the newspaper's regular customers.

15 (Source: P.A. 101-81, eff. 7-12-19; 101-203, eff. 1-1-20;  
16 101-652, eff. 1-1-23; 102-538, eff. 8-20-21; 102-813, eff.  
17 5-13-22; 102-1133, eff. 1-1-24; revised 3-6-23.)

18 Section 2-300. The Civil No Contact Order Act is amended  
19 by changing Section 220 as follows:

20 (740 ILCS 22/220)

21 Sec. 220. Enforcement of a civil no contact order.

22 (a) Nothing in this Act shall preclude any Illinois court  
23 from enforcing a valid protective order issued in another  
24 state or by a military judge.



1 (b) Illinois courts may enforce civil no contact orders  
2 through both criminal proceedings and civil contempt  
3 proceedings, unless the action which is second in time is  
4 barred by collateral estoppel or the constitutional  
5 prohibition against double jeopardy.

6 (b-1) The court shall not hold a school district or  
7 private or non-public school or any of its employees in civil  
8 or criminal contempt unless the school district or private or  
9 non-public school has been allowed to intervene.

10 (b-2) The court may hold the parents, guardian, or legal  
11 custodian of a minor respondent in civil or criminal contempt  
12 for a violation of any provision of any order entered under  
13 this Act for conduct of the minor respondent in violation of  
14 this Act if the parents, guardian, or legal custodian  
15 directed, encouraged, or assisted the respondent minor in such  
16 conduct.

17 (c) Criminal prosecution. A violation of any civil no  
18 contact order, whether issued in a civil or criminal  
19 proceeding or by a military judge, shall be enforced by a  
20 criminal court when the respondent commits the crime of  
21 violation of a civil no contact order pursuant to Section 219  
22 by having knowingly violated:

23 (1) remedies described in Section 213 and included in  
24 a civil no contact order; or

25 (2) a provision of an order, which is substantially  
26 similar to provisions of Section 213, in a valid civil no

1 contact order which is authorized under the laws of  
2 another state, tribe, or United States territory.

3 Prosecution for a violation of a civil no contact order  
4 shall not bar a concurrent prosecution for any other crime,  
5 including any crime that may have been committed at the time of  
6 the violation of the civil no contact order.

7 (d) Contempt of court. A violation of any valid Illinois  
8 civil no contact order, whether issued in a civil or criminal  
9 proceeding, may be enforced through civil or criminal contempt  
10 procedures, as appropriate, by any court with jurisdiction,  
11 regardless of where the act or acts which violated the civil no  
12 contact order were committed, to the extent consistent with  
13 the venue provisions of this Act.

14 (1) In a contempt proceeding where the petition for a  
15 rule to show cause or petition for adjudication of  
16 criminal contempt sets forth facts evidencing an immediate  
17 danger that the respondent will flee the jurisdiction or  
18 inflict physical abuse on the petitioner or minor children  
19 or on dependent adults in the petitioner's care, the court  
20 may order the attachment of the respondent without prior  
21 service of the petition for a rule to show cause, the rule  
22 to show cause, the petition for adjudication of criminal  
23 contempt or the adjudication of criminal contempt. Bond  
24 ~~Conditions of release~~ shall be set unless specifically  
25 denied in writing.

26 (2) A petition for a rule to show cause or a petition

1 for adjudication of criminal contempt for violation of a  
2 civil no contact order shall be treated as an expedited  
3 proceeding.

4 (e) Actual knowledge. A civil no contact order may be  
5 enforced pursuant to this Section if the respondent violates  
6 the order after the respondent has actual knowledge of its  
7 contents as shown through one of the following means:

8 (1) by service, delivery, or notice under Section 208;

9 (2) by notice under Section 218;

10 (3) by service of a civil no contact order under  
11 Section 218; or

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

14 (f) The enforcement of a civil no contact 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 202; or

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

21 (g) Circumstances. The court, when determining whether or  
22 not a violation of a civil no contact order has occurred, shall  
23 not require physical manifestations of abuse on the person of  
24 the victim.

25 (h) Penalties.

26 (1) Except as provided in paragraph (3) of this

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

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

12 (3) To the extent permitted by law, the court is  
13 encouraged to:

14 (i) increase the penalty for the knowing violation  
15 of any civil no contact order over any penalty  
16 previously imposed by any court for respondent's  
17 violation of any civil no contact order or penal  
18 statute involving petitioner as victim and respondent  
19 as defendant;

20 (ii) impose a minimum penalty of 24 hours  
21 imprisonment for respondent's first violation of any  
22 civil no contact order; and

23 (iii) impose a minimum penalty of 48 hours  
24 imprisonment for respondent's second or subsequent  
25 violation of a civil no contact order unless the court  
26 explicitly finds that an increased penalty or that

1 period of imprisonment would be manifestly unjust.

2 (4) In addition to any other penalties imposed for a  
3 violation of a civil no contact order, a criminal court  
4 may consider evidence of any previous violations of a  
5 civil no contact order:

6 (i) to increase, revoke or modify the bail bond  
7 ~~conditions of pretrial release~~ on an underlying  
8 criminal charge pursuant to Section 110-6 of the Code  
9 of Criminal Procedure of 1963;

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; or

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. 103-407, eff. 7-28-23.)

17 Section 2-305. The Illinois Domestic Violence Act of 1986  
18 is amended by changing Sections 223 and 301 as follows:

19 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

20 Sec. 223. Enforcement of orders of protection.

21 (a) When violation is crime. A violation of any order of  
22 protection, whether issued in a civil or criminal proceeding  
23 or by a military judge, shall be enforced by a criminal court  
24 when:

1           (1) The respondent commits the crime of violation of  
2           an order of protection pursuant to Section 12-3.4 or 12-30  
3           of the Criminal Code of 1961 or the Criminal Code of 2012,  
4           by having knowingly violated:

5                 (i) remedies described in paragraphs (1), (2),  
6                 (3), (14), or (14.5) of subsection (b) of Section 214  
7                 of this Act; or

8                 (ii) a remedy, which is substantially similar to  
9                 the remedies authorized under paragraphs (1), (2),  
10                (3), (14), and (14.5) of subsection (b) of Section 214  
11                of this Act, in a valid order of protection which is  
12                authorized under the laws of another state, tribe, or  
13                United States territory; or

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

17           Prosecution for a violation of an order of protection  
18           shall not bar concurrent prosecution for any other crime,  
19           including any crime that may have been committed at the  
20           time of the violation of the order of protection; or

21           (2) The respondent commits the crime of child  
22           abduction pursuant to Section 10-5 of the Criminal Code of  
23           1961 or the Criminal Code of 2012, by having knowingly  
24           violated:

25                 (i) remedies described in paragraphs (5), (6) or  
26                 (8) of subsection (b) of Section 214 of this Act; or

1           (ii) a remedy, which is substantially similar to  
2           the remedies authorized under paragraphs (5), (6), or  
3           (8) of subsection (b) of Section 214 of this Act, in a  
4           valid order of protection which is authorized under  
5           the laws of another state, tribe, or United States  
6           territory.

7           (b) When violation is contempt of court. A violation of  
8           any valid Illinois order of protection, whether issued in a  
9           civil or criminal proceeding or by a military judge, may be  
10          enforced through civil or criminal contempt procedures, as  
11          appropriate, by any court with jurisdiction, regardless where  
12          the act or acts which violated the order of protection were  
13          committed, to the extent consistent with the venue provisions  
14          of this Act. Nothing in this Act shall preclude any Illinois  
15          court from enforcing any valid order of protection issued in  
16          another state. Illinois courts may enforce orders of  
17          protection through both criminal prosecution and contempt  
18          proceedings, unless the action which is second in time is  
19          barred by collateral estoppel or the constitutional  
20          prohibition against double jeopardy.

21          (1) In a contempt proceeding where the petition for a  
22          rule to show cause sets forth facts evidencing an  
23          immediate danger that the respondent will flee the  
24          jurisdiction, conceal a child, or inflict physical abuse  
25          on the petitioner or minor children or on dependent adults  
26          in petitioner's care, the court may order the attachment

1 of the respondent without prior service of the rule to  
2 show cause or the petition for a rule to show cause. Bond  
3 ~~Conditions of release~~ shall be set unless specifically  
4 denied in writing.

5 (2) A petition for a rule to show cause for violation  
6 of an order of protection shall be treated as an expedited  
7 proceeding.

8 (b-1) The court shall not hold a school district or  
9 private or non-public school or any of its employees in civil  
10 or criminal contempt unless the school district or private or  
11 non-public school has been allowed to intervene.

12 (b-2) The court may hold the parents, guardian, or legal  
13 custodian of a minor respondent in civil or criminal contempt  
14 for a violation of any provision of any order entered under  
15 this Act for conduct of the minor respondent in violation of  
16 this Act if the parents, guardian, or legal custodian  
17 directed, encouraged, or assisted the respondent minor in such  
18 conduct.

19 (c) Violation of custody or support orders or temporary or  
20 final judgments allocating parental responsibilities. A  
21 violation of remedies described in paragraphs (5), (6), (8),  
22 or (9) of subsection (b) of Section 214 of this Act may be  
23 enforced by any remedy provided by Section 607.5 of the  
24 Illinois Marriage and Dissolution of Marriage Act. The court  
25 may enforce any order for support issued under paragraph (12)  
26 of subsection (b) of Section 214 in the manner provided for



1 under Parts V and VII of the Illinois Marriage and Dissolution  
2 of Marriage Act.

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

7 (1) By service, delivery, or notice under Section 210.

8 (2) By notice under Section 210.1 or 211.

9 (3) By service of an order of protection under Section  
10 222.

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

13 (e) The enforcement of an order of protection in civil or  
14 criminal court shall not be affected by either of the  
15 following:

16 (1) The existence of a separate, correlative order,  
17 entered under Section 215.

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

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

24 (g) Penalties.

25 (1) Except as provided in paragraph (3) of this  
26 subsection, where the court finds the commission of a

1 crime or contempt of court under subsections (a) or (b) of  
2 this Section, the penalty shall be the penalty that  
3 generally applies in such criminal or contempt  
4 proceedings, and may include one or more of the following:  
5 incarceration, payment of restitution, a fine, payment of  
6 attorneys' fees and costs, or community service.

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

11 (3) To the extent permitted by law, the court is  
12 encouraged to:

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

18 (ii) impose a minimum penalty of 24 hours  
19 imprisonment for respondent's first violation of any  
20 order of protection; and

21 (iii) impose a minimum penalty of 48 hours  
22 imprisonment for respondent's second or subsequent  
23 violation of an order of protection

24 unless the court explicitly finds that an increased  
25 penalty or that period of imprisonment would be manifestly  
26 unjust.

1           (4) In addition to any other penalties imposed for a  
2 violation of an order of protection, a criminal court may  
3 consider evidence of any violations of an order of  
4 protection:

5           (i) to increase, revoke or modify the bail bond  
6 ~~conditions of pretrial release~~ on an underlying  
7 criminal charge pursuant to Section 110-6 of the Code  
8 of Criminal Procedure of 1963;

9           (ii) to revoke or modify an order of probation,  
10 conditional discharge or supervision, pursuant to  
11 Section 5-6-4 of the Unified Code of Corrections;

12           (iii) to revoke or modify a sentence of periodic  
13 imprisonment, pursuant to Section 5-7-2 of the Unified  
14 Code of Corrections.

15           (5) In addition to any other penalties, the court  
16 shall impose an additional fine of \$20 as authorized by  
17 Section 5-9-1.11 of the Unified Code of Corrections upon  
18 any person convicted of or placed on supervision for a  
19 violation of an order of protection. The additional fine  
20 shall be imposed for each violation of this Section.

21 (Source: P.A. 102-890, eff. 5-19-22; 103-407, eff. 7-28-23.)

22 (750 ILCS 60/301) (from Ch. 40, par. 2313-1)

23 Sec. 301. Arrest without warrant.

24 (a) Any law enforcement officer may make an arrest without  
25 warrant if the officer has probable cause to believe that the

1 person has committed or is committing any crime, including but  
2 not limited to violation of an order of protection, under  
3 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012, even if the crime was not committed in  
5 the presence of the officer.

6 (b) The law enforcement officer may verify the existence  
7 of an order of protection by telephone or radio communication  
8 with his or her law enforcement agency or by referring to the  
9 copy of the order, or order of protection described on a Hope  
10 Card under Section 219.5, provided by the petitioner or  
11 respondent.

12 (c) Any law enforcement officer may make an arrest without  
13 warrant if the officer has reasonable grounds to believe a  
14 defendant at liberty under the provisions of subdivision  
15 (d) (1) or (d) (2) of Section 110-10 of the Code of Criminal  
16 Procedure of 1963 has violated a condition of his or her bail  
17 bond ~~pretrial release~~ or recognizance.

18 (Source: P.A. 101-652, eff. 1-1-23; 102-481, eff. 1-1-22;  
19 102-813, eff. 5-13-22.)

20 Section 2-310. The Industrial and Linen Supplies Marking  
21 Law is amended by changing Section 11 as follows:

22 (765 ILCS 1045/11) (from Ch. 140, par. 111)

23 Sec. 11. Search warrant. Whenever the registrant, or  
24 officer, or authorized agent of any firm, partnership or

1 corporation which is a registrant under this Act, takes an  
2 oath before any circuit court, that he has reason to believe  
3 that any supplies are being unlawfully used, sold, or secreted  
4 in any place, the court shall issue a search warrant to any  
5 police officer authorizing such officer to search the premises  
6 wherein it is alleged such articles may be found and take into  
7 custody any person in whose possession the articles are found.  
8 Any person so seized shall be taken without unnecessary delay  
9 before the court issuing the search warrant. The court is  
10 empowered to impose bail ~~conditions of pretrial release~~ on any  
11 such person to compel his attendance at any continued hearing.  
12 (Source: P.A. 101-652, eff. 1-1-23.)

13 Section 2-315. The Illinois Torture Inquiry and Relief  
14 Commission Act is amended by changing Section 50 as follows:

15 (775 ILCS 40/50)

16 Sec. 50. Post-commission judicial review.

17 (a) If the Commission concludes there is sufficient  
18 evidence of torture to merit judicial review, the Chair of the  
19 Commission shall request the Chief Judge of the Circuit Court  
20 of Cook County for assignment to a trial judge for  
21 consideration. The court may receive proof by affidavits,  
22 depositions, oral testimony, or other evidence. In its  
23 discretion the court may order the petitioner brought before  
24 the court for the hearing. Notwithstanding the status of any

1 other postconviction proceedings relating to the petitioner,  
2 if the court finds in favor of the petitioner, it shall enter  
3 an appropriate order with respect to the judgment or sentence  
4 in the former proceedings and such supplementary orders as to  
5 rearraignment, retrial, custody, bail, ~~pretrial release~~ or  
6 discharge, or for such relief as may be granted under a  
7 petition for a certificate of innocence, as may be necessary  
8 and proper.

9 (b) The State's Attorney, or the State's Attorney's  
10 designee, shall represent the State at the hearing before the  
11 assigned judge.

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

13 Section 2-320. The Unemployment Insurance Act is amended  
14 by changing Section 602 as follows:

15 (820 ILCS 405/602) (from Ch. 48, par. 432)

16 Sec. 602. Discharge for misconduct - Felony.

17 A. An individual shall be ineligible for benefits for the  
18 week in which he has been discharged for misconduct connected  
19 with his work and, thereafter, until he has become reemployed  
20 and has had earnings equal to or in excess of his current  
21 weekly benefit amount in each of four calendar weeks which are  
22 either for services in employment, or have been or will be  
23 reported pursuant to the provisions of the Federal Insurance  
24 Contributions Act by each employing unit for which such

1 services are performed and which submits a statement  
2 certifying to that fact. The requalification requirements of  
3 the preceding sentence shall be deemed to have been satisfied,  
4 as of the date of reinstatement, if, subsequent to his  
5 discharge by an employing unit for misconduct connected with  
6 his work, such individual is reinstated by such employing  
7 unit. For purposes of this subsection, the term "misconduct"  
8 means the deliberate and willful violation of a reasonable  
9 rule or policy of the employing unit, governing the  
10 individual's behavior in performance of his work, provided  
11 such violation has harmed the employing unit or other  
12 employees or has been repeated by the individual despite a  
13 warning or other explicit instruction from the employing unit.  
14 The previous definition notwithstanding, "misconduct" shall  
15 include any of the following work-related circumstances:

16 1. Falsification of an employment application, or any  
17 other documentation provided to the employer, to obtain  
18 employment through subterfuge.

19 2. Failure to maintain licenses, registrations, and  
20 certifications reasonably required by the employer, or  
21 those that the individual is required to possess by law,  
22 to perform his or her regular job duties, unless the  
23 failure is not within the control of the individual.

24 3. Knowing, repeated violation of the attendance  
25 policies of the employer that are in compliance with State  
26 and federal law following a written warning for an

1 attendance violation, unless the individual can  
2 demonstrate that he or she has made a reasonable effort to  
3 remedy the reason or reasons for the violations or that  
4 the reason or reasons for the violations were out of the  
5 individual's control. Attendance policies of the employer  
6 shall be reasonable and provided to the individual in  
7 writing, electronically, or via posting in the workplace.

8 4. Damaging the employer's property through conduct  
9 that is grossly negligent.

10 5. Refusal to obey an employer's reasonable and lawful  
11 instruction, unless the refusal is due to the lack of  
12 ability, skills, or training for the individual required  
13 to obey the instruction or the instruction would result in  
14 an unsafe act.

15 6. Consuming alcohol or illegal or non-prescribed  
16 prescription drugs, or using an impairing substance in an  
17 off-label manner, on the employer's premises during  
18 working hours in violation of the employer's policies.

19 7. Reporting to work under the influence of alcohol,  
20 illegal or non-prescribed prescription drugs, or an  
21 impairing substance used in an off-label manner in  
22 violation of the employer's policies, unless the  
23 individual is compelled to report to work by the employer  
24 outside of scheduled and on-call working hours and informs  
25 the employer that he or she is under the influence of  
26 alcohol, illegal or non-prescribed prescription drugs, or



1 an impairing substance used in an off-label manner in  
2 violation of the employer's policies.

3 8. Grossly negligent conduct endangering the safety of  
4 the individual or co-workers.

5 For purposes of paragraphs 4 and 8, conduct is "grossly  
6 negligent" when the individual is, or reasonably should be,  
7 aware of a substantial risk that the conduct will result in the  
8 harm sought to be prevented and the conduct constitutes a  
9 substantial deviation from the standard of care a reasonable  
10 person would exercise in the situation.

11 Nothing in paragraph 6 or 7 prohibits the lawful use of  
12 over-the-counter drug products as defined in Section 206 of  
13 the Illinois Controlled Substances Act, provided that the  
14 medication does not affect the safe performance of the  
15 employee's work duties.

16 B. Notwithstanding any other provision of this Act, no  
17 benefit rights shall accrue to any individual based upon wages  
18 from any employer for service rendered prior to the day upon  
19 which such individual was discharged because of the commission  
20 of a felony in connection with his work, or because of theft in  
21 connection with his work, for which the employer was in no way  
22 responsible; provided, that the employer notified the Director  
23 of such possible ineligibility within the time limits  
24 specified by regulations of the Director, and that the  
25 individual has admitted his commission of the felony or theft  
26 to a representative of the Director, or has signed a written

1 admission of such act and such written admission has been  
2 presented to a representative of the Director, or such act has  
3 resulted in a conviction or order of supervision by a court of  
4 competent jurisdiction; and provided further, that if by  
5 reason of such act, he is in legal custody, held on bail  
6 ~~pretrial release~~ or is a fugitive from justice, the  
7 determination of his benefit rights shall be held in abeyance  
8 pending the result of any legal proceedings arising therefrom.  
9 (Source: P.A. 101-652, eff. 1-1-23.)

10 (730 ILCS 5/3-6-7.1 rep.)

11 (730 ILCS 5/3-6-7.2 rep.)

12 (730 ILCS 5/3-6-7.3 rep.)

13 (730 ILCS 5/3-6-7.4 rep.)

14 Section 2-325. The Unified Code of Corrections is amended  
15 by repealing Sections 3-6-7.1, 3-6-7.2, 3-6-7.3, and 3-6-7.4.

16 (730 ILCS 125/17.6 rep.)

17 (730 ILCS 125/17.7 rep.)

18 (730 ILCS 125/17.8 rep.)

19 (730 ILCS 125/17.9 rep.)

20 Section 2-330. The County Jail Act is amended by repealing  
21 Sections 17.6, 17.7, 17.8, and 17.9.

22 Section 2-340. The Open Meetings Act is amended by  
23 changing Section 2 as follows:

1 (5 ILCS 120/2) (from Ch. 102, par. 42)

2 Sec. 2. Open meetings.

3 (a) Openness required. All meetings of public bodies shall  
4 be open to the public unless excepted in subsection (c) and  
5 closed in accordance with Section 2a.

6 (b) Construction of exceptions. The exceptions contained  
7 in subsection (c) are in derogation of the requirement that  
8 public bodies meet in the open, and therefore, the exceptions  
9 are to be strictly construed, extending only to subjects  
10 clearly within their scope. The exceptions authorize but do  
11 not require the holding of a closed meeting to discuss a  
12 subject included within an enumerated exception.

13 (c) Exceptions. A public body may hold closed meetings to  
14 consider the following subjects:

15 (1) The appointment, employment, compensation,  
16 discipline, performance, or dismissal of specific  
17 employees, specific individuals who serve as independent  
18 contractors in a park, recreational, or educational  
19 setting, or specific volunteers of the public body or  
20 legal counsel for the public body, including hearing  
21 testimony on a complaint lodged against an employee, a  
22 specific individual who serves as an independent  
23 contractor in a park, recreational, or educational  
24 setting, or a volunteer of the public body or against  
25 legal counsel for the public body to determine its

1 validity. However, a meeting to consider an increase in  
2 compensation to a specific employee of a public body that  
3 is subject to the Local Government Wage Increase  
4 Transparency Act may not be closed and shall be open to the  
5 public and posted and held in accordance with this Act.

6 (2) Collective negotiating matters between the public  
7 body and its employees or their representatives, or  
8 deliberations concerning salary schedules for one or more  
9 classes of employees.

10 (3) The selection of a person to fill a public office,  
11 as defined in this Act, including a vacancy in a public  
12 office, when the public body is given power to appoint  
13 under law or ordinance, or the discipline, performance or  
14 removal of the occupant of a public office, when the  
15 public body is given power to remove the occupant under  
16 law or ordinance.

17 (4) Evidence or testimony presented in open hearing,  
18 or in closed hearing where specifically authorized by law,  
19 to a quasi-adjudicative body, as defined in this Act,  
20 provided that the body prepares and makes available for  
21 public inspection a written decision setting forth its  
22 determinative reasoning.

23 (4.5) Evidence or testimony presented to a school  
24 board regarding denial of admission to school events or  
25 property pursuant to Section 24-24 of the School Code,  
26 provided that the school board prepares and makes

1 available for public inspection a written decision setting  
2 forth its determinative reasoning.

3 (5) The purchase or lease of real property for the use  
4 of the public body, including meetings held for the  
5 purpose of discussing whether a particular parcel should  
6 be acquired.

7 (6) The setting of a price for sale or lease of  
8 property owned by the public body.

9 (7) The sale or purchase of securities, investments,  
10 or investment contracts. This exception shall not apply to  
11 the investment of assets or income of funds deposited into  
12 the Illinois Prepaid Tuition Trust Fund.

13 (8) Security procedures, school building safety and  
14 security, and the use of personnel and equipment to  
15 respond to an actual, a threatened, or a reasonably  
16 potential danger to the safety of employees, students,  
17 staff, the public, or public property.

18 (9) Student disciplinary cases.

19 (10) The placement of individual students in special  
20 education programs and other matters relating to  
21 individual students.

22 (11) Litigation, when an action against, affecting or  
23 on behalf of the particular public body has been filed and  
24 is pending before a court or administrative tribunal, or  
25 when the public body finds that an action is probable or  
26 imminent, in which case the basis for the finding shall be

1 recorded and entered into the minutes of the closed  
2 meeting.

3 (12) The establishment of reserves or settlement of  
4 claims as provided in the Local Governmental and  
5 Governmental Employees Tort Immunity Act, if otherwise the  
6 disposition of a claim or potential claim might be  
7 prejudiced, or the review or discussion of claims, loss or  
8 risk management information, records, data, advice or  
9 communications from or with respect to any insurer of the  
10 public body or any intergovernmental risk management  
11 association or self insurance pool of which the public  
12 body is a member.

13 (13) Conciliation of complaints of discrimination in  
14 the sale or rental of housing, when closed meetings are  
15 authorized by the law or ordinance prescribing fair  
16 housing practices and creating a commission or  
17 administrative agency for their enforcement.

18 (14) Informant sources, the hiring or assignment of  
19 undercover personnel or equipment, or ongoing, prior or  
20 future criminal investigations, when discussed by a public  
21 body with criminal investigatory responsibilities.

22 (15) Professional ethics or performance when  
23 considered by an advisory body appointed to advise a  
24 licensing or regulatory agency on matters germane to the  
25 advisory body's field of competence.

26 (16) Self evaluation, practices and procedures or

1 professional ethics, when meeting with a representative of  
2 a statewide association of which the public body is a  
3 member.

4 (17) The recruitment, credentialing, discipline or  
5 formal peer review of physicians or other health care  
6 professionals, or for the discussion of matters protected  
7 under the federal Patient Safety and Quality Improvement  
8 Act of 2005, and the regulations promulgated thereunder,  
9 including 42 C.F.R. Part 3 (73 FR 70732), or the federal  
10 Health Insurance Portability and Accountability Act of  
11 1996, and the regulations promulgated thereunder,  
12 including 45 C.F.R. Parts 160, 162, and 164, by a  
13 hospital, or other institution providing medical care,  
14 that is operated by the public body.

15 (18) Deliberations for decisions of the Prisoner  
16 Review Board.

17 (19) Review or discussion of applications received  
18 under the Experimental Organ Transplantation Procedures  
19 Act.

20 (20) The classification and discussion of matters  
21 classified as confidential or continued confidential by  
22 the State Government Suggestion Award Board.

23 (21) Discussion of minutes of meetings lawfully closed  
24 under this Act, whether for purposes of approval by the  
25 body of the minutes or semi-annual review of the minutes  
26 as mandated by Section 2.06.

1           (22) Deliberations for decisions of the State  
2 Emergency Medical Services Disciplinary Review Board.

3           (23) The operation by a municipality of a municipal  
4 utility or the operation of a municipal power agency or  
5 municipal natural gas agency when the discussion involves  
6 (i) contracts relating to the purchase, sale, or delivery  
7 of electricity or natural gas or (ii) the results or  
8 conclusions of load forecast studies.

9           (24) Meetings of a residential health care facility  
10 resident sexual assault and death review team or the  
11 Executive Council under the Abuse Prevention Review Team  
12 Act.

13           (25) Meetings of an independent team of experts under  
14 Brian's Law.

15           (26) Meetings of a mortality review team appointed  
16 under the Department of Juvenile Justice Mortality Review  
17 Team Act.

18           (27) (Blank).

19           (28) Correspondence and records (i) that may not be  
20 disclosed under Section 11-9 of the Illinois Public Aid  
21 Code or (ii) that pertain to appeals under Section 11-8 of  
22 the Illinois Public Aid Code.

23           (29) Meetings between internal or external auditors  
24 and governmental audit committees, finance committees, and  
25 their equivalents, when the discussion involves internal  
26 control weaknesses, identification of potential fraud risk



1 areas, known or suspected frauds, and fraud interviews  
2 conducted in accordance with generally accepted auditing  
3 standards of the United States of America.

4 (30) Those meetings or portions of meetings of a  
5 fatality review team or the Illinois Fatality Review Team  
6 Advisory Council during which a review of the death of an  
7 eligible adult in which abuse or neglect is suspected,  
8 alleged, or substantiated is conducted pursuant to Section  
9 15 of the Adult Protective Services Act.

10 (31) Meetings and deliberations for decisions of the  
11 Concealed Carry Licensing Review Board under the Firearm  
12 Concealed Carry Act.

13 (32) Meetings between the Regional Transportation  
14 Authority Board and its Service Boards when the discussion  
15 involves review by the Regional Transportation Authority  
16 Board of employment contracts under Section 28d of the  
17 Metropolitan Transit Authority Act and Sections 3A.18 and  
18 3B.26 of the Regional Transportation Authority Act.

19 (33) Those meetings or portions of meetings of the  
20 advisory committee and peer review subcommittee created  
21 under Section 320 of the Illinois Controlled Substances  
22 Act during which specific controlled substance prescriber,  
23 dispenser, or patient information is discussed.

24 (34) Meetings of the Tax Increment Financing Reform  
25 Task Force under Section 2505-800 of the Department of  
26 Revenue Law of the Civil Administrative Code of Illinois.

1 (35) Meetings of the group established to discuss  
2 Medicaid capitation rates under Section 5-30.8 of the  
3 Illinois Public Aid Code.

4 (36) Those deliberations or portions of deliberations  
5 for decisions of the Illinois Gaming Board in which there  
6 is discussed any of the following: (i) personal,  
7 commercial, financial, or other information obtained from  
8 any source that is privileged, proprietary, confidential,  
9 or a trade secret; or (ii) information specifically  
10 exempted from the disclosure by federal or State law.

11 (37) (Blank). ~~Deliberations for decisions of the~~  
12 ~~Illinois Law Enforcement Training Standards Board, the~~  
13 ~~Certification Review Panel, and the Illinois State Police~~  
14 ~~Merit Board regarding certification and decertification.~~

15 (38) Meetings of the Ad Hoc Statewide Domestic  
16 Violence Fatality Review Committee of the Illinois  
17 Criminal Justice Information Authority Board that occur in  
18 closed executive session under subsection (d) of Section  
19 35 of the Domestic Violence Fatality Review Act.

20 (39) Meetings of the regional review teams under  
21 subsection (a) of Section 75 of the Domestic Violence  
22 Fatality Review Act.

23 (40) Meetings of the Firearm Owner's Identification  
24 Card Review Board under Section 10 of the Firearm Owners  
25 Identification Card Act.

26 (d) Definitions. For purposes of this Section:

1 "Employee" means a person employed by a public body whose  
2 relationship with the public body constitutes an  
3 employer-employee relationship under the usual common law  
4 rules, and who is not an independent contractor.

5 "Public office" means a position created by or under the  
6 Constitution or laws of this State, the occupant of which is  
7 charged with the exercise of some portion of the sovereign  
8 power of this State. The term "public office" shall include  
9 members of the public body, but it shall not include  
10 organizational positions filled by members thereof, whether  
11 established by law or by a public body itself, that exist to  
12 assist the body in the conduct of its business.

13 "Quasi-adjudicative body" means an administrative body  
14 charged by law or ordinance with the responsibility to conduct  
15 hearings, receive evidence or testimony and make  
16 determinations based thereon, but does not include local  
17 electoral boards when such bodies are considering petition  
18 challenges.

19 (e) Final action. No final action may be taken at a closed  
20 meeting. Final action shall be preceded by a public recital of  
21 the nature of the matter being considered and other  
22 information that will inform the public of the business being  
23 conducted.

24 (Source: P.A. 102-237, eff. 1-1-22; 102-520, eff. 8-20-21;  
25 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-311, eff.  
26 7-28-23.)

1 Section 2-345. The Freedom of Information Act is amended  
2 by changing Sections 7 and 7.5 as follows:

3 (5 ILCS 140/7)

4 Sec. 7. Exemptions.

5 (1) When a request is made to inspect or copy a public  
6 record that contains information that is exempt from  
7 disclosure under this Section, but also contains information  
8 that is not exempt from disclosure, the public body may elect  
9 to redact the information that is exempt. The public body  
10 shall make the remaining information available for inspection  
11 and copying. Subject to this requirement, the following shall  
12 be exempt from inspection and copying:

13 (a) Information specifically prohibited from  
14 disclosure by federal or State law or rules and  
15 regulations implementing federal or State law.

16 (b) Private information, unless disclosure is required  
17 by another provision of this Act, a State or federal law,  
18 or a court order.

19 (b-5) Files, documents, and other data or databases  
20 maintained by one or more law enforcement agencies and  
21 specifically designed to provide information to one or  
22 more law enforcement agencies regarding the physical or  
23 mental status of one or more individual subjects.

24 (c) Personal information contained within public

1 records, the disclosure of which would constitute a  
2 clearly unwarranted invasion of personal privacy, unless  
3 the disclosure is consented to in writing by the  
4 individual subjects of the information. "Unwarranted  
5 invasion of personal privacy" means the disclosure of  
6 information that is highly personal or objectionable to a  
7 reasonable person and in which the subject's right to  
8 privacy outweighs any legitimate public interest in  
9 obtaining the information. The disclosure of information  
10 that bears on the public duties of public employees and  
11 officials shall not be considered an invasion of personal  
12 privacy.

13 (d) Records in the possession of any public body  
14 created in the course of administrative enforcement  
15 proceedings, and any law enforcement or correctional  
16 agency for law enforcement purposes, but only to the  
17 extent that disclosure would:

18 (i) interfere with pending or actually and  
19 reasonably contemplated law enforcement proceedings  
20 conducted by any law enforcement or correctional  
21 agency that is the recipient of the request;

22 (ii) interfere with active administrative  
23 enforcement proceedings conducted by the public body  
24 that is the recipient of the request;

25 (iii) create a substantial likelihood that a  
26 person will be deprived of a fair trial or an impartial

1 hearing;

2 (iv) unavoidably disclose the identity of a  
3 confidential source, confidential information  
4 furnished only by the confidential source, or persons  
5 who file complaints with or provide information to  
6 administrative, investigative, law enforcement, or  
7 penal agencies; except that the identities of  
8 witnesses to traffic crashes, traffic crash reports,  
9 and rescue reports shall be provided by agencies of  
10 local government, except when disclosure would  
11 interfere with an active criminal investigation  
12 conducted by the agency that is the recipient of the  
13 request;

14 (v) disclose unique or specialized investigative  
15 techniques other than those generally used and known  
16 or disclose internal documents of correctional  
17 agencies related to detection, observation, or  
18 investigation of incidents of crime or misconduct, and  
19 disclosure would result in demonstrable harm to the  
20 agency or public body that is the recipient of the  
21 request;

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

24 (vii) obstruct an ongoing criminal investigation  
25 by the agency that is the recipient of the request.

26 (d-5) A law enforcement record created for law

1 enforcement purposes and contained in a shared electronic  
2 record management system if the law enforcement agency  
3 that is the recipient of the request did not create the  
4 record, did not participate in or have a role in any of the  
5 events which are the subject of the record, and only has  
6 access to the record through the shared electronic record  
7 management system.

8 (d-6) (Blank). ~~Records contained in the Officer~~  
9 ~~Professional Conduct Database under Section 9.2 of the~~  
10 ~~Illinois Police Training Act, except to the extent~~  
11 ~~authorized under that Section. This includes the documents~~  
12 ~~supplied to the Illinois Law Enforcement Training~~  
13 ~~Standards Board from the Illinois State Police and~~  
14 ~~Illinois State Police Merit Board.~~

15 (d-7) Information gathered or records created from the  
16 use of automatic license plate readers in connection with  
17 Section 2-130 of the Illinois Vehicle Code.

18 (e) Records that relate to or affect the security of  
19 correctional institutions and detention facilities.

20 (e-5) Records requested by persons committed to the  
21 Department of Corrections, Department of Human Services  
22 Division of Mental Health, or a county jail if those  
23 materials are available in the library of the correctional  
24 institution or facility or jail where the inmate is  
25 confined.

26 (e-6) Records requested by persons committed to the

1 Department of Corrections, Department of Human Services  
2 Division of Mental Health, or a county jail if those  
3 materials include records from staff members' personnel  
4 files, staff rosters, or other staffing assignment  
5 information.

6 (e-7) Records requested by persons committed to the  
7 Department of Corrections or Department of Human Services  
8 Division of Mental Health if those materials are available  
9 through an administrative request to the Department of  
10 Corrections or Department of Human Services Division of  
11 Mental Health.

12 (e-8) Records requested by a person committed to the  
13 Department of Corrections, Department of Human Services  
14 Division of Mental Health, or a county jail, the  
15 disclosure of which would result in the risk of harm to any  
16 person or the risk of an escape from a jail or correctional  
17 institution or facility.

18 (e-9) Records requested by a person in a county jail  
19 or committed to the Department of Corrections or  
20 Department of Human Services Division of Mental Health,  
21 containing personal information pertaining to the person's  
22 victim or the victim's family, including, but not limited  
23 to, a victim's home address, home telephone number, work  
24 or school address, work telephone number, social security  
25 number, or any other identifying information, except as  
26 may be relevant to a requester's current or potential case



1 or claim.

2 (e-10) Law enforcement records of other persons  
3 requested by a person committed to the Department of  
4 Corrections, Department of Human Services Division of  
5 Mental Health, or a county jail, including, but not  
6 limited to, arrest and booking records, mug shots, and  
7 crime scene photographs, except as these records may be  
8 relevant to the requester's current or potential case or  
9 claim.

10 (f) Preliminary drafts, notes, recommendations,  
11 memoranda, and other records in which opinions are  
12 expressed, or policies or actions are formulated, except  
13 that a specific record or relevant portion of a record  
14 shall not be exempt when the record is publicly cited and  
15 identified by the head of the public body. The exemption  
16 provided in this paragraph (f) extends to all those  
17 records of officers and agencies of the General Assembly  
18 that pertain to the preparation of legislative documents.

19 (g) Trade secrets and commercial or financial  
20 information obtained from a person or business where the  
21 trade secrets or commercial or financial information are  
22 furnished under a claim that they are proprietary,  
23 privileged, or confidential, and that disclosure of the  
24 trade secrets or commercial or financial information would  
25 cause competitive harm to the person or business, and only  
26 insofar as the claim directly applies to the records

1 requested.

2 The information included under this exemption includes  
3 all trade secrets and commercial or financial information  
4 obtained by a public body, including a public pension  
5 fund, from a private equity fund or a privately held  
6 company within the investment portfolio of a private  
7 equity fund as a result of either investing or evaluating  
8 a potential investment of public funds in a private equity  
9 fund. The exemption contained in this item does not apply  
10 to the aggregate financial performance information of a  
11 private equity fund, nor to the identity of the fund's  
12 managers or general partners. The exemption contained in  
13 this item does not apply to the identity of a privately  
14 held company within the investment portfolio of a private  
15 equity fund, unless the disclosure of the identity of a  
16 privately held company may cause competitive harm.

17 Nothing contained in this paragraph (g) shall be  
18 construed to prevent a person or business from consenting  
19 to disclosure.

20 (h) Proposals and bids for any contract, grant, or  
21 agreement, including information which if it were  
22 disclosed would frustrate procurement or give an advantage  
23 to any person proposing to enter into a contractor  
24 agreement with the body, until an award or final selection  
25 is made. Information prepared by or for the body in  
26 preparation of a bid solicitation shall be exempt until an

1 award or final selection is made.

2 (i) Valuable formulae, computer geographic systems,  
3 designs, drawings, and research data obtained or produced  
4 by any public body when disclosure could reasonably be  
5 expected to produce private gain or public loss. The  
6 exemption for "computer geographic systems" provided in  
7 this paragraph (i) does not extend to requests made by  
8 news media as defined in Section 2 of this Act when the  
9 requested information is not otherwise exempt and the only  
10 purpose of the request is to access and disseminate  
11 information regarding the health, safety, welfare, or  
12 legal rights of the general public.

13 (j) The following information pertaining to  
14 educational matters:

15 (i) test questions, scoring keys, and other  
16 examination data used to administer an academic  
17 examination;

18 (ii) information received by a primary or  
19 secondary school, college, or university under its  
20 procedures for the evaluation of faculty members by  
21 their academic peers;

22 (iii) information concerning a school or  
23 university's adjudication of student disciplinary  
24 cases, but only to the extent that disclosure would  
25 unavoidably reveal the identity of the student; and

26 (iv) course materials or research materials used

1           by faculty members.

2           (k) Architects' plans, engineers' technical  
3 submissions, and other construction related technical  
4 documents for projects not constructed or developed in  
5 whole or in part with public funds and the same for  
6 projects constructed or developed with public funds,  
7 including, but not limited to, power generating and  
8 distribution stations and other transmission and  
9 distribution facilities, water treatment facilities,  
10 airport facilities, sport stadiums, convention centers,  
11 and all government owned, operated, or occupied buildings,  
12 but only to the extent that disclosure would compromise  
13 security.

14           (l) Minutes of meetings of public bodies closed to the  
15 public as provided in the Open Meetings Act until the  
16 public body makes the minutes available to the public  
17 under Section 2.06 of the Open Meetings Act.

18           (m) Communications between a public body and an  
19 attorney or auditor representing the public body that  
20 would not be subject to discovery in litigation, and  
21 materials prepared or compiled by or for a public body in  
22 anticipation of a criminal, civil, or administrative  
23 proceeding upon the request of an attorney advising the  
24 public body, and materials prepared or compiled with  
25 respect to internal audits of public bodies.

26           (n) Records relating to a public body's adjudication

1 of employee grievances or disciplinary cases; however,  
2 this exemption shall not extend to the final outcome of  
3 cases in which discipline is imposed.

4 (o) Administrative or technical information associated  
5 with automated data processing operations, including, but  
6 not limited to, software, operating protocols, computer  
7 program abstracts, file layouts, source listings, object  
8 modules, load modules, user guides, documentation  
9 pertaining to all logical and physical design of  
10 computerized systems, employee manuals, and any other  
11 information that, if disclosed, would jeopardize the  
12 security of the system or its data or the security of  
13 materials exempt under this Section.

14 (p) Records relating to collective negotiating matters  
15 between public bodies and their employees or  
16 representatives, except that any final contract or  
17 agreement shall be subject to inspection and copying.

18 (q) Test questions, scoring keys, and other  
19 examination data used to determine the qualifications of  
20 an applicant for a license or employment.

21 (r) The records, documents, and information relating  
22 to real estate purchase negotiations until those  
23 negotiations have been completed or otherwise terminated.  
24 With regard to a parcel involved in a pending or actually  
25 and reasonably contemplated eminent domain proceeding  
26 under the Eminent Domain Act, records, documents, and

1 information relating to that parcel shall be exempt except  
2 as may be allowed under discovery rules adopted by the  
3 Illinois Supreme Court. The records, documents, and  
4 information relating to a real estate sale shall be exempt  
5 until a sale is consummated.

6 (s) Any and all proprietary information and records  
7 related to the operation of an intergovernmental risk  
8 management association or self-insurance pool or jointly  
9 self-administered health and accident cooperative or pool.  
10 Insurance or self-insurance (including any  
11 intergovernmental risk management association or  
12 self-insurance pool) claims, loss or risk management  
13 information, records, data, advice, or communications.

14 (t) Information contained in or related to  
15 examination, operating, or condition reports prepared by,  
16 on behalf of, or for the use of a public body responsible  
17 for the regulation or supervision of financial  
18 institutions, insurance companies, or pharmacy benefit  
19 managers, unless disclosure is otherwise required by State  
20 law.

21 (u) Information that would disclose or might lead to  
22 the disclosure of secret or confidential information,  
23 codes, algorithms, programs, or private keys intended to  
24 be used to create electronic signatures under the Uniform  
25 Electronic Transactions Act.

26 (v) Vulnerability assessments, security measures, and

1 response policies or plans that are designed to identify,  
2 prevent, or respond to potential attacks upon a  
3 community's population or systems, facilities, or  
4 installations, but only to the extent that disclosure  
5 could reasonably be expected to expose the vulnerability  
6 or jeopardize the effectiveness of the measures, policies,  
7 or plans, or the safety of the personnel who implement  
8 them or the public. Information exempt under this item may  
9 include such things as details pertaining to the  
10 mobilization or deployment of personnel or equipment, to  
11 the operation of communication systems or protocols, to  
12 cybersecurity vulnerabilities, or to tactical operations.

13 (w) (Blank).

14 (x) Maps and other records regarding the location or  
15 security of generation, transmission, distribution,  
16 storage, gathering, treatment, or switching facilities  
17 owned by a utility, by a power generator, or by the  
18 Illinois Power Agency.

19 (y) Information contained in or related to proposals,  
20 bids, or negotiations related to electric power  
21 procurement under Section 1-75 of the Illinois Power  
22 Agency Act and Section 16-111.5 of the Public Utilities  
23 Act that is determined to be confidential and proprietary  
24 by the Illinois Power Agency or by the Illinois Commerce  
25 Commission.

26 (z) Information about students exempted from

1 disclosure under Section 10-20.38 or 34-18.29 of the  
2 School Code, and information about undergraduate students  
3 enrolled at an institution of higher education exempted  
4 from disclosure under Section 25 of the Illinois Credit  
5 Card Marketing Act of 2009.

6 (aa) Information the disclosure of which is exempted  
7 under the Viatical Settlements Act of 2009.

8 (bb) Records and information provided to a mortality  
9 review team and records maintained by a mortality review  
10 team appointed under the Department of Juvenile Justice  
11 Mortality Review Team Act.

12 (cc) Information regarding interments, entombments, or  
13 inurnments of human remains that are submitted to the  
14 Cemetery Oversight Database under the Cemetery Care Act or  
15 the Cemetery Oversight Act, whichever is applicable.

16 (dd) Correspondence and records (i) that may not be  
17 disclosed under Section 11-9 of the Illinois Public Aid  
18 Code or (ii) that pertain to appeals under Section 11-8 of  
19 the Illinois Public Aid Code.

20 (ee) The names, addresses, or other personal  
21 information of persons who are minors and are also  
22 participants and registrants in programs of park  
23 districts, forest preserve districts, conservation  
24 districts, recreation agencies, and special recreation  
25 associations.

26 (ff) The names, addresses, or other personal



1 information of participants and registrants in programs of  
2 park districts, forest preserve districts, conservation  
3 districts, recreation agencies, and special recreation  
4 associations where such programs are targeted primarily to  
5 minors.

6 (gg) Confidential information described in Section  
7 1-100 of the Illinois Independent Tax Tribunal Act of  
8 2012.

9 (hh) The report submitted to the State Board of  
10 Education by the School Security and Standards Task Force  
11 under item (8) of subsection (d) of Section 2-3.160 of the  
12 School Code and any information contained in that report.

13 (ii) Records requested by persons committed to or  
14 detained by the Department of Human Services under the  
15 Sexually Violent Persons Commitment Act or committed to  
16 the Department of Corrections under the Sexually Dangerous  
17 Persons Act if those materials: (i) are available in the  
18 library of the facility where the individual is confined;  
19 (ii) include records from staff members' personnel files,  
20 staff rosters, or other staffing assignment information;  
21 or (iii) are available through an administrative request  
22 to the Department of Human Services or the Department of  
23 Corrections.

24 (jj) Confidential information described in Section  
25 5-535 of the Civil Administrative Code of Illinois.

26 (kk) The public body's credit card numbers, debit card

1 numbers, bank account numbers, Federal Employer  
2 Identification Number, security code numbers, passwords,  
3 and similar account information, the disclosure of which  
4 could result in identity theft or impersonation or defrauding  
5 of a governmental entity or a person.

6 (ll) Records concerning the work of the threat  
7 assessment team of a school district, including, but not  
8 limited to, any threat assessment procedure under the  
9 School Safety Drill Act and any information contained in  
10 the procedure.

11 (mm) Information prohibited from being disclosed under  
12 subsections (a) and (b) of Section 15 of the Student  
13 Confidential Reporting Act.

14 (nn) Proprietary information submitted to the  
15 Environmental Protection Agency under the Drug Take-Back  
16 Act.

17 (oo) Records described in subsection (f) of Section  
18 3-5-1 of the Unified Code of Corrections.

19 (pp) Any and all information regarding burials,  
20 interments, or entombments of human remains as required to  
21 be reported to the Department of Natural Resources  
22 pursuant either to the Archaeological and Paleontological  
23 Resources Protection Act or the Human Remains Protection  
24 Act.

25 (qq) ~~(pp)~~ Reports described in subsection (e) of  
26 Section 16-15 of the Abortion Care Clinical Training

1 Program Act.

2 (rr) ~~(pp)~~ Information obtained by a certified local  
3 health department under the Access to Public Health Data  
4 Act.

5 (ss) ~~(pp)~~ For a request directed to a public body that  
6 is also a HIPAA-covered entity, all information that is  
7 protected health information, including demographic  
8 information, that may be contained within or extracted  
9 from any record held by the public body in compliance with  
10 State and federal medical privacy laws and regulations,  
11 including, but not limited to, the Health Insurance  
12 Portability and Accountability Act and its regulations, 45  
13 CFR Parts 160 and 164. As used in this paragraph,  
14 "HIPAA-covered entity" has the meaning given to the term  
15 "covered entity" in 45 CFR 160.103 and "protected health  
16 information" has the meaning given to that term in 45 CFR  
17 160.103.

18 (1.5) Any information exempt from disclosure under the  
19 Judicial Privacy Act shall be redacted from public records  
20 prior to disclosure under this Act.

21 (2) A public record that is not in the possession of a  
22 public body but is in the possession of a party with whom the  
23 agency has contracted to perform a governmental function on  
24 behalf of the public body, and that directly relates to the  
25 governmental function and is not otherwise exempt under this  
26 Act, shall be considered a public record of the public body,

1 for purposes of this Act.

2 (3) This Section does not authorize withholding of  
3 information or limit the availability of records to the  
4 public, except as stated in this Section or otherwise provided  
5 in this Act.

6 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;  
7 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.  
8 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,  
9 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;  
10 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.  
11 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; revised  
12 9-7-23.)

13 (5 ILCS 140/7.5)

14 (Text of Section before amendment by P.A. 103-472)

15 Sec. 7.5. Statutory exemptions. To the extent provided for  
16 by the statutes referenced below, the following shall be  
17 exempt from inspection and copying:

18 (a) All information determined to be confidential  
19 under Section 4002 of the Technology Advancement and  
20 Development Act.

21 (b) Library circulation and order records identifying  
22 library users with specific materials under the Library  
23 Records Confidentiality Act.

24 (c) Applications, related documents, and medical  
25 records received by the Experimental Organ Transplantation

1 Procedures Board and any and all documents or other  
2 records prepared by the Experimental Organ Transplantation  
3 Procedures Board or its staff relating to applications it  
4 has received.

5 (d) Information and records held by the Department of  
6 Public Health and its authorized representatives relating  
7 to known or suspected cases of sexually transmissible  
8 disease or any information the disclosure of which is  
9 restricted under the Illinois Sexually Transmissible  
10 Disease Control Act.

11 (e) Information the disclosure of which is exempted  
12 under Section 30 of the Radon Industry Licensing Act.

13 (f) Firm performance evaluations under Section 55 of  
14 the Architectural, Engineering, and Land Surveying  
15 Qualifications Based Selection Act.

16 (g) Information the disclosure of which is restricted  
17 and exempted under Section 50 of the Illinois Prepaid  
18 Tuition Act.

19 (h) Information the disclosure of which is exempted  
20 under the State Officials and Employees Ethics Act, and  
21 records of any lawfully created State or local inspector  
22 general's office that would be exempt if created or  
23 obtained by an Executive Inspector General's office under  
24 that Act.

25 (i) Information contained in a local emergency energy  
26 plan submitted to a municipality in accordance with a

1 local emergency energy plan ordinance that is adopted  
2 under Section 11-21.5-5 of the Illinois Municipal Code.

3 (j) Information and data concerning the distribution  
4 of surcharge moneys collected and remitted by carriers  
5 under the Emergency Telephone System Act.

6 (k) Law enforcement officer identification information  
7 or driver identification information compiled by a law  
8 enforcement agency or the Department of Transportation  
9 under Section 11-212 of the Illinois Vehicle Code.

10 (l) Records and information provided to a residential  
11 health care facility resident sexual assault and death  
12 review team or the Executive Council under the Abuse  
13 Prevention Review Team Act.

14 (m) Information provided to the predatory lending  
15 database created pursuant to Article 3 of the Residential  
16 Real Property Disclosure Act, except to the extent  
17 authorized under that Article.

18 (n) Defense budgets and petitions for certification of  
19 compensation and expenses for court appointed trial  
20 counsel as provided under Sections 10 and 15 of the  
21 Capital Crimes Litigation Act or the Capital Crimes  
22 Litigation Act of 2024. This subsection (n) shall apply  
23 until the conclusion of the trial of the case, even if the  
24 prosecution chooses not to pursue the death penalty prior  
25 to trial or sentencing.

26 (o) Information that is prohibited from being

1 disclosed under Section 4 of the Illinois Health and  
2 Hazardous Substances Registry Act.

3 (p) Security portions of system safety program plans,  
4 investigation reports, surveys, schedules, lists, data, or  
5 information compiled, collected, or prepared by or for the  
6 Department of Transportation under Sections 2705-300 and  
7 2705-616 of the Department of Transportation Law of the  
8 Civil Administrative Code of Illinois, the Regional  
9 Transportation Authority under Section 2.11 of the  
10 Regional Transportation Authority Act, or the St. Clair  
11 County Transit District under the Bi-State Transit Safety  
12 Act (repealed).

13 (q) Information prohibited from being disclosed by the  
14 Personnel Record Review Act.

15 (r) Information prohibited from being disclosed by the  
16 Illinois School Student Records Act.

17 (s) Information the disclosure of which is restricted  
18 under Section 5-108 of the Public Utilities Act.

19 (t) (Blank).

20 (u) Records and information provided to an independent  
21 team of experts under the Developmental Disability and  
22 Mental Health Safety Act (also known as Brian's Law).

23 (v) Names and information of people who have applied  
24 for or received Firearm Owner's Identification Cards under  
25 the Firearm Owners Identification Card Act or applied for  
26 or received a concealed carry license under the Firearm

1 Concealed Carry Act, unless otherwise authorized by the  
2 Firearm Concealed Carry Act; and databases under the  
3 Firearm Concealed Carry Act, records of the Concealed  
4 Carry Licensing Review Board under the Firearm Concealed  
5 Carry Act, and law enforcement agency objections under the  
6 Firearm Concealed Carry Act.

7 (v-5) Records of the Firearm Owner's Identification  
8 Card Review Board that are exempted from disclosure under  
9 Section 10 of the Firearm Owners Identification Card Act.

10 (w) Personally identifiable information which is  
11 exempted from disclosure under subsection (g) of Section  
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure  
14 under Section 5-1014.3 of the Counties Code or Section  
15 8-11-21 of the Illinois Municipal Code.

16 (y) Confidential information under the Adult  
17 Protective Services Act and its predecessor enabling  
18 statute, the Elder Abuse and Neglect Act, including  
19 information about the identity and administrative finding  
20 against any caregiver of a verified and substantiated  
21 decision of abuse, neglect, or financial exploitation of  
22 an eligible adult maintained in the Registry established  
23 under Section 7.5 of the Adult Protective Services Act.

24 (z) Records and information provided to a fatality  
25 review team or the Illinois Fatality Review Team Advisory  
26 Council under Section 15 of the Adult Protective Services



1 Act.

2 (aa) Information which is exempted from disclosure  
3 under Section 2.37 of the Wildlife Code.

4 (bb) Information which is or was prohibited from  
5 disclosure by the Juvenile Court Act of 1987.

6 (cc) Recordings made under the Law Enforcement  
7 Officer-Worn Body Camera Act, except to the extent  
8 authorized under that Act.

9 (dd) Information that is prohibited from being  
10 disclosed under Section 45 of the Condominium and Common  
11 Interest Community Ombudsperson Act.

12 (ee) Information that is exempted from disclosure  
13 under Section 30.1 of the Pharmacy Practice Act.

14 (ff) Information that is exempted from disclosure  
15 under the Revised Uniform Unclaimed Property Act.

16 (gg) Information that is prohibited from being  
17 disclosed under Section 7-603.5 of the Illinois Vehicle  
18 Code.

19 (hh) Records that are exempt from disclosure under  
20 Section 1A-16.7 of the Election Code.

21 (ii) Information which is exempted from disclosure  
22 under Section 2505-800 of the Department of Revenue Law of  
23 the Civil Administrative Code of Illinois.

24 (jj) Information and reports that are required to be  
25 submitted to the Department of Labor by registering day  
26 and temporary labor service agencies but are exempt from

1 disclosure under subsection (a-1) of Section 45 of the Day  
2 and Temporary Labor Services Act.

3 (kk) Information prohibited from disclosure under the  
4 Seizure and Forfeiture Reporting Act.

5 (ll) Information the disclosure of which is restricted  
6 and exempted under Section 5-30.8 of the Illinois Public  
7 Aid Code.

8 (mm) Records that are exempt from disclosure under  
9 Section 4.2 of the Crime Victims Compensation Act.

10 (nn) Information that is exempt from disclosure under  
11 Section 70 of the Higher Education Student Assistance Act.

12 (oo) Communications, notes, records, and reports  
13 arising out of a peer support counseling session  
14 prohibited from disclosure under the First Responders  
15 Suicide Prevention Act.

16 (pp) Names and all identifying information relating to  
17 an employee of an emergency services provider or law  
18 enforcement agency under the First Responders Suicide  
19 Prevention Act.

20 (qq) Information and records held by the Department of  
21 Public Health and its authorized representatives collected  
22 under the Reproductive Health Act.

23 (rr) Information that is exempt from disclosure under  
24 the Cannabis Regulation and Tax Act.

25 (ss) Data reported by an employer to the Department of  
26 Human Rights pursuant to Section 2-108 of the Illinois

1 Human Rights Act.

2 (tt) Recordings made under the Children's Advocacy  
3 Center Act, except to the extent authorized under that  
4 Act.

5 (uu) Information that is exempt from disclosure under  
6 Section 50 of the Sexual Assault Evidence Submission Act.

7 (vv) Information that is exempt from disclosure under  
8 subsections (f) and (j) of Section 5-36 of the Illinois  
9 Public Aid Code.

10 (ww) Information that is exempt from disclosure under  
11 Section 16.8 of the State Treasurer Act.

12 (xx) Information that is exempt from disclosure or  
13 information that shall not be made public under the  
14 Illinois Insurance Code.

15 (yy) Information prohibited from being disclosed under  
16 the Illinois Educational Labor Relations Act.

17 (zz) Information prohibited from being disclosed under  
18 the Illinois Public Labor Relations Act.

19 (aaa) Information prohibited from being disclosed  
20 under Section 1-167 of the Illinois Pension Code.

21 (bbb) (Blank). ~~Information that is prohibited from~~  
22 ~~disclosure by the Illinois Police Training Act and the~~  
23 ~~Illinois State Police Act.~~

24 (ccc) Records exempt from disclosure under Section  
25 2605-304 of the Illinois State Police Law of the Civil  
26 Administrative Code of Illinois.

1 (ddd) Information prohibited from being disclosed  
2 under Section 35 of the Address Confidentiality for  
3 Victims of Domestic Violence, Sexual Assault, Human  
4 Trafficking, or Stalking Act.

5 (eee) Information prohibited from being disclosed  
6 under subsection (b) of Section 75 of the Domestic  
7 Violence Fatality Review Act.

8 (fff) Images from cameras under the Expressway Camera  
9 Act. This subsection (fff) is inoperative on and after  
10 July 1, 2025.

11 (ggg) Information prohibited from disclosure under  
12 paragraph (3) of subsection (a) of Section 14 of the Nurse  
13 Agency Licensing Act.

14 (hhh) Information submitted to the Illinois State  
15 Police in an affidavit or application for an assault  
16 weapon endorsement, assault weapon attachment endorsement,  
17 .50 caliber rifle endorsement, or .50 caliber cartridge  
18 endorsement under the Firearm Owners Identification Card  
19 Act.

20 (iii) Data exempt from disclosure under Section 50 of  
21 the School Safety Drill Act.

22 (jjj) ~~(hhh)~~ Information exempt from disclosure under  
23 Section 30 of the Insurance Data Security Law.

24 (kkk) ~~(iii)~~ Confidential business information  
25 prohibited from disclosure under Section 45 of the Paint  
26 Stewardship Act.

1 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;  
2 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.  
3 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;  
4 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.  
5 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,  
6 eff. 1-1-24; 103-508, eff. 8-4-23; revised 9-5-23.)

7 (Text of Section after amendment by P.A. 103-472)

8 Sec. 7.5. Statutory exemptions. To the extent provided for  
9 by the statutes referenced below, the following shall be  
10 exempt from inspection and copying:

11 (a) All information determined to be confidential  
12 under Section 4002 of the Technology Advancement and  
13 Development Act.

14 (b) Library circulation and order records identifying  
15 library users with specific materials under the Library  
16 Records Confidentiality Act.

17 (c) Applications, related documents, and medical  
18 records received by the Experimental Organ Transplantation  
19 Procedures Board and any and all documents or other  
20 records prepared by the Experimental Organ Transplantation  
21 Procedures Board or its staff relating to applications it  
22 has received.

23 (d) Information and records held by the Department of  
24 Public Health and its authorized representatives relating  
25 to known or suspected cases of sexually transmissible

1 disease or any information the disclosure of which is  
2 restricted under the Illinois Sexually Transmissible  
3 Disease Control Act.

4 (e) Information the disclosure of which is exempted  
5 under Section 30 of the Radon Industry Licensing Act.

6 (f) Firm performance evaluations under Section 55 of  
7 the Architectural, Engineering, and Land Surveying  
8 Qualifications Based Selection Act.

9 (g) Information the disclosure of which is restricted  
10 and exempted under Section 50 of the Illinois Prepaid  
11 Tuition Act.

12 (h) Information the disclosure of which is exempted  
13 under the State Officials and Employees Ethics Act, and  
14 records of any lawfully created State or local inspector  
15 general's office that would be exempt if created or  
16 obtained by an Executive Inspector General's office under  
17 that Act.

18 (i) Information contained in a local emergency energy  
19 plan submitted to a municipality in accordance with a  
20 local emergency energy plan ordinance that is adopted  
21 under Section 11-21.5-5 of the Illinois Municipal Code.

22 (j) Information and data concerning the distribution  
23 of surcharge moneys collected and remitted by carriers  
24 under the Emergency Telephone System Act.

25 (k) Law enforcement officer identification information  
26 or driver identification information compiled by a law

1 enforcement agency or the Department of Transportation  
2 under Section 11-212 of the Illinois Vehicle Code.

3 (l) Records and information provided to a residential  
4 health care facility resident sexual assault and death  
5 review team or the Executive Council under the Abuse  
6 Prevention Review Team Act.

7 (m) Information provided to the predatory lending  
8 database created pursuant to Article 3 of the Residential  
9 Real Property Disclosure Act, except to the extent  
10 authorized under that Article.

11 (n) Defense budgets and petitions for certification of  
12 compensation and expenses for court appointed trial  
13 counsel as provided under Sections 10 and 15 of the  
14 Capital Crimes Litigation Act or the Capital Crimes  
15 Litigation Act of 2024. This subsection (n) shall apply  
16 until the conclusion of the trial of the case, even if the  
17 prosecution chooses not to pursue the death penalty prior  
18 to trial or sentencing.

19 (o) Information that is prohibited from being  
20 disclosed under Section 4 of the Illinois Health and  
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,  
23 investigation reports, surveys, schedules, lists, data, or  
24 information compiled, collected, or prepared by or for the  
25 Department of Transportation under Sections 2705-300 and  
26 2705-616 of the Department of Transportation Law of the

1 Civil Administrative Code of Illinois, the Regional  
2 Transportation Authority under Section 2.11 of the  
3 Regional Transportation Authority Act, or the St. Clair  
4 County Transit District under the Bi-State Transit Safety  
5 Act (repealed).

6 (q) Information prohibited from being disclosed by the  
7 Personnel Record Review Act.

8 (r) Information prohibited from being disclosed by the  
9 Illinois School Student Records Act.

10 (s) Information the disclosure of which is restricted  
11 under Section 5-108 of the Public Utilities Act.

12 (t) (Blank).

13 (u) Records and information provided to an independent  
14 team of experts under the Developmental Disability and  
15 Mental Health Safety Act (also known as Brian's Law).

16 (v) Names and information of people who have applied  
17 for or received Firearm Owner's Identification Cards under  
18 the Firearm Owners Identification Card Act or applied for  
19 or received a concealed carry license under the Firearm  
20 Concealed Carry Act, unless otherwise authorized by the  
21 Firearm Concealed Carry Act; and databases under the  
22 Firearm Concealed Carry Act, records of the Concealed  
23 Carry Licensing Review Board under the Firearm Concealed  
24 Carry Act, and law enforcement agency objections under the  
25 Firearm Concealed Carry Act.

26 (v-5) Records of the Firearm Owner's Identification



1 Card Review Board that are exempted from disclosure under  
2 Section 10 of the Firearm Owners Identification Card Act.

3 (w) Personally identifiable information which is  
4 exempted from disclosure under subsection (g) of Section  
5 19.1 of the Toll Highway Act.

6 (x) Information which is exempted from disclosure  
7 under Section 5-1014.3 of the Counties Code or Section  
8 8-11-21 of the Illinois Municipal Code.

9 (y) Confidential information under the Adult  
10 Protective Services Act and its predecessor enabling  
11 statute, the Elder Abuse and Neglect Act, including  
12 information about the identity and administrative finding  
13 against any caregiver of a verified and substantiated  
14 decision of abuse, neglect, or financial exploitation of  
15 an eligible adult maintained in the Registry established  
16 under Section 7.5 of the Adult Protective Services Act.

17 (z) Records and information provided to a fatality  
18 review team or the Illinois Fatality Review Team Advisory  
19 Council under Section 15 of the Adult Protective Services  
20 Act.

21 (aa) Information which is exempted from disclosure  
22 under Section 2.37 of the Wildlife Code.

23 (bb) Information which is or was prohibited from  
24 disclosure by the Juvenile Court Act of 1987.

25 (cc) Recordings made under the Law Enforcement  
26 Officer-Worn Body Camera Act, except to the extent

1 authorized under that Act.

2 (dd) Information that is prohibited from being  
3 disclosed under Section 45 of the Condominium and Common  
4 Interest Community Ombudsperson Act.

5 (ee) Information that is exempted from disclosure  
6 under Section 30.1 of the Pharmacy Practice Act.

7 (ff) Information that is exempted from disclosure  
8 under the Revised Uniform Unclaimed Property Act.

9 (gg) Information that is prohibited from being  
10 disclosed under Section 7-603.5 of the Illinois Vehicle  
11 Code.

12 (hh) Records that are exempt from disclosure under  
13 Section 1A-16.7 of the Election Code.

14 (ii) Information which is exempted from disclosure  
15 under Section 2505-800 of the Department of Revenue Law of  
16 the Civil Administrative Code of Illinois.

17 (jj) Information and reports that are required to be  
18 submitted to the Department of Labor by registering day  
19 and temporary labor service agencies but are exempt from  
20 disclosure under subsection (a-1) of Section 45 of the Day  
21 and Temporary Labor Services Act.

22 (kk) Information prohibited from disclosure under the  
23 Seizure and Forfeiture Reporting Act.

24 (ll) Information the disclosure of which is restricted  
25 and exempted under Section 5-30.8 of the Illinois Public  
26 Aid Code.

1 (mm) Records that are exempt from disclosure under  
2 Section 4.2 of the Crime Victims Compensation Act.

3 (nn) Information that is exempt from disclosure under  
4 Section 70 of the Higher Education Student Assistance Act.

5 (oo) Communications, notes, records, and reports  
6 arising out of a peer support counseling session  
7 prohibited from disclosure under the First Responders  
8 Suicide Prevention Act.

9 (pp) Names and all identifying information relating to  
10 an employee of an emergency services provider or law  
11 enforcement agency under the First Responders Suicide  
12 Prevention Act.

13 (qq) Information and records held by the Department of  
14 Public Health and its authorized representatives collected  
15 under the Reproductive Health Act.

16 (rr) Information that is exempt from disclosure under  
17 the Cannabis Regulation and Tax Act.

18 (ss) Data reported by an employer to the Department of  
19 Human Rights pursuant to Section 2-108 of the Illinois  
20 Human Rights Act.

21 (tt) Recordings made under the Children's Advocacy  
22 Center Act, except to the extent authorized under that  
23 Act.

24 (uu) Information that is exempt from disclosure under  
25 Section 50 of the Sexual Assault Evidence Submission Act.

26 (vv) Information that is exempt from disclosure under

1 subsections (f) and (j) of Section 5-36 of the Illinois  
2 Public Aid Code.

3 (ww) Information that is exempt from disclosure under  
4 Section 16.8 of the State Treasurer Act.

5 (xx) Information that is exempt from disclosure or  
6 information that shall not be made public under the  
7 Illinois Insurance Code.

8 (yy) Information prohibited from being disclosed under  
9 the Illinois Educational Labor Relations Act.

10 (zz) Information prohibited from being disclosed under  
11 the Illinois Public Labor Relations Act.

12 (aaa) Information prohibited from being disclosed  
13 under Section 1-167 of the Illinois Pension Code.

14 (bbb) (Blank). ~~Information that is prohibited from~~  
15 ~~disclosure by the Illinois Police Training Act and the~~  
16 ~~Illinois State Police Act.~~

17 (ccc) Records exempt from disclosure under Section  
18 2605-304 of the Illinois State Police Law of the Civil  
19 Administrative Code of Illinois.

20 (ddd) Information prohibited from being disclosed  
21 under Section 35 of the Address Confidentiality for  
22 Victims of Domestic Violence, Sexual Assault, Human  
23 Trafficking, or Stalking Act.

24 (eee) Information prohibited from being disclosed  
25 under subsection (b) of Section 75 of the Domestic  
26 Violence Fatality Review Act.

1           (fff) Images from cameras under the Expressway Camera  
2 Act. This subsection (fff) is inoperative on and after  
3 July 1, 2025.

4           (ggg) Information prohibited from disclosure under  
5 paragraph (3) of subsection (a) of Section 14 of the Nurse  
6 Agency Licensing Act.

7           (hhh) Information submitted to the Illinois State  
8 Police in an affidavit or application for an assault  
9 weapon endorsement, assault weapon attachment endorsement,  
10 .50 caliber rifle endorsement, or .50 caliber cartridge  
11 endorsement under the Firearm Owners Identification Card  
12 Act.

13           (iii) Data exempt from disclosure under Section 50 of  
14 the School Safety Drill Act.

15           (jjj) ~~(hhh)~~ Information exempt from disclosure under  
16 Section 30 of the Insurance Data Security Law.

17           (kkk) ~~(iii)~~ Confidential business information  
18 prohibited from disclosure under Section 45 of the Paint  
19 Stewardship Act.

20           (lll) ~~(iii)~~ Data exempt from disclosure under Section  
21 2-3.196 of the School Code.

22 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;  
23 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.  
24 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;  
25 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.  
26 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,

1 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;  
2 revised 9-5-23.)

3 Section 2-350. The State Employee Indemnification Act is  
4 amended by changing Section 1 as follows:

5 (5 ILCS 350/1) (from Ch. 127, par. 1301)

6 Sec. 1. Definitions. For the purpose of this Act:

7 (a) The term "State" means the State of Illinois, the  
8 General Assembly, the court, or any State office, department,  
9 division, bureau, board, commission, or committee, the  
10 governing boards of the public institutions of higher  
11 education created by the State, the Illinois National Guard,  
12 the Illinois State Guard, the Comprehensive Health Insurance  
13 Board, any poison control center designated under the Poison  
14 Control System Act that receives State funding, or any other  
15 agency or instrumentality of the State. It does not mean any  
16 local public entity as that term is defined in Section 1-206 of  
17 the Local Governmental and Governmental Employees Tort  
18 Immunity Act or a pension fund.

19 (b) The term "employee" means: any present or former  
20 elected or appointed officer, trustee or employee of the  
21 State, or of a pension fund; any present or former  
22 commissioner or employee of the Executive Ethics Commission or  
23 of the Legislative Ethics Commission; any present or former  
24 Executive, Legislative, or Auditor General's Inspector

1 General; any present or former employee of an Office of an  
2 Executive, Legislative, or Auditor General's Inspector  
3 General; any present or former member of the Illinois National  
4 Guard while on active duty; any present or former member of the  
5 Illinois State Guard while on State active duty; individuals  
6 or organizations who contract with the Department of  
7 Corrections, the Department of Juvenile Justice, the  
8 Comprehensive Health Insurance Board, or the Department of  
9 Veterans' Affairs to provide services; individuals or  
10 organizations who contract with the Department of Human  
11 Services (as successor to the Department of Mental Health and  
12 Developmental Disabilities) to provide services including but  
13 not limited to treatment and other services for sexually  
14 violent persons; individuals or organizations who contract  
15 with the Department of Military Affairs for youth programs;  
16 individuals or organizations who contract to perform carnival  
17 and amusement ride safety inspections for the Department of  
18 Labor; individuals who contract with the Office of the State's  
19 Attorneys Appellate Prosecutor to provide legal services, but  
20 only when performing duties within the scope of the Office's  
21 prosecutorial activities; individual representatives of or  
22 designated organizations authorized to represent the Office of  
23 State Long-Term Ombudsman for the Department on Aging;  
24 individual representatives of or organizations designated by  
25 the Department on Aging in the performance of their duties as  
26 adult protective services agencies or regional administrative

1 agencies under the Adult Protective Services Act; individuals  
2 or organizations appointed as members of a review team or the  
3 Advisory Council under the Adult Protective Services Act;  
4 individuals or organizations who perform volunteer services  
5 for the State where such volunteer relationship is reduced to  
6 writing; individuals who serve on any public entity (whether  
7 created by law or administrative action) described in  
8 paragraph (a) of this Section; individuals or not for profit  
9 organizations who, either as volunteers, where such volunteer  
10 relationship is reduced to writing, or pursuant to contract,  
11 furnish professional advice or consultation to any agency or  
12 instrumentality of the State; individuals who serve as foster  
13 parents for the Department of Children and Family Services  
14 when caring for youth in care as defined in Section 4d of the  
15 Children and Family Services Act; individuals who serve as  
16 members of an independent team of experts under the  
17 Developmental Disability and Mental Health Safety Act (also  
18 known as Brian's Law); and individuals who serve as  
19 arbitrators pursuant to Part 10A of Article II of the Code of  
20 Civil Procedure and the rules of the Supreme Court  
21 implementing Part 10A, each as now or hereafter amended; ~~the~~  
22 ~~members of the Certification Review Panel under the Illinois~~  
23 ~~Police Training Act;~~ the term "employee" does not mean an  
24 independent contractor except as provided in this Section. The  
25 term includes an individual appointed as an inspector by the  
26 Director of the Illinois State Police when performing duties



1 within the scope of the activities of a Metropolitan  
2 Enforcement Group or a law enforcement organization  
3 established under the Intergovernmental Cooperation Act. An  
4 individual who renders professional advice and consultation to  
5 the State through an organization which qualifies as an  
6 "employee" under the Act is also an employee. The term  
7 includes the estate or personal representative of an employee.

8 (c) The term "pension fund" means a retirement system or  
9 pension fund created under the Illinois Pension Code.

10 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 1-1-22;  
11 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

12 Section 2-355. The Personnel Code is amended by changing  
13 Section 4c as follows:

14 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

15 Sec. 4c. General exemptions. The following positions in  
16 State service shall be exempt from jurisdictions A, B, and C,  
17 unless the jurisdictions shall be extended as provided in this  
18 Act:

19 (1) All officers elected by the people.

20 (2) All positions under the Lieutenant Governor,  
21 Secretary of State, State Treasurer, State Comptroller,  
22 State Board of Education, Clerk of the Supreme Court,  
23 Attorney General, and State Board of Elections.

24 (3) Judges, and officers and employees of the courts,

1 and notaries public.

2 (4) All officers and employees of the Illinois General  
3 Assembly, all employees of legislative commissions, all  
4 officers and employees of the Illinois Legislative  
5 Reference Bureau and the Legislative Printing Unit.

6 (5) All positions in the Illinois National Guard and  
7 Illinois State Guard, paid from federal funds or positions  
8 in the State Military Service filled by enlistment and  
9 paid from State funds.

10 (6) All employees of the Governor at the executive  
11 mansion and on his immediate personal staff.

12 (7) Directors of Departments, the Adjutant General,  
13 the Assistant Adjutant General, the Director of the  
14 Illinois Emergency Management Agency, members of boards  
15 and commissions, and all other positions appointed by the  
16 Governor by and with the consent of the Senate.

17 (8) The presidents, other principal administrative  
18 officers, and teaching, research and extension faculties  
19 of Chicago State University, Eastern Illinois University,  
20 Governors State University, Illinois State University,  
21 Northeastern Illinois University, Northern Illinois  
22 University, Western Illinois University, the Illinois  
23 Community College Board, Southern Illinois University,  
24 Illinois Board of Higher Education, University of  
25 Illinois, State Universities Civil Service System,  
26 University Retirement System of Illinois, and the

1 administrative officers and scientific and technical staff  
2 of the Illinois State Museum.

3 (9) All other employees except the presidents, other  
4 principal administrative officers, and teaching, research  
5 and extension faculties of the universities under the  
6 jurisdiction of the Board of Regents and the colleges and  
7 universities under the jurisdiction of the Board of  
8 Governors of State Colleges and Universities, Illinois  
9 Community College Board, Southern Illinois University,  
10 Illinois Board of Higher Education, Board of Governors of  
11 State Colleges and Universities, the Board of Regents,  
12 University of Illinois, State Universities Civil Service  
13 System, University Retirement System of Illinois, so long  
14 as these are subject to the provisions of the State  
15 Universities Civil Service Act.

16 (10) The Illinois State Police so long as they are  
17 subject to the merit provisions of the Illinois State  
18 Police Act. ~~Employees of the Illinois State Police Merit~~  
19 ~~Board are subject to the provisions of this Code.~~

20 (11) (Blank).

21 (12) The technical and engineering staffs of the  
22 Department of Transportation, the Division of Nuclear  
23 Safety at the Illinois Emergency Management Agency, the  
24 Pollution Control Board, and the Illinois Commerce  
25 Commission, and the technical and engineering staff  
26 providing architectural and engineering services in the

1 Department of Central Management Services.

2 (13) All employees of the Illinois State Toll Highway  
3 Authority.

4 (14) The Secretary of the Illinois Workers'  
5 Compensation Commission.

6 (15) All persons who are appointed or employed by the  
7 Director of Insurance under authority of Section 202 of  
8 the Illinois Insurance Code to assist the Director of  
9 Insurance in discharging his responsibilities relating to  
10 the rehabilitation, liquidation, conservation, and  
11 dissolution of companies that are subject to the  
12 jurisdiction of the Illinois Insurance Code.

13 (16) All employees of the St. Louis Metropolitan Area  
14 Airport Authority.

15 (17) All investment officers employed by the Illinois  
16 State Board of Investment.

17 (18) Employees of the Illinois Young Adult  
18 Conservation Corps program, administered by the Illinois  
19 Department of Natural Resources, authorized grantee under  
20 Title VIII of the Comprehensive Employment and Training  
21 Act of 1973, 29 U.S.C. 993.

22 (19) Seasonal employees of the Department of  
23 Agriculture for the operation of the Illinois State Fair  
24 and the DuQuoin State Fair, no one person receiving more  
25 than 29 days of such employment in any calendar year.

26 (20) All "temporary" employees hired under the

1 Department of Natural Resources' Illinois Conservation  
2 Service, a youth employment program that hires young  
3 people to work in State parks for a period of one year or  
4 less.

5 (21) All hearing officers of the Human Rights  
6 Commission.

7 (22) All employees of the Illinois Mathematics and  
8 Science Academy.

9 (23) All employees of the Kankakee River Valley Area  
10 Airport Authority.

11 (24) The commissioners and employees of the Executive  
12 Ethics Commission.

13 (25) The Executive Inspectors General, including  
14 special Executive Inspectors General, and employees of  
15 each Office of an Executive Inspector General.

16 (26) The commissioners and employees of the  
17 Legislative Ethics Commission.

18 (27) The Legislative Inspector General, including  
19 special Legislative Inspectors General, and employees of  
20 the Office of the Legislative Inspector General.

21 (28) The Auditor General's Inspector General and  
22 employees of the Office of the Auditor General's Inspector  
23 General.

24 (29) All employees of the Illinois Power Agency.

25 (30) Employees having demonstrable, defined advanced  
26 skills in accounting, financial reporting, or technical

1 expertise who are employed within executive branch  
2 agencies and whose duties are directly related to the  
3 submission to the Office of the Comptroller of financial  
4 information for the publication of the annual  
5 comprehensive financial report.

6 (31) All employees of the Illinois Sentencing Policy  
7 Advisory Council.

8 (Source: P.A. 102-291, eff. 8-6-21; 102-538, eff. 8-20-21;  
9 102-783, eff. 5-13-22; 102-813, eff. 5-13-22; 103-108, eff.  
10 6-27-23.)

11 Section 2-360. The Department of State Police Law of the  
12 Civil Administrative Code of Illinois is amended by changing  
13 Section 2605-50 as follows:

14 (20 ILCS 2605/2605-50) (was 20 ILCS 2605/55a-6)

15 Sec. 2605-50. Division of Internal Investigation. The  
16 Division of Internal Investigation shall have jurisdiction and  
17 initiate internal Illinois State Police investigations and, at  
18 the direction of the Governor, investigate complaints and  
19 initiate investigations of official misconduct by State  
20 officers and all State employees. ~~Notwithstanding any other~~  
21 ~~provisions of law, the Division shall serve as the~~  
22 ~~investigative body for the Illinois State Police for purposes~~  
23 ~~of compliance with the provisions of Sections 12.6 and 12.7 of~~  
24 ~~the Illinois State Police Act.~~

1 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;  
2 102-813, eff. 5-13-22.)

3 Section 2-365. The State Police Act is amended by changing  
4 Sections 3, 6, 8, and 9 as follows:

5 (20 ILCS 2610/3) (from Ch. 121, par. 307.3)

6 Sec. 3. The Governor shall appoint, by and with the advice  
7 and consent of the Senate, an Illinois State Police Merit  
8 Board, hereinafter called the Board, consisting of 5 ~~7~~ members  
9 to hold office from the third Monday in March of the year of  
10 their respective appointments for a term of 6 years and until  
11 their successors are appointed and qualified for a like term.  
12 ~~The Governor shall appoint new board members within 30 days~~  
13 ~~for the vacancies created under Public Act 101-652. Board~~  
14 ~~members shall be appointed to four year terms. No member shall~~  
15 ~~be appointed to more than 2 terms. In making the appointments,~~  
16 ~~the Governor shall make a good faith effort to appoint members~~  
17 ~~reflecting the geographic, ethnic, and cultural diversity of~~  
18 ~~this State. In making the appointments, the Governor should~~  
19 ~~also consider appointing: persons with professional~~  
20 ~~backgrounds, possessing legal, management, personnel, or labor~~  
21 ~~experience; at least one member with at least 10 years of~~  
22 ~~experience as a licensed physician or clinical psychologist~~  
23 ~~with expertise in mental health; and at least one member~~  
24 ~~affiliated with an organization committed to social and~~

1 ~~economic rights and to eliminating discrimination.~~ No more  
2 than 3 4 members of the Board shall be affiliated with the same  
3 political party. If the Senate is not in session at the time  
4 initial appointments are made pursuant to this Section, the  
5 Governor shall make temporary appointments as in the case of a  
6 vacancy. ~~In order to avoid actual conflicts of interest, or~~  
7 ~~the appearance of conflicts of interest, no board member shall~~  
8 ~~be a retired or former employee of the Illinois State Police.~~  
9 ~~When a Board member may have an actual, perceived, or~~  
10 ~~potential conflict of interest that could prevent the Board~~  
11 ~~member from making a fair and impartial decision on a~~  
12 ~~complaint or formal complaint against an Illinois State Police~~  
13 ~~officer, the Board member shall recuse himself or herself; or,~~  
14 ~~if the Board member fails to recuse himself or herself, then~~  
15 ~~the Board may, by a simple majority, vote to recuse the Board~~  
16 ~~member.~~

17 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;  
18 102-813, eff. 5-13-22.)

19 (20 ILCS 2610/6) (from Ch. 121, par. 307.6)

20 Sec. 6. The Board is authorized to employ such clerical  
21 and technical staff assistants, not to exceed fifteen, as may  
22 be necessary to enable the Board to transact its business and,  
23 if the rate of compensation is not otherwise fixed by law, to  
24 fix their compensation. ~~In order to avoid actual conflicts of~~  
25 ~~interest, or the appearance of conflicts of interest, no~~



1 ~~employee, contractor, clerical or technical staff shall be a~~  
2 ~~retired or former employee of the Illinois State Police. All~~  
3 ~~employees shall be subject to the Personnel Code.~~

4 (Source: P.A. 101-652, eff. 1-1-22.)

5 (20 ILCS 2610/8) (from Ch. 121, par. 307.8)

6 Sec. 8. Board jurisdiction.

7 ~~(a)~~ The Board shall exercise jurisdiction over the  
8 certification for appointment and promotion, and over the  
9 discipline, removal, demotion, and suspension of Illinois  
10 State Police officers. ~~The Board and the Illinois State Police~~  
11 ~~should also ensure Illinois State Police cadets and officers~~  
12 ~~represent the utmost integrity and professionalism and~~  
13 ~~represent the geographic, ethnic, and cultural diversity of~~  
14 ~~this State. The Board shall also exercise jurisdiction to~~  
15 ~~certify and terminate Illinois State Police officers in~~  
16 ~~compliance with certification standards consistent with~~  
17 ~~Sections 9, 11.5, and 12.6 of this Act.~~ Pursuant to recognized  
18 merit principles of public employment, the Board shall  
19 formulate, adopt, and put into effect rules, regulations, and  
20 procedures for its operation and the transaction of its  
21 business. The Board shall establish a classification of ranks  
22 of persons subject to its jurisdiction and shall set standards  
23 and qualifications for each rank. Each Illinois State Police  
24 officer appointed by the Director shall be classified as a  
25 State Police officer as follows: trooper, sergeant, master

1 sergeant, lieutenant, captain, major, or Special Agent.

2 ~~(b) The Board shall publish all standards and~~  
3 ~~qualifications for each rank, including Cadet, on its website.~~  
4 ~~This shall include, but not be limited to, all physical~~  
5 ~~fitness, medical, visual, and hearing standards. The Illinois~~  
6 ~~State Police shall cooperate with the Board by providing any~~  
7 ~~necessary information to complete this requirement.~~

8 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;  
9 102-813, eff. 5-13-22.)

10 (20 ILCS 2610/9) (from Ch. 121, par. 307.9)

11 Sec. 9. Appointment; qualifications.

12 (a) Except as otherwise provided in this Section, the  
13 appointment of Illinois State Police officers shall be made  
14 from those applicants who have been certified by the Board as  
15 being qualified for appointment. All persons so appointed  
16 shall, at the time of their appointment, be not less than 21  
17 years of age, or 20 years of age and have successfully  
18 completed an associate's degree or 60 credit hours at an  
19 accredited college or university. Any person appointed  
20 subsequent to successful completion of an associate's degree  
21 or 60 credit hours at an accredited college or university  
22 shall not have power of arrest, nor shall he or she be  
23 permitted to carry firearms, until he or she reaches 21 years  
24 of age. In addition, all persons so certified for appointment  
25 shall be of sound mind and body, be of good moral character, be

1 citizens of the United States, have no criminal records,  
2 possess such prerequisites of training, education, and  
3 experience as the Board may from time to time prescribe so long  
4 as persons who have an associate's degree or 60 credit hours at  
5 an accredited college or university are not disqualified, and  
6 shall be required to pass successfully such mental and  
7 physical tests and examinations as may be prescribed by the  
8 Board. A person who meets one of the following requirements is  
9 deemed to have met the collegiate educational requirements:

10 (i) has been honorably discharged and who has been  
11 awarded a Southwest Asia Service Medal, Kuwait Liberation  
12 Medal (Saudi Arabia), Kuwait Liberation Medal (Kuwait),  
13 Kosovo Campaign Medal, Korean Defense Service Medal,  
14 Afghanistan Campaign Medal, Iraq Campaign Medal, Global  
15 War on Terrorism Service Medal, Global War on Terrorism  
16 Expeditionary Medal, or Inherent Resolve Campaign Medal by  
17 the United States Armed Forces;

18 (ii) is an active member of the Illinois National  
19 Guard or a reserve component of the United States Armed  
20 Forces and who has been awarded a Southwest Asia Service  
21 Medal, Kuwait Liberation Medal (Saudi Arabia), Kuwait  
22 Liberation Medal (Kuwait), Kosovo Campaign Medal, Korean  
23 Defense Service Medal, Afghanistan Campaign Medal, Iraq  
24 Campaign Medal, Global War on Terrorism Service Medal,  
25 Global War on Terrorism Expeditionary Medal, or Inherent  
26 Resolve Campaign Medal as a result of honorable service

1 during deployment on active duty;

2 (iii) has been honorably discharged who served in a  
3 combat mission by proof of hostile fire pay or imminent  
4 danger pay during deployment on active duty;

5 (iv) has at least 3 years of full active and  
6 continuous United States Armed Forces duty, which shall  
7 also include a period of active duty with the State of  
8 Illinois under Title 10 or Title 32 of the United States  
9 Code pursuant to an order of the President or the Governor  
10 of the State of Illinois, and received an honorable  
11 discharge before hiring; or

12 (v) has successfully completed basic law enforcement  
13 training, has at least 3 years of continuous, full-time  
14 service as a peace officer with the same police  
15 department, and is currently serving as a peace officer  
16 when applying.

17 Preference shall be given in such appointments to persons  
18 who have honorably served in the United States Armed Forces.  
19 All appointees shall serve a probationary period of 12 months  
20 from the date of appointment and during that period may be  
21 discharged at the will of the Director. However, the Director  
22 may in his or her sole discretion extend the probationary  
23 period of an officer up to an additional 6 months when to do so  
24 is deemed in the best interest of the Illinois State Police.  
25 Nothing in this subsection (a) limits the Board's ability to  
26 prescribe education prerequisites or requirements to certify

1 Illinois State Police officers for promotion as provided in  
2 Section 10 of this Act.

3 (b) Notwithstanding the other provisions of this Act,  
4 after July 1, 1977 and before July 1, 1980, the Director of  
5 State Police may appoint and promote not more than 20 persons  
6 having special qualifications as special agents as he or she  
7 deems necessary to carry out the Department's objectives. Any  
8 such appointment or promotion shall be ratified by the Board.

9 (c) During the 90 days following March 31, 1995 (the  
10 effective date of Public Act 89-9), the Director of State  
11 Police may appoint up to 25 persons as State Police officers.  
12 These appointments shall be made in accordance with the  
13 requirements of this subsection (c) and any additional  
14 criteria that may be established by the Director, but are not  
15 subject to any other requirements of this Act. The Director  
16 may specify the initial rank for each person appointed under  
17 this subsection.

18 All appointments under this subsection (c) shall be made  
19 from personnel certified by the Board. A person certified by  
20 the Board and appointed by the Director under this subsection  
21 must have been employed by the Illinois Commerce Commission on  
22 November 30, 1994 in a job title subject to the Personnel Code  
23 and in a position for which the person was eligible to earn  
24 "eligible creditable service" as a "noncovered employee", as  
25 those terms are defined in Article 14 of the Illinois Pension  
26 Code.

1           Persons appointed under this subsection (c) shall  
2 thereafter be subject to the same requirements and procedures  
3 as other State police officers. A person appointed under this  
4 subsection must serve a probationary period of 12 months from  
5 the date of appointment, during which he or she may be  
6 discharged at the will of the Director.

7           This subsection (c) does not affect or limit the  
8 Director's authority to appoint other State Police officers  
9 under subsection (a) of this Section.

10           ~~(d) During the 180 days following January 1, 2022 (the~~  
11 ~~effective date of Public Act 101-652), the Director of the~~  
12 ~~Illinois State Police may appoint current Illinois State~~  
13 ~~Police employees serving in law enforcement officer positions~~  
14 ~~previously within Central Management Services as State Police~~  
15 ~~officers. These appointments shall be made in accordance with~~  
16 ~~the requirements of this subsection (d) and any institutional~~  
17 ~~criteria that may be established by the Director, but are not~~  
18 ~~subject to any other requirements of this Act. All~~  
19 ~~appointments under this subsection (d) shall be made from~~  
20 ~~personnel certified by the Board. A person certified by the~~  
21 ~~Board and appointed by the Director under this subsection must~~  
22 ~~have been employed by a State agency, board, or commission on~~  
23 ~~January 1, 2021 in a job title subject to the Personnel Code~~  
24 ~~and in a position for which the person was eligible to earn~~  
25 ~~"eligible creditable service" as a "noncovered employee", as~~  
26 ~~those terms are defined in Article 14 of the Illinois Pension~~

1 ~~Code. Persons appointed under this subsection (d) shall~~  
2 ~~thereafter be subject to the same requirements, and subject to~~  
3 ~~the same contractual benefits and obligations, as other State~~  
4 ~~police officers. This subsection (d) does not affect or limit~~  
5 ~~the Director's authority to appoint other State Police~~  
6 ~~officers under subsection (a) of this Section.~~

7 ~~(e) The Merit Board shall review Illinois State Police~~  
8 ~~Cadet applicants. The Illinois State Police may provide~~  
9 ~~background check and investigation material to the Board for~~  
10 ~~its review pursuant to this Section. The Board shall approve~~  
11 ~~and ensure that no cadet applicant is certified unless the~~  
12 ~~applicant is a person of good character and has not been~~  
13 ~~convicted of, or entered a plea of guilty to, a felony offense,~~  
14 ~~any of the misdemeanors specified in this Section or if~~  
15 ~~committed in any other state would be an offense similar to~~  
16 ~~Section 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14,~~  
17 ~~11-14.1, 11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1,~~  
18 ~~17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in~~  
19 ~~violation of any Section of Part E of Title III of the Criminal~~  
20 ~~Code of 1961 or the Criminal Code of 2012, 32-4a, or 32-7 of~~  
21 ~~the Criminal Code of 1961 or the Criminal Code of 2012, or~~  
22 ~~subsection (a) of Section 17-32 of the Criminal Code of 1961 or~~  
23 ~~the Criminal Code of 2012, to Section 5 or 5.2 of the Cannabis~~  
24 ~~Control Act, or any felony or misdemeanor in violation of~~  
25 ~~federal law or the law of any state that is the equivalent of~~  
26 ~~any of the offenses specified therein. The Officer~~

1 ~~Professional Conduct Database, provided for in Section 9.2 of~~  
2 ~~the Illinois Police Training Act, shall be searched as part of~~  
3 ~~this process. For purposes of this Section, "convicted of, or~~  
4 ~~entered a plea of guilty" regardless of whether the~~  
5 ~~adjudication of guilt or sentence is withheld or not entered~~  
6 ~~thereon. This includes sentences of supervision, conditional~~  
7 ~~discharge, or first offender probation, or any similar~~  
8 ~~disposition provided for by law.~~

9 ~~(f) The Board shall by rule establish an application fee~~  
10 ~~waiver program for any person who meets one or more of the~~  
11 ~~following criteria:~~

12 ~~(1) his or her available personal income is 200% or~~  
13 ~~less of the current poverty level; or~~

14 ~~(2) he or she is, in the discretion of the Board,~~  
15 ~~unable to proceed in an action with payment of application~~  
16 ~~fee and payment of that fee would result in substantial~~  
17 ~~hardship to the person or the person's family.~~

18 (Source: P.A. 102-538, eff. 8-20-21; 102-694, eff. 1-7-22;  
19 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-312, eff.  
20 1-1-24.)

21 (20 ILCS 2610/6.5 rep.)

22 (20 ILCS 2610/11.5 rep.)

23 (20 ILCS 2610/11.6 rep.)

24 (20 ILCS 2610/12.6 rep.)

25 (20 ILCS 2610/12.7 rep.)



1 (20 ILCS 2610/40.1 rep.)

2 (20 ILCS 2610/46 rep.)

3 Section 2-370. The State Police Act is amended by  
4 repealing Sections 6.5, 11.5, 11.6, 12.6, 12.7, 40.1, and 46.

5 Section 2-375. The Illinois Police Training Act is amended  
6 by changing Sections 2, 3, 6, 6.1, 7, 7.5, 8, 8.1, 8.2, 9, 10,  
7 10.1, 10.2, 10.3, 10.11, 10.18, 10.19, and 10.20 and by adding  
8 Section 10.5-1 as follows:

9 (50 ILCS 705/2) (from Ch. 85, par. 502)

10 Sec. 2. Definitions. As used in this Act, unless the  
11 context otherwise requires:

12 "Board" means the Illinois Law Enforcement Training  
13 Standards Board.

14 "Local governmental agency" means any local governmental  
15 unit or municipal corporation in this State. It does not  
16 include the State of Illinois or any office, officer,  
17 department, division, bureau, board, commission, or agency of  
18 the State, except that it does include a State-controlled  
19 university, college or public community college.

20 "Police training school" means any school located within  
21 the State of Illinois whether privately or publicly owned  
22 which offers a course in police or county corrections training  
23 and has been approved by the Board.

24 "Probationary police officer" means a recruit law

1 enforcement officer required to successfully complete initial  
2 minimum basic training requirements at a police training  
3 school to be eligible for permanent full-time employment as a  
4 local law enforcement officer.

5 "Probationary part-time police officer" means a recruit  
6 part-time law enforcement officer required to successfully  
7 complete initial minimum part-time training requirements to be  
8 eligible for employment on a part-time basis as a local law  
9 enforcement officer.

10 "Permanent police officer" means a law enforcement officer  
11 who has completed his or her probationary period and is  
12 permanently employed on a full-time basis as a local law  
13 enforcement officer by a participating local governmental unit  
14 or as a security officer or campus policeman permanently  
15 employed by a participating State-controlled university,  
16 college, or public community college.

17 "Part-time police officer" means a law enforcement officer  
18 who has completed his or her probationary period and is  
19 employed on a part-time basis as a law enforcement officer by a  
20 participating unit of local government or as a campus  
21 policeman by a participating State-controlled university,  
22 college, or public community college.

23 "Law enforcement officer" means (i) any police officer of  
24 a local governmental agency who is primarily responsible for  
25 prevention or detection of crime and the enforcement of the  
26 criminal code, traffic, or highway laws of this State or any

1 political subdivision of this State or (ii) any member of a  
2 police force appointed and maintained as provided in Section 2  
3 of the Railroad Police Act.

4 "Recruit" means any full-time or part-time law enforcement  
5 officer or full-time county corrections officer who is  
6 enrolled in an approved training course.

7 "Probationary county corrections officer" means a recruit  
8 county corrections officer required to successfully complete  
9 initial minimum basic training requirements at a police  
10 training school to be eligible for permanent employment on a  
11 full-time basis as a county corrections officer.

12 "Permanent county corrections officer" means a county  
13 corrections officer who has completed his probationary period  
14 and is permanently employed on a full-time basis as a county  
15 corrections officer by a participating local governmental  
16 unit.

17 "County corrections officer" means any sworn officer of  
18 the sheriff who is primarily responsible for the control and  
19 custody of offenders, detainees or inmates.

20 "Probationary court security officer" means a recruit  
21 court security officer required to successfully complete  
22 initial minimum basic training requirements at a designated  
23 training school to be eligible for employment as a court  
24 security officer.

25 "Permanent court security officer" means a court security  
26 officer who has completed his or her probationary period and

1 is employed as a court security officer by a participating  
2 local governmental unit.

3 "Court security officer" has the meaning ascribed to it in  
4 Section 3-6012.1 of the Counties Code.

5 ~~"Board" means the Illinois Law Enforcement Training~~  
6 ~~Standards Board.~~

7 ~~"Full time law enforcement officer" means a law~~  
8 ~~enforcement officer who has completed the officer's~~  
9 ~~probationary period and is employed on a full time basis as a~~  
10 ~~law enforcement officer by a local government agency, State~~  
11 ~~government agency, or as a campus police officer by a~~  
12 ~~university, college, or community college.~~

13 ~~"Law Enforcement agency" means any entity with statutory~~  
14 ~~police powers and the ability to employ individuals authorized~~  
15 ~~to make arrests. It does not include the Illinois State Police~~  
16 ~~as defined in the State Police Act. A law enforcement agency~~  
17 ~~may include any university, college, or community college.~~

18 ~~"Local law enforcement agency" means any law enforcement~~  
19 ~~unit of government or municipal corporation in this State. It~~  
20 ~~does not include the State of Illinois or any office, officer,~~  
21 ~~department, division, bureau, board, commission, or agency of~~  
22 ~~the State, except that it does include a State controlled~~  
23 ~~university, college or public community college.~~

24 ~~"State law enforcement agency" means any law enforcement~~  
25 ~~agency of this State. This includes any office, officer,~~  
26 ~~department, division, bureau, board, commission, or agency of~~

1 ~~the State. It does not include the Illinois State Police as~~  
2 ~~defined in the State Police Act.~~

3 ~~"Panel" means the Certification Review Panel.~~

4 ~~"Basic training school" means any school located within~~  
5 ~~the State of Illinois whether privately or publicly owned~~  
6 ~~which offers a course in basic law enforcement or county~~  
7 ~~corrections training and has been approved by the Board.~~

8 ~~"Probationary police officer" means a recruit law~~  
9 ~~enforcement officer required to successfully complete initial~~  
10 ~~minimum basic training requirements at a basic training school~~  
11 ~~to be eligible for permanent full-time employment as a local~~  
12 ~~law enforcement officer.~~

13 ~~"Probationary part-time police officer" means a recruit~~  
14 ~~part-time law enforcement officer required to successfully~~  
15 ~~complete initial minimum part-time training requirements to be~~  
16 ~~eligible for employment on a part-time basis as a local law~~  
17 ~~enforcement officer.~~

18 ~~"Permanent law enforcement officer" means a law~~  
19 ~~enforcement officer who has completed the officer's~~  
20 ~~probationary period and is permanently employed on a full-time~~  
21 ~~basis as a local law enforcement officer, as a security~~  
22 ~~officer, or campus police officer permanently employed by a~~  
23 ~~law enforcement agency.~~

24 ~~"Part-time law enforcement officer" means a law~~  
25 ~~enforcement officer who has completed the officer's~~  
26 ~~probationary period and is employed on a part-time basis as a~~

1 ~~law enforcement officer or as a campus police officer by a law~~  
2 ~~enforcement agency.~~

3 ~~"Law enforcement officer" means (i) any police officer of~~  
4 ~~a law enforcement agency who is primarily responsible for~~  
5 ~~prevention or detection of crime and the enforcement of the~~  
6 ~~criminal code, traffic, or highway laws of this State or any~~  
7 ~~political subdivision of this State or (ii) any member of a~~  
8 ~~police force appointed and maintained as provided in Section 2~~  
9 ~~of the Railroad Police Act.~~

10 ~~"Recruit" means any full time or part time law enforcement~~  
11 ~~officer or full-time county corrections officer who is~~  
12 ~~enrolled in an approved training course.~~

13 ~~"Review Committee" means the committee at the Board for~~  
14 ~~certification disciplinary cases in which the Panel, a law~~  
15 ~~enforcement officer, or a law enforcement agency may file for~~  
16 ~~reconsideration of a decertification decision made by the~~  
17 ~~Board.~~

18 ~~"Probationary county corrections officer" means a recruit~~  
19 ~~county corrections officer required to successfully complete~~  
20 ~~initial minimum basic training requirements at a basic~~  
21 ~~training school to be eligible for permanent employment on a~~  
22 ~~full-time basis as a county corrections officer.~~

23 ~~"Permanent county corrections officer" means a county~~  
24 ~~corrections officer who has completed the officer's~~  
25 ~~probationary period and is permanently employed on a full-time~~  
26 ~~basis as a county corrections officer by a participating law~~

1 ~~enforcement agency.~~

2 ~~"County corrections officer" means any sworn officer of~~  
3 ~~the sheriff who is primarily responsible for the control and~~  
4 ~~eustody of offenders, detainees or inmates.~~

5 ~~"Probationary court security officer" means a recruit~~  
6 ~~court security officer required to successfully complete~~  
7 ~~initial minimum basic training requirements at a designated~~  
8 ~~training school to be eligible for employment as a court~~  
9 ~~security officer.~~

10 ~~"Permanent court security officer" means a court security~~  
11 ~~officer who has completed the officer's probationary period~~  
12 ~~and is employed as a court security officer by a participating~~  
13 ~~law enforcement agency.~~

14 ~~"Court security officer" has the meaning ascribed to it in~~  
15 ~~Section 3-6012.1 of the Counties Code.~~

16 (Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22.)

17 (50 ILCS 705/3) (from Ch. 85, par. 503)

18 Sec. 3. Board; composition; appointments; tenure;  
19 vacancies.

20 (a) The Board shall be composed of 18 members selected as  
21 follows: The Attorney General of the State of Illinois, the  
22 Director of the Illinois State Police, the Director of  
23 Corrections, the Superintendent of the Chicago Police  
24 Department, the Sheriff of Cook County, the Clerk of the  
25 Circuit Court of Cook County, ~~who shall serve as ex officio~~

1 ~~members,~~ and the following to be appointed by the Governor: 2  
2 mayors or village presidents of Illinois municipalities, 2  
3 Illinois county sheriffs from counties other than Cook County,  
4 2 managers of Illinois municipalities, 2 chiefs of municipal  
5 police departments in Illinois having no Superintendent of the  
6 Police Department on the Board, 2 citizens of Illinois who  
7 shall be members of an organized enforcement officers'  
8 association, one active member of a statewide association  
9 representing sheriffs, and one active member of a statewide  
10 association representing municipal police chiefs. The  
11 appointments of the Governor shall be made on the first Monday  
12 of August in 1965 with 3 of the appointments to be for a period  
13 of one year, 3 for 2 years, and 3 for 3 years. Their successors  
14 shall be appointed in like manner for terms to expire the first  
15 Monday of August each 3 years thereafter. All members shall  
16 serve until their respective successors are appointed and  
17 qualify. Vacancies shall be filled by the Governor for the  
18 unexpired terms. ~~Any ex officio member may appoint a designee~~  
19 ~~to the Board who shall have the same powers and immunities~~  
20 ~~otherwise conferred to the member of the Board, including the~~  
21 ~~power to vote and be counted toward quorum, so long as the~~  
22 ~~member is not in attendance.~~

23 (a-5) Within the Board is created a Review Committee. The  
24 Review Committee shall review disciplinary cases in which the  
25 Panel, the law enforcement officer, or the law enforcement  
26 agency file for reconsideration of a decertification decision



1 made by the Board. The Review Committee shall be composed of 9  
2 annually rotating members from the Board appointed by the  
3 Board Chairman. One member of the Review Committee shall be  
4 designated by the Board Chairman as the Chair. The Review  
5 Committee shall sit in 3 member panels composed of one member  
6 representing law enforcement management, one member  
7 representing members of law enforcement, and one member who is  
8 not a current or former member of law enforcement.

9 ~~(b) When a Board member may have an actual, perceived, or~~  
10 ~~potential conflict of interest or appearance of bias that~~  
11 ~~could prevent the Board member from making a fair and~~  
12 ~~impartial decision regarding decertification:~~

13 ~~(1) The Board member shall recuse himself or herself.~~

14 ~~(2) If the Board member fails to recuse himself or~~  
15 ~~herself, then the Board may, by a simple majority of the~~  
16 ~~remaining members, vote to recuse the Board member. Board~~  
17 ~~members who are found to have voted on a matter in which~~  
18 ~~they should have recused themselves may be removed from~~  
19 ~~the Board by the Governor.~~

20 ~~A conflict of interest or appearance of bias may include,~~  
21 ~~but is not limited to, matters where one of the following is a~~  
22 ~~party to a decision on a decertification or formal complaint:~~  
23 ~~someone with whom the member has an employment relationship;~~  
24 ~~any of the following relatives: spouse, parents, children,~~  
25 ~~adopted children, legal wards, stepchildren, step parents,~~  
26 ~~step siblings, half siblings, siblings, parents in law,~~

1 ~~siblings in law, children in law, aunts, uncles, nieces, and~~  
2 ~~nephews; a friend; or a member of a professional organization,~~  
3 ~~association, or a union in which the member now actively~~  
4 ~~serves.~~

5 ~~(c) A vacancy in members does not prevent a quorum of the~~  
6 ~~remaining sitting members from exercising all rights and~~  
7 ~~performing all duties of the Board.~~

8 ~~(d) An individual serving on the Board shall not also~~  
9 ~~serve on the Panel.~~

10 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;  
11 102-694, eff. 1-7-22.)

12 (50 ILCS 705/6) (from Ch. 85, par. 506)

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

23 a. To require local governmental units to furnish such  
24 reports and information as the Board deems necessary to  
25 fully implement this Act.

1           b. To establish appropriate mandatory minimum  
2 standards relating to the training of probationary local  
3 police officers or probationary county corrections  
4 officers, and in-service training of permanent law  
5 enforcement officers.

6           c. To provide appropriate certification to those  
7 probationary officers who successfully complete the  
8 prescribed minimum standard basic training course.

9           d. To review and approve annual training curriculum  
10 for county sheriffs.

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

1 appoint investigators who shall enforce the duties  
2 conferred upon the Board by this Act.

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

11 ~~The Board shall select and certify schools within the State of~~  
12 ~~Illinois for the purpose of providing basic training for~~  
13 ~~probationary law enforcement officers, probationary county~~  
14 ~~corrections officers, and court security officers and of~~  
15 ~~providing advanced or in-service training for permanent law~~  
16 ~~enforcement officers or permanent county corrections officers,~~  
17 ~~which schools may be either publicly or privately owned and~~  
18 ~~operated. In addition, the Board has the following power and~~  
19 ~~duties:~~

20 ~~a. To require law enforcement agencies to furnish such~~  
21 ~~reports and information as the Board deems necessary to~~  
22 ~~fully implement this Act.~~

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

1 ~~law enforcement officers.~~

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

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

7 ~~e. To review and approve applicants to ensure that no~~  
8 ~~applicant is admitted to a certified academy unless the~~  
9 ~~applicant is a person of good character and has not been~~  
10 ~~convicted of, found guilty of, entered a plea of guilty~~  
11 ~~to, or entered a plea of nolo contendere to a felony~~  
12 ~~offense, any of the misdemeanors in Sections 11-1.50,~~  
13 ~~11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14, 11-14.1,~~  
14 ~~11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1, 17-2,~~  
15 ~~26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in~~  
16 ~~violation of any Section of Part E of Title III of the~~  
17 ~~Criminal Code of 1961 or the Criminal Code of 2012, or~~  
18 ~~subsection (a) of Section 17-32 of the Criminal Code of~~  
19 ~~1961 or the Criminal Code of 2012, or Section 5 or 5.2 of~~  
20 ~~the Cannabis Control Act, or a crime involving moral~~  
21 ~~turpitude under the laws of this State or any other state~~  
22 ~~which if committed in this State would be punishable as a~~  
23 ~~felony or a crime of moral turpitude, or any felony or~~  
24 ~~misdemeanor in violation of federal law or the law of any~~  
25 ~~state that is the equivalent of any of the offenses~~  
26 ~~specified therein. The Board may appoint investigators who~~

1 ~~shall enforce the duties conferred upon the Board by this~~  
2 ~~Act.~~

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

11 ~~f. To establish statewide standards for minimum~~  
12 ~~standards regarding regular mental health screenings for~~  
13 ~~probationary and permanent police officers, ensuring that~~  
14 ~~counseling sessions and screenings remain confidential.~~

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

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

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

1 ~~State. The Board and the Panel shall also have the power to~~  
2 ~~subpoena the production of documents, papers, files,~~  
3 ~~books, documents, and records, whether in physical or~~  
4 ~~electronic form, in support of the charges and for~~  
5 ~~defense, and in connection with a hearing or~~  
6 ~~investigation.~~

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

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

24 ~~l. The Board shall have the power to administer state~~  
25 ~~certification examinations. Any and all records related to~~  
26 ~~these examinations, including, but not limited to, test~~

1 ~~questions, test formats, digital files, answer responses,~~  
2 ~~answer keys, and scoring information shall be exempt from~~  
3 ~~disclosure.~~

4 ~~m. To make grants, subject to appropriation, to units~~  
5 ~~of local government and public institutions of higher~~  
6 ~~education for the purposes of hiring and retaining law~~  
7 ~~enforcement officers.~~

8 ~~n. To make grants, subject to appropriation, to local~~  
9 ~~law enforcement agencies for costs associated with the~~  
10 ~~expansion and support of National Integrated Ballistic~~  
11 ~~Information Network (NIBIN) and other ballistic technology~~  
12 ~~equipment for ballistic testing.~~

13 (Source: P.A. 102-687, eff. 12-17-21; 102-694, eff. 1-7-22;  
14 102-1115, eff. 1-9-23; 103-8, eff. 6-7-23.)

15 (50 ILCS 705/6.1)

16 Sec. 6.1. Decertification ~~Automatic decertification~~ of  
17 full-time and part-time police ~~law enforcement~~ officers.

18 (a) The Board must review police officer conduct and  
19 records to ensure that no police officer is certified or  
20 provided a valid waiver if that police officer has been  
21 convicted of, or entered a plea of guilty to, a felony offense  
22 under the laws of this State or any other state which if  
23 committed in this State would be punishable as a felony. The  
24 Board must also ensure that no or officer is certified or  
25 provided a valid waiver if that police officer has been



1 convicted of, or entered a plea of guilty to, any misdemeanor  
2 specified in this Section or if committed in any other state  
3 would be an offense similar to Section 11-1.50, 11-6, 11-9.1,  
4 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3,  
5 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of  
6 1961 or the Criminal Code of 2012, to subdivision (a)(1) or  
7 (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961 or  
8 the Criminal Code of 2012, or subsection (a) of Section 17-32  
9 of the Criminal Code of 1961 or the Criminal Code of 2012, or  
10 to Section 5 or 5.2 of the Cannabis Control Act. The Board must  
11 appoint investigators to enforce the duties conferred upon the  
12 Board by this Act.

13 (b) It is the responsibility of the sheriff or the chief  
14 executive officer of every local law enforcement agency or  
15 department within this State to report to the Board any  
16 arrest, conviction, or plea of guilty of any officer for an  
17 offense identified in this Section.

18 (c) It is the duty and responsibility of every full-time  
19 and part-time police officer in this State to report to the  
20 Board within 30 days, and the officer's sheriff or chief  
21 executive officer, of his or her arrest, conviction, or plea  
22 of guilty for an offense identified in this Section. Any  
23 full-time or part-time police officer who knowingly makes,  
24 submits, causes to be submitted, or files a false or  
25 untruthful report to the Board must have his or her  
26 certificate or waiver immediately decertified or revoked.

1       (d) Any person, or a local or State agency, or the Board is  
2 immune from liability for submitting, disclosing, or releasing  
3 information of arrests, convictions, or pleas of guilty in  
4 this Section as long as the information is submitted,  
5 disclosed, or released in good faith and without malice. The  
6 Board has qualified immunity for the release of the  
7 information.

8       (e) Any full-time or part-time police officer with a  
9 certificate or waiver issued by the Board who is convicted of,  
10 or entered a plea of guilty to, any offense described in this  
11 Section immediately becomes decertified or no longer has a  
12 valid waiver. The decertification and invalidity of waivers  
13 occurs as a matter of law. Failure of a convicted person to  
14 report to the Board his or her conviction as described in this  
15 Section or any continued law enforcement practice after  
16 receiving a conviction is a Class 4 felony.

17       (f) The Board's investigators are peace officers and have  
18 all the powers possessed by policemen in cities and by  
19 sheriffs, and these investigators may exercise those powers  
20 anywhere in the State. An investigator shall not have peace  
21 officer status or exercise police powers unless he or she  
22 successfully completes the basic police training course  
23 mandated and approved by the Board or the Board waives the  
24 training requirement by reason of the investigator's prior law  
25 enforcement experience, training, or both. The Board shall not  
26 wave the training requirement unless the investigator has had

1 a minimum of 5 years experience as a sworn officer of a local,  
2 State, or federal law enforcement agency.

3 (g) The Board must request and receive information and  
4 assistance from any federal, state, or local governmental  
5 agency as part of the authorized criminal background  
6 investigation. The Illinois State Police must process, retain,  
7 and additionally provide and disseminate information to the  
8 Board concerning criminal charges, arrests, convictions, and  
9 their disposition, that have been filed against a basic  
10 academy applicant, law enforcement applicant, or law  
11 enforcement officer whose fingerprint identification cards are  
12 on file or maintained by the Illinois State Police. The  
13 Federal Bureau of Investigation must provide the Board any  
14 criminal history record information contained in its files  
15 pertaining to law enforcement officers or any applicant to a  
16 Board certified basic law enforcement academy as described in  
17 this Act based on fingerprint identification. The Board must  
18 make payment of fees to the Illinois State Police for each  
19 fingerprint card submission in conformance with the  
20 requirements of paragraph 22 of Section 55a of the Civil  
21 Administrative Code of Illinois.

22 A police officer who has been certified or granted a valid  
23 waiver shall also be decertified or have his or her waiver  
24 revoked upon a determination by the Illinois Labor Relations  
25 Board State Panel that he or she, while under oath, has  
26 knowingly and willfully made false statements as to a material

1 fact going to an element of the offense of murder. If an appeal  
2 is filed, the determination shall be stayed.

3 (1) In the case of an acquittal on a charge of murder,  
4 a verified complaint may be filed:

5 (A) by the defendant; or

6 (B) by a police officer with personal knowledge of  
7 perjured testimony.

8 The complaint must allege that a police officer, while  
9 under oath, knowingly and willfully made false statements  
10 as to a material fact going to an element of the offense of  
11 murder. The verified complaint must be filed with the  
12 Executive Director of the Illinois Law Enforcement  
13 Training Standards Board within 2 years of the judgment of  
14 acquittal.

15 (2) Within 30 days, the Executive Director of the  
16 Illinois Law Enforcement Training Standards Board shall  
17 review the verified complaint and determine whether the  
18 verified complaint is frivolous and without merit, or  
19 whether further investigation is warranted. The Illinois  
20 Law Enforcement Training Standards Board shall notify the  
21 officer and the Executive Director of the Illinois Labor  
22 Relations Board State Panel of the filing of the complaint  
23 and any action taken thereon. If the Executive Director of  
24 the Illinois Law Enforcement Training Standards Board  
25 determines that the verified complaint is frivolous and  
26 without merit, it shall be dismissed. The Executive

1 Director of the Illinois Law Enforcement Training  
2 Standards Board has sole discretion to make this  
3 determination and this decision is not subject to appeal.

4 If the Executive Director of the Illinois Law Enforcement  
5 Training Standards Board determines that the verified  
6 complaint warrants further investigation, he or she shall  
7 refer the matter to a task force of investigators created for  
8 this purpose. This task force shall consist of 8 sworn police  
9 officers: 2 from the Illinois State Police, 2 from the City of  
10 Chicago Police Department, 2 from county police departments,  
11 and 2 from municipal police departments. These investigators  
12 shall have a minimum of 5 years of experience in conducting  
13 criminal investigations. The investigators shall be appointed  
14 by the Executive Director of the Illinois Law Enforcement  
15 Training Standards Board. Any officer or officers acting in  
16 this capacity pursuant to this statutory provision will have  
17 statewide police authority while acting in this investigative  
18 capacity. Their salaries and expenses for the time spent  
19 conducting investigations under this paragraph shall be  
20 reimbursed by the Illinois Law Enforcement Training Standards  
21 Board.

22 Once the Executive Director of the Illinois Law  
23 Enforcement Training Standards Board has determined that an  
24 investigation is warranted, the verified complaint shall be  
25 assigned to an investigator or investigators. The investigator  
26 or investigators shall conduct an investigation of the

1 verified complaint and shall write a report of his or her  
2 findings. This report shall be submitted to the Executive  
3 Director of the Illinois Labor Relations Board State Panel.

4 Within 30 days, the Executive Director of the Illinois  
5 Labor Relations Board State Panel shall review the  
6 investigative report and determine whether sufficient evidence  
7 exists to conduct an evidentiary hearing on the verified  
8 complaint. If the Executive Director of the Illinois Labor  
9 Relations Board State Panel determines upon his or her review  
10 of the investigatory report that a hearing should not be  
11 conducted, the complaint shall be dismissed. This decision is  
12 in the Executive Director's sole discretion, and this  
13 dismissal may not be appealed.

14 If the Executive Director of the Illinois Labor Relations  
15 Board State Panel determines that there is sufficient evidence  
16 to warrant a hearing, a hearing shall be ordered on the  
17 verified complaint, to be conducted by an administrative law  
18 judge employed by the Illinois Labor Relations Board State  
19 Panel. The Executive Director of the Illinois Labor Relations  
20 Board State Panel shall inform the Executive Director of the  
21 Illinois Law Enforcement Training Standards Board and the  
22 person who filed the complaint of either the dismissal of the  
23 complaint or the issuance of the complaint for hearing. The  
24 Executive Director shall assign the complaint to the  
25 administrative law judge within 30 days of the decision  
26 granting a hearing.

1       In the case of a finding of guilt on the offense of murder,  
2 if a new trial is granted on direct appeal, or a state  
3 post-conviction evidentiary hearing is ordered, based on a  
4 claim that a police officer, under oath, knowingly and  
5 willfully made false statements as to a material fact going to  
6 an element of the offense of murder, the Illinois Labor  
7 Relations Board State Panel shall hold a hearing to determine  
8 whether the officer should be decertified if an interested  
9 party requests such a hearing within 2 years of the court's  
10 decision. The complaint shall be assigned to an administrative  
11 law judge within 30 days so that a hearing can be scheduled.

12       At the hearing, the accused officer shall be afforded the  
13 opportunity to:

14           (1) Be represented by counsel of his or her own  
15 choosing;

16           (2) Be heard in his or her own defense;

17           (3) Produce evidence in his or her defense;

18           (4) Request that the Illinois Labor Relations Board  
19 State Panel compel the attendance of witnesses and  
20 production of related documents including but not limited  
21 to court documents and records.

22       Once a case has been set for hearing, the verified  
23 complaint shall be referred to the Department of Professional  
24 Regulation. That office shall prosecute the verified complaint  
25 at the hearing before the administrative law judge. The  
26 Department of Professional Regulation shall have the

1 opportunity to produce evidence to support the verified  
2 complaint and to request the Illinois Labor Relations Board  
3 State Panel to compel the attendance of witnesses and the  
4 production of related documents, including, but not limited  
5 to, court documents and records. The Illinois Labor Relations  
6 Board State Panel shall have the power to issue subpoenas  
7 requiring the attendance of and testimony of witnesses and the  
8 production of related documents including, but not limited to,  
9 court documents and records and shall have the power to  
10 administer oaths.

11 The administrative law judge shall have the responsibility  
12 of receiving into evidence relevant testimony and documents,  
13 including court records, to support or disprove the  
14 allegations made by the person filing the verified complaint  
15 and, at the close of the case, hear arguments. If the  
16 administrative law judge finds that there is not clear and  
17 convincing evidence to support the verified complaint that the  
18 police officer has, while under oath, knowingly and willfully  
19 made false statements as to a material fact going to an element  
20 of the offense of murder, the administrative law judge shall  
21 make a written recommendation of dismissal to the Illinois  
22 Labor Relations Board State Panel. If the administrative law  
23 judge finds that there is clear and convincing evidence that  
24 the police officer has, while under oath, knowingly and  
25 willfully made false statements as to a material fact that  
26 goes to an element of the offense of murder, the



1 administrative law judge shall make a written recommendation  
2 so concluding to the Illinois Labor Relations Board State  
3 Panel. The hearings shall be transcribed. The Executive  
4 Director of the Illinois Law Enforcement Training Standards  
5 Board shall be informed of the administrative law judge's  
6 recommended findings and decision and the Illinois Labor  
7 Relations Board State Panel's subsequent review of the  
8 recommendation.

9 An officer named in any complaint filed pursuant to this  
10 Act shall be indemnified for his or her reasonable attorney's  
11 fees and costs by his or her employer. These fees shall be paid  
12 in a regular and timely manner. The State, upon application by  
13 the public employer, shall reimburse the public employer for  
14 the accused officer's reasonable attorney's fees and costs. At  
15 no time and under no circumstances will the accused officer be  
16 required to pay his or her own reasonable attorney's fees or  
17 costs.

18 The accused officer shall not be placed on unpaid status  
19 because of the filing or processing of the verified complaint  
20 until there is a final non-appealable order sustaining his or  
21 her guilt and his or her certification is revoked. Nothing in  
22 this Act, however, restricts the public employer from pursuing  
23 discipline against the officer in the normal course and under  
24 procedures then in place.

25 The Illinois Labor Relations Board State Panel shall  
26 review the administrative law judge's recommended decision and

1 order and determine by a majority vote whether or not there was  
2 clear and convincing evidence that the accused officer, while  
3 under oath, knowingly and willfully made false statements as  
4 to a material fact going to the offense of murder. Within 30  
5 days of service of the administrative law judge's recommended  
6 decision and order, the parties may file exceptions to the  
7 recommended decision and order and briefs in support of their  
8 exceptions with the Illinois Labor Relations Board State  
9 Panel. The parties may file responses to the exceptions and  
10 briefs in support of the responses no later than 15 days after  
11 the service of the exceptions. If exceptions are filed by any  
12 of the parties, the Illinois Labor Relations Board State Panel  
13 shall review the matter and make a finding to uphold, vacate,  
14 or modify the recommended decision and order. If the Illinois  
15 Labor Relations Board State Panel concludes that there is  
16 clear and convincing evidence that the accused officer, while  
17 under oath, knowingly and willfully made false statements as  
18 to a material fact going to an element of the offense murder,  
19 the Illinois Labor Relations Board State Panel shall inform  
20 the Illinois Law Enforcement Training Standards Board and the  
21 Illinois Law Enforcement Training Standards Board shall revoke  
22 the accused officer's certification. If the accused officer  
23 appeals that determination to the Appellate Court, as provided  
24 by this Act, he or she may petition the Appellate Court to stay  
25 the revocation of his or her certification pending the court's  
26 review of the matter.

1 None of the Illinois Labor Relations Board State Panel's  
2 findings or determinations shall set any precedent in any of  
3 its decisions decided pursuant to the Illinois Public Labor  
4 Relations Act by the Illinois Labor Relations Board State  
5 Panel or the courts.

6 A party aggrieved by the final order of the Illinois Labor  
7 Relations Board State Panel may apply for and obtain judicial  
8 review of an order of the Illinois Labor Relations Board State  
9 Panel, in accordance with the provisions of the Administrative  
10 Review Law, except that such judicial review shall be afforded  
11 directly in the Appellate Court for the district in which the  
12 accused officer resides. Any direct appeal to the Appellate  
13 Court shall be filed within 35 days from the date that a copy  
14 of the decision sought to be reviewed was served upon the party  
15 affected by the decision.

16 Interested parties. Only interested parties to the  
17 criminal prosecution in which the police officer allegedly,  
18 while under oath, knowingly and willfully made false  
19 statements as to a material fact going to an element of the  
20 offense of murder may file a verified complaint pursuant to  
21 this Section. For purposes of this Section, "interested  
22 parties" shall be limited to the defendant and any police  
23 officer who has personal knowledge that the police officer who  
24 is the subject of the complaint has, while under oath,  
25 knowingly and willfully made false statements as to a material  
26 fact going to an element of the offense of murder.

1       Semi-annual reports. The Executive Director of the  
2       Illinois Labor Relations Board shall submit semi-annual  
3       reports to the Governor, President, and Minority Leader of the  
4       Senate, and to the Speaker and Minority Leader of the House of  
5       Representatives beginning on June 30, 2004, indicating:

6               (1) the number of verified complaints received since  
7               the date of the last report;

8               (2) the number of investigations initiated since the  
9               date of the last report;

10              (3) the number of investigations concluded since the  
11              date of the last report;

12              (4) the number of investigations pending as of the  
13              reporting date;

14              (5) the number of hearings held since the date of the  
15              last report; and

16              (6) the number of officers decertified since the date  
17              of the last report.

18       ~~(a) The Board must review law enforcement officer conduct~~  
19       ~~and records to ensure that no law enforcement officer is~~  
20       ~~certified or provided a valid waiver if that law enforcement~~  
21       ~~officer has been convicted of, found guilty of, entered a plea~~  
22       ~~of guilty to, or entered a plea of nolo contendere to, a felony~~  
23       ~~offense under the laws of this State or any other state which~~  
24       ~~if committed in this State would be punishable as a felony. The~~  
25       ~~Board must also ensure that no law enforcement officer is~~  
26       ~~certified or provided a valid waiver if that law enforcement~~

1 ~~officer has been convicted of, found guilty of, or entered a~~  
2 ~~plea of guilty to, on or after January 1, 2022 (the effective~~  
3 ~~date of Public Act 101-652) of any misdemeanor specified in~~  
4 ~~this Section or if committed in any other state would be an~~  
5 ~~offense similar to Section 11-1.50, 11-6, 11-6.5, 11-6.6,~~  
6 ~~11-9.1, 11-9.1B, 11-14, 11-14.1, 11-30, 12-2, 12-3.2, 12-3.4,~~  
7 ~~12-3.5, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1,~~  
8 ~~any misdemeanor in violation of any Section of Part E of Title~~  
9 ~~III of the Criminal Code of 1961 or the Criminal Code of 2012,~~  
10 ~~or subsection (a) of Section 17-32 of the Criminal Code of 1961~~  
11 ~~or the Criminal Code of 2012, or to Section 5 or 5.2 of the~~  
12 ~~Cannabis Control Act, or any felony or misdemeanor in~~  
13 ~~violation of federal law or the law of any state that is the~~  
14 ~~equivalent of any of the offenses specified therein. The Board~~  
15 ~~must appoint investigators to enforce the duties conferred~~  
16 ~~upon the Board by this Act.~~

17 ~~(a-1) For purposes of this Section, a person is "convicted~~  
18 ~~of, or entered a plea of guilty to, plea of nolo contendere to,~~  
19 ~~found guilty of" regardless of whether the adjudication of~~  
20 ~~guilt or sentence is withheld or not entered thereon. This~~  
21 ~~includes sentences of supervision, conditional discharge, or~~  
22 ~~first offender probation, or any similar disposition provided~~  
23 ~~for by law.~~

24 ~~(b) It is the responsibility of the sheriff or the chief~~  
25 ~~executive officer of every law enforcement agency or~~  
26 ~~department within this State to report to the Board any~~

1 ~~arrest, conviction, finding of guilt, plea of guilty, or plea~~  
2 ~~of nolo contendere to, of any officer for an offense~~  
3 ~~identified in this Section, regardless of whether the~~  
4 ~~adjudication of guilt or sentence is withheld or not entered~~  
5 ~~thereon, this includes sentences of supervision, conditional~~  
6 ~~discharge, or first offender probation.~~

7 ~~(c) It is the duty and responsibility of every full time~~  
8 ~~and part time law enforcement officer in this State to report~~  
9 ~~to the Board within 14 days, and the officer's sheriff or chief~~  
10 ~~executive officer, of the officer's arrest, conviction, found~~  
11 ~~guilty of, or plea of guilty for an offense identified in this~~  
12 ~~Section. Any full time or part time law enforcement officer~~  
13 ~~who knowingly makes, submits, causes to be submitted, or files~~  
14 ~~a false or untruthful report to the Board must have the~~  
15 ~~officer's certificate or waiver immediately decertified or~~  
16 ~~revoked.~~

17 ~~(d) Any person, or a local or State agency, or the Board is~~  
18 ~~immune from liability for submitting, disclosing, or releasing~~  
19 ~~information of arrests, convictions, or pleas of guilty in~~  
20 ~~this Section as long as the information is submitted,~~  
21 ~~disclosed, or released in good faith and without malice. The~~  
22 ~~Board has qualified immunity for the release of the~~  
23 ~~information.~~

24 ~~(e) Any full time or part time law enforcement officer~~  
25 ~~with a certificate or waiver issued by the Board who is~~  
26 ~~convicted of, found guilty of, or entered a plea of guilty to,~~

1 ~~er entered a plea of nolo contendere to any offense described~~  
2 ~~in this Section immediately becomes decertified or no longer~~  
3 ~~has a valid waiver. The decertification and invalidity of~~  
4 ~~waivers occurs as a matter of law. Failure of a convicted~~  
5 ~~person to report to the Board the officer's conviction as~~  
6 ~~described in this Section or any continued law enforcement~~  
7 ~~practice after receiving a conviction is a Class 4 felony.~~

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

15 ~~(f) The Board's investigators shall be law enforcement~~  
16 ~~officers as defined in Section 2 of this Act. The Board shall~~  
17 ~~not waive the training requirement unless the investigator has~~  
18 ~~had a minimum of 5 years experience as a sworn officer of a~~  
19 ~~local, State, or federal law enforcement agency. An~~  
20 ~~investigator shall not have been terminated for good cause,~~  
21 ~~decertified, had his or her law enforcement license or~~  
22 ~~certificate revoked in this or any other jurisdiction, or been~~  
23 ~~convicted of any of the conduct listed in subsection (a). Any~~  
24 ~~complaint filed against the Board's investigators shall be~~  
25 ~~investigated by the Illinois State Police.~~

26 ~~(g) The Board must request and receive information and~~

1 ~~assistance from any federal, state, local, or private~~  
2 ~~enforcement agency as part of the authorized criminal~~  
3 ~~background investigation. The Illinois State Police must~~  
4 ~~process, retain, and additionally provide and disseminate~~  
5 ~~information to the Board concerning criminal charges, arrests,~~  
6 ~~convictions, and their disposition, that have been filed~~  
7 ~~against a basic academy applicant, law enforcement applicant,~~  
8 ~~or law enforcement officer whose fingerprint identification~~  
9 ~~cards are on file or maintained by the Illinois State Police.~~  
10 ~~The Federal Bureau of Investigation must provide the Board any~~  
11 ~~criminal history record information contained in its files~~  
12 ~~pertaining to law enforcement officers or any applicant to a~~  
13 ~~Board certified basic law enforcement academy as described in~~  
14 ~~this Act based on fingerprint identification. The Board must~~  
15 ~~make payment of fees to the Illinois State Police for each~~  
16 ~~fingerprint card submission in conformance with the~~  
17 ~~requirements of paragraph 22 of Section 55a of the Civil~~  
18 ~~Administrative Code of Illinois.~~

19 ~~(g 5) Notwithstanding any provision of law to the~~  
20 ~~contrary, the changes to this Section made by this amendatory~~  
21 ~~Act of the 102nd General Assembly and Public Act 101-652 shall~~  
22 ~~apply prospectively only from July 1, 2022.~~

23 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;  
24 102-538, eff. 8-20-21; 102-694, eff. 1-7-22.)



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

4           a. The curriculum for probationary police ~~law~~  
5 ~~enforcement~~ officers which shall be offered by all  
6 certified schools shall include, but not be limited to,  
7 courses of procedural justice, arrest and use and control  
8 tactics, search and seizure, including temporary  
9 questioning, civil rights, human rights, human relations,  
10 cultural competency, including implicit bias and racial  
11 and ethnic sensitivity, criminal law, law of criminal  
12 procedure, constitutional and proper use of law  
13 enforcement authority, crisis intervention training,  
14 vehicle and traffic law including uniform and  
15 non-discriminatory enforcement of the Illinois Vehicle  
16 Code, traffic control and crash investigation, techniques  
17 of obtaining physical evidence, court testimonies,  
18 statements, reports, firearms training, training in the  
19 use of electronic control devices, including the  
20 psychological and physiological effects of the use of  
21 those devices on humans, first-aid (including  
22 cardiopulmonary resuscitation), training in the  
23 administration of opioid antagonists as defined in  
24 paragraph (1) of subsection (e) of Section 5-23 of the  
25 Substance Use Disorder Act, handling of juvenile  
26 offenders, recognition of mental conditions and crises,

1 including, but not limited to, the disease of addiction,  
2 which require immediate assistance and response and  
3 methods to safeguard and provide assistance to a person in  
4 need of mental treatment, recognition of abuse, neglect,  
5 financial exploitation, and self-neglect of adults with  
6 disabilities and older adults, as defined in Section 2 of  
7 the Adult Protective Services Act, crimes against the  
8 elderly, law of evidence, the hazards of high-speed police  
9 vehicle chases with an emphasis on alternatives to the  
10 high-speed chase, and physical training. The curriculum  
11 shall include specific training in techniques for  
12 immediate response to and investigation of cases of  
13 domestic violence and of sexual assault of adults and  
14 children, including cultural perceptions and common myths  
15 of sexual assault and sexual abuse as well as interview  
16 techniques that are age sensitive and are trauma informed,  
17 victim centered, and victim sensitive. The curriculum  
18 shall include training in techniques designed to promote  
19 effective communication at the initial contact with crime  
20 victims and ways to comprehensively explain to victims and  
21 witnesses their rights under the Rights of Crime Victims  
22 and Witnesses Act and the Crime Victims Compensation Act.  
23 The curriculum shall also include training in effective  
24 recognition of and responses to stress, trauma, and  
25 post-traumatic stress experienced by police ~~law~~  
26 ~~enforcement~~ officers that is consistent with Section 25 of

1 the Illinois Mental Health First Aid Training Act in a  
2 peer setting, including recognizing signs and symptoms of  
3 work-related cumulative stress, issues that may lead to  
4 suicide, and solutions for intervention with peer support  
5 resources. The curriculum shall include a block of  
6 instruction addressing the mandatory reporting  
7 requirements under the Abused and Neglected Child  
8 Reporting Act. The curriculum shall also include a block  
9 of instruction aimed at identifying and interacting with  
10 persons with autism and other developmental or physical  
11 disabilities, reducing barriers to reporting crimes  
12 against persons with autism, and addressing the unique  
13 challenges presented by cases involving victims or  
14 witnesses with autism and other developmental  
15 disabilities. The curriculum shall include training in the  
16 detection and investigation of all forms of human  
17 trafficking. The curriculum shall also include instruction  
18 in trauma-informed responses designed to ensure the  
19 physical safety and well-being of a child of an arrested  
20 parent or immediate family member; this instruction must  
21 include, but is not limited to: (1) understanding the  
22 trauma experienced by the child while maintaining the  
23 integrity of the arrest and safety of officers, suspects,  
24 and other involved individuals; (2) de-escalation tactics  
25 that would include the use of force when reasonably  
26 necessary; and (3) inquiring whether a child will require

1 supervision and care. ~~The curriculum for probationary law~~  
2 ~~enforcement officers shall include: (1) at least 12 hours~~  
3 ~~of hands on, scenario based role playing; (2) at least 6~~  
4 ~~hours of instruction on use of force techniques, including~~  
5 ~~the use of de escalation techniques to prevent or reduce~~  
6 ~~the need for force whenever safe and feasible; (3)~~  
7 ~~specific training on officer safety techniques, including~~  
8 ~~cover, concealment, and time; and (4) at least 6 hours of~~  
9 ~~training focused on high risk traffic stops. The~~  
10 curriculum for permanent police ~~law enforcement~~ officers  
11 shall include, but not be limited to: (1) refresher and  
12 in-service training in any of the courses listed above in  
13 this subparagraph, (2) advanced courses in any of the  
14 subjects listed above in this subparagraph, (3) training  
15 for supervisory personnel, and (4) specialized training in  
16 subjects and fields to be selected by the board. The  
17 training in the use of electronic control devices shall be  
18 conducted for probationary police ~~law enforcement~~  
19 officers, including University police officers. The  
20 curriculum shall also include training on the use of a  
21 firearms restraining order by providing instruction on the  
22 process used to file a firearms restraining order and how  
23 to identify situations in which a firearms restraining  
24 order is appropriate.

25 b. Minimum courses of study, attendance requirements  
26 and equipment requirements.

1 c. Minimum requirements for instructors.

2 d. Minimum basic training requirements, which a  
3 probationary police ~~law enforcement officer~~ must  
4 satisfactorily complete before being eligible for  
5 permanent employment as a local police ~~law enforcement~~  
6 officer for a participating local governmental ~~or State~~  
7 ~~governmental~~ agency. Those requirements shall include  
8 training in first aid (including cardiopulmonary  
9 resuscitation).

10 e. Minimum basic training requirements, which a  
11 probationary county corrections officer must  
12 satisfactorily complete before being eligible for  
13 permanent employment as a county corrections officer for a  
14 participating local governmental agency.

15 f. Minimum basic training requirements which a  
16 probationary court security officer must satisfactorily  
17 complete before being eligible for permanent employment as  
18 a court security officer for a participating local  
19 governmental agency. The Board shall establish those  
20 training requirements which it considers appropriate for  
21 court security officers and shall certify schools to  
22 conduct that training.

23 A person hired to serve as a court security officer  
24 must obtain from the Board a certificate (i) attesting to  
25 the officer's successful completion of the training  
26 course; (ii) attesting to the officer's satisfactory

1 completion of a training program of similar content and  
2 number of hours that has been found acceptable by the  
3 Board under the provisions of this Act; or (iii) attesting  
4 to the Board's determination that the training course is  
5 unnecessary because of the person's extensive prior law  
6 enforcement experience.

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

14 All individuals hired as court security officers on or  
15 after June 1, 1997 (the effective date of Public Act  
16 89-685) shall be certified within 12 months of the date of  
17 their hire, unless a waiver has been obtained by the  
18 Board, or they shall forfeit their positions.

19 The Sheriff's Merit Commission, if one exists, or the  
20 Sheriff's Office if there is no Sheriff's Merit  
21 Commission, shall maintain a list of all individuals who  
22 have filed applications to become court security officers  
23 and who meet the eligibility requirements established  
24 under this Act. Either the Sheriff's Merit Commission, or  
25 the Sheriff's Office if no Sheriff's Merit Commission  
26 exists, shall establish a schedule of reasonable intervals

1 for verification of the applicants' qualifications under  
2 this Act and as established by the Board.

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

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

21 ~~i. Minimum in-service training requirements as set~~  
22 ~~forth in Section 10.6.~~

23 Notwithstanding any provision of law to the contrary, the  
24 changes made to this Section by Public Act 101-652, Public Act  
25 102-28, and Public Act 102-694 take effect July 1, 2022.

26 (Source: P.A. 102-28, eff. 6-25-21; 102-345, eff. 6-1-22;

1 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-982, eff.  
2 7-1-23; 103-154, eff. 6-30-23.)

3 (50 ILCS 705/7.5)

4 Sec. 7.5. Police ~~Law enforcement~~ pursuit guidelines. The  
5 Board shall annually review police pursuit procedures and make  
6 available suggested police ~~law enforcement~~ pursuit guidelines  
7 for law enforcement agencies. This Section does not alter the  
8 effect of previously existing law, including the immunities  
9 established under the Local Governmental and Governmental  
10 Employees Tort Immunity Act.

11 (Source: P.A. 101-652, eff. 1-1-22.)

12 (50 ILCS 705/8) (from Ch. 85, par. 508)

13 Sec. 8. Participation required. All home rule local  
14 governmental units shall comply with Sections ~~6.3~~ 8.1~~7~~ and  
15 8.2 and any other mandatory provisions of this Act. This Act is  
16 a limitation on home rule powers under subsection (i) of  
17 Section 6 of Article VII of the Illinois Constitution.

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

19 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

20 Sec. 8.1. Full-time police ~~law enforcement~~ and county  
21 corrections officers.

22 (a) After January 1, 1976, no person shall receive a  
23 permanent appointment as a law enforcement officer as defined



1 in this Act nor shall any person receive, after the effective  
2 date of this amendatory Act of 1984, a permanent appointment  
3 as a county corrections officer unless that person has been  
4 awarded, within 6 months of his or her initial full-time  
5 employment, a certificate attesting to his or her successful  
6 completion of the Minimum Standards Basic Law Enforcement and  
7 County Correctional Training Course as prescribed by the  
8 Board; or has been awarded a certificate attesting to his or  
9 her satisfactory completion of a training program of similar  
10 content and number of hours and which course has been found  
11 acceptable by the Board under the provisions of this Act; or by  
12 reason of extensive prior law enforcement or county  
13 corrections experience the basic training requirement is  
14 determined by the Board to be illogical and unreasonable.

15 If such training is required and not completed within the  
16 applicable 6 months, then the officer must forfeit his or her  
17 position, or the employing agency must obtain a waiver from  
18 the Board extending the period for compliance. Such waiver  
19 shall be issued only for good and justifiable reasons, and in  
20 no case shall extend more than 90 days beyond the initial 6  
21 months. Any hiring agency that fails to train a law  
22 enforcement officer within this period shall be prohibited  
23 from employing this individual in a law enforcement capacity  
24 for one year from the date training was to be completed. If an  
25 agency again fails to train the individual a second time, the  
26 agency shall be permanently barred from employing this

1 individual in a law enforcement capacity.

2 (b) No provision of this Section shall be construed to  
3 mean that a law enforcement officer employed by a local  
4 governmental agency at the time of the effective date of this  
5 amendatory Act, either as a probationary police officer or as  
6 a permanent police officer, shall require certification under  
7 the provisions of this Section. No provision of this Section  
8 shall be construed to mean that a county corrections officer  
9 employed by a local governmental agency at the time of the  
10 effective date of this amendatory Act of 1984, either as a  
11 probationary county corrections or as a permanent county  
12 corrections officer, shall require certification under the  
13 provisions of this Section. No provision of this Section shall  
14 be construed to apply to certification of elected county  
15 sheriffs.

16 (c) This Section does not apply to part-time police  
17 officers or probationary part-time police officers.

18 ~~(a) No person shall receive a permanent appointment as a~~  
19 ~~law enforcement officer or a permanent appointment as a county~~  
20 ~~corrections officer unless that person has been awarded,~~  
21 ~~within 6 months of the officer's initial full-time employment,~~  
22 ~~a certificate attesting to the officer's successful completion~~  
23 ~~of the Minimum Standards Basic Law Enforcement or County~~  
24 ~~Correctional Training Course as prescribed by the Board; or~~  
25 ~~has been awarded a certificate attesting to the officer's~~  
26 ~~satisfactory completion of a training program of similar~~

1 ~~content and number of hours and which course has been found~~  
2 ~~acceptable by the Board under the provisions of this Act; or a~~  
3 ~~training waiver by reason of prior law enforcement or county~~  
4 ~~corrections experience, obtained in Illinois, in any other~~  
5 ~~state, or with an agency of the federal government, the basic~~  
6 ~~training requirement is determined by the Board to be~~  
7 ~~illogical and unreasonable. Agencies seeking a reciprocity~~  
8 ~~waiver for training completed outside of Illinois must conduct~~  
9 ~~a thorough background check and provide verification of the~~  
10 ~~officer's prior training. After review and satisfaction of all~~  
11 ~~requested conditions, the officer shall be awarded an~~  
12 ~~equivalency certificate satisfying the requirements of this~~  
13 ~~Section. Within 60 days after the effective date of this~~  
14 ~~amendatory Act of the 103rd General Assembly, the Board shall~~  
15 ~~adopt uniform rules providing for a waiver process for a~~  
16 ~~person previously employed and qualified as a law enforcement~~  
17 ~~or county corrections officer under federal law or the laws of~~  
18 ~~any other state, or who has completed a basic law enforcement~~  
19 ~~officer or correctional officer academy who would be qualified~~  
20 ~~to be employed as a law enforcement officer or correctional~~  
21 ~~officer by the federal government or any other state. These~~  
22 ~~rules shall address the process for evaluating prior training~~  
23 ~~credit, a description and list of the courses typically~~  
24 ~~required for reciprocity candidates to complete prior to~~  
25 ~~taking the exam, and a procedure for employers seeking a~~  
26 ~~pre activation determination for a reciprocity training~~

1 ~~waiver. The rules shall provide that any eligible person~~  
2 ~~previously trained as a law enforcement or county corrections~~  
3 ~~officer under federal law or the laws of any other state shall~~  
4 ~~successfully complete the following prior to the approval of a~~  
5 ~~waiver:~~

6 ~~(1) a training program or set of coursework approved~~  
7 ~~by the Board on the laws of this State relevant to the~~  
8 ~~duties and training requirements of law enforcement and~~  
9 ~~county correctional officers;~~

10 ~~(2) firearms training; and~~

11 ~~(3) successful passage of the equivalency~~  
12 ~~certification examination.~~

13 ~~If such training is required and not completed within the~~  
14 ~~applicable 6 months, then the officer must forfeit the~~  
15 ~~officer's position, or the employing agency must obtain a~~  
16 ~~waiver from the Board extending the period for compliance.~~  
17 ~~Such waiver shall be issued only for good and justifiable~~  
18 ~~reasons, and in no case shall extend more than 90 days beyond~~  
19 ~~the initial 6 months. Any hiring agency that fails to train a~~  
20 ~~law enforcement officer within this period shall be prohibited~~  
21 ~~from employing this individual in a law enforcement capacity~~  
22 ~~for one year from the date training was to be completed. If an~~  
23 ~~agency again fails to train the individual a second time, the~~  
24 ~~agency shall be permanently barred from employing this~~  
25 ~~individual in a law enforcement capacity.~~

26 ~~An individual who is not certified by the Board or whose~~

~~certified status is inactive shall not function as a law enforcement officer, be assigned the duties of a law enforcement officer by an employing agency, or be authorized to carry firearms under the authority of the employer, except as otherwise authorized to carry a firearm under State or federal law. Sheriffs who are elected as of January 1, 2022 (the effective date of Public Act 101-652) are exempt from the requirement of certified status. Failure to be certified in accordance with this Act shall cause the officer to forfeit the officer's position.~~

~~An employing agency may not grant a person status as a law enforcement officer unless the person has been granted an active law enforcement officer certification by the Board.~~

~~(b) Inactive status. A person who has an inactive law enforcement officer certification has no law enforcement authority.~~

~~(1) A law enforcement officer's certification becomes inactive upon termination, resignation, retirement, or separation from the officer's employing law enforcement agency for any reason. The Board shall re-activate a certification upon written application from the law enforcement officer's law enforcement agency that shows the law enforcement officer: (i) has accepted a full-time law enforcement position with that law enforcement agency, (ii) is not the subject of a decertification proceeding, and (iii) meets all other criteria for re activation~~

1 ~~required by the Board. The Board may also establish~~  
2 ~~special training requirements to be completed as a~~  
3 ~~condition for re-activation.~~

4 ~~The Board shall review a notice for reactivation from~~  
5 ~~a law enforcement agency and provide a response within 30~~  
6 ~~days. The Board may extend this review. A law enforcement~~  
7 ~~officer shall be allowed to be employed as a full time law~~  
8 ~~enforcement officer while the law enforcement officer~~  
9 ~~reactivation waiver is under review.~~

10 ~~A law enforcement officer who is refused reactivation~~  
11 ~~or an employing agency of a law enforcement officer who is~~  
12 ~~refused reactivation under this Section may request a~~  
13 ~~hearing in accordance with the hearing procedures as~~  
14 ~~outlined in subsection (h) of Section 6.3 of this Act.~~

15 ~~The Board may refuse to re-activate the certification~~  
16 ~~of a law enforcement officer who was involuntarily~~  
17 ~~terminated for good cause by an employing agency for~~  
18 ~~conduct subject to decertification under this Act or~~  
19 ~~resigned or retired after receiving notice of a law~~  
20 ~~enforcement agency's investigation.~~

21 ~~(2) A law enforcement agency may place an officer who~~  
22 ~~is currently certified on inactive status by sending a~~  
23 ~~written request to the Board. A law enforcement officer~~  
24 ~~whose certificate has been placed on inactive status shall~~  
25 ~~not function as a law enforcement officer until the~~  
26 ~~officer has completed any requirements for reactivating~~

1 ~~the certificate as required by the Board. A request for~~  
2 ~~inactive status in this subsection shall be in writing,~~  
3 ~~accompanied by verifying documentation, and shall be~~  
4 ~~submitted to the Board with a copy to the chief~~  
5 ~~administrator of the law enforcement officer's current or~~  
6 ~~new employing agency.~~

7 ~~(3) Certification that has become inactive under~~  
8 ~~paragraph (2) of this subsection (b) shall be reactivated~~  
9 ~~by written notice from the law enforcement officer's~~  
10 ~~agency upon a showing that the law enforcement officer:~~  
11 ~~(i) is employed in a full-time law enforcement position~~  
12 ~~with the same law enforcement agency, (ii) is not the~~  
13 ~~subject of a decertification proceeding, and (iii) meets~~  
14 ~~all other criteria for re-activation required by the~~  
15 ~~Board.~~

16 ~~(4) Notwithstanding paragraph (3) of this subsection~~  
17 ~~(b), a law enforcement officer whose certification has~~  
18 ~~become inactive under paragraph (2) may have the officer's~~  
19 ~~employing agency submit a request for a waiver of training~~  
20 ~~requirements to the Board in writing and accompanied by~~  
21 ~~any verifying documentation. A grant of a waiver is within~~  
22 ~~the discretion of the Board. Within 7 days of receiving a~~  
23 ~~request for a waiver under this Section, the Board shall~~  
24 ~~notify the law enforcement officer and the chief~~  
25 ~~administrator of the law enforcement officer's employing~~  
26 ~~agency, whether the request has been granted, denied, or~~

1 ~~if the Board will take additional time for information. A~~  
2 ~~law enforcement agency whose request for a waiver under~~  
3 ~~this subsection is denied is entitled to request a review~~  
4 ~~of the denial by the Board. The law enforcement agency~~  
5 ~~must request a review within 20 days of the waiver being~~  
6 ~~denied. The burden of proof shall be on the law~~  
7 ~~enforcement agency to show why the law enforcement officer~~  
8 ~~is entitled to a waiver of the legislatively required~~  
9 ~~training and eligibility requirements.~~

10 ~~(c) No provision of this Section shall be construed to~~  
11 ~~mean that a county corrections officer employed by a~~  
12 ~~governmental agency at the time of the effective date of this~~  
13 ~~amendatory Act, either as a probationary county corrections~~  
14 ~~officer or as a permanent county corrections officer, shall~~  
15 ~~require certification under the provisions of this Section. No~~  
16 ~~provision of this Section shall be construed to apply to~~  
17 ~~certification of elected county sheriffs.~~

18 ~~(d) Within 14 days, a law enforcement officer shall report~~  
19 ~~to the Board: (1) any name change; (2) any change in~~  
20 ~~employment; or (3) the filing of any criminal indictment or~~  
21 ~~charges against the officer alleging that the officer~~  
22 ~~committed any offense as enumerated in Section 6.1 of this~~  
23 ~~Act.~~

24 ~~(e) All law enforcement officers must report the~~  
25 ~~completion of the training requirements required in this Act~~  
26 ~~in compliance with Section 8.4 of this Act.~~



1       ~~(e-1) Each employing law enforcement agency shall allow~~  
2       ~~and provide an opportunity for a law enforcement officer to~~  
3       ~~complete the mandated requirements in this Act. All mandated~~  
4       ~~training shall be provided at no cost to the employees.~~  
5       ~~Employees shall be paid for all time spent attending mandated~~  
6       ~~training.~~

7       ~~(e-2) Each agency, academy, or training provider shall~~  
8       ~~maintain proof of a law enforcement officer's completion of~~  
9       ~~legislatively required training in a format designated by the~~  
10       ~~Board. The report of training shall be submitted to the Board~~  
11       ~~within 30 days following completion of the training. A copy of~~  
12       ~~the report shall be submitted to the law enforcement officer.~~  
13       ~~Upon receipt of a properly completed report of training, the~~  
14       ~~Board will make the appropriate entry into the training~~  
15       ~~records of the law enforcement officer.~~

16       ~~(f) This Section does not apply to part time law~~  
17       ~~enforcement officers or probationary part time law enforcement~~  
18       ~~officers.~~

19       ~~(g) Notwithstanding any provision of law to the contrary,~~  
20       ~~the changes made to this Section by Public Act 101-652, Public~~  
21       ~~Act 102-28, and Public Act 102-694 take effect July 1, 2022.~~

22       (Source: P.A. 102-28, eff. 6-25-21; 102-694, eff. 1-7-22;  
23       103-154, eff. 6-30-23; 103-389, eff. 1-1-24.)

24       (50 ILCS 705/8.2)

25       Sec. 8.2. Part-time police law enforcement officers.

1       (a) A person hired to serve as a part-time police officer  
2 must obtain from the Board a certificate (i) attesting to his  
3 or her successful completion of the part-time police training  
4 course; (ii) attesting to his or her satisfactory completion  
5 of a training program of similar content and number of hours  
6 that has been found acceptable by the Board under the  
7 provisions of this Act; or (iii) attesting to the Board's  
8 determination that the part-time police training course is  
9 unnecessary because of the person's extensive prior law  
10 enforcement experience. A person hired on or after March 14,  
11 2002 (the effective date of Public Act 92-533) must obtain  
12 this certificate within 18 months after the initial date of  
13 hire as a probationary part-time police officer in the State  
14 of Illinois. The probationary part-time police officer must be  
15 enrolled and accepted into a Board-approved course within 6  
16 months after active employment by any department in the State.  
17 A person hired on or after January 1, 1996 and before March 14,  
18 2002 (the effective date of Public Act 92-533) must obtain  
19 this certificate within 18 months after the date of hire. A  
20 person hired before January 1, 1996 must obtain this  
21 certificate within 24 months after January 1, 1996 (the  
22 effective date of Public Act 89-170).

23       The employing agency may seek a waiver from the Board  
24 extending the period for compliance. A waiver shall be issued  
25 only for good and justifiable reasons, and the probationary  
26 part-time police officer may not practice as a part-time

1 police officer during the waiver period. If training is  
2 required and not completed within the applicable time period,  
3 as extended by any waiver that may be granted, then the officer  
4 must forfeit his or her position.

5 (b) (Blank).

6 (c) The part-time police training course referred to in  
7 this Section shall be of similar content and the same number of  
8 hours as the courses for full-time officers and shall be  
9 provided by Mobile Team In-Service Training Units under the  
10 Intergovernmental Law Enforcement Officer's In-Service  
11 Training Act or by another approved program or facility in a  
12 manner prescribed by the Board.

13 (d) For the purposes of this Section, the Board shall  
14 adopt rules defining what constitutes employment on a  
15 part-time basis.

16 ~~(a) A person hired to serve as a part time law enforcement~~  
17 ~~officer must obtain from the Board a certificate (i) attesting~~  
18 ~~to the officer's successful completion of the part time police~~  
19 ~~training course; (ii) attesting to the officer's satisfactory~~  
20 ~~completion of a training program of similar content and number~~  
21 ~~of hours that has been found acceptable by the Board under the~~  
22 ~~provisions of this Act; or (iii) a training waiver attesting~~  
23 ~~to the Board's determination that the part time police~~  
24 ~~training course is unnecessary because of the person's prior~~  
25 ~~law enforcement experience obtained in Illinois, in any other~~  
26 ~~state, or with an agency of the federal government. A person~~

1 ~~hired on or after the effective date of this amendatory Act of~~  
2 ~~the 92nd General Assembly must obtain this certificate within~~  
3 ~~18 months after the initial date of hire as a probationary~~  
4 ~~part-time law enforcement officer in the State of Illinois.~~  
5 ~~The probationary part-time law enforcement officer must be~~  
6 ~~enrolled and accepted into a Board approved course within 6~~  
7 ~~months after active employment by any department in the State.~~  
8 ~~A person hired on or after January 1, 1996 and before the~~  
9 ~~effective date of this amendatory Act of the 92nd General~~  
10 ~~Assembly must obtain this certificate within 18 months after~~  
11 ~~the date of hire. A person hired before January 1, 1996 must~~  
12 ~~obtain this certificate within 24 months after the effective~~  
13 ~~date of this amendatory Act of 1995. Agencies seeking a~~  
14 ~~reciprocity waiver for training completed outside of Illinois~~  
15 ~~must conduct a thorough background check and provide~~  
16 ~~verification of the officer's prior training. After review and~~  
17 ~~satisfaction of all requested conditions, the officer shall be~~  
18 ~~awarded an equivalency certificate satisfying the requirements~~  
19 ~~of this Section. Within 60 days after the effective date of~~  
20 ~~this amendatory Act of the 103rd General Assembly, the Board~~  
21 ~~shall adopt uniform rules providing for a waiver process for a~~  
22 ~~person previously employed and qualified as a law enforcement~~  
23 ~~or county corrections officer under federal law or the laws of~~  
24 ~~any other state, or who has completed a basic law enforcement~~  
25 ~~officer or correctional officer academy who would be qualified~~  
26 ~~to be employed as a law enforcement officer or correctional~~

1 ~~officer by the federal government or any other state. These~~  
2 ~~rules shall address the process for evaluating prior training~~  
3 ~~credit, a description and list of the courses typically~~  
4 ~~required for reciprocity candidates to complete prior to~~  
5 ~~taking the exam, and a procedure for employers seeking a~~  
6 ~~pre activation determination for a reciprocity training~~  
7 ~~waiver. The rules shall provide that any eligible person~~  
8 ~~previously trained as a law enforcement or county corrections~~  
9 ~~officer under federal law or the laws of any other state shall~~  
10 ~~successfully complete the following prior to the approval of a~~  
11 ~~waiver:~~

12 ~~(1) a training program or set of coursework approved~~  
13 ~~by the Board on the laws of this State relevant to the~~  
14 ~~duties and training requirements of law enforcement and~~  
15 ~~county correctional officers;~~

16 ~~(2) firearms training; and~~

17 ~~(3) successful passage of the equivalency~~  
18 ~~certification examination.~~

19 ~~The employing agency may seek an extension waiver from the~~  
20 ~~Board extending the period for compliance. An extension waiver~~  
21 ~~shall be issued only for good and justifiable reasons, and the~~  
22 ~~probationary part time law enforcement officer may not~~  
23 ~~practice as a part time law enforcement officer during the~~  
24 ~~extension waiver period. If training is required and not~~  
25 ~~completed within the applicable time period, as extended by~~  
26 ~~any waiver that may be granted, then the officer must forfeit~~

1 ~~the officer's position.~~

2 ~~An individual who is not certified by the Board or whose~~  
3 ~~certified status is inactive shall not function as a law~~  
4 ~~enforcement officer, be assigned the duties of a law~~  
5 ~~enforcement officer by an agency, or be authorized to carry~~  
6 ~~firearms under the authority of the employer, except that~~  
7 ~~sheriffs who are elected are exempt from the requirement of~~  
8 ~~certified status. Failure to be in accordance with this Act~~  
9 ~~shall cause the officer to forfeit the officer's position.~~

10 ~~(a 5) A part time probationary law enforcement officer~~  
11 ~~shall be allowed to complete six months of a part time police~~  
12 ~~training course and function as a law enforcement officer as~~  
13 ~~permitted by this subsection with a waiver from the Board,~~  
14 ~~provided the part time law enforcement officer is still~~  
15 ~~enrolled in the training course. If the part time probationary~~  
16 ~~law enforcement officer withdraws from the course for any~~  
17 ~~reason or does not complete the course within the applicable~~  
18 ~~time period, as extended by any waiver that may be granted,~~  
19 ~~then the officer must forfeit the officer's position. A~~  
20 ~~probationary law enforcement officer must function under the~~  
21 ~~following rules:~~

22 ~~(1) A law enforcement agency may not grant a person~~  
23 ~~status as a law enforcement officer unless the person has~~  
24 ~~been granted an active law enforcement officer~~  
25 ~~certification by the Board.~~

26 ~~(2) A part time probationary law enforcement officer~~

1 ~~shall not be used as a permanent replacement for a~~  
2 ~~full-time law enforcement.~~

3 ~~(3) A part-time probationary law enforcement officer~~  
4 ~~shall be directly supervised at all times by a Board~~  
5 ~~certified law enforcement officer. Direct supervision~~  
6 ~~requires oversight and control with the supervisor having~~  
7 ~~final decision-making authority as to the actions of the~~  
8 ~~recruit during duty hours.~~

9 ~~(b) Inactive status. A person who has an inactive law~~  
10 ~~enforcement officer certification has no law enforcement~~  
11 ~~authority.~~

12 ~~(1) A law enforcement officer's certification becomes~~  
13 ~~inactive upon termination, resignation, retirement, or~~  
14 ~~separation from the employing agency for any reason. The~~  
15 ~~Board shall re-activate a certification upon written~~  
16 ~~application from the law enforcement officer's employing~~  
17 ~~agency that shows the law enforcement officer: (i) has~~  
18 ~~accepted a part-time law enforcement position with that a~~  
19 ~~law enforcement agency, (ii) is not the subject of a~~  
20 ~~decertification proceeding, and (iii) meets all other~~  
21 ~~criteria for re-activation required by the Board.~~

22 ~~The Board may refuse to re-activate the certification~~  
23 ~~of a law enforcement officer who was involuntarily~~  
24 ~~terminated for good cause by the officer's employing~~  
25 ~~agency for conduct subject to decertification under this~~  
26 ~~Act or resigned or retired after receiving notice of a law~~

1 ~~enforcement agency's investigation.~~

2 ~~(2) A law enforcement agency may place an officer who~~  
3 ~~is currently certified on inactive status by sending a~~  
4 ~~written request to the Board. A law enforcement officer~~  
5 ~~whose certificate has been placed on inactive status shall~~  
6 ~~not function as a law enforcement officer until the~~  
7 ~~officer has completed any requirements for reactivating~~  
8 ~~the certificate as required by the Board. A request for~~  
9 ~~inactive status in this subsection shall be in writing,~~  
10 ~~accompanied by verifying documentation, and shall be~~  
11 ~~submitted to the Board by the law enforcement officer's~~  
12 ~~employing agency.~~

13 ~~(3) Certification that has become inactive under~~  
14 ~~paragraph (2) of this subsection (b), shall be reactivated~~  
15 ~~by written notice from the law enforcement officer's law~~  
16 ~~enforcement agency upon a showing that the law enforcement~~  
17 ~~officer is: (i) employed in a part time law enforcement~~  
18 ~~position with the same law enforcement agency, (ii) not~~  
19 ~~the subject of a decertification proceeding, and (iii)~~  
20 ~~meets all other criteria for re-activation required by the~~  
21 ~~Board. The Board may also establish special training~~  
22 ~~requirements to be completed as a condition for~~  
23 ~~re-activation.~~

24 ~~The Board shall review a notice for reactivation from~~  
25 ~~a law enforcement agency and provide a response within 30~~  
26 ~~days. The Board may extend this review. A law enforcement~~



1 ~~officer shall be allowed to be employed as a part-time law~~  
2 ~~enforcement officer while the law enforcement officer~~  
3 ~~reactivation waiver is under review.~~

4 ~~A law enforcement officer who is refused reactivation~~  
5 ~~or an employing agency of a law enforcement officer who is~~  
6 ~~refused reactivation under this Section may request a~~  
7 ~~hearing in accordance with the hearing procedures as~~  
8 ~~outlined in subsection (h) of Section 6.3 of this Act.~~

9 ~~(4) Notwithstanding paragraph (3) of this Section, a~~  
10 ~~law enforcement officer whose certification has become~~  
11 ~~inactive under paragraph (2) may have the officer's~~  
12 ~~employing agency submit a request for a waiver of training~~  
13 ~~requirements to the Board in writing and accompanied by~~  
14 ~~any verifying documentation. A grant of a waiver is within~~  
15 ~~the discretion of the Board. Within 7 days of receiving a~~  
16 ~~request for a waiver under this section, the Board shall~~  
17 ~~notify the law enforcement officer and the chief~~  
18 ~~administrator of the law enforcement officer's employing~~  
19 ~~agency, whether the request has been granted, denied, or~~  
20 ~~if the Board will take additional time for information. A~~  
21 ~~law enforcement agency or law enforcement officer, whose~~  
22 ~~request for a waiver under this subsection is denied, is~~  
23 ~~entitled to request a review of the denial by the Board.~~  
24 ~~The law enforcement agency must request a review within 20~~  
25 ~~days after the waiver being denied. The burden of proof~~  
26 ~~shall be on the law enforcement agency to show why the law~~

1 ~~enforcement officer is entitled to a waiver of the~~  
2 ~~legislatively required training and eligibility~~  
3 ~~requirements.~~

4 ~~(c) The part-time police training course referred to in~~  
5 ~~this Section shall be of similar content and the same number of~~  
6 ~~hours as the courses for full-time officers and shall be~~  
7 ~~provided by Mobile Team In Service Training Units under the~~  
8 ~~Intergovernmental Law Enforcement Officer's In Service~~  
9 ~~Training Act or by another approved program or facility in a~~  
10 ~~manner prescribed by the Board.~~

11 ~~(d) Within 14 days, a law enforcement officer shall report~~  
12 ~~to the Board: (1) any name change; (2) any change in~~  
13 ~~employment; or (3) the filing of any criminal indictment or~~  
14 ~~charges against the officer alleging that the officer~~  
15 ~~committed any offense as enumerated in Section 6.1 of this~~  
16 ~~Act.~~

17 ~~(e) All law enforcement officers must report the~~  
18 ~~completion of the training requirements required in this Act~~  
19 ~~in compliance with Section 8.4 of this Act.~~

20 ~~(e-1) Each employing agency shall allow and provide an~~  
21 ~~opportunity for a law enforcement officer to complete the~~  
22 ~~requirements in this Act. All mandated training shall be~~  
23 ~~provided for at no cost to the employees. Employees shall be~~  
24 ~~paid for all time spent attending mandated training.~~

25 ~~(e-2) Each agency, academy, or training provider shall~~  
26 ~~maintain proof of a law enforcement officer's completion of~~

1 ~~legislatively required training in a format designated by the~~  
2 ~~Board. The report of training shall be submitted to the Board~~  
3 ~~within 30 days following completion of the training. A copy of~~  
4 ~~the report shall be submitted to the law enforcement officer.~~  
5 ~~Upon receipt of a properly completed report of training, the~~  
6 ~~Board will make the appropriate entry into the training~~  
7 ~~records of the law enforcement officer.~~

8 ~~(f) For the purposes of this Section, the Board shall~~  
9 ~~adopt rules defining what constitutes employment on a~~  
10 ~~part time basis.~~

11 ~~(g) Notwithstanding any provision of law to the contrary,~~  
12 ~~the changes made to this Section by this amendatory Act of the~~  
13 ~~102nd General Assembly and Public Act 101-652 take effect July~~  
14 ~~1, 2022.~~

15 (Source: P.A. 102-694, eff. 1-7-22; 103-389, eff. 1-1-24.)

16 (50 ILCS 705/9) (from Ch. 85, par. 509)

17 Sec. 9. A special fund is hereby established in the State  
18 Treasury to be known as the Traffic and Criminal Conviction  
19 Surcharge Fund. Moneys in this Fund shall be expended as  
20 follows:

21 (1) a portion of the total amount deposited in the  
22 Fund may be used, as appropriated by the General Assembly,  
23 for the ordinary and contingent expenses of the Illinois  
24 Law Enforcement Training Standards Board;

25 (2) a portion of the total amount deposited in the

1 Fund shall be appropriated for the reimbursement of local  
2 governmental agencies participating in training programs  
3 certified by the Board, in an amount equaling 1/2 of the  
4 total sum paid by such agencies during the State's  
5 previous fiscal year for mandated training for  
6 probationary police ~~law enforcement~~ officers or  
7 probationary county corrections officers and for optional  
8 advanced and specialized law enforcement or county  
9 corrections training; these reimbursements may include the  
10 costs for tuition at training schools, the salaries of  
11 trainees while in schools, and the necessary travel and  
12 room and board expenses for each trainee; if the  
13 appropriations under this paragraph (2) are not sufficient  
14 to fully reimburse the participating local governmental  
15 agencies, the available funds shall be apportioned among  
16 such agencies, with priority first given to repayment of  
17 the costs of mandatory training given to law enforcement  
18 officer or county corrections officer recruits, then to  
19 repayment of costs of advanced or specialized training for  
20 permanent police ~~law enforcement~~ officers or permanent  
21 county corrections officers;

22 (3) a portion of the total amount deposited in the  
23 Fund may be used to fund the Intergovernmental Law  
24 Enforcement Officer's In-Service Training Act, veto  
25 overridden October 29, 1981, as now or hereafter amended,  
26 at a rate and method to be determined by the board;

1           (4) a portion of the Fund also may be used by the  
2 Illinois State Police for expenses incurred in the  
3 training of employees from any State, county, or municipal  
4 agency whose function includes enforcement of criminal or  
5 traffic law;

6           (5) a portion of the Fund may be used by the Board to  
7 fund grant-in-aid programs and services for the training  
8 of employees from any county or municipal agency whose  
9 functions include corrections or the enforcement of  
10 criminal or traffic law;

11           (6) for fiscal years 2013 through 2017 only, a portion  
12 of the Fund also may be used by the Department of State  
13 Police to finance any of its lawful purposes or functions;

14           (7) a portion of the Fund may be used by the Board,  
15 subject to appropriation, to administer grants to local  
16 law enforcement agencies for the purpose of purchasing  
17 bulletproof vests under the Law Enforcement Officer  
18 Bulletproof Vest Act; and

19           (8) a portion of the Fund may be used by the Board to  
20 create a law enforcement grant program available for units  
21 of local government to fund crime prevention programs,  
22 training, and interdiction efforts, including enforcement  
23 and prevention efforts, relating to the illegal cannabis  
24 market and driving under the influence of cannabis.

25           All payments from the Traffic and Criminal Conviction  
26 Surcharge Fund shall be made each year from moneys

1 appropriated for the purposes specified in this Section. No  
2 more than 50% of any appropriation under this Act shall be  
3 spent in any city having a population of more than 500,000. The  
4 State Comptroller and the State Treasurer shall from time to  
5 time, at the direction of the Governor, transfer from the  
6 Traffic and Criminal Conviction Surcharge Fund to the General  
7 Revenue Fund in the State Treasury such amounts as the  
8 Governor determines are in excess of the amounts required to  
9 meet the obligations of the Traffic and Criminal Conviction  
10 Surcharge Fund.

11 (Source: P.A. 101-27, eff. 6-25-19; 101-652, eff. 1-1-22;  
12 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

13 (50 ILCS 705/10) (from Ch. 85, par. 510)

14 Sec. 10. The Board may make, amend and rescind such rules  
15 and regulations as may be necessary to carry out the  
16 provisions of this Act, including those relating to the annual  
17 certification of retired law enforcement officers qualified  
18 under federal law to carry a concealed weapon. A copy of all  
19 rules and regulations and amendments or rescissions thereof  
20 shall be filed with the Secretary of State within a reasonable  
21 time after their adoption. The schools certified by the Board  
22 and participating in the training program may dismiss from the  
23 school any trainee prior to the officer's completion of the  
24 course, if in the opinion of the person in charge of the  
25 training school, the trainee is unable or unwilling to

1 satisfactorily complete the prescribed course of training.

2 ~~The Board shall adopt emergency rules to administer this~~  
3 ~~Act in accordance with Section 5-45 of the Illinois~~  
4 ~~Administrative Procedure Act. For the purposes of the Illinois~~  
5 ~~Administrative Procedure Act, the General Assembly finds that~~  
6 ~~the adoption of rules to implement this Act is deemed an~~  
7 ~~emergency and necessary to the public interest, safety, and~~  
8 ~~welfare.~~

9 (Source: P.A. 101-652, eff. 1-1-22.)

10 (50 ILCS 705/10.1) (from Ch. 85, par. 510.1)

11 Sec. 10.1. Additional training programs. The Board shall  
12 initiate, administer, and conduct training programs for  
13 permanent police ~~law enforcement~~ officers and permanent county  
14 corrections officers in addition to the basic recruit training  
15 program. The Board may initiate, administer, and conduct  
16 training programs for part-time police ~~law enforcement~~  
17 officers in addition to the basic part-time police ~~law~~  
18 ~~enforcement~~ training course. The training for permanent and  
19 part-time police ~~law enforcement~~ officers and permanent county  
20 corrections officers may be given in any schools selected by  
21 the Board. Such training may include all or any part of the  
22 subjects enumerated in Sections 7 and 7.4 of this Act.

23 The corporate authorities of all participating local  
24 governmental agencies may elect to participate in the advanced  
25 training for permanent and part-time police ~~law enforcement~~

1 officers and permanent county corrections officers but  
2 nonparticipation in this program shall not in any way affect  
3 the mandatory responsibility of governmental units to  
4 participate in the basic recruit training programs for  
5 probationary full-time and part-time police ~~law enforcement~~  
6 and permanent county corrections officers. The failure of any  
7 permanent or part-time police ~~law enforcement~~ officer or  
8 permanent county corrections officer to successfully complete  
9 any course authorized under this Section shall not affect the  
10 officer's status as a member of the police department or  
11 county sheriff's office of any local governmental agency.

12 The Board may initiate, administer, and conduct training  
13 programs for clerks of circuit courts. Those training  
14 programs, at the Board's discretion, may be the same or  
15 variations of training programs for law enforcement officers.

16 The Board shall initiate, administer, and conduct a  
17 training program regarding the set up and operation of  
18 portable scales for all municipal and county police officers,  
19 technicians, and employees who set up and operate portable  
20 scales. This training program must include classroom and field  
21 training.

22 (Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22.)

23 (50 ILCS 705/10.2)

24 Sec. 10.2. Criminal background investigations.

25 (a) On and after March 14, 2002 (the effective date of



1 Public Act 92-533), an applicant for employment as a peace  
2 officer, or for annual certification as a retired law  
3 enforcement officer qualified under federal law to carry a  
4 concealed weapon, shall authorize an investigation to  
5 determine if the applicant has been convicted of, or entered a  
6 plea of guilty to, any criminal offense that disqualifies the  
7 person as a peace officer.

8 (b) No law enforcement agency may knowingly employ a  
9 person, or certify a retired law enforcement officer qualified  
10 under federal law to carry a concealed weapon, unless (i) a  
11 criminal background investigation of that person has been  
12 completed and (ii) that investigation reveals no convictions  
13 ~~of~~ or pleas of guilty ~~to~~ of offenses specified in subsection  
14 (a) of Section 6.1 of this Act.

15 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;  
16 102-558, eff. 8-20-21; 102-694, eff. 1-7-22.)

17 (50 ILCS 705/10.3)

18 Sec. 10.3. Training of police ~~law enforcement~~ officers to  
19 conduct electronic interrogations.

20 (a) From appropriations made to it for that purpose, the  
21 Board shall initiate, administer, and conduct training  
22 programs for permanent police ~~law enforcement~~ officers,  
23 part-time police ~~law enforcement~~ officers, and recruits on the  
24 methods and technical aspects of conducting electronic  
25 recordings of interrogations.

1 (b) Subject to appropriation, the Board shall develop  
2 technical guidelines for the mandated recording of custodial  
3 interrogations in all homicide investigations by law  
4 enforcement agencies. These guidelines shall be developed in  
5 conjunction with law enforcement agencies and technology  
6 accreditation groups to provide guidance for law enforcement  
7 agencies in implementing the mandated recording of custodial  
8 interrogations in all homicide investigations.

9 (Source: P.A. 101-652, eff. 1-1-22.)

10 (50 ILCS 705/10.5-1 new)

11 Sec. 10.5-1. Conservators of the Peace training course.  
12 The Board shall initiate, administer, and conduct a training  
13 course for conservators of the peace. The training course may  
14 include all or any part of the subjects enumerated in Section  
15 7. The Board shall issue a certificate to those persons  
16 successfully completing the course. For the purposes of this  
17 Section, "conservators of the peace" means those persons  
18 designated under Section 3.1-15-25 of the Illinois Municipal  
19 Code and Section 4-7 of the Park District Code.

20 (50 ILCS 705/10.11)

21 Sec. 10.11. Training; death and homicide investigation.  
22 The Illinois Law Enforcement Training Standards Board shall  
23 conduct or approve a training program in death and homicide  
24 investigation for the training of law enforcement officers of

1 local law enforcement agencies. Only law enforcement officers  
2 who successfully complete the training program may be assigned  
3 as lead investigators in death and homicide investigations.  
4 Satisfactory completion of the training program shall be  
5 evidenced by a certificate issued to the law enforcement  
6 officer by the Illinois Law Enforcement Training Standards  
7 Board.

8 The Illinois Law Enforcement Training Standards Board  
9 shall develop a process for waiver applications sent by a  
10 local law enforcement ~~governmental~~ agency administrator for  
11 those officers whose prior training and experience as homicide  
12 investigators may qualify them for a waiver. The Board may  
13 issue a waiver at its discretion, based solely on the prior  
14 training and experience of an officer as a homicide  
15 investigator. This Section does not affect or impede the  
16 powers of the office of the coroner to investigate all deaths  
17 as provided in Division 3-3 of the Counties Code and the  
18 Coroner Training Board Act.

19 (Source: P.A. 101-652, eff. 1-1-22; 102-558, eff. 8-20-21;  
20 102-694, eff. 1-7-22.)

21 (50 ILCS 705/10.18)

22 Sec. 10.18. Training; administration of opioid  
23 antagonists. The Board shall conduct or approve an in-service  
24 training program for police ~~law enforcement~~ officers in the  
25 administration of opioid antagonists as defined in paragraph

1 (1) of subsection (e) of Section 5-23 of the Substance Use  
2 Disorder Act that is in accordance with that Section. As used  
3 in this Section, the term "police ~~law enforcement~~ officers"  
4 includes full-time or part-time probationary police ~~law~~  
5 ~~enforcement~~ officers, permanent or part-time police ~~law~~  
6 ~~enforcement~~ officers, recruits, permanent or probationary  
7 county corrections officers, permanent or probationary county  
8 security officers, and court security officers. The term does  
9 not include auxiliary police officers as defined in Section  
10 3.1-30-20 of the Illinois Municipal Code.

11 (Source: P.A. 101-652, eff. 1-1-22; 102-813, eff. 5-13-22.)

12 (50 ILCS 705/10.19)

13 Sec. 10.19. Training; administration of epinephrine.

14 (a) This Section, along with Section 40 of the Illinois  
15 State Police Act, may be referred to as the Annie LeGere Law.

16 (b) For purposes of this Section, "epinephrine  
17 auto-injector" means a single-use device used for the  
18 automatic injection of a pre-measured dose of epinephrine into  
19 the human body prescribed in the name of a local law  
20 enforcement agency.

21 (c) The Board shall conduct or approve an optional  
22 advanced training program for police ~~law enforcement~~ officers  
23 to recognize and respond to anaphylaxis, including the  
24 administration of an epinephrine auto-injector. The training  
25 must include, but is not limited to:

- 1 (1) how to recognize symptoms of an allergic reaction;
- 2 (2) how to respond to an emergency involving an  
3 allergic reaction;
- 4 (3) how to administer an epinephrine auto-injector;
- 5 (4) how to respond to an individual with a known  
6 allergy as well as an individual with a previously unknown  
7 allergy;
- 8 (5) a test demonstrating competency of the knowledge  
9 required to recognize anaphylaxis and administer an  
10 epinephrine auto-injector; and
- 11 (6) other criteria as determined in rules adopted by  
12 the Board.

13 (d) A local law enforcement agency may authorize a police  
14 ~~law enforcement~~ officer who has completed an optional advanced  
15 training program under subsection (c) to carry, administer, or  
16 assist with the administration of epinephrine auto-injectors  
17 provided by the local law enforcement agency whenever the  
18 officer is performing official duties.

19 (e) A local law enforcement agency that authorizes its  
20 officers to carry and administer epinephrine auto-injectors  
21 under subsection (d) must establish a policy to control the  
22 acquisition, storage, transportation, administration, and  
23 disposal of epinephrine auto-injectors and to provide  
24 continued training in the administration of epinephrine  
25 auto-injectors.

26 (f) A physician, physician assistant with prescriptive

1 authority, or advanced practice registered nurse with  
2 prescriptive authority may provide a standing protocol or  
3 prescription for epinephrine auto-injectors in the name of a  
4 local law enforcement agency to be maintained for use when  
5 necessary.

6 (g) When a police ~~law enforcement~~ officer administers an  
7 epinephrine auto-injector in good faith, the police ~~law~~  
8 ~~enforcement~~ officer and local law enforcement agency, and its  
9 employees and agents, including a physician, physician  
10 assistant with prescriptive authority, or advanced practice  
11 registered nurse with prescriptive authority who provides a  
12 standing order or prescription for an epinephrine  
13 auto-injector, incur no civil or professional liability,  
14 except for willful and wanton conduct, or as a result of any  
15 injury or death arising from the use of an epinephrine  
16 auto-injector.

17 (Source: P.A. 102-538, eff. 8-20-21; 102-694, eff. 1-7-22;  
18 103-154, eff. 6-30-23.)

19 (50 ILCS 705/10.20)

20 Sec. 10.20. Disposal of medications. The Board shall  
21 develop rules and minimum standards for local law enforcement  
22 agencies that authorize police ~~law enforcement~~ officers to  
23 dispose of unused medications under Section 18 of the Safe  
24 Pharmaceutical Disposal Act.

25 (Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22.)

1 (50 ILCS 705/3.1 rep.)

2 (50 ILCS 705/6.3 rep.)

3 (50 ILCS 705/6.6 rep.)

4 (50 ILCS 705/6.7 rep.)

5 (50 ILCS 705/8.3 rep.)

6 (50 ILCS 705/8.4 rep.)

7 (50 ILCS 705/9.2 rep.)

8 (50 ILCS 705/13 rep.)

9 Section 2-380. The Illinois Police Training Act is amended  
10 by repealing Sections 3.1, 6.3, 6.6, 6.7, 8.3, 8.4, 9.2, and  
11 13.

12 Section 2-390. The Counties Code is amended by changing  
13 Section 3-6001.5 as follows:

14 (55 ILCS 5/3-6001.5)

15 Sec. 3-6001.5. Sheriff qualifications. A person is not  
16 eligible to be elected or appointed to the office of sheriff,  
17 unless that person meets all of the following requirements:

18 (1) Is a United States citizen.

19 (2) Has been a resident of the county for at least one  
20 year.

21 (3) Is not a convicted felon.

22 ~~(4) Has a certificate attesting to his or her~~  
23 ~~successful completion of the Minimum Standards Basic Law~~

~~Enforcement Officers Training Course as prescribed by the Illinois Law Enforcement Training Standards Board or a substantially similar training program of another state or the federal government. This paragraph does not apply to a sheriff currently serving on the effective date of this amendatory Act of the 101st General Assembly.~~

(Source: P.A. 101-652, eff. 1-1-22.)

### Article 3.

Section 3-5. The State Finance Act is amended by adding Sections 5.1016 and 6z-140 as follows:

(30 ILCS 105/5.1016 new)

Sec. 5.1016. The Local Government Retirement Fund.

(30 ILCS 105/6z-140 new)

Sec. 6z-140. The Local Government Retirement Fund.

(a) There is created in the State treasury a special fund known as the Local Government Retirement Fund for the purpose of receiving funds from any source for the purposes of making payments toward public safety employee health insurance costs and retirement contributions as provided in this Section.

(b) Each fiscal year beginning with fiscal year 2025, the State Treasurer shall direct the State Comptroller to pay to each unit of local government that makes a certification under



1 Sections 3-125, 4-118, 5-168, 6-165, and 7-172 of the Illinois  
2 Pension Code or under Section 11 of the Public Safety Employee  
3 Benefits Act an amount equal to 40% of the total amount  
4 certified by that unit of local government under all of the  
5 applicable Sections.

6 (c) If, for any reason, the aggregate appropriations made  
7 available are insufficient to meet the amount required in  
8 subsection (b), this Section shall constitute a continuing  
9 appropriation of the amount required under subsection (b).

10 Section 3-10. The State Mandates Act is amended by adding  
11 Section 8.47 as follows:

12 (30 ILCS 805/8.47 new)

13 Sec. 8.47. Exempt mandate. Notwithstanding Sections 6 and  
14 8 of this Act, no reimbursement by the State is required for  
15 the implementation of any mandate created by this amendatory  
16 Act of the 103rd General Assembly.

17 Section 3-15. The Illinois Pension Code is amended by  
18 changing Sections 1-160, 3-111, 3-111.1, 3-112, 3-125, 4-109,  
19 4-109.1, 4-114, 4-118, 5-155, 5-167.1, 5-168, 5-169, 6-165,  
20 6-210, 7-142.1, 7-171, 7-172, 14-152.1, 15-108.1, 15-108.2,  
21 15-135, 15-136, and 15-198 and by adding Sections 3-148.5,  
22 4-138.15, 5-239, 6-231, and 15-203 as follows:

1 (40 ILCS 5/1-160)

2 (Text of Section from P.A. 102-719)

3 Sec. 1-160. Provisions applicable to new hires.

4 (a) The provisions of this Section apply to a person who,  
5 on or after January 1, 2011, first becomes a member or a  
6 participant under any reciprocal retirement system or pension  
7 fund established under this Code, other than a retirement  
8 system or pension fund established under Article 2, 3, 4, 5, 6,  
9 7, 15, or 18 of this Code, notwithstanding any other provision  
10 of this Code to the contrary, but do not apply to any  
11 self-managed plan established under this Code or to any  
12 participant of the retirement plan established under Section  
13 22-101; except that this Section applies to a person who  
14 elected to establish alternative credits by electing in  
15 writing after January 1, 2011, but before August 8, 2011,  
16 under Section 7-145.1 of this Code. Notwithstanding anything  
17 to the contrary in this Section, for purposes of this Section,  
18 a person who is a Tier 1 regular employee as defined in Section  
19 7-109.4 of this Code or who participated in a retirement  
20 system under Article 15 prior to January 1, 2011 shall be  
21 deemed a person who first became a member or participant prior  
22 to January 1, 2011 under any retirement system or pension fund  
23 subject to this Section. The changes made to this Section by  
24 Public Act 98-596 are a clarification of existing law and are  
25 intended to be retroactive to January 1, 2011 (the effective  
26 date of Public Act 96-889), notwithstanding the provisions of

1 Section 1-103.1 of this Code.

2 This Section does not apply to a person who first becomes a  
3 noncovered employee under Article 14 on or after the  
4 implementation date of the plan created under Section 1-161  
5 for that Article, unless that person elects under subsection  
6 (b) of Section 1-161 to instead receive the benefits provided  
7 under this Section and the applicable provisions of that  
8 Article.

9 This Section does not apply to a person who first becomes a  
10 member or participant under Article 16 on or after the  
11 implementation date of the plan created under Section 1-161  
12 for that Article, unless that person elects under subsection  
13 (b) of Section 1-161 to instead receive the benefits provided  
14 under this Section and the applicable provisions of that  
15 Article.

16 This Section does not apply to a person who elects under  
17 subsection (c-5) of Section 1-161 to receive the benefits  
18 under Section 1-161.

19 This Section does not apply to a person who first becomes a  
20 member or participant of an affected pension fund on or after 6  
21 months after the resolution or ordinance date, as defined in  
22 Section 1-162, unless that person elects under subsection (c)  
23 of Section 1-162 to receive the benefits provided under this  
24 Section and the applicable provisions of the Article under  
25 which he or she is a member or participant.

26 (b) "Final average salary" means, except as otherwise

1 provided in this subsection, the average monthly (or annual)  
2 salary obtained by dividing the total salary or earnings  
3 calculated under the Article applicable to the member or  
4 participant during the 96 consecutive months (or 8 consecutive  
5 years) of service within the last 120 months (or 10 years) of  
6 service in which the total salary or earnings calculated under  
7 the applicable Article was the highest by the number of months  
8 (or years) of service in that period. For the purposes of a  
9 person who first becomes a member or participant of any  
10 retirement system or pension fund to which this Section  
11 applies on or after January 1, 2011, in this Code, "final  
12 average salary" shall be substituted for the following:

13 (1) (Blank).

14 (2) In Articles 8, 9, 10, 11, and 12, "highest average  
15 annual salary for any 4 consecutive years within the last  
16 10 years of service immediately preceding the date of  
17 withdrawal".

18 (3) In Article 13, "average final salary".

19 (4) In Article 14, "final average compensation".

20 (5) In Article 17, "average salary".

21 (6) In Section 22-207, "wages or salary received by  
22 him at the date of retirement or discharge".

23 A member of the Teachers' Retirement System of the State  
24 of Illinois who retires on or after June 1, 2021 and for whom  
25 the 2020-2021 school year is used in the calculation of the  
26 member's final average salary shall use the higher of the

1 following for the purpose of determining the member's final  
2 average salary:

3 (A) the amount otherwise calculated under the first  
4 paragraph of this subsection; or

5 (B) an amount calculated by the Teachers' Retirement  
6 System of the State of Illinois using the average of the  
7 monthly (or annual) salary obtained by dividing the total  
8 salary or earnings calculated under Article 16 applicable  
9 to the member or participant during the 96 months (or 8  
10 years) of service within the last 120 months (or 10 years)  
11 of service in which the total salary or earnings  
12 calculated under the Article was the highest by the number  
13 of months (or years) of service in that period.

14 (b-5) Beginning on January 1, 2011, for all purposes under  
15 this Code (including without limitation the calculation of  
16 benefits and employee contributions), the annual earnings,  
17 salary, or wages (based on the plan year) of a member or  
18 participant to whom this Section applies shall not exceed  
19 \$106,800; however, that amount shall annually thereafter be  
20 increased by the lesser of (i) 3% of that amount, including all  
21 previous adjustments, or (ii) one-half the annual unadjusted  
22 percentage increase (but not less than zero) in the consumer  
23 price index-u for the 12 months ending with the September  
24 preceding each November 1, including all previous adjustments.

25 For the purposes of this Section, "consumer price index-u"  
26 means the index published by the Bureau of Labor Statistics of

1 the United States Department of Labor that measures the  
2 average change in prices of goods and services purchased by  
3 all urban consumers, United States city average, all items,  
4 1982-84 = 100. The new amount resulting from each annual  
5 adjustment shall be determined by the Public Pension Division  
6 of the Department of Insurance and made available to the  
7 boards of the retirement systems and pension funds by November  
8 1 of each year.

9 (b-10) Beginning on January 1, 2024, for all purposes  
10 under this Code (including, without limitation, the  
11 calculation of benefits and employee contributions), the  
12 annual earnings, salary, or wages (based on the plan year) of a  
13 member or participant under Article 9 to whom this Section  
14 applies shall include an annual earnings, salary, or wage cap  
15 that tracks the Social Security wage base. Maximum annual  
16 earnings, wages, or salary shall be the annual contribution  
17 and benefit base established for the applicable year by the  
18 Commissioner of the Social Security Administration under the  
19 federal Social Security Act.

20 However, in no event shall the annual earnings, salary, or  
21 wages for the purposes of this Article and Article 9 exceed any  
22 limitation imposed on annual earnings, salary, or wages under  
23 Section 1-117. Under no circumstances shall the maximum amount  
24 of annual earnings, salary, or wages be greater than the  
25 amount set forth in this subsection (b-10) as a result of  
26 reciprocal service or any provisions regarding reciprocal

1 services, nor shall the Fund under Article 9 be required to pay  
2 any refund as a result of the application of this maximum  
3 annual earnings, salary, and wage cap.

4 Nothing in this subsection (b-10) shall cause or otherwise  
5 result in any retroactive adjustment of any employee  
6 contributions. Nothing in this subsection (b-10) shall cause  
7 or otherwise result in any retroactive adjustment of  
8 disability or other payments made between January 1, 2011 and  
9 January 1, 2024.

10 (c) A member or participant is entitled to a retirement  
11 annuity upon written application if he or she has attained age  
12 67 (age 65, with respect to service under Article 12 that is  
13 subject to this Section, for a member or participant under  
14 Article 12 who first becomes a member or participant under  
15 Article 12 on or after January 1, 2022 or who makes the  
16 election under item (i) of subsection (d-15) of this Section)  
17 and has at least 10 years of service credit and is otherwise  
18 eligible under the requirements of the applicable Article.

19 A member or participant who has attained age 62 (age 60,  
20 with respect to service under Article 12 that is subject to  
21 this Section, for a member or participant under Article 12 who  
22 first becomes a member or participant under Article 12 on or  
23 after January 1, 2022 or who makes the election under item (i)  
24 of subsection (d-15) of this Section) and has at least 10 years  
25 of service credit and is otherwise eligible under the  
26 requirements of the applicable Article may elect to receive

1 the lower retirement annuity provided in subsection (d) of  
2 this Section.

3 (c-5) A person who first becomes a member or a participant  
4 subject to this Section on or after July 6, 2017 (the effective  
5 date of Public Act 100-23), notwithstanding any other  
6 provision of this Code to the contrary, is entitled to a  
7 retirement annuity under Article 8 or Article 11 upon written  
8 application if he or she has attained age 65 and has at least  
9 10 years of service credit and is otherwise eligible under the  
10 requirements of Article 8 or Article 11 of this Code,  
11 whichever is applicable.

12 (d) The retirement annuity of a member or participant who  
13 is retiring after attaining age 62 (age 60, with respect to  
14 service under Article 12 that is subject to this Section, for a  
15 member or participant under Article 12 who first becomes a  
16 member or participant under Article 12 on or after January 1,  
17 2022 or who makes the election under item (i) of subsection  
18 (d-15) of this Section) with at least 10 years of service  
19 credit shall be reduced by one-half of 1% for each full month  
20 that the member's age is under age 67 (age 65, with respect to  
21 service under Article 12 that is subject to this Section, for a  
22 member or participant under Article 12 who first becomes a  
23 member or participant under Article 12 on or after January 1,  
24 2022 or who makes the election under item (i) of subsection  
25 (d-15) of this Section).

26 (d-5) The retirement annuity payable under Article 8 or



1 Article 11 to an eligible person subject to subsection (c-5)  
2 of this Section who is retiring at age 60 with at least 10  
3 years of service credit shall be reduced by one-half of 1% for  
4 each full month that the member's age is under age 65.

5 (d-10) Each person who first became a member or  
6 participant under Article 8 or Article 11 of this Code on or  
7 after January 1, 2011 and prior to July 6, 2017 (the effective  
8 date of Public Act 100-23) shall make an irrevocable election  
9 either:

10 (i) to be eligible for the reduced retirement age  
11 provided in subsections (c-5) and (d-5) of this Section,  
12 the eligibility for which is conditioned upon the member  
13 or participant agreeing to the increases in employee  
14 contributions for age and service annuities provided in  
15 subsection (a-5) of Section 8-174 of this Code (for  
16 service under Article 8) or subsection (a-5) of Section  
17 11-170 of this Code (for service under Article 11); or

18 (ii) to not agree to item (i) of this subsection  
19 (d-10), in which case the member or participant shall  
20 continue to be subject to the retirement age provisions in  
21 subsections (c) and (d) of this Section and the employee  
22 contributions for age and service annuity as provided in  
23 subsection (a) of Section 8-174 of this Code (for service  
24 under Article 8) or subsection (a) of Section 11-170 of  
25 this Code (for service under Article 11).

26 The election provided for in this subsection shall be made

1 between October 1, 2017 and November 15, 2017. A person  
2 subject to this subsection who makes the required election  
3 shall remain bound by that election. A person subject to this  
4 subsection who fails for any reason to make the required  
5 election within the time specified in this subsection shall be  
6 deemed to have made the election under item (ii).

7 (d-15) Each person who first becomes a member or  
8 participant under Article 12 on or after January 1, 2011 and  
9 prior to January 1, 2022 shall make an irrevocable election  
10 either:

11 (i) to be eligible for the reduced retirement age  
12 specified in subsections (c) and (d) of this Section, the  
13 eligibility for which is conditioned upon the member or  
14 participant agreeing to the increase in employee  
15 contributions for service annuities specified in  
16 subsection (b) of Section 12-150; or

17 (ii) to not agree to item (i) of this subsection  
18 (d-15), in which case the member or participant shall not  
19 be eligible for the reduced retirement age specified in  
20 subsections (c) and (d) of this Section and shall not be  
21 subject to the increase in employee contributions for  
22 service annuities specified in subsection (b) of Section  
23 12-150.

24 The election provided for in this subsection shall be made  
25 between January 1, 2022 and April 1, 2022. A person subject to  
26 this subsection who makes the required election shall remain

1 bound by that election. A person subject to this subsection  
2 who fails for any reason to make the required election within  
3 the time specified in this subsection shall be deemed to have  
4 made the election under item (ii).

5 (e) Any retirement annuity or supplemental annuity shall  
6 be subject to annual increases on the January 1 occurring  
7 either on or after the attainment of age 67 (age 65, with  
8 respect to service under Article 12 that is subject to this  
9 Section, for a member or participant under Article 12 who  
10 first becomes a member or participant under Article 12 on or  
11 after January 1, 2022 or who makes the election under item (i)  
12 of subsection (d-15); and beginning on July 6, 2017 (the  
13 effective date of Public Act 100-23), age 65 with respect to  
14 service under Article 8 or Article 11 for eligible persons  
15 who: (i) are subject to subsection (c-5) of this Section; or  
16 (ii) made the election under item (i) of subsection (d-10) of  
17 this Section) or the first anniversary of the annuity start  
18 date, whichever is later. Each annual increase shall be  
19 calculated at 3% or one-half the annual unadjusted percentage  
20 increase (but not less than zero) in the consumer price  
21 index-u for the 12 months ending with the September preceding  
22 each November 1, whichever is less, of the originally granted  
23 retirement annuity. If the annual unadjusted percentage change  
24 in the consumer price index-u for the 12 months ending with the  
25 September preceding each November 1 is zero or there is a  
26 decrease, then the annuity shall not be increased.

1           For the purposes of Section 1-103.1 of this Code, the  
2 changes made to this Section by Public Act 102-263 are  
3 applicable without regard to whether the employee was in  
4 active service on or after August 6, 2021 (the effective date  
5 of Public Act 102-263).

6           For the purposes of Section 1-103.1 of this Code, the  
7 changes made to this Section by Public Act 100-23 are  
8 applicable without regard to whether the employee was in  
9 active service on or after July 6, 2017 (the effective date of  
10 Public Act 100-23).

11           (f) The initial survivor's or widow's annuity of an  
12 otherwise eligible survivor or widow of a retired member or  
13 participant who first became a member or participant on or  
14 after January 1, 2011 shall be in the amount of 66 2/3% of the  
15 retired member's or participant's retirement annuity at the  
16 date of death. In the case of the death of a member or  
17 participant who has not retired and who first became a member  
18 or participant on or after January 1, 2011, eligibility for a  
19 survivor's or widow's annuity shall be determined by the  
20 applicable Article of this Code. The initial benefit shall be  
21 66 2/3% of the earned annuity without a reduction due to age. A  
22 child's annuity of an otherwise eligible child shall be in the  
23 amount prescribed under each Article if applicable. Any  
24 survivor's or widow's annuity shall be increased (1) on each  
25 January 1 occurring on or after the commencement of the  
26 annuity if the deceased member died while receiving a

1 retirement annuity or (2) in other cases, on each January 1  
2 occurring after the first anniversary of the commencement of  
3 the annuity. Each annual increase shall be calculated at 3% or  
4 one-half the annual unadjusted percentage increase (but not  
5 less than zero) in the consumer price index-u for the 12 months  
6 ending with the September preceding each November 1, whichever  
7 is less, of the originally granted survivor's annuity. If the  
8 annual unadjusted percentage change in the consumer price  
9 index-u for the 12 months ending with the September preceding  
10 each November 1 is zero or there is a decrease, then the  
11 annuity shall not be increased.

12 (g) This Section does not apply to a person who ~~The~~  
13 ~~benefits in Section 14-110 apply if the person~~ is a fire  
14 fighter in the fire protection service of a department, a  
15 security employee of the Department of Corrections or the  
16 Department of Juvenile Justice, or a security employee of the  
17 Department of Innovation and Technology, as those terms are  
18 defined in subsection (b) and subsection (c) of Section  
19 14-110. ~~A person who meets the requirements of this Section is~~  
20 ~~entitled to an annuity calculated under the provisions of~~  
21 ~~Section 14-110, in lieu of the regular or minimum retirement~~  
22 ~~annuity, only if the person has withdrawn from service with~~  
23 ~~not less than 20 years of eligible creditable service and has~~  
24 ~~attained age 60, regardless of whether the attainment of age~~  
25 ~~60 occurs while the person is still in service.~~

26 (g-5) This Section does not apply to a person who ~~The~~

1 ~~benefits in Section 14-110 apply if the person~~ is a State  
2 policeman, investigator for the Secretary of State,  
3 conservation police officer, investigator for the Department  
4 of Revenue or the Illinois Gaming Board, investigator for the  
5 Office of the Attorney General, Commerce Commission police  
6 officer, or arson investigator, as those terms are defined in  
7 subsection (b) and subsection (c) of Section 14-110. ~~A person~~  
8 ~~who meets the requirements of this Section is entitled to an~~  
9 ~~annuity calculated under the provisions of Section 14-110, in~~  
10 ~~lieu of the regular or minimum retirement annuity, only if the~~  
11 ~~person has withdrawn from service with not less than 20 years~~  
12 ~~of eligible creditable service and has attained age 55,~~  
13 ~~regardless of whether the attainment of age 55 occurs while~~  
14 ~~the person is still in service.~~

15 (h) If a person who first becomes a member or a participant  
16 of a retirement system or pension fund subject to this Section  
17 on or after January 1, 2011 is receiving a retirement annuity  
18 or retirement pension under that system or fund and becomes a  
19 member or participant under any other system or fund created  
20 by this Code and is employed on a full-time basis, except for  
21 those members or participants exempted from the provisions of  
22 this Section under subsection (a) of this Section, then the  
23 person's retirement annuity or retirement pension under that  
24 system or fund shall be suspended during that employment. Upon  
25 termination of that employment, the person's retirement  
26 annuity or retirement pension payments shall resume and be

1 recalculated if recalculation is provided for under the  
2 applicable Article of this Code.

3 If a person who first becomes a member of a retirement  
4 system or pension fund subject to this Section on or after  
5 January 1, 2012 and is receiving a retirement annuity or  
6 retirement pension under that system or fund and accepts on a  
7 contractual basis a position to provide services to a  
8 governmental entity from which he or she has retired, then  
9 that person's annuity or retirement pension earned as an  
10 active employee of the employer shall be suspended during that  
11 contractual service. A person receiving an annuity or  
12 retirement pension under this Code shall notify the pension  
13 fund or retirement system from which he or she is receiving an  
14 annuity or retirement pension, as well as his or her  
15 contractual employer, of his or her retirement status before  
16 accepting contractual employment. A person who fails to submit  
17 such notification shall be guilty of a Class A misdemeanor and  
18 required to pay a fine of \$1,000. Upon termination of that  
19 contractual employment, the person's retirement annuity or  
20 retirement pension payments shall resume and, if appropriate,  
21 be recalculated under the applicable provisions of this Code.

22 (i) (Blank).

23 (i-5) It is the intent of this amendatory Act of the 103rd  
24 General Assembly to provide to the participants specified in  
25 subsections (g) and (g-5) who first became participants on or  
26 after January 1, 2011 the same level of benefits and

1 eligibility criteria for benefits as those who first became  
2 participants before January 1, 2011. The changes made to this  
3 Article by this amendatory Act of the 103rd General Assembly  
4 that provide benefit increases for participants specified in  
5 subsections (g) and (g-5) apply without regard to whether the  
6 participant was in service on or after the effective date of  
7 this amendatory Act of the 103rd General Assembly,  
8 notwithstanding the provisions of Section 1-103.1. The benefit  
9 increases are intended to apply prospectively and do not  
10 entitle a participant to retroactive benefit payments or  
11 increases. The changes made to this Article by this amendatory  
12 Act of the 103rd General Assembly shall not cause or otherwise  
13 result in any retroactive adjustment of any employee  
14 contributions.

15 (j) In the case of a conflict between the provisions of  
16 this Section and any other provision of this Code, the  
17 provisions of this Section shall control.

18 (Source: P.A. 101-610, eff. 1-1-20; 102-16, eff. 6-17-21;  
19 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-719, eff.  
20 5-6-22.)

21 (Text of Section from P.A. 102-813)

22 Sec. 1-160. Provisions applicable to new hires.

23 (a) The provisions of this Section apply to a person who,  
24 on or after January 1, 2011, first becomes a member or a  
25 participant under any reciprocal retirement system or pension



1 fund established under this Code, other than a retirement  
2 system or pension fund established under Article 2, 3, 4, 5, 6,  
3 7, 15, or 18 of this Code, notwithstanding any other provision  
4 of this Code to the contrary, but do not apply to any  
5 self-managed plan established under this Code or to any  
6 participant of the retirement plan established under Section  
7 22-101; except that this Section applies to a person who  
8 elected to establish alternative credits by electing in  
9 writing after January 1, 2011, but before August 8, 2011,  
10 under Section 7-145.1 of this Code. Notwithstanding anything  
11 to the contrary in this Section, for purposes of this Section,  
12 a person who is a Tier 1 regular employee as defined in Section  
13 7-109.4 of this Code or who participated in a retirement  
14 system under Article 15 prior to January 1, 2011 shall be  
15 deemed a person who first became a member or participant prior  
16 to January 1, 2011 under any retirement system or pension fund  
17 subject to this Section. The changes made to this Section by  
18 Public Act 98-596 are a clarification of existing law and are  
19 intended to be retroactive to January 1, 2011 (the effective  
20 date of Public Act 96-889), notwithstanding the provisions of  
21 Section 1-103.1 of this Code.

22 This Section does not apply to a person who first becomes a  
23 noncovered employee under Article 14 on or after the  
24 implementation date of the plan created under Section 1-161  
25 for that Article, unless that person elects under subsection  
26 (b) of Section 1-161 to instead receive the benefits provided

1 under this Section and the applicable provisions of that  
2 Article.

3 This Section does not apply to a person who first becomes a  
4 member or participant under Article 16 on or after the  
5 implementation date of the plan created under Section 1-161  
6 for that Article, unless that person elects under subsection  
7 (b) of Section 1-161 to instead receive the benefits provided  
8 under this Section and the applicable provisions of that  
9 Article.

10 This Section does not apply to a person who elects under  
11 subsection (c-5) of Section 1-161 to receive the benefits  
12 under Section 1-161.

13 This Section does not apply to a person who first becomes a  
14 member or participant of an affected pension fund on or after 6  
15 months after the resolution or ordinance date, as defined in  
16 Section 1-162, unless that person elects under subsection (c)  
17 of Section 1-162 to receive the benefits provided under this  
18 Section and the applicable provisions of the Article under  
19 which he or she is a member or participant.

20 (b) "Final average salary" means, except as otherwise  
21 provided in this subsection, the average monthly (or annual)  
22 salary obtained by dividing the total salary or earnings  
23 calculated under the Article applicable to the member or  
24 participant during the 96 consecutive months (or 8 consecutive  
25 years) of service within the last 120 months (or 10 years) of  
26 service in which the total salary or earnings calculated under

1 the applicable Article was the highest by the number of months  
2 (or years) of service in that period. For the purposes of a  
3 person who first becomes a member or participant of any  
4 retirement system or pension fund to which this Section  
5 applies on or after January 1, 2011, in this Code, "final  
6 average salary" shall be substituted for the following:

7 (1) (Blank).

8 (2) In Articles 8, 9, 10, 11, and 12, "highest average  
9 annual salary for any 4 consecutive years within the last  
10 10 years of service immediately preceding the date of  
11 withdrawal".

12 (3) In Article 13, "average final salary".

13 (4) In Article 14, "final average compensation".

14 (5) In Article 17, "average salary".

15 (6) In Section 22-207, "wages or salary received by  
16 him at the date of retirement or discharge".

17 A member of the Teachers' Retirement System of the State  
18 of Illinois who retires on or after June 1, 2021 and for whom  
19 the 2020-2021 school year is used in the calculation of the  
20 member's final average salary shall use the higher of the  
21 following for the purpose of determining the member's final  
22 average salary:

23 (A) the amount otherwise calculated under the first  
24 paragraph of this subsection; or

25 (B) an amount calculated by the Teachers' Retirement  
26 System of the State of Illinois using the average of the

1 monthly (or annual) salary obtained by dividing the total  
2 salary or earnings calculated under Article 16 applicable  
3 to the member or participant during the 96 months (or 8  
4 years) of service within the last 120 months (or 10 years)  
5 of service in which the total salary or earnings  
6 calculated under the Article was the highest by the number  
7 of months (or years) of service in that period.

8 (b-5) Beginning on January 1, 2011, for all purposes under  
9 this Code (including without limitation the calculation of  
10 benefits and employee contributions), the annual earnings,  
11 salary, or wages (based on the plan year) of a member or  
12 participant to whom this Section applies shall not exceed  
13 \$106,800; however, that amount shall annually thereafter be  
14 increased by the lesser of (i) 3% of that amount, including all  
15 previous adjustments, or (ii) one-half the annual unadjusted  
16 percentage increase (but not less than zero) in the consumer  
17 price index-u for the 12 months ending with the September  
18 preceding each November 1, including all previous adjustments.

19 For the purposes of this Section, "consumer price index-u"  
20 means the index published by the Bureau of Labor Statistics of  
21 the United States Department of Labor that measures the  
22 average change in prices of goods and services purchased by  
23 all urban consumers, United States city average, all items,  
24 1982-84 = 100. The new amount resulting from each annual  
25 adjustment shall be determined by the Public Pension Division  
26 of the Department of Insurance and made available to the

1 boards of the retirement systems and pension funds by November  
2 1 of each year.

3 (b-10) Beginning on January 1, 2024, for all purposes  
4 under this Code (including, without limitation, the  
5 calculation of benefits and employee contributions), the  
6 annual earnings, salary, or wages (based on the plan year) of a  
7 member or participant under Article 9 to whom this Section  
8 applies shall include an annual earnings, salary, or wage cap  
9 that tracks the Social Security wage base. Maximum annual  
10 earnings, wages, or salary shall be the annual contribution  
11 and benefit base established for the applicable year by the  
12 Commissioner of the Social Security Administration under the  
13 federal Social Security Act.

14 However, in no event shall the annual earnings, salary, or  
15 wages for the purposes of this Article and Article 9 exceed any  
16 limitation imposed on annual earnings, salary, or wages under  
17 Section 1-117. Under no circumstances shall the maximum amount  
18 of annual earnings, salary, or wages be greater than the  
19 amount set forth in this subsection (b-10) as a result of  
20 reciprocal service or any provisions regarding reciprocal  
21 services, nor shall the Fund under Article 9 be required to pay  
22 any refund as a result of the application of this maximum  
23 annual earnings, salary, and wage cap.

24 Nothing in this subsection (b-10) shall cause or otherwise  
25 result in any retroactive adjustment of any employee  
26 contributions. Nothing in this subsection (b-10) shall cause

1 or otherwise result in any retroactive adjustment of  
2 disability or other payments made between January 1, 2011 and  
3 January 1, 2024.

4 (c) A member or participant is entitled to a retirement  
5 annuity upon written application if he or she has attained age  
6 67 (age 65, with respect to service under Article 12 that is  
7 subject to this Section, for a member or participant under  
8 Article 12 who first becomes a member or participant under  
9 Article 12 on or after January 1, 2022 or who makes the  
10 election under item (i) of subsection (d-15) of this Section)  
11 and has at least 10 years of service credit and is otherwise  
12 eligible under the requirements of the applicable Article.

13 A member or participant who has attained age 62 (age 60,  
14 with respect to service under Article 12 that is subject to  
15 this Section, for a member or participant under Article 12 who  
16 first becomes a member or participant under Article 12 on or  
17 after January 1, 2022 or who makes the election under item (i)  
18 of subsection (d-15) of this Section) and has at least 10 years  
19 of service credit and is otherwise eligible under the  
20 requirements of the applicable Article may elect to receive  
21 the lower retirement annuity provided in subsection (d) of  
22 this Section.

23 (c-5) A person who first becomes a member or a participant  
24 subject to this Section on or after July 6, 2017 (the effective  
25 date of Public Act 100-23), notwithstanding any other  
26 provision of this Code to the contrary, is entitled to a

1 retirement annuity under Article 8 or Article 11 upon written  
2 application if he or she has attained age 65 and has at least  
3 10 years of service credit and is otherwise eligible under the  
4 requirements of Article 8 or Article 11 of this Code,  
5 whichever is applicable.

6 (d) The retirement annuity of a member or participant who  
7 is retiring after attaining age 62 (age 60, with respect to  
8 service under Article 12 that is subject to this Section, for a  
9 member or participant under Article 12 who first becomes a  
10 member or participant under Article 12 on or after January 1,  
11 2022 or who makes the election under item (i) of subsection  
12 (d-15) of this Section) with at least 10 years of service  
13 credit shall be reduced by one-half of 1% for each full month  
14 that the member's age is under age 67 (age 65, with respect to  
15 service under Article 12 that is subject to this Section, for a  
16 member or participant under Article 12 who first becomes a  
17 member or participant under Article 12 on or after January 1,  
18 2022 or who makes the election under item (i) of subsection  
19 (d-15) of this Section).

20 (d-5) The retirement annuity payable under Article 8 or  
21 Article 11 to an eligible person subject to subsection (c-5)  
22 of this Section who is retiring at age 60 with at least 10  
23 years of service credit shall be reduced by one-half of 1% for  
24 each full month that the member's age is under age 65.

25 (d-10) Each person who first became a member or  
26 participant under Article 8 or Article 11 of this Code on or

1 after January 1, 2011 and prior to July 6, 2017 (the effective  
2 date of Public Act 100-23) shall make an irrevocable election  
3 either:

4 (i) to be eligible for the reduced retirement age  
5 provided in subsections (c-5) and (d-5) of this Section,  
6 the eligibility for which is conditioned upon the member  
7 or participant agreeing to the increases in employee  
8 contributions for age and service annuities provided in  
9 subsection (a-5) of Section 8-174 of this Code (for  
10 service under Article 8) or subsection (a-5) of Section  
11 11-170 of this Code (for service under Article 11); or

12 (ii) to not agree to item (i) of this subsection  
13 (d-10), in which case the member or participant shall  
14 continue to be subject to the retirement age provisions in  
15 subsections (c) and (d) of this Section and the employee  
16 contributions for age and service annuity as provided in  
17 subsection (a) of Section 8-174 of this Code (for service  
18 under Article 8) or subsection (a) of Section 11-170 of  
19 this Code (for service under Article 11).

20 The election provided for in this subsection shall be made  
21 between October 1, 2017 and November 15, 2017. A person  
22 subject to this subsection who makes the required election  
23 shall remain bound by that election. A person subject to this  
24 subsection who fails for any reason to make the required  
25 election within the time specified in this subsection shall be  
26 deemed to have made the election under item (ii).



1 (d-15) Each person who first becomes a member or  
2 participant under Article 12 on or after January 1, 2011 and  
3 prior to January 1, 2022 shall make an irrevocable election  
4 either:

5 (i) to be eligible for the reduced retirement age  
6 specified in subsections (c) and (d) of this Section, the  
7 eligibility for which is conditioned upon the member or  
8 participant agreeing to the increase in employee  
9 contributions for service annuities specified in  
10 subsection (b) of Section 12-150; or

11 (ii) to not agree to item (i) of this subsection  
12 (d-15), in which case the member or participant shall not  
13 be eligible for the reduced retirement age specified in  
14 subsections (c) and (d) of this Section and shall not be  
15 subject to the increase in employee contributions for  
16 service annuities specified in subsection (b) of Section  
17 12-150.

18 The election provided for in this subsection shall be made  
19 between January 1, 2022 and April 1, 2022. A person subject to  
20 this subsection who makes the required election shall remain  
21 bound by that election. A person subject to this subsection  
22 who fails for any reason to make the required election within  
23 the time specified in this subsection shall be deemed to have  
24 made the election under item (ii).

25 (e) Any retirement annuity or supplemental annuity shall  
26 be subject to annual increases on the January 1 occurring

1 either on or after the attainment of age 67 (age 65, with  
2 respect to service under Article 12 that is subject to this  
3 Section, for a member or participant under Article 12 who  
4 first becomes a member or participant under Article 12 on or  
5 after January 1, 2022 or who makes the election under item (i)  
6 of subsection (d-15); and beginning on July 6, 2017 (the  
7 effective date of Public Act 100-23), age 65 with respect to  
8 service under Article 8 or Article 11 for eligible persons  
9 who: (i) are subject to subsection (c-5) of this Section; or  
10 (ii) made the election under item (i) of subsection (d-10) of  
11 this Section) or the first anniversary of the annuity start  
12 date, whichever is later. Each annual increase shall be  
13 calculated at 3% or one-half the annual unadjusted percentage  
14 increase (but not less than zero) in the consumer price  
15 index-u for the 12 months ending with the September preceding  
16 each November 1, whichever is less, of the originally granted  
17 retirement annuity. If the annual unadjusted percentage change  
18 in the consumer price index-u for the 12 months ending with the  
19 September preceding each November 1 is zero or there is a  
20 decrease, then the annuity shall not be increased.

21 For the purposes of Section 1-103.1 of this Code, the  
22 changes made to this Section by Public Act 102-263 are  
23 applicable without regard to whether the employee was in  
24 active service on or after August 6, 2021 (the effective date  
25 of Public Act 102-263).

26 For the purposes of Section 1-103.1 of this Code, the

1 changes made to this Section by Public Act 100-23 are  
2 applicable without regard to whether the employee was in  
3 active service on or after July 6, 2017 (the effective date of  
4 Public Act 100-23).

5 (f) The initial survivor's or widow's annuity of an  
6 otherwise eligible survivor or widow of a retired member or  
7 participant who first became a member or participant on or  
8 after January 1, 2011 shall be in the amount of 66 2/3% of the  
9 retired member's or participant's retirement annuity at the  
10 date of death. In the case of the death of a member or  
11 participant who has not retired and who first became a member  
12 or participant on or after January 1, 2011, eligibility for a  
13 survivor's or widow's annuity shall be determined by the  
14 applicable Article of this Code. The initial benefit shall be  
15 66 2/3% of the earned annuity without a reduction due to age. A  
16 child's annuity of an otherwise eligible child shall be in the  
17 amount prescribed under each Article if applicable. Any  
18 survivor's or widow's annuity shall be increased (1) on each  
19 January 1 occurring on or after the commencement of the  
20 annuity if the deceased member died while receiving a  
21 retirement annuity or (2) in other cases, on each January 1  
22 occurring after the first anniversary of the commencement of  
23 the annuity. Each annual increase shall be calculated at 3% or  
24 one-half the annual unadjusted percentage increase (but not  
25 less than zero) in the consumer price index-u for the 12 months  
26 ending with the September preceding each November 1, whichever

1 is less, of the originally granted survivor's annuity. If the  
2 annual unadjusted percentage change in the consumer price  
3 index-u for the 12 months ending with the September preceding  
4 each November 1 is zero or there is a decrease, then the  
5 annuity shall not be increased.

6 (g) This Section does not apply to a person who ~~The~~  
7 ~~benefits in Section 14-110 apply only if the person is a State~~  
8 ~~policeman, a fire fighter in the fire protection service of a~~  
9 ~~department, a conservation police officer, an investigator for~~  
10 ~~the Secretary of State, an arson investigator, a Commerce~~  
11 ~~Commission police officer, investigator for the Department of~~  
12 ~~Revenue or the Illinois Gaming Board, a security employee of~~  
13 ~~the Department of Corrections or the Department of Juvenile~~  
14 ~~Justice, or a security employee of the Department of~~  
15 ~~Innovation and Technology, as those terms are defined in~~  
16 ~~subsection (b) and subsection (c) of Section 14-110. A person~~  
17 ~~who meets the requirements of this Section is entitled to an~~  
18 ~~annuity calculated under the provisions of Section 14-110, in~~  
19 ~~lieu of the regular or minimum retirement annuity, only if the~~  
20 ~~person has withdrawn from service with not less than 20 years~~  
21 ~~of eligible creditable service and has attained age 60,~~  
22 ~~regardless of whether the attainment of age 60 occurs while~~  
23 ~~the person is still in service.~~

24 (h) If a person who first becomes a member or a participant  
25 of a retirement system or pension fund subject to this Section  
26 on or after January 1, 2011 is receiving a retirement annuity

1 or retirement pension under that system or fund and becomes a  
2 member or participant under any other system or fund created  
3 by this Code and is employed on a full-time basis, except for  
4 those members or participants exempted from the provisions of  
5 this Section under subsection (a) of this Section, then the  
6 person's retirement annuity or retirement pension under that  
7 system or fund shall be suspended during that employment. Upon  
8 termination of that employment, the person's retirement  
9 annuity or retirement pension payments shall resume and be  
10 recalculated if recalculation is provided for under the  
11 applicable Article of this Code.

12 If a person who first becomes a member of a retirement  
13 system or pension fund subject to this Section on or after  
14 January 1, 2012 and is receiving a retirement annuity or  
15 retirement pension under that system or fund and accepts on a  
16 contractual basis a position to provide services to a  
17 governmental entity from which he or she has retired, then  
18 that person's annuity or retirement pension earned as an  
19 active employee of the employer shall be suspended during that  
20 contractual service. A person receiving an annuity or  
21 retirement pension under this Code shall notify the pension  
22 fund or retirement system from which he or she is receiving an  
23 annuity or retirement pension, as well as his or her  
24 contractual employer, of his or her retirement status before  
25 accepting contractual employment. A person who fails to submit  
26 such notification shall be guilty of a Class A misdemeanor and

1 required to pay a fine of \$1,000. Upon termination of that  
2 contractual employment, the person's retirement annuity or  
3 retirement pension payments shall resume and, if appropriate,  
4 be recalculated under the applicable provisions of this Code.

5 (i) (Blank).

6 (i-5) It is the intent of this amendatory Act of the 103rd  
7 General Assembly to provide to the participants specified in  
8 subsections (g) and (g-5) who first became participants on or  
9 after January 1, 2011 the same level of benefits and  
10 eligibility criteria for benefits as those who first became  
11 participants before January 1, 2011. The changes made to this  
12 Article by this amendatory Act of the 103rd General Assembly  
13 that provide benefit increases for participants specified in  
14 subsections (g) and (g-5) apply without regard to whether the  
15 participant was in service on or after the effective date of  
16 this amendatory Act of the 103rd General Assembly,  
17 notwithstanding the provisions of Section 1-103.1. The benefit  
18 increases are intended to apply prospectively and do not  
19 entitle a participant to retroactive benefit payments or  
20 increases. The changes made to this Article by this amendatory  
21 Act of the 103rd General Assembly shall not cause or otherwise  
22 result in any retroactive adjustment of any employee  
23 contributions.

24 (j) In the case of a conflict between the provisions of  
25 this Section and any other provision of this Code, the  
26 provisions of this Section shall control.

1 (Source: P.A. 101-610, eff. 1-1-20; 102-16, eff. 6-17-21;  
2 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-813, eff.  
3 5-13-22.)

4 (Text of Section from P.A. 102-956)

5 Sec. 1-160. Provisions applicable to new hires.

6 (a) The provisions of this Section apply to a person who,  
7 on or after January 1, 2011, first becomes a member or a  
8 participant under any reciprocal retirement system or pension  
9 fund established under this Code, other than a retirement  
10 system or pension fund established under Article 2, 3, 4, 5, 6,  
11 7, 15, or 18 of this Code, notwithstanding any other provision  
12 of this Code to the contrary, but do not apply to any  
13 self-managed plan established under this Code or to any  
14 participant of the retirement plan established under Section  
15 22-101; except that this Section applies to a person who  
16 elected to establish alternative credits by electing in  
17 writing after January 1, 2011, but before August 8, 2011,  
18 under Section 7-145.1 of this Code. Notwithstanding anything  
19 to the contrary in this Section, for purposes of this Section,  
20 a person who is a Tier 1 regular employee as defined in Section  
21 7-109.4 of this Code or who participated in a retirement  
22 system under Article 15 prior to January 1, 2011 shall be  
23 deemed a person who first became a member or participant prior  
24 to January 1, 2011 under any retirement system or pension fund  
25 subject to this Section. The changes made to this Section by

1 Public Act 98-596 are a clarification of existing law and are  
2 intended to be retroactive to January 1, 2011 (the effective  
3 date of Public Act 96-889), notwithstanding the provisions of  
4 Section 1-103.1 of this Code.

5 This Section does not apply to a person who first becomes a  
6 noncovered employee under Article 14 on or after the  
7 implementation date of the plan created under Section 1-161  
8 for that Article, unless that person elects under subsection  
9 (b) of Section 1-161 to instead receive the benefits provided  
10 under this Section and the applicable provisions of that  
11 Article.

12 This Section does not apply to a person who first becomes a  
13 member or participant under Article 16 on or after the  
14 implementation date of the plan created under Section 1-161  
15 for that Article, unless that person elects under subsection  
16 (b) of Section 1-161 to instead receive the benefits provided  
17 under this Section and the applicable provisions of that  
18 Article.

19 This Section does not apply to a person who elects under  
20 subsection (c-5) of Section 1-161 to receive the benefits  
21 under Section 1-161.

22 This Section does not apply to a person who first becomes a  
23 member or participant of an affected pension fund on or after 6  
24 months after the resolution or ordinance date, as defined in  
25 Section 1-162, unless that person elects under subsection (c)  
26 of Section 1-162 to receive the benefits provided under this



1 Section and the applicable provisions of the Article under  
2 which he or she is a member or participant.

3 (b) "Final average salary" means, except as otherwise  
4 provided in this subsection, the average monthly (or annual)  
5 salary obtained by dividing the total salary or earnings  
6 calculated under the Article applicable to the member or  
7 participant during the 96 consecutive months (or 8 consecutive  
8 years) of service within the last 120 months (or 10 years) of  
9 service in which the total salary or earnings calculated under  
10 the applicable Article was the highest by the number of months  
11 (or years) of service in that period. For the purposes of a  
12 person who first becomes a member or participant of any  
13 retirement system or pension fund to which this Section  
14 applies on or after January 1, 2011, in this Code, "final  
15 average salary" shall be substituted for the following:

16 (1) (Blank).

17 (2) In Articles 8, 9, 10, 11, and 12, "highest average  
18 annual salary for any 4 consecutive years within the last  
19 10 years of service immediately preceding the date of  
20 withdrawal".

21 (3) In Article 13, "average final salary".

22 (4) In Article 14, "final average compensation".

23 (5) In Article 17, "average salary".

24 (6) In Section 22-207, "wages or salary received by  
25 him at the date of retirement or discharge".

26 A member of the Teachers' Retirement System of the State

1 of Illinois who retires on or after June 1, 2021 and for whom  
2 the 2020-2021 school year is used in the calculation of the  
3 member's final average salary shall use the higher of the  
4 following for the purpose of determining the member's final  
5 average salary:

6 (A) the amount otherwise calculated under the first  
7 paragraph of this subsection; or

8 (B) an amount calculated by the Teachers' Retirement  
9 System of the State of Illinois using the average of the  
10 monthly (or annual) salary obtained by dividing the total  
11 salary or earnings calculated under Article 16 applicable  
12 to the member or participant during the 96 months (or 8  
13 years) of service within the last 120 months (or 10 years)  
14 of service in which the total salary or earnings  
15 calculated under the Article was the highest by the number  
16 of months (or years) of service in that period.

17 (b-5) Beginning on January 1, 2011, for all purposes under  
18 this Code (including without limitation the calculation of  
19 benefits and employee contributions), the annual earnings,  
20 salary, or wages (based on the plan year) of a member or  
21 participant to whom this Section applies shall not exceed  
22 \$106,800; however, that amount shall annually thereafter be  
23 increased by the lesser of (i) 3% of that amount, including all  
24 previous adjustments, or (ii) one-half the annual unadjusted  
25 percentage increase (but not less than zero) in the consumer  
26 price index-u for the 12 months ending with the September

1 preceding each November 1, including all previous adjustments.

2 For the purposes of this Section, "consumer price index-u"  
3 means the index published by the Bureau of Labor Statistics of  
4 the United States Department of Labor that measures the  
5 average change in prices of goods and services purchased by  
6 all urban consumers, United States city average, all items,  
7 1982-84 = 100. The new amount resulting from each annual  
8 adjustment shall be determined by the Public Pension Division  
9 of the Department of Insurance and made available to the  
10 boards of the retirement systems and pension funds by November  
11 1 of each year.

12 (b-10) Beginning on January 1, 2024, for all purposes  
13 under this Code (including, without limitation, the  
14 calculation of benefits and employee contributions), the  
15 annual earnings, salary, or wages (based on the plan year) of a  
16 member or participant under Article 9 to whom this Section  
17 applies shall include an annual earnings, salary, or wage cap  
18 that tracks the Social Security wage base. Maximum annual  
19 earnings, wages, or salary shall be the annual contribution  
20 and benefit base established for the applicable year by the  
21 Commissioner of the Social Security Administration under the  
22 federal Social Security Act.

23 However, in no event shall the annual earnings, salary, or  
24 wages for the purposes of this Article and Article 9 exceed any  
25 limitation imposed on annual earnings, salary, or wages under  
26 Section 1-117. Under no circumstances shall the maximum amount

1 of annual earnings, salary, or wages be greater than the  
2 amount set forth in this subsection (b-10) as a result of  
3 reciprocal service or any provisions regarding reciprocal  
4 services, nor shall the Fund under Article 9 be required to pay  
5 any refund as a result of the application of this maximum  
6 annual earnings, salary, and wage cap.

7 Nothing in this subsection (b-10) shall cause or otherwise  
8 result in any retroactive adjustment of any employee  
9 contributions. Nothing in this subsection (b-10) shall cause  
10 or otherwise result in any retroactive adjustment of  
11 disability or other payments made between January 1, 2011 and  
12 January 1, 2024.

13 (c) A member or participant is entitled to a retirement  
14 annuity upon written application if he or she has attained age  
15 67 (age 65, with respect to service under Article 12 that is  
16 subject to this Section, for a member or participant under  
17 Article 12 who first becomes a member or participant under  
18 Article 12 on or after January 1, 2022 or who makes the  
19 election under item (i) of subsection (d-15) of this Section)  
20 and has at least 10 years of service credit and is otherwise  
21 eligible under the requirements of the applicable Article.

22 A member or participant who has attained age 62 (age 60,  
23 with respect to service under Article 12 that is subject to  
24 this Section, for a member or participant under Article 12 who  
25 first becomes a member or participant under Article 12 on or  
26 after January 1, 2022 or who makes the election under item (i)

1 of subsection (d-15) of this Section) and has at least 10 years  
2 of service credit and is otherwise eligible under the  
3 requirements of the applicable Article may elect to receive  
4 the lower retirement annuity provided in subsection (d) of  
5 this Section.

6 (c-5) A person who first becomes a member or a participant  
7 subject to this Section on or after July 6, 2017 (the effective  
8 date of Public Act 100-23), notwithstanding any other  
9 provision of this Code to the contrary, is entitled to a  
10 retirement annuity under Article 8 or Article 11 upon written  
11 application if he or she has attained age 65 and has at least  
12 10 years of service credit and is otherwise eligible under the  
13 requirements of Article 8 or Article 11 of this Code,  
14 whichever is applicable.

15 (d) The retirement annuity of a member or participant who  
16 is retiring after attaining age 62 (age 60, with respect to  
17 service under Article 12 that is subject to this Section, for a  
18 member or participant under Article 12 who first becomes a  
19 member or participant under Article 12 on or after January 1,  
20 2022 or who makes the election under item (i) of subsection  
21 (d-15) of this Section) with at least 10 years of service  
22 credit shall be reduced by one-half of 1% for each full month  
23 that the member's age is under age 67 (age 65, with respect to  
24 service under Article 12 that is subject to this Section, for a  
25 member or participant under Article 12 who first becomes a  
26 member or participant under Article 12 on or after January 1,

1 2022 or who makes the election under item (i) of subsection  
2 (d-15) of this Section).

3 (d-5) The retirement annuity payable under Article 8 or  
4 Article 11 to an eligible person subject to subsection (c-5)  
5 of this Section who is retiring at age 60 with at least 10  
6 years of service credit shall be reduced by one-half of 1% for  
7 each full month that the member's age is under age 65.

8 (d-10) Each person who first became a member or  
9 participant under Article 8 or Article 11 of this Code on or  
10 after January 1, 2011 and prior to July 6, 2017 (the effective  
11 date of Public Act 100-23) shall make an irrevocable election  
12 either:

13 (i) to be eligible for the reduced retirement age  
14 provided in subsections (c-5) and (d-5) of this Section,  
15 the eligibility for which is conditioned upon the member  
16 or participant agreeing to the increases in employee  
17 contributions for age and service annuities provided in  
18 subsection (a-5) of Section 8-174 of this Code (for  
19 service under Article 8) or subsection (a-5) of Section  
20 11-170 of this Code (for service under Article 11); or

21 (ii) to not agree to item (i) of this subsection  
22 (d-10), in which case the member or participant shall  
23 continue to be subject to the retirement age provisions in  
24 subsections (c) and (d) of this Section and the employee  
25 contributions for age and service annuity as provided in  
26 subsection (a) of Section 8-174 of this Code (for service

1 under Article 8) or subsection (a) of Section 11-170 of  
2 this Code (for service under Article 11).

3 The election provided for in this subsection shall be made  
4 between October 1, 2017 and November 15, 2017. A person  
5 subject to this subsection who makes the required election  
6 shall remain bound by that election. A person subject to this  
7 subsection who fails for any reason to make the required  
8 election within the time specified in this subsection shall be  
9 deemed to have made the election under item (ii).

10 (d-15) Each person who first becomes a member or  
11 participant under Article 12 on or after January 1, 2011 and  
12 prior to January 1, 2022 shall make an irrevocable election  
13 either:

14 (i) to be eligible for the reduced retirement age  
15 specified in subsections (c) and (d) of this Section, the  
16 eligibility for which is conditioned upon the member or  
17 participant agreeing to the increase in employee  
18 contributions for service annuities specified in  
19 subsection (b) of Section 12-150; or

20 (ii) to not agree to item (i) of this subsection  
21 (d-15), in which case the member or participant shall not  
22 be eligible for the reduced retirement age specified in  
23 subsections (c) and (d) of this Section and shall not be  
24 subject to the increase in employee contributions for  
25 service annuities specified in subsection (b) of Section  
26 12-150.

1           The election provided for in this subsection shall be made  
2 between January 1, 2022 and April 1, 2022. A person subject to  
3 this subsection who makes the required election shall remain  
4 bound by that election. A person subject to this subsection  
5 who fails for any reason to make the required election within  
6 the time specified in this subsection shall be deemed to have  
7 made the election under item (ii).

8           (e) Any retirement annuity or supplemental annuity shall  
9 be subject to annual increases on the January 1 occurring  
10 either on or after the attainment of age 67 (age 65, with  
11 respect to service under Article 12 that is subject to this  
12 Section, for a member or participant under Article 12 who  
13 first becomes a member or participant under Article 12 on or  
14 after January 1, 2022 or who makes the election under item (i)  
15 of subsection (d-15); and beginning on July 6, 2017 (the  
16 effective date of Public Act 100-23), age 65 with respect to  
17 service under Article 8 or Article 11 for eligible persons  
18 who: (i) are subject to subsection (c-5) of this Section; or  
19 (ii) made the election under item (i) of subsection (d-10) of  
20 this Section) or the first anniversary of the annuity start  
21 date, whichever is later. Each annual increase shall be  
22 calculated at 3% or one-half the annual unadjusted percentage  
23 increase (but not less than zero) in the consumer price  
24 index-u for the 12 months ending with the September preceding  
25 each November 1, whichever is less, of the originally granted  
26 retirement annuity. If the annual unadjusted percentage change



1 in the consumer price index-u for the 12 months ending with the  
2 September preceding each November 1 is zero or there is a  
3 decrease, then the annuity shall not be increased.

4 For the purposes of Section 1-103.1 of this Code, the  
5 changes made to this Section by Public Act 102-263 are  
6 applicable without regard to whether the employee was in  
7 active service on or after August 6, 2021 (the effective date  
8 of Public Act 102-263).

9 For the purposes of Section 1-103.1 of this Code, the  
10 changes made to this Section by Public Act 100-23 are  
11 applicable without regard to whether the employee was in  
12 active service on or after July 6, 2017 (the effective date of  
13 Public Act 100-23).

14 (f) The initial survivor's or widow's annuity of an  
15 otherwise eligible survivor or widow of a retired member or  
16 participant who first became a member or participant on or  
17 after January 1, 2011 shall be in the amount of 66 2/3% of the  
18 retired member's or participant's retirement annuity at the  
19 date of death. In the case of the death of a member or  
20 participant who has not retired and who first became a member  
21 or participant on or after January 1, 2011, eligibility for a  
22 survivor's or widow's annuity shall be determined by the  
23 applicable Article of this Code. The initial benefit shall be  
24 66 2/3% of the earned annuity without a reduction due to age. A  
25 child's annuity of an otherwise eligible child shall be in the  
26 amount prescribed under each Article if applicable. Any

1 survivor's or widow's annuity shall be increased (1) on each  
2 January 1 occurring on or after the commencement of the  
3 annuity if the deceased member died while receiving a  
4 retirement annuity or (2) in other cases, on each January 1  
5 occurring after the first anniversary of the commencement of  
6 the annuity. Each annual increase shall be calculated at 3% or  
7 one-half the annual unadjusted percentage increase (but not  
8 less than zero) in the consumer price index-u for the 12 months  
9 ending with the September preceding each November 1, whichever  
10 is less, of the originally granted survivor's annuity. If the  
11 annual unadjusted percentage change in the consumer price  
12 index-u for the 12 months ending with the September preceding  
13 each November 1 is zero or there is a decrease, then the  
14 annuity shall not be increased.

15 (g) This Section does not apply to a person who ~~The~~  
16 ~~benefits in Section 14-110 apply only if the person~~ is a State  
17 policeman, a fire fighter in the fire protection service of a  
18 department, a conservation police officer, an investigator for  
19 the Secretary of State, an investigator for the Office of the  
20 Attorney General, an arson investigator, a Commerce Commission  
21 police officer, investigator for the Department of Revenue or  
22 the Illinois Gaming Board, a security employee of the  
23 Department of Corrections or the Department of Juvenile  
24 Justice, or a security employee of the Department of  
25 Innovation and Technology, as those terms are defined in  
26 subsection (b) and subsection (c) of Section 14-110. ~~A person~~

1 ~~who meets the requirements of this Section is entitled to an~~  
2 ~~annuity calculated under the provisions of Section 14-110, in~~  
3 ~~lieu of the regular or minimum retirement annuity, only if the~~  
4 ~~person has withdrawn from service with not less than 20 years~~  
5 ~~of eligible creditable service and has attained age 60,~~  
6 ~~regardless of whether the attainment of age 60 occurs while~~  
7 ~~the person is still in service.~~

8 (h) If a person who first becomes a member or a participant  
9 of a retirement system or pension fund subject to this Section  
10 on or after January 1, 2011 is receiving a retirement annuity  
11 or retirement pension under that system or fund and becomes a  
12 member or participant under any other system or fund created  
13 by this Code and is employed on a full-time basis, except for  
14 those members or participants exempted from the provisions of  
15 this Section under subsection (a) of this Section, then the  
16 person's retirement annuity or retirement pension under that  
17 system or fund shall be suspended during that employment. Upon  
18 termination of that employment, the person's retirement  
19 annuity or retirement pension payments shall resume and be  
20 recalculated if recalculation is provided for under the  
21 applicable Article of this Code.

22 If a person who first becomes a member of a retirement  
23 system or pension fund subject to this Section on or after  
24 January 1, 2012 and is receiving a retirement annuity or  
25 retirement pension under that system or fund and accepts on a  
26 contractual basis a position to provide services to a

1 governmental entity from which he or she has retired, then  
2 that person's annuity or retirement pension earned as an  
3 active employee of the employer shall be suspended during that  
4 contractual service. A person receiving an annuity or  
5 retirement pension under this Code shall notify the pension  
6 fund or retirement system from which he or she is receiving an  
7 annuity or retirement pension, as well as his or her  
8 contractual employer, of his or her retirement status before  
9 accepting contractual employment. A person who fails to submit  
10 such notification shall be guilty of a Class A misdemeanor and  
11 required to pay a fine of \$1,000. Upon termination of that  
12 contractual employment, the person's retirement annuity or  
13 retirement pension payments shall resume and, if appropriate,  
14 be recalculated under the applicable provisions of this Code.

15 (i) (Blank).

16 (i-5) It is the intent of this amendatory Act of the 103rd  
17 General Assembly to provide to the participants specified in  
18 subsections (g) and (g-5) who first became participants on or  
19 after January 1, 2011 the same level of benefits and  
20 eligibility criteria for benefits as those who first became  
21 participants before January 1, 2011. The changes made to this  
22 Article by this amendatory Act of the 103rd General Assembly  
23 that provide benefit increases for participants specified in  
24 subsections (g) and (g-5) apply without regard to whether the  
25 participant was in service on or after the effective date of  
26 this amendatory Act of the 103rd General Assembly,

1 notwithstanding the provisions of Section 1-103.1. The benefit  
2 increases are intended to apply prospectively and do not  
3 entitle a participant to retroactive benefit payments or  
4 increases. The changes made to this Article by this amendatory  
5 Act of the 103rd General Assembly shall not cause or otherwise  
6 result in any retroactive adjustment of any employee  
7 contributions.

8 (j) In the case of a conflict between the provisions of  
9 this Section and any other provision of this Code, the  
10 provisions of this Section shall control.

11 (Source: P.A. 102-16, eff. 6-17-21; 102-210, eff. 1-1-22;  
12 102-263, eff. 8-6-21; 102-956, eff. 5-27-22; 103-529, eff.  
13 8-11-23.)

14 (40 ILCS 5/3-111) (from Ch. 108 1/2, par. 3-111)

15 Sec. 3-111. Pension.

16 (a) A police officer age 50 or more with 20 or more years  
17 of creditable service, who is not a participant in the  
18 self-managed plan under Section 3-109.3 and who is no longer  
19 in service as a police officer, shall receive a pension of 1/2  
20 of the salary attached to the rank held by the officer on the  
21 police force for one year immediately prior to retirement or,  
22 beginning July 1, 1987 for persons terminating service on or  
23 after that date, the salary attached to the rank held on the  
24 last day of service or for one year prior to the last day,  
25 whichever is greater. The pension shall be increased by 2.5%

1 of such salary for each additional year of service over 20  
2 years of service through 30 years of service, to a maximum of  
3 75% of such salary.

4 The changes made to this subsection (a) by this amendatory  
5 Act of the 91st General Assembly apply to all pensions that  
6 become payable under this subsection on or after January 1,  
7 1999. All pensions payable under this subsection that began on  
8 or after January 1, 1999 and before the effective date of this  
9 amendatory Act shall be recalculated, and the amount of the  
10 increase accruing for that period shall be payable to the  
11 pensioner in a lump sum.

12 (a-5) No pension in effect on or granted after June 30,  
13 1973 shall be less than \$200 per month. Beginning July 1, 1987,  
14 the minimum retirement pension for a police officer having at  
15 least 20 years of creditable service shall be \$400 per month,  
16 without regard to whether or not retirement occurred prior to  
17 that date. If the minimum pension established in Section  
18 3-113.1 is greater than the minimum provided in this  
19 subsection, the Section 3-113.1 minimum controls.

20 (b) A police officer mandatorily retired from service due  
21 to age by operation of law, having at least 8 but less than 20  
22 years of creditable service, shall receive a pension equal to  
23 2 1/2% of the salary attached to the rank he or she held on the  
24 police force for one year immediately prior to retirement or,  
25 beginning July 1, 1987 for persons terminating service on or  
26 after that date, the salary attached to the rank held on the

1 last day of service or for one year prior to the last day,  
2 whichever is greater, for each year of creditable service.

3 A police officer who retires or is separated from service  
4 having at least 8 years but less than 20 years of creditable  
5 service, who is not mandatorily retired due to age by  
6 operation of law, and who does not apply for a refund of  
7 contributions at his or her last separation from police  
8 service, shall receive a pension upon attaining age 60 equal  
9 to 2.5% of the salary attached to the rank held by the police  
10 officer on the police force for one year immediately prior to  
11 retirement or, beginning July 1, 1987 for persons terminating  
12 service on or after that date, the salary attached to the rank  
13 held on the last day of service or for one year prior to the  
14 last day, whichever is greater, for each year of creditable  
15 service.

16 (c) A police officer no longer in service who has at least  
17 one but less than 8 years of creditable service in a police  
18 pension fund but meets the requirements of this subsection (c)  
19 shall be eligible to receive a pension from that fund equal to  
20 2.5% of the salary attached to the rank held on the last day of  
21 service under that fund or for one year prior to that last day,  
22 whichever is greater, for each year of creditable service in  
23 that fund. The pension shall begin no earlier than upon  
24 attainment of age 60 (or upon mandatory retirement from the  
25 fund by operation of law due to age, if that occurs before age  
26 60) and in no event before the effective date of this

1 amendatory Act of 1997.

2 In order to be eligible for a pension under this  
3 subsection (c), the police officer must have at least 8 years  
4 of creditable service in a second police pension fund under  
5 this Article and be receiving a pension under subsection (a)  
6 or (b) of this Section from that second fund. The police  
7 officer need not be in service on or after the effective date  
8 of this amendatory Act of 1997.

9 (d) (Blank). ~~Notwithstanding any other provision of this~~  
10 ~~Article, the provisions of this subsection (d) apply to a~~  
11 ~~person who is not a participant in the self-managed plan under~~  
12 ~~Section 3-109.3 and who first becomes a police officer under~~  
13 ~~this Article on or after January 1, 2011.~~

14 ~~A police officer age 55 or more who has 10 or more years of~~  
15 ~~service in that capacity shall be entitled at his option to~~  
16 ~~receive a monthly pension for his service as a police officer~~  
17 ~~computed by multiplying 2.5% for each year of such service by~~  
18 ~~his or her final average salary.~~

19 ~~The pension of a police officer who is retiring after~~  
20 ~~attaining age 50 with 10 or more years of creditable service~~  
21 ~~shall be reduced by one half of 1% for each month that the~~  
22 ~~police officer's age is under age 55.~~

23 ~~The maximum pension under this subsection (d) shall be 75%~~  
24 ~~of final average salary.~~

25 ~~For the purposes of this subsection (d), "final average~~  
26 ~~salary" means the greater of: (i) the average monthly salary~~



1 ~~obtained by dividing the total salary of the police officer~~  
2 ~~during the 48 consecutive months of service within the last 60~~  
3 ~~months of service in which the total salary was the highest by~~  
4 ~~the number of months of service in that period; or (ii) the~~  
5 ~~average monthly salary obtained by dividing the total salary~~  
6 ~~of the police officer during the 96 consecutive months of~~  
7 ~~service within the last 120 months of service in which the~~  
8 ~~total salary was the highest by the number of months of service~~  
9 ~~in that period.~~

10 ~~Beginning on January 1, 2011, for all purposes under this~~  
11 ~~Code (including without limitation the calculation of benefits~~  
12 ~~and employee contributions), the annual salary based on the~~  
13 ~~plan year of a member or participant to whom this Section~~  
14 ~~applies shall not exceed \$106,800; however, that amount shall~~  
15 ~~annually thereafter be increased by the lesser of (i) 3% of~~  
16 ~~that amount, including all previous adjustments, or (ii) the~~  
17 ~~annual unadjusted percentage increase (but not less than zero)~~  
18 ~~in the consumer price index u for the 12 months ending with the~~  
19 ~~September preceding each November 1, including all previous~~  
20 ~~adjustments.~~

21 ~~Nothing in this amendatory Act of the 101st General~~  
22 ~~Assembly shall cause or otherwise result in any retroactive~~  
23 ~~adjustment of any employee contributions.~~

24 (Source: P.A. 101-610, eff. 1-1-20.)

25 (40 ILCS 5/3-111.1) (from Ch. 108 1/2, par. 3-111.1)

1           Sec. 3-111.1. Increase in pension.

2           (a) Except as provided in subsection (e), the monthly  
3 pension of a police officer who retires after July 1, 1971, and  
4 prior to January 1, 1986, shall be increased, upon either the  
5 first of the month following the first anniversary of the date  
6 of retirement if the officer is 60 years of age or over at  
7 retirement date, or upon the first day of the month following  
8 attainment of age 60 if it occurs after the first anniversary  
9 of retirement, by 3% of the originally granted pension and by  
10 an additional 3% of the originally granted pension in January  
11 of each year thereafter.

12           (b) The monthly pension of a police officer who retired  
13 from service with 20 or more years of service, on or before  
14 July 1, 1971, shall be increased in January of the year  
15 following the year of attaining age 65 or in January of 1972,  
16 if then over age 65, by 3% of the originally granted pension  
17 for each year the police officer received pension payments. In  
18 each January thereafter, he or she shall receive an additional  
19 increase of 3% of the original pension.

20           (c) The monthly pension of a police officer who retires on  
21 disability or is retired for disability shall be increased in  
22 January of the year following the year of attaining age 60, by  
23 3% of the original grant of pension for each year he or she  
24 received pension payments. In each January thereafter, the  
25 police officer shall receive an additional increase of 3% of  
26 the original pension.

1           (d) The monthly pension of a police officer who retires  
2 after January 1, 1986, shall be increased, upon either the  
3 first of the month following the first anniversary of the date  
4 of retirement if the officer is 55 years of age or over, or  
5 upon the first day of the month following attainment of age 55  
6 if it occurs after the first anniversary of retirement, by  
7 1/12 of 3% of the originally granted pension for each full  
8 month that has elapsed since the pension began, and by an  
9 additional 3% of the originally granted pension in January of  
10 each year thereafter.

11           The changes made to this subsection (d) by this amendatory  
12 Act of the 91st General Assembly apply to all initial  
13 increases that become payable under this subsection on or  
14 after January 1, 1999. All initial increases that became  
15 payable under this subsection on or after January 1, 1999 and  
16 before the effective date of this amendatory Act shall be  
17 recalculated and the additional amount accruing for that  
18 period, if any, shall be payable to the pensioner in a lump  
19 sum.

20           (e) Notwithstanding the provisions of subsection (a), upon  
21 the first day of the month following (1) the first anniversary  
22 of the date of retirement, or (2) the attainment of age 55, or  
23 (3) July 1, 1987, whichever occurs latest, the monthly pension  
24 of a police officer who retired on or after January 1, 1977 and  
25 on or before January 1, 1986, and did not receive an increase  
26 under subsection (a) before July 1, 1987, shall be increased

1 by 3% of the originally granted monthly pension for each full  
2 year that has elapsed since the pension began, and by an  
3 additional 3% of the originally granted pension in each  
4 January thereafter. The increases provided under this  
5 subsection are in lieu of the increases provided in subsection  
6 (a).

7 (f) Notwithstanding the other provisions of this Section,  
8 beginning with increases granted on or after July 1, 1993, the  
9 second and all subsequent automatic annual increases granted  
10 under subsection (a), (b), (d), or (e) of this Section shall be  
11 calculated as 3% of the amount of pension payable at the time  
12 of the increase, including any increases previously granted  
13 under this Section, rather than 3% of the originally granted  
14 pension amount. Section 1-103.1 does not apply to this  
15 subsection (f).

16 (g) Notwithstanding any other provision of this Article,  
17 the monthly pension of a person who first becomes a police  
18 officer under this Article on or after January 1, 2011 shall be  
19 increased on the January 1 occurring either on or after the  
20 attainment of age 60 or the first anniversary of the pension  
21 start date, whichever is later; except that, beginning on the  
22 effective date of this amendatory Act of the 103rd General  
23 Assembly, eligibility for and the amount of the automatic  
24 increase in the monthly pension of such a person shall be  
25 calculated as otherwise provided in this Section. Each annual  
26 increase shall be calculated at 3% or one-half the annual

1 unadjusted percentage increase (but not less than zero) in the  
2 consumer price index-u for the 12 months ending with the  
3 September preceding each November 1, whichever is less, of the  
4 originally granted pension. If the annual unadjusted  
5 percentage change in the consumer price index-u for a 12-month  
6 period ending in September is zero or, when compared with the  
7 preceding period, decreases, then the pension shall not be  
8 increased.

9 For the purposes of this subsection (g), "consumer price  
10 index-u" means the index published by the Bureau of Labor  
11 Statistics of the United States Department of Labor that  
12 measures the average change in prices of goods and services  
13 purchased by all urban consumers, United States city average,  
14 all items, 1982-84 = 100. The new amount resulting from each  
15 annual adjustment shall be determined by the Public Pension  
16 Division of the Department of Insurance and made available to  
17 the boards of the pension funds.

18 (Source: P.A. 96-1495, eff. 1-1-11.)

19 (40 ILCS 5/3-112) (from Ch. 108 1/2, par. 3-112)

20 Sec. 3-112. Pension to survivors.

21 (a) Upon the death of a police officer entitled to a  
22 pension under Section 3-111, the surviving spouse shall be  
23 entitled to the pension to which the police officer was then  
24 entitled. Upon the death of the surviving spouse, or upon the  
25 remarriage of the surviving spouse if that remarriage

1 terminates the surviving spouse's eligibility under Section  
2 3-121, the police officer's unmarried children who are under  
3 age 18 or who are dependent because of physical or mental  
4 disability shall be entitled to equal shares of such pension.  
5 If there is no eligible surviving spouse and no eligible  
6 child, the dependent parent or parents of the officer shall be  
7 entitled to receive or share such pension until their death or  
8 marriage or remarriage after the death of the police officer.

9 Notwithstanding any other provision of this Article, for a  
10 person who first becomes a police officer under this Article  
11 on or after January 1, 2011, the pension to which the surviving  
12 spouse, children, or parents are entitled under this  
13 subsection (a) shall be in an amount equal to the greater of  
14 (i) 54% of the police officer's monthly salary at the date of  
15 death, or (ii) 66 2/3% of the police officer's earned pension  
16 at the date of death, and, if there is a surviving spouse, 12%  
17 of such monthly salary shall be granted to the guardian of any  
18 minor child or children, including a child who has been  
19 conceived but not yet born, for each such child until  
20 attainment of age 18. Upon the death of the surviving spouse  
21 leaving one or more minor children, or upon the death of a  
22 police officer leaving one or more minor children but no  
23 surviving spouse, a monthly pension of 20% of the monthly  
24 salary shall be granted to the duly appointed guardian of each  
25 such child for the support and maintenance of each such child  
26 until the child reaches age 18. The total pension provided

1 under this paragraph shall not exceed 75% of the monthly  
2 salary of the deceased police officer (1) when paid to the  
3 survivor of a police officer who has attained 20 or more years  
4 of service credit and who receives or is eligible to receive a  
5 retirement pension under this Article, (2) when paid to the  
6 survivor of a police officer who dies as a result of illness or  
7 accident, (3) when paid to the survivor of a police officer who  
8 dies from any cause while in receipt of a disability pension  
9 under this Article, or (4) when paid to the survivor of a  
10 deferred pensioner. Nothing in this subsection (a) shall act  
11 to diminish the survivor's benefits described in subsection  
12 (e) of this Section.

13 Notwithstanding Section 1-103.1, the changes made to this  
14 subsection apply without regard to whether the deceased police  
15 officer was in service on or after the effective date of this  
16 amendatory Act of the 101st General Assembly.

17 Notwithstanding any other provision of this Article, the  
18 monthly pension of a survivor of a person who first becomes a  
19 police officer under this Article on or after January 1, 2011  
20 shall be increased on the January 1 after attainment of age 60  
21 by the recipient of the survivor's pension and each January 1  
22 thereafter by 3% or one-half the annual unadjusted percentage  
23 increase (but not less than zero) in the consumer price  
24 index-u for the 12 months ending with the September preceding  
25 each November 1, whichever is less, of the originally granted  
26 survivor's pension; except that, beginning on the effective

1 date of this amendatory Act of the 103rd General Assembly,  
2 eligibility for and the amount of the automatic increase in  
3 the monthly pension of such a survivor shall be calculated as  
4 otherwise provided in this Section. If the annual unadjusted  
5 percentage change in the consumer price index-u for a 12-month  
6 period ending in September is zero or, when compared with the  
7 preceding period, decreases, then the survivor's pension shall  
8 not be increased.

9 For the purposes of this subsection (a), "consumer price  
10 index-u" means the index published by the Bureau of Labor  
11 Statistics of the United States Department of Labor that  
12 measures the average change in prices of goods and services  
13 purchased by all urban consumers, United States city average,  
14 all items, 1982-84 = 100. The new amount resulting from each  
15 annual adjustment shall be determined by the Public Pension  
16 Division of the Department of Insurance and made available to  
17 the boards of the pension funds.

18 (b) Upon the death of a police officer while in service,  
19 having at least 20 years of creditable service, or upon the  
20 death of a police officer who retired from service with at  
21 least 20 years of creditable service, whether death occurs  
22 before or after attainment of age 50, the pension earned by the  
23 police officer as of the date of death as provided in Section  
24 3-111 shall be paid to the survivors in the sequence provided  
25 in subsection (a) of this Section.

26 (c) Upon the death of a police officer while in service,



1 having at least 10 but less than 20 years of service, a pension  
2 of 1/2 of the salary attached to the rank or ranks held by the  
3 officer for one year immediately prior to death shall be  
4 payable to the survivors in the sequence provided in  
5 subsection (a) of this Section. If death occurs as a result of  
6 the performance of duty, the 10 year requirement shall not  
7 apply and the pension to survivors shall be payable after any  
8 period of service.

9 (d) Beginning July 1, 1987, a minimum pension of \$400 per  
10 month shall be paid to all surviving spouses, without regard  
11 to the fact that the death of the police officer occurred prior  
12 to that date. If the minimum pension established in Section  
13 3-113.1 is greater than the minimum provided in this  
14 subsection, the Section 3-113.1 minimum controls.

15 (e) The pension of the surviving spouse of a police  
16 officer who dies (i) on or after January 1, 2001, (ii) without  
17 having begun to receive either a retirement pension payable  
18 under Section 3-111 or a disability pension payable under  
19 Section 3-114.1, 3-114.2, 3-114.3, or 3-114.6, and (iii) as a  
20 result of sickness, accident, or injury incurred in or  
21 resulting from the performance of an act of duty shall not be  
22 less than 100% of the salary attached to the rank held by the  
23 deceased police officer on the last day of service,  
24 notwithstanding any provision in this Article to the contrary.  
25 (Source: P.A. 101-610, eff. 1-1-20.)

1 (40 ILCS 5/3-125) (from Ch. 108 1/2, par. 3-125)

2 Sec. 3-125. Financing.

3 (a) The city council or the board of trustees of the  
4 municipality shall annually levy a tax upon all the taxable  
5 property of the municipality at the rate on the dollar which  
6 will produce an amount which, when added to the deductions  
7 from the salaries or wages of police officers, and revenues  
8 available from other sources, including State contributions,  
9 will equal a sum sufficient to meet the annual requirements of  
10 the police pension fund. The annual requirements to be  
11 provided by such tax levy are equal to (1) the normal cost of  
12 the pension fund for the year involved, plus (2) an amount  
13 sufficient to bring the total assets of the pension fund up to  
14 90% of the total actuarial liabilities of the pension fund by  
15 the end of municipal fiscal year 2040, as annually updated and  
16 determined by an enrolled actuary employed by the Illinois  
17 Department of Insurance or by an enrolled actuary retained by  
18 the pension fund or the municipality, minus (3) any  
19 anticipated State contributions from the Local Government  
20 Retirement Fund for the year involved. In making these  
21 determinations, the required minimum employer contribution  
22 shall be calculated each year as a level percentage of payroll  
23 over the years remaining up to and including fiscal year 2040  
24 and shall be determined under the projected unit credit  
25 actuarial cost method. The tax shall be levied and collected  
26 in the same manner as the general taxes of the municipality,

1 and in addition to all other taxes now or hereafter authorized  
2 to be levied upon all property within the municipality, and  
3 shall be in addition to the amount authorized to be levied for  
4 general purposes as provided by Section 8-3-1 of the Illinois  
5 Municipal Code, approved May 29, 1961, as amended. The tax  
6 shall be forwarded directly to the treasurer of the board  
7 within 30 business days after receipt by the county.

8 (a-5) Beginning in State fiscal year 2025, the city  
9 council or the board of trustees of the municipality shall  
10 certify to the Governor the amount of (1) the normal cost of  
11 the pension fund for the year involved, plus (2) an amount  
12 sufficient to bring the total assets of the pension fund up to  
13 90% of the total actuarial liabilities of the pension fund by  
14 the end of municipal fiscal year 2040, as annually updated and  
15 determined by an enrolled actuary employed by the Department  
16 of Insurance or by an enrolled actuary retained by the pension  
17 fund or the municipality.

18 (b) For purposes of determining the required employer  
19 contribution to a pension fund, the value of the pension  
20 fund's assets shall be equal to the actuarial value of the  
21 pension fund's assets, which shall be calculated as follows:

22 (1) On March 30, 2011, the actuarial value of a  
23 pension fund's assets shall be equal to the market value  
24 of the assets as of that date.

25 (2) In determining the actuarial value of the System's  
26 assets for fiscal years after March 30, 2011, any

1 actuarial gains or losses from investment return incurred  
2 in a fiscal year shall be recognized in equal annual  
3 amounts over the 5-year period following that fiscal year.

4 (c) If a participating municipality fails to transmit to  
5 the fund contributions required of it under this Article for  
6 more than 90 days after the payment of those contributions is  
7 due, the fund may, after giving notice to the municipality,  
8 certify to the State Comptroller the amounts of the delinquent  
9 payments in accordance with any applicable rules of the  
10 Comptroller, and the Comptroller must, beginning in fiscal  
11 year 2016, deduct and remit to the fund the certified amounts  
12 or a portion of those amounts from the following proportions  
13 of payments of State funds to the municipality:

14 (1) in fiscal year 2016, one-third of the total amount  
15 of any payments of State funds to the municipality;

16 (2) in fiscal year 2017, two-thirds of the total  
17 amount of any payments of State funds to the municipality;  
18 and

19 (3) in fiscal year 2018 and each fiscal year  
20 thereafter, the total amount of any payments of State  
21 funds to the municipality.

22 The State Comptroller may not deduct from any payments of  
23 State funds to the municipality more than the amount of  
24 delinquent payments certified to the State Comptroller by the  
25 fund.

26 (d) The police pension fund shall consist of the following

1 moneys which shall be set apart by the treasurer of the  
2 municipality:

3 (1) All moneys derived from the taxes levied  
4 hereunder;

5 (2) Contributions by police officers under Section  
6 3-125.1;

7 (2.5) All moneys received from the Police Officers'  
8 Pension Investment Fund as provided in Article 22B of this  
9 Code;

10 (3) All moneys accumulated by the municipality under  
11 any previous legislation establishing a fund for the  
12 benefit of disabled or retired police officers;

13 (4) Donations, gifts or other transfers authorized by  
14 this Article.

15 (e) The Commission on Government Forecasting and  
16 Accountability shall conduct a study of all funds established  
17 under this Article and shall report its findings to the  
18 General Assembly on or before January 1, 2013. To the fullest  
19 extent possible, the study shall include, but not be limited  
20 to, the following:

21 (1) fund balances;

22 (2) historical employer contribution rates for each  
23 fund;

24 (3) the actuarial formulas used as a basis for  
25 employer contributions, including the actual assumed rate  
26 of return for each year, for each fund;

- 1 (4) available contribution funding sources;
- 2 (5) the impact of any revenue limitations caused by
- 3 PTELL and employer home rule or non-home rule status; and
- 4 (6) existing statutory funding compliance procedures
- 5 and funding enforcement mechanisms for all municipal
- 6 pension funds.

7 (Source: P.A. 101-610, eff. 1-1-20.)

8 (40 ILCS 5/3-148.5 new)

9 Sec. 3-148.5. Application of this amendatory Act of the

10 103rd General Assembly. It is the intent of this amendatory

11 Act of the 103rd General Assembly to provide to police

12 officers who first became police officers on or after January

13 1, 2011 the same level of benefits and eligibility criteria

14 for benefits as those who first became police officers before

15 January 1, 2011. The changes made to this Article by this

16 amendatory Act of the 103rd General Assembly that provide

17 benefit increases for police officers apply without regard to

18 whether the police officer was in service on or after the

19 effective date of this amendatory Act of the 103rd General

20 Assembly, notwithstanding the provisions of Section 1-103.1.

21 The benefit increases are intended to apply prospectively and

22 do not entitle a police officer to retroactive benefit

23 payments or increases. The changes made to this Article by

24 this amendatory Act of the 103rd General Assembly shall not

25 cause or otherwise result in any retroactive adjustment of any

1 employee contributions.

2 (40 ILCS 5/4-109) (from Ch. 108 1/2, par. 4-109)

3 Sec. 4-109. Pension.

4 (a) A firefighter age 50 or more with 20 or more years of  
5 creditable service, who is no longer in service as a  
6 firefighter, shall receive a monthly pension of 1/2 the  
7 monthly salary attached to the rank held by him or her in the  
8 fire service at the date of retirement.

9 The monthly pension shall be increased by 1/12 of 2.5% of  
10 such monthly salary for each additional month over 20 years of  
11 service through 30 years of service, to a maximum of 75% of  
12 such monthly salary.

13 The changes made to this subsection (a) by this amendatory  
14 Act of the 91st General Assembly apply to all pensions that  
15 become payable under this subsection on or after January 1,  
16 1999. All pensions payable under this subsection that began on  
17 or after January 1, 1999 and before the effective date of this  
18 amendatory Act shall be recalculated, and the amount of the  
19 increase accruing for that period shall be payable to the  
20 pensioner in a lump sum.

21 (b) A firefighter who retires or is separated from service  
22 having at least 10 but less than 20 years of creditable  
23 service, who is not entitled to receive a disability pension,  
24 and who did not apply for a refund of contributions at his or  
25 her last separation from service shall receive a monthly

1 pension upon attainment of age 60 based on the monthly salary  
2 attached to his or her rank in the fire service on the date of  
3 retirement or separation from service according to the  
4 following schedule:

5 For 10 years of service, 15% of salary;

6 For 11 years of service, 17.6% of salary;

7 For 12 years of service, 20.4% of salary;

8 For 13 years of service, 23.4% of salary;

9 For 14 years of service, 26.6% of salary;

10 For 15 years of service, 30% of salary;

11 For 16 years of service, 33.6% of salary;

12 For 17 years of service, 37.4% of salary;

13 For 18 years of service, 41.4% of salary;

14 For 19 years of service, 45.6% of salary.

15 (c) (Blank). ~~Notwithstanding any other provision of this~~  
16 ~~Article, the provisions of this subsection (c) apply to a~~  
17 ~~person who first becomes a firefighter under this Article on~~  
18 ~~or after January 1, 2011.~~

19 ~~A firefighter age 55 or more who has 10 or more years of~~  
20 ~~service in that capacity shall be entitled at his option to~~  
21 ~~receive a monthly pension for his service as a firefighter~~  
22 ~~computed by multiplying 2.5% for each year of such service by~~  
23 ~~his or her final average salary.~~

24 ~~The pension of a firefighter who is retiring after~~  
25 ~~attaining age 50 with 10 or more years of creditable service~~  
26 ~~shall be reduced by one half of 1% for each month that the~~



1 ~~firefighter's age is under age 55.~~

2 ~~The maximum pension under this subsection (c) shall be 75%~~  
3 ~~of final average salary.~~

4 ~~For the purposes of this subsection (c), "final average~~  
5 ~~salary" means the greater of: (i) the average monthly salary~~  
6 ~~obtained by dividing the total salary of the firefighter~~  
7 ~~during the 48 consecutive months of service within the last 60~~  
8 ~~months of service in which the total salary was the highest by~~  
9 ~~the number of months of service in that period; or (ii) the~~  
10 ~~average monthly salary obtained by dividing the total salary~~  
11 ~~of the firefighter during the 96 consecutive months of service~~  
12 ~~within the last 120 months of service in which the total salary~~  
13 ~~was the highest by the number of months of service in that~~  
14 ~~period.~~

15 ~~Beginning on January 1, 2011, for all purposes under this~~  
16 ~~Code (including without limitation the calculation of benefits~~  
17 ~~and employee contributions), the annual salary based on the~~  
18 ~~plan year of a member or participant to whom this Section~~  
19 ~~applies shall not exceed \$106,800; however, that amount shall~~  
20 ~~annually thereafter be increased by the lesser of (i) 3% of~~  
21 ~~that amount, including all previous adjustments, or (ii) the~~  
22 ~~annual unadjusted percentage increase (but not less than zero)~~  
23 ~~in the consumer price index-u for the 12 months ending with the~~  
24 ~~September preceding each November 1, including all previous~~  
25 ~~adjustments.~~

26 ~~Nothing in this amendatory Act of the 101st General~~

1 ~~Assembly shall cause or otherwise result in any retroactive~~  
2 ~~adjustment of any employee contributions.~~

3 (Source: P.A. 101-610, eff. 1-1-20.)

4 (40 ILCS 5/4-109.1) (from Ch. 108 1/2, par. 4-109.1)

5 Sec. 4-109.1. Increase in pension.

6 (a) Except as provided in subsection (e), the monthly  
7 pension of a firefighter who retires after July 1, 1971 and  
8 prior to January 1, 1986, shall, upon either the first of the  
9 month following the first anniversary of the date of  
10 retirement if 60 years of age or over at retirement date, or  
11 upon the first day of the month following attainment of age 60  
12 if it occurs after the first anniversary of retirement, be  
13 increased by 2% of the originally granted monthly pension and  
14 by an additional 2% in each January thereafter. Effective  
15 January 1976, the rate of the annual increase shall be 3% of  
16 the originally granted monthly pension.

17 (b) The monthly pension of a firefighter who retired from  
18 service with 20 or more years of service, on or before July 1,  
19 1971, shall be increased, in January of the year following the  
20 year of attaining age 65 or in January 1972, if then over age  
21 65, by 2% of the originally granted monthly pension, for each  
22 year the firefighter received pension payments. In each  
23 January thereafter, he or she shall receive an additional  
24 increase of 2% of the original monthly pension. Effective  
25 January 1976, the rate of the annual increase shall be 3%.

1 (c) The monthly pension of a firefighter who is receiving  
2 a disability pension under this Article shall be increased, in  
3 January of the year following the year the firefighter attains  
4 age 60, or in January 1974, if then over age 60, by 2% of the  
5 originally granted monthly pension for each year he or she  
6 received pension payments. In each January thereafter, the  
7 firefighter shall receive an additional increase of 2% of the  
8 original monthly pension. Effective January 1976, the rate of  
9 the annual increase shall be 3%.

10 (c-1) On January 1, 1998, every child's disability benefit  
11 payable on that date under Section 4-110 or 4-110.1 shall be  
12 increased by an amount equal to 1/12 of 3% of the amount of the  
13 benefit, multiplied by the number of months for which the  
14 benefit has been payable. On each January 1 thereafter, every  
15 child's disability benefit payable under Section 4-110 or  
16 4-110.1 shall be increased by 3% of the amount of the benefit  
17 then being paid, including any previous increases received  
18 under this Article. These increases are not subject to any  
19 limitation on the maximum benefit amount included in Section  
20 4-110 or 4-110.1.

21 (c-2) On July 1, 2004, every pension payable to or on  
22 behalf of a minor or disabled surviving child that is payable  
23 on that date under Section 4-114 shall be increased by an  
24 amount equal to 1/12 of 3% of the amount of the pension,  
25 multiplied by the number of months for which the benefit has  
26 been payable. On July 1, 2005, July 1, 2006, July 1, 2007, and

1 July 1, 2008, every pension payable to or on behalf of a minor  
2 or disabled surviving child that is payable under Section  
3 4-114 shall be increased by 3% of the amount of the pension  
4 then being paid, including any previous increases received  
5 under this Article. These increases are not subject to any  
6 limitation on the maximum benefit amount included in Section  
7 4-114.

8 (d) The monthly pension of a firefighter who retires after  
9 January 1, 1986, shall, upon either the first of the month  
10 following the first anniversary of the date of retirement if  
11 55 years of age or over, or upon the first day of the month  
12 following attainment of age 55 if it occurs after the first  
13 anniversary of retirement, be increased by 1/12 of 3% of the  
14 originally granted monthly pension for each full month that  
15 has elapsed since the pension began, and by an additional 3% in  
16 each January thereafter.

17 The changes made to this subsection (d) by this amendatory  
18 Act of the 91st General Assembly apply to all initial  
19 increases that become payable under this subsection on or  
20 after January 1, 1999. All initial increases that became  
21 payable under this subsection on or after January 1, 1999 and  
22 before the effective date of this amendatory Act shall be  
23 recalculated and the additional amount accruing for that  
24 period, if any, shall be payable to the pensioner in a lump  
25 sum.

26 (e) Notwithstanding the provisions of subsection (a), upon

1 the first day of the month following (1) the first anniversary  
2 of the date of retirement, or (2) the attainment of age 55, or  
3 (3) July 1, 1987, whichever occurs latest, the monthly pension  
4 of a firefighter who retired on or after January 1, 1977 and on  
5 or before January 1, 1986 and did not receive an increase under  
6 subsection (a) before July 1, 1987, shall be increased by 3% of  
7 the originally granted monthly pension for each full year that  
8 has elapsed since the pension began, and by an additional 3% in  
9 each January thereafter. The increases provided under this  
10 subsection are in lieu of the increases provided in subsection  
11 (a).

12 (f) In July 2009, the monthly pension of a firefighter who  
13 retired before July 1, 1977 shall be recalculated and  
14 increased to reflect the amount that the firefighter would  
15 have received in July 2009 had the firefighter been receiving  
16 a 3% compounded increase for each year he or she received  
17 pension payments after January 1, 1986, plus any increases in  
18 pension received for each year prior to January 1, 1986. In  
19 each January thereafter, he or she shall receive an additional  
20 increase of 3% of the amount of the pension then being paid.  
21 The changes made to this Section by this amendatory Act of the  
22 96th General Assembly apply without regard to whether the  
23 firefighter was in service on or after its effective date.

24 (g) Notwithstanding any other provision of this Article,  
25 the monthly pension of a person who first becomes a  
26 firefighter under this Article on or after January 1, 2011

1 shall be increased on the January 1 occurring either on or  
2 after the attainment of age 60 or the first anniversary of the  
3 pension start date, whichever is later; except that, beginning  
4 on the effective date of this amendatory Act of the 103rd  
5 General Assembly, eligibility for and the amount of the  
6 automatic increase in the monthly pension of such a person  
7 shall be calculated as otherwise provided in this Section.

8 Each annual increase shall be calculated at 3% or one-half the  
9 annual unadjusted percentage increase (but not less than zero)  
10 in the consumer price index-u for the 12 months ending with the  
11 September preceding each November 1, whichever is less, of the  
12 originally granted pension. If the annual unadjusted  
13 percentage change in the consumer price index-u for a 12-month  
14 period ending in September is zero or, when compared with the  
15 preceding period, decreases, then the pension shall not be  
16 increased.

17 For the purposes of this subsection (g), "consumer price  
18 index-u" means the index published by the Bureau of Labor  
19 Statistics of the United States Department of Labor that  
20 measures the average change in prices of goods and services  
21 purchased by all urban consumers, United States city average,  
22 all items, 1982-84 = 100. The new amount resulting from each  
23 annual adjustment shall be determined by the Public Pension  
24 Division of the Department of Insurance and made available to  
25 the boards of the pension funds.

26 (Source: P.A. 96-775, eff. 8-28-09; 96-1495, eff. 1-1-11.)

1 (40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

2 Sec. 4-114. Pension to survivors. If a firefighter who is  
3 not receiving a disability pension under Section 4-110 or  
4 4-110.1 dies (1) as a result of any illness or accident, or (2)  
5 from any cause while in receipt of a disability pension under  
6 this Article, or (3) during retirement after 20 years service,  
7 or (4) while vested for or in receipt of a pension payable  
8 under subsection (b) of Section 4-109, or (5) while a deferred  
9 pensioner, having made all required contributions, a pension  
10 shall be paid to his or her survivors, based on the monthly  
11 salary attached to the firefighter's rank on the last day of  
12 service in the fire department, as follows:

13 (a) (1) To the surviving spouse, a monthly pension of  
14 40% of the monthly salary, and if there is a surviving  
15 spouse, to the guardian of any minor child or children  
16 including a child which has been conceived but not yet  
17 born, 12% of such monthly salary for each such child until  
18 attainment of age 18 or until the child's marriage,  
19 whichever occurs first. Beginning July 1, 1993, the  
20 monthly pension to the surviving spouse shall be 54% of  
21 the monthly salary for all persons receiving a surviving  
22 spouse pension under this Article, regardless of whether  
23 the deceased firefighter was in service on or after the  
24 effective date of this amendatory Act of 1993.

25 (2) Beginning July 1, 2004, unless the amount provided

1 under paragraph (1) of this subsection (a) is greater, the  
2 total monthly pension payable under this paragraph (a),  
3 including any amount payable on account of children, to  
4 the surviving spouse of a firefighter who died (i) while  
5 receiving a retirement pension, (ii) while he or she was a  
6 deferred pensioner with at least 20 years of creditable  
7 service, or (iii) while he or she was in active service  
8 having at least 20 years of creditable service, regardless  
9 of age, shall be no less than 100% of the monthly  
10 retirement pension earned by the deceased firefighter at  
11 the time of death, regardless of whether death occurs  
12 before or after attainment of age 50, including any  
13 increases under Section 4-109.1. This minimum applies to  
14 all such surviving spouses who are eligible to receive a  
15 surviving spouse pension, regardless of whether the  
16 deceased firefighter was in service on or after the  
17 effective date of this amendatory Act of the 93rd General  
18 Assembly, and notwithstanding any limitation on maximum  
19 pension under paragraph (d) or any other provision of this  
20 Article.

21 (3) If the pension paid on and after July 1, 2004 to  
22 the surviving spouse of a firefighter who died on or after  
23 July 1, 2004 and before the effective date of this  
24 amendatory Act of the 93rd General Assembly was less than  
25 the minimum pension payable under paragraph (1) or (2) of  
26 this subsection (a), the fund shall pay a lump sum equal to



1 the difference within 90 days after the effective date of  
2 this amendatory Act of the 93rd General Assembly.

3 The pension to the surviving spouse shall terminate in  
4 the event of the surviving spouse's remarriage prior to  
5 July 1, 1993; remarriage on or after that date does not  
6 affect the surviving spouse's pension, regardless of  
7 whether the deceased firefighter was in service on or  
8 after the effective date of this amendatory Act of 1993.

9 The surviving spouse's pension shall be subject to the  
10 minimum established in Section 4-109.2.

11 (b) Upon the death of the surviving spouse leaving one  
12 or more minor children, or upon the death of a firefighter  
13 leaving one or more minor children but no surviving  
14 spouse, to the duly appointed guardian of each such child,  
15 for support and maintenance of each such child until the  
16 child reaches age 18 or marries, whichever occurs first, a  
17 monthly pension of 20% of the monthly salary.

18 In a case where the deceased firefighter left one or  
19 more minor children but no surviving spouse and the  
20 guardian of a child is receiving a pension of 12% of the  
21 monthly salary on August 16, 2013 (the effective date of  
22 Public Act 98-391), the pension is increased by Public Act  
23 98-391 to 20% of the monthly salary for each such child,  
24 beginning on the pension payment date occurring on or next  
25 following August 16, 2013. The changes to this Section  
26 made by Public Act 98-391 apply without regard to whether

1 the deceased firefighter was in service on or after August  
2 16, 2013.

3 (c) If a deceased firefighter leaves no surviving  
4 spouse or unmarried minor children under age 18, but  
5 leaves a dependent father or mother, to each dependent  
6 parent a monthly pension of 18% of the monthly salary. To  
7 qualify for the pension, a dependent parent must furnish  
8 satisfactory proof that the deceased firefighter was at  
9 the time of his or her death the sole supporter of the  
10 parent or that the parent was the deceased's dependent for  
11 federal income tax purposes.

12 (d) The total pension provided under paragraphs (a),  
13 (b) and (c) of this Section shall not exceed 75% of the  
14 monthly salary of the deceased firefighter (1) when paid  
15 to the survivor of a firefighter who has attained 20 or  
16 more years of service credit and who receives or is  
17 eligible to receive a retirement pension under this  
18 Article, or (2) when paid to the survivor of a firefighter  
19 who dies as a result of illness or accident, or (3) when  
20 paid to the survivor of a firefighter who dies from any  
21 cause while in receipt of a disability pension under this  
22 Article, or (4) when paid to the survivor of a deferred  
23 pensioner. For all other survivors of deceased  
24 firefighters, the total pension provided under paragraphs  
25 (a), (b) and (c) of this Section shall not exceed 50% of  
26 the retirement annuity the firefighter would have received

1 on the date of death.

2 The maximum pension limitations in this paragraph (d)  
3 do not control over any contrary provision of this Article  
4 explicitly establishing a minimum amount of pension or  
5 granting a one-time or annual increase in pension.

6 (e) If a firefighter leaves no eligible survivors  
7 under paragraphs (a), (b) and (c), the board shall refund  
8 to the firefighter's estate the amount of his or her  
9 accumulated contributions, less the amount of pension  
10 payments, if any, made to the firefighter while living.

11 (f) (Blank).

12 (g) If a judgment of dissolution of marriage between a  
13 firefighter and spouse is judicially set aside subsequent  
14 to the firefighter's death, the surviving spouse is  
15 eligible for the pension provided in paragraph (a) only if  
16 the judicial proceedings are filed within 2 years after  
17 the date of the dissolution of marriage and within one  
18 year after the firefighter's death and the board is made a  
19 party to the proceedings. In such case the pension shall  
20 be payable only from the date of the court's order setting  
21 aside the judgment of dissolution of marriage.

22 (h) Benefits payable on account of a child under this  
23 Section shall not be reduced or terminated by reason of  
24 the child's attainment of age 18 if he or she is then  
25 dependent by reason of a physical or mental disability but  
26 shall continue to be paid as long as such dependency

1 continues. Individuals over the age of 18 and adjudged as  
2 a disabled person pursuant to Article XIa of the Probate  
3 Act of 1975, except for persons receiving benefits under  
4 Article III of the Illinois Public Aid Code, shall be  
5 eligible to receive benefits under this Act.

6 (i) Beginning January 1, 2000, the pension of the  
7 surviving spouse of a firefighter who dies on or after  
8 January 1, 1994 as a result of sickness, accident, or  
9 injury incurred in or resulting from the performance of an  
10 act of duty or from the cumulative effects of acts of duty  
11 shall not be less than 100% of the salary attached to the  
12 rank held by the deceased firefighter on the last day of  
13 service, notwithstanding subsection (d) or any other  
14 provision of this Article.

15 (j) Beginning July 1, 2004, the pension of the  
16 surviving spouse of a firefighter who dies on or after  
17 January 1, 1988 as a result of sickness, accident, or  
18 injury incurred in or resulting from the performance of an  
19 act of duty or from the cumulative effects of acts of duty  
20 shall not be less than 100% of the salary attached to the  
21 rank held by the deceased firefighter on the last day of  
22 service, notwithstanding subsection (d) or any other  
23 provision of this Article.

24 Notwithstanding any other provision of this Article, if a  
25 person who first becomes a firefighter under this Article on  
26 or after January 1, 2011 and who is not receiving a disability

1 pension under Section 4-110 or 4-110.1 dies (1) as a result of  
2 any illness or accident, (2) from any cause while in receipt of  
3 a disability pension under this Article, (3) during retirement  
4 after 20 years service, (4) while vested for or in receipt of a  
5 pension payable under subsection (b) of Section 4-109, or (5)  
6 while a deferred pensioner, having made all required  
7 contributions, then a pension shall be paid to his or her  
8 survivors in an amount equal to the greater of (i) 54% of the  
9 firefighter's monthly salary at the date of death, or (ii) 66  
10 2/3% of the firefighter's earned pension at the date of death,  
11 and, if there is a surviving spouse, 12% of such monthly salary  
12 shall be granted to the guardian of any minor child or  
13 children, including a child who has been conceived but not yet  
14 born, for each such child until attainment of age 18. Upon the  
15 death of the surviving spouse leaving one or more minor  
16 children, or upon the death of a firefighter leaving one or  
17 more minor children but no surviving spouse, a monthly pension  
18 of 20% of the monthly salary shall be granted to the duly  
19 appointed guardian of each such child for the support and  
20 maintenance of each such child until the child reaches age 18.  
21 The total pension provided under this paragraph shall not  
22 exceed 75% of the monthly salary of the deceased firefighter  
23 (1) when paid to the survivor of a firefighter who has attained  
24 20 or more years of service credit and who receives or is  
25 eligible to receive a retirement pension under this Article,  
26 (2) when paid to the survivor of a firefighter who dies as a

1 result of illness or accident, (3) when paid to the survivor of  
2 a firefighter who dies from any cause while in receipt of a  
3 disability pension under this Article, or (4) when paid to the  
4 survivor of a deferred pensioner. Nothing in this Section  
5 shall act to diminish the survivor's benefits described in  
6 subsection (j) of this Section.

7 Notwithstanding Section 1-103.1, the changes made to this  
8 subsection apply without regard to whether the deceased  
9 firefighter was in service on or after the effective date of  
10 this amendatory Act of the 101st General Assembly.

11 Notwithstanding any other provision of this Article, the  
12 monthly pension of a survivor of a person who first becomes a  
13 firefighter under this Article on or after January 1, 2011  
14 shall be increased on the January 1 after attainment of age 60  
15 by the recipient of the survivor's pension and each January 1  
16 thereafter by 3% or one-half the annual unadjusted percentage  
17 increase in the consumer price index-u for the 12 months  
18 ending with the September preceding each November 1, whichever  
19 is less, of the originally granted survivor's pension; except  
20 that, beginning on the effective date of this amendatory Act  
21 of the 103rd General Assembly, eligibility for and the amount  
22 of the automatic increase in the monthly pension of such a  
23 survivor shall be calculated as otherwise provided in this  
24 Section. If the annual unadjusted percentage change in the  
25 consumer price index-u for a 12-month period ending in  
26 September is zero or, when compared with the preceding period,

1 decreases, then the survivor's pension shall not be increased.

2 For the purposes of this Section, "consumer price index-u"  
3 means the index published by the Bureau of Labor Statistics of  
4 the United States Department of Labor that measures the  
5 average change in prices of goods and services purchased by  
6 all urban consumers, United States city average, all items,  
7 1982-84 = 100. The new amount resulting from each annual  
8 adjustment shall be determined by the Public Pension Division  
9 of the Department of Insurance and made available to the  
10 boards of the pension funds.

11 (Source: P.A. 101-610, eff. 1-1-20.)

12 (40 ILCS 5/4-118) (from Ch. 108 1/2, par. 4-118)

13 Sec. 4-118. Financing.

14 (a) The city council or the board of trustees of the  
15 municipality shall annually levy a tax upon all the taxable  
16 property of the municipality at the rate on the dollar which  
17 will produce an amount which, when added to the deductions  
18 from the salaries or wages of firefighters and revenues  
19 available from other sources, will equal a sum sufficient to  
20 meet the annual actuarial requirements of the pension fund, as  
21 determined by an enrolled actuary employed by the Illinois  
22 Department of Insurance or by an enrolled actuary retained by  
23 the pension fund or municipality. For the purposes of this  
24 Section, the annual actuarial requirements of the pension fund  
25 are equal to (1) the normal cost of the pension fund, or 17.5%

1 of the salaries and wages to be paid to firefighters for the  
2 year involved, whichever is greater, plus (2) an annual amount  
3 sufficient to bring the total assets of the pension fund up to  
4 90% of the total actuarial liabilities of the pension fund by  
5 the end of municipal fiscal year 2040, as annually updated and  
6 determined by an enrolled actuary employed by the Illinois  
7 Department of Insurance or by an enrolled actuary retained by  
8 the pension fund or the municipality, minus (3) any  
9 anticipated State contributions from the Local Government  
10 Retirement Fund for the year involved. In making these  
11 determinations, the required minimum employer contribution  
12 shall be calculated each year as a level percentage of payroll  
13 over the years remaining up to and including fiscal year 2040  
14 and shall be determined under the projected unit credit  
15 actuarial cost method. The amount to be applied towards the  
16 amortization of the unfunded accrued liability in any year  
17 shall not be less than the annual amount required to amortize  
18 the unfunded accrued liability, including interest, as a level  
19 percentage of payroll over the number of years remaining in  
20 the 40-year amortization period.

21 (a-1) Beginning in State fiscal year 2025, the city  
22 council or the board of trustees of the municipality shall  
23 certify to the Governor the amount of (1) the normal cost of  
24 the pension fund, or 17.5% of the salaries and wages to be paid  
25 to firefighters for the year involved, whichever is greater,  
26 plus (2) an annual amount sufficient to bring the total assets



1 of the pension fund up to 90% of the total actuarial  
2 liabilities of the pension fund by the end of municipal fiscal  
3 year 2040, as annually updated and determined by an enrolled  
4 actuary employed by the Department of Insurance or by an  
5 enrolled actuary retained by the pension fund or the  
6 municipality.

7 (a-2) A municipality that has established a pension fund  
8 under this Article and that employs a full-time firefighter,  
9 as defined in Section 4-106, shall be deemed a primary  
10 employer with respect to that full-time firefighter. Any  
11 municipality of 5,000 or more inhabitants that employs or  
12 enrolls a firefighter while that firefighter continues to earn  
13 service credit as a participant in a primary employer's  
14 pension fund under this Article shall be deemed a secondary  
15 employer and such employees shall be deemed to be secondary  
16 employee firefighters. To ensure that the primary employer's  
17 pension fund under this Article is aware of additional  
18 liabilities and risks to which firefighters are exposed when  
19 performing work as firefighters for secondary employers, a  
20 secondary employer shall annually prepare a report accounting  
21 for all hours worked by and wages and salaries paid to the  
22 secondary employee firefighters it receives services from or  
23 employs for each fiscal year in which such firefighters are  
24 employed and transmit a certified copy of that report to the  
25 primary employer's pension fund, the Department of Insurance,  
26 and the secondary employee firefighter no later than 30 days

1 after the end of any fiscal year in which wages were paid to  
2 the secondary employee firefighters.

3 Nothing in this Section shall be construed to allow a  
4 secondary employee to qualify for benefits or creditable  
5 service for employment as a firefighter for a secondary  
6 employer.

7 (a-5) For purposes of determining the required employer  
8 contribution to a pension fund, the value of the pension  
9 fund's assets shall be equal to the actuarial value of the  
10 pension fund's assets, which shall be calculated as follows:

11 (1) On March 30, 2011, the actuarial value of a  
12 pension fund's assets shall be equal to the market value  
13 of the assets as of that date.

14 (2) In determining the actuarial value of the pension  
15 fund's assets for fiscal years after March 30, 2011, any  
16 actuarial gains or losses from investment return incurred  
17 in a fiscal year shall be recognized in equal annual  
18 amounts over the 5-year period following that fiscal year.

19 (b) The tax shall be levied and collected in the same  
20 manner as the general taxes of the municipality, and shall be  
21 in addition to all other taxes now or hereafter authorized to  
22 be levied upon all property within the municipality, and in  
23 addition to the amount authorized to be levied for general  
24 purposes, under Section 8-3-1 of the Illinois Municipal Code  
25 or under Section 14 of the Fire Protection District Act. The  
26 tax shall be forwarded directly to the treasurer of the board

1 within 30 business days of receipt by the county (or, in the  
2 case of amounts added to the tax levy under subsection (f),  
3 used by the municipality to pay the employer contributions  
4 required under subsection (b-1) of Section 15-155 of this  
5 Code).

6 (b-5) If a participating municipality fails to transmit to  
7 the fund contributions required of it under this Article for  
8 more than 90 days after the payment of those contributions is  
9 due, the fund may, after giving notice to the municipality,  
10 certify to the State Comptroller the amounts of the delinquent  
11 payments in accordance with any applicable rules of the  
12 Comptroller, and the Comptroller must, beginning in fiscal  
13 year 2016, deduct and remit to the fund the certified amounts  
14 or a portion of those amounts from the following proportions  
15 of payments of State funds to the municipality:

16 (1) in fiscal year 2016, one-third of the total amount  
17 of any payments of State funds to the municipality;

18 (2) in fiscal year 2017, two-thirds of the total  
19 amount of any payments of State funds to the municipality;

20 and

21 (3) in fiscal year 2018 and each fiscal year  
22 thereafter, the total amount of any payments of State  
23 funds to the municipality.

24 The State Comptroller may not deduct from any payments of  
25 State funds to the municipality more than the amount of  
26 delinquent payments certified to the State Comptroller by the

1 fund.

2 (c) The board shall make available to the membership and  
3 the general public for inspection and copying at reasonable  
4 times the most recent Actuarial Valuation Balance Sheet and  
5 Tax Levy Requirement issued to the fund by the Department of  
6 Insurance.

7 (d) The firefighters' pension fund shall consist of the  
8 following moneys which shall be set apart by the treasurer of  
9 the municipality: (1) all moneys derived from the taxes levied  
10 hereunder; (2) contributions by firefighters as provided under  
11 Section 4-118.1; (2.5) all moneys received from the  
12 Firefighters' Pension Investment Fund as provided in Article  
13 22C of this Code; (3) all rewards in money, fees, gifts, and  
14 emoluments that may be paid or given for or on account of  
15 extraordinary service by the fire department or any member  
16 thereof, except when allowed to be retained by competitive  
17 awards; and (4) any money, real estate or personal property  
18 received by the board.

19 (e) For the purposes of this Section, "enrolled actuary"  
20 means an actuary: (1) who is a member of the Society of  
21 Actuaries or the American Academy of Actuaries; and (2) who is  
22 enrolled under Subtitle C of Title III of the Employee  
23 Retirement Income Security Act of 1974, or who has been  
24 engaged in providing actuarial services to one or more public  
25 retirement systems for a period of at least 3 years as of July  
26 1, 1983.

1           (f) The corporate authorities of a municipality that  
2 employs a person who is described in subdivision (d) of  
3 Section 4-106 may add to the tax levy otherwise provided for in  
4 this Section an amount equal to the projected cost of the  
5 employer contributions required to be paid by the municipality  
6 to the State Universities Retirement System under subsection  
7 (b-1) of Section 15-155 of this Code.

8           (g) The Commission on Government Forecasting and  
9 Accountability shall conduct a study of all funds established  
10 under this Article and shall report its findings to the  
11 General Assembly on or before January 1, 2013. To the fullest  
12 extent possible, the study shall include, but not be limited  
13 to, the following:

14                 (1) fund balances;

15                 (2) historical employer contribution rates for each  
16 fund;

17                 (3) the actuarial formulas used as a basis for  
18 employer contributions, including the actual assumed rate  
19 of return for each year, for each fund;

20                 (4) available contribution funding sources;

21                 (5) the impact of any revenue limitations caused by  
22 PTELL and employer home rule or non-home rule status; and

23                 (6) existing statutory funding compliance procedures  
24 and funding enforcement mechanisms for all municipal  
25 pension funds.

26           (Source: P.A. 101-522, eff. 8-23-19; 101-610, eff. 1-1-20;

1 102-59, eff. 7-9-21; 102-558, eff. 8-20-21.)

2 (40 ILCS 5/4-138.15 new)

3 Sec. 4-138.15. Application of this amendatory Act of the  
4 103rd General Assembly. It is the intent of this amendatory  
5 Act of the 103rd General Assembly to provide to firefighters  
6 who first became firefighters on or after January 1, 2011 the  
7 same level of benefits and eligibility criteria for benefits  
8 as those who first became firefighters before January 1, 2011.  
9 The changes made to this Article by this amendatory Act of the  
10 103rd General Assembly that provide benefit increases for  
11 firefighters apply without regard to whether the firefighter  
12 was in service on or after the effective date of this  
13 amendatory Act of the 103rd General Assembly, notwithstanding  
14 the provisions of Section 1-103.1. The benefit increases are  
15 intended to apply prospectively and do not entitle a  
16 firefighter to retroactive benefit payments or increases. The  
17 changes made to this Article by this amendatory Act of the  
18 103rd General Assembly shall not cause or otherwise result in  
19 any retroactive adjustment of any employee contributions.

20 (40 ILCS 5/5-155) (from Ch. 108 1/2, par. 5-155)

21 Sec. 5-155. Ordinary disability benefit. A policeman less  
22 than age 63 who becomes disabled after the effective date as  
23 the result of any cause other than injury incurred in the  
24 performance of an act of duty, shall receive ordinary

1 disability benefit during any period or periods of disability  
2 exceeding 30 days, for which he does not have a right to  
3 receive any part of his salary. Payment of such benefit shall  
4 not exceed, in the aggregate, throughout the total service of  
5 the policeman, a period equal to one-fourth of the service  
6 rendered to the city prior to the time he became disabled, nor  
7 more than 5 years. In computing such period of service, the  
8 time that the policeman received ordinary disability benefit  
9 shall not be included.

10 When a disabled policeman becomes age 63 or would have  
11 been retired by operation of law, whichever is later, the  
12 disability benefit shall cease. The policeman, if still  
13 disabled, shall thereafter receive such annuity as is provided  
14 in accordance with other provisions of this Article.

15 Ordinary disability benefit shall be 50% of the  
16 policeman's salary, as salary is defined in this Article  
17 ~~(including the limitation in Section 5-238 if applicable)~~, at  
18 the time disability occurs. Until September 1, 1969, before  
19 any payment, an amount equal to the sum ordinarily deducted  
20 from the policeman's salary for all annuity purposes for the  
21 period for which payment of ordinary disability benefit is  
22 made shall be deducted from such payment and credited as a  
23 deduction from salary for such period. Beginning September 1,  
24 1969, the city shall also contribute all amounts ordinarily  
25 contributed by it for annuity purposes for the policeman as if  
26 he were in active discharge of his duties. Such sums so

1 credited shall be regarded, for annuity and refund purposes,  
2 as sums contributed by the policeman.

3 (Source: P.A. 99-905, eff. 11-29-16.)

4 (40 ILCS 5/5-167.1) (from Ch. 108 1/2, par. 5-167.1)

5 Sec. 5-167.1. Automatic increase in annuity; retirement  
6 from service after September 1, 1967.

7 (a) A policeman who retires from service after September  
8 1, 1967 with at least 20 years of service credit shall, upon  
9 either the first of the month following the first anniversary  
10 of his date of retirement if he is age 60 (age 55 if born  
11 before January 1, 1966) or over on that anniversary date, or  
12 upon the first of the month following his attainment of age 60  
13 (age 55 if born before January 1, 1966) if it occurs after the  
14 first anniversary of his retirement date, have his then fixed  
15 and payable monthly annuity increased by 1 1/2% and such first  
16 fixed annuity as granted at retirement increased by an  
17 additional 1 1/2% in January of each year thereafter up to a  
18 maximum increase of 30%. Beginning January 1, 1983 for  
19 policemen born before January 1, 1930, and beginning January  
20 1, 1988 for policemen born on or after January 1, 1930 but  
21 before January 1, 1940, and beginning January 1, 1996 for  
22 policemen born on or after January 1, 1940 but before January  
23 1, 1945, and beginning January 1, 2000 for policemen born on or  
24 after January 1, 1945 but before January 1, 1950, and  
25 beginning January 1, 2005 for policemen born on or after



1 January 1, 1950 but before January 1, 1955, and beginning  
2 January 1, 2017 for policemen born on or after January 1, 1955  
3 but before January 1, 1966, such increases shall be 3% and such  
4 policemen shall not be subject to the 30% maximum increase.

5 Any policeman born before January 1, 1945 who qualifies  
6 for a minimum annuity and retires after September 1, 1967 but  
7 has not received the initial increase under this subsection  
8 before January 1, 1996 is entitled to receive the initial  
9 increase under this subsection on (1) January 1, 1996, (2) the  
10 first anniversary of the date of retirement, or (3) attainment  
11 of age 55, whichever occurs last. The changes to this Section  
12 made by Public Act 89-12 apply beginning January 1, 1996 and  
13 without regard to whether the policeman or annuitant  
14 terminated service before the effective date of that Act.

15 Any policeman born before January 1, 1950 who qualifies  
16 for a minimum annuity and retires after September 1, 1967 but  
17 has not received the initial increase under this subsection  
18 before January 1, 2000 is entitled to receive the initial  
19 increase under this subsection on (1) January 1, 2000, (2) the  
20 first anniversary of the date of retirement, or (3) attainment  
21 of age 55, whichever occurs last. The changes to this Section  
22 made by this amendatory Act of the 92nd General Assembly apply  
23 without regard to whether the policeman or annuitant  
24 terminated service before the effective date of this  
25 amendatory Act.

26 Any policeman born before January 1, 1955 who qualifies

1 for a minimum annuity and retires after September 1, 1967 but  
2 has not received the initial increase under this subsection  
3 before January 1, 2005 is entitled to receive the initial  
4 increase under this subsection on (1) January 1, 2005, (2) the  
5 first anniversary of the date of retirement, or (3) attainment  
6 of age 55, whichever occurs last. The changes to this Section  
7 made by this amendatory Act of the 94th General Assembly apply  
8 without regard to whether the policeman or annuitant  
9 terminated service before the effective date of this  
10 amendatory Act.

11 Any policeman born before January 1, 1966 who qualifies  
12 for a minimum annuity and retires after September 1, 1967 but  
13 has not received the initial increase under this subsection  
14 before January 1, 2017 is entitled to receive an initial  
15 increase under this subsection on (1) January 1, 2017, (2) the  
16 first anniversary of the date of retirement, or (3) attainment  
17 of age 55, whichever occurs last, in an amount equal to 3% for  
18 each complete year following the date of retirement or  
19 attainment of age 55, whichever occurs later. The changes to  
20 this subsection made by this amendatory Act of the 99th  
21 General Assembly apply without regard to whether the policeman  
22 or annuitant terminated service before the effective date of  
23 this amendatory Act.

24 (b) Subsection (a) of this Section is not applicable to an  
25 employee receiving a term annuity.

26 (c) To help defray the cost of such increases in annuity,

1 there shall be deducted, beginning September 1, 1967, from  
2 each payment of salary to a policeman, 1/2 of 1% of each salary  
3 payment concurrently with and in addition to the salary  
4 deductions otherwise made for annuity purposes.

5 The city, in addition to the contributions otherwise made  
6 by it for annuity purposes under other provisions of this  
7 Article, shall make matching contributions concurrently with  
8 such salary deductions.

9 Each such 1/2 of 1% deduction from salary and each such  
10 contribution by the city of 1/2 of 1% of salary shall be  
11 credited to the Automatic Increase Reserve, to be used to  
12 defray the cost of the annuity increase provided by this  
13 Section. Any balance in such reserve as of the beginning of  
14 each calendar year shall be credited with interest at the rate  
15 of 3% per annum.

16 Such deductions from salary and city contributions shall  
17 continue while the policeman is in service.

18 The salary deductions provided in this Section are not  
19 subject to refund, except to the policeman himself, in any  
20 case in which: (i) the policeman withdraws prior to  
21 qualification for minimum annuity ~~or Tier 2 monthly retirement~~  
22 ~~annuity~~ and applies for refund, (ii) the policeman applies for  
23 an annuity of a type that is not subject to annual increases  
24 under this Section, or (iii) a term annuity becomes payable.  
25 In such cases, the total of such salary deductions shall be  
26 refunded to the policeman, without interest, and charged to

1 the Automatic Increase Reserve.

2 (d) Notwithstanding any other provision of this Article,  
3 the Tier 2 monthly retirement annuity of a person who first  
4 becomes a policeman under this Article on or after the  
5 effective date of this amendatory Act of the 97th General  
6 Assembly shall be increased on the January 1 occurring either  
7 on or after (i) the attainment of age 60 or (ii) the first  
8 anniversary of the annuity start date, whichever is later;  
9 except that, beginning on the effective date of this  
10 amendatory Act of the 103rd General Assembly, eligibility for  
11 and the amount of the automatic increase in the monthly  
12 pension of such a person shall be calculated as otherwise  
13 provided in this Section. Each annual increase shall be  
14 calculated at 3% or one-half the annual unadjusted percentage  
15 increase (but not less than zero) in the consumer price  
16 index-u for the 12 months ending with the September preceding  
17 each November 1, whichever is less, of the originally granted  
18 retirement annuity. If the annual unadjusted percentage change  
19 in the consumer price index-u for a 12-month period ending in  
20 September is zero or, when compared with the preceding period,  
21 decreases, then the annuity shall not be increased.

22 For the purposes of this subsection (d), "consumer price  
23 index-u" means the index published by the Bureau of Labor  
24 Statistics of the United States Department of Labor that  
25 measures the average change in prices of goods and services  
26 purchased by all urban consumers, United States city average,

1 all items, 1982-84 = 100. The new amount resulting from each  
2 annual adjustment shall be determined by the Public Pension  
3 Division of the Department of Insurance and made available to  
4 the boards of the pension funds by November 1 of each year.

5 (Source: P.A. 99-905, eff. 11-29-16.)

6 (40 ILCS 5/5-168) (from Ch. 108 1/2, par. 5-168)

7 Sec. 5-168. Financing.

8 (a) Except as expressly provided in this Section, the city  
9 shall levy a tax annually upon all taxable property therein  
10 for the purpose of providing revenue for the fund.

11 The tax shall be at a rate that will produce a sum which,  
12 when added to the amounts deducted from the policemen's  
13 salaries and the amounts deposited in accordance with  
14 subsection (g), is sufficient for the purposes of the fund.

15 For the years 1968 and 1969, the city council shall levy a  
16 tax annually at a rate on the dollar of the assessed valuation  
17 of all taxable property that will produce, when extended, not  
18 to exceed \$9,700,000. Beginning with the year 1970 and through  
19 2014, the city council shall levy a tax annually at a rate on  
20 the dollar of the assessed valuation of all taxable property  
21 that will produce when extended an amount not to exceed the  
22 total amount of contributions by the policemen to the Fund  
23 made in the calendar year 2 years before the year for which the  
24 applicable annual tax is levied, multiplied by 1.40 for the  
25 tax levy year 1970; by 1.50 for the year 1971; by 1.65 for

1 1972; by 1.85 for 1973; by 1.90 for 1974; by 1.97 for 1975  
2 through 1981; by 2.00 for 1982 and for each tax levy year  
3 through 2014. Beginning in tax levy year 2015, the city  
4 council shall levy a tax annually at a rate on the dollar of  
5 the assessed valuation of all taxable property that will  
6 produce when extended an annual amount that is equal to no less  
7 than the amount of the city's contribution in each of the  
8 following payment years: for 2016, \$420,000,000; for 2017,  
9 \$464,000,000; for 2018, \$500,000,000; for 2019, \$557,000,000;  
10 for 2020, \$579,000,000.

11 Beginning in tax levy year 2020 and until levy year 2025,  
12 the city council shall levy a tax annually at a rate on the  
13 dollar of the assessed valuation of all taxable property that  
14 will produce when extended an annual amount that is equal to no  
15 less than (1) the normal cost to the Fund, plus (2) an annual  
16 amount sufficient to bring the total assets of the Fund up to  
17 90% of the total actuarial liabilities of the Fund by the end  
18 of fiscal year 2055, as annually updated and determined by an  
19 enrolled actuary employed by the Illinois Department of  
20 Insurance or by an enrolled actuary retained by the Fund.  
21 Beginning in tax levy year 2025, the city council shall levy a  
22 tax annually at a rate on the dollar of the assessed valuation  
23 of all taxable property that will produce when extended an  
24 annual amount that is equal to no less than (1) the normal cost  
25 to the Fund, plus (2) an annual amount sufficient to bring the  
26 total assets of the Fund up to 90% of the total actuarial

1 liabilities of the Fund by the end of fiscal year 2055, as  
2 annually updated and determined by an enrolled actuary  
3 employed by the Department of Insurance or by an enrolled  
4 actuary retained by the Fund, minus (3) the amount of the  
5 anticipated State contribution from the Local Government  
6 Retirement Fund for the payment year. In making these  
7 determinations, the required minimum employer contribution  
8 shall be calculated each year as a level percentage of payroll  
9 over the years remaining up to and including fiscal year 2055  
10 and shall be determined under the entry age normal actuarial  
11 cost method.

12 Beginning in payment year 2056, the city's total required  
13 contribution in that year and each year thereafter shall be an  
14 annual amount that is equal to no less than (1) the normal cost  
15 of the Fund, plus (2) the annual amount determined by an  
16 enrolled actuary employed by the Illinois Department of  
17 Insurance or by an enrolled actuary retained by the Fund to be  
18 equal to the amount, if any, needed to bring the total  
19 actuarial assets of the Fund up to 90% of the total actuarial  
20 liabilities of the Fund as of the end of the year, utilizing  
21 the entry age normal cost method as provided above.

22 For the purposes of this subsection (a), contributions by  
23 the policeman to the Fund shall not include payments made by a  
24 policeman to establish credit under Section 5-214.2 of this  
25 Code.

26 (a-1) Beginning in State fiscal year 2025, the city

1 council shall annually certify to the Governor the amount of  
2 (1) the normal cost to the Fund, plus (2) an annual amount  
3 sufficient to bring the total assets of the Fund up to 90% of  
4 the total actuarial liabilities of the Fund by the end of  
5 fiscal year 2055, as annually updated and determined by an  
6 enrolled actuary employed by the Department of Insurance or by  
7 an enrolled actuary retained by the Fund.

8 (a-5) For purposes of determining the required employer  
9 contribution to the Fund, the value of the Fund's assets shall  
10 be equal to the actuarial value of the Fund's assets, which  
11 shall be calculated as follows:

12 (1) On March 30, 2011, the actuarial value of the  
13 Fund's assets shall be equal to the market value of the  
14 assets as of that date.

15 (2) In determining the actuarial value of the Fund's  
16 assets for fiscal years after March 30, 2011, any  
17 actuarial gains or losses from investment return incurred  
18 in a fiscal year shall be recognized in equal annual  
19 amounts over the 5-year period following that fiscal year.

20 (a-7) If the city fails to transmit to the Fund  
21 contributions required of it under this Article for more than  
22 90 days after the payment of those contributions is due, the  
23 Fund shall, after giving notice to the city, certify to the  
24 State Comptroller the amounts of the delinquent payments, and  
25 the Comptroller must, beginning in fiscal year 2016, deduct  
26 and deposit into the Fund the certified amounts or a portion of



1 those amounts from the following proportions of grants of  
2 State funds to the city:

3 (1) in fiscal year 2016, one-third of the total amount  
4 of any grants of State funds to the city;

5 (2) in fiscal year 2017, two-thirds of the total  
6 amount of any grants of State funds to the city; and

7 (3) in fiscal year 2018 and each fiscal year  
8 thereafter, the total amount of any grants of State funds  
9 to the city.

10 The State Comptroller may not deduct from any grants of  
11 State funds to the city more than the amount of delinquent  
12 payments certified to the State Comptroller by the Fund.

13 (b) The tax shall be levied and collected in like manner  
14 with the general taxes of the city, and is in addition to all  
15 other taxes which the city is now or may hereafter be  
16 authorized to levy upon all taxable property therein, and is  
17 exclusive of and in addition to the amount of tax the city is  
18 now or may hereafter be authorized to levy for general  
19 purposes under any law which may limit the amount of tax which  
20 the city may levy for general purposes. The county clerk of the  
21 county in which the city is located, in reducing tax levies  
22 under Section 8-3-1 of the Illinois Municipal Code, shall not  
23 consider the tax herein authorized as a part of the general tax  
24 levy for city purposes, and shall not include the tax in any  
25 limitation of the percent of the assessed valuation upon which  
26 taxes are required to be extended for the city.

1           (c) On or before January 10 of each year, the board shall  
2 notify the city council of the requirement that the tax herein  
3 authorized be levied by the city council for that current  
4 year. The board shall compute the amounts necessary for the  
5 purposes of this fund to be credited to the reserves  
6 established and maintained within the fund; shall make an  
7 annual determination of the amount of the required city  
8 contributions; and shall certify the results thereof to the  
9 city council.

10           As soon as any revenue derived from the tax is collected it  
11 shall be paid to the city treasurer of the city and shall be  
12 held by him for the benefit of the fund in accordance with this  
13 Article.

14           (d) If the funds available are insufficient during any  
15 year to meet the requirements of this Article, the city may  
16 issue tax anticipation warrants against the tax levy for the  
17 current fiscal year.

18           (e) The various sums, including interest, to be  
19 contributed by the city, shall be taken from the revenue  
20 derived from such tax or otherwise as expressly provided in  
21 this Section. Any moneys of the city derived from any source  
22 other than the tax herein authorized shall not be used for any  
23 purpose of the fund nor the cost of administration thereof,  
24 unless applied to make the deposit expressly authorized in  
25 this Section or the additional city contributions required  
26 under subsection (h).

1 (f) If it is not possible or practicable for the city to  
2 make its contributions at the time that salary deductions are  
3 made, the city shall make such contributions as soon as  
4 possible thereafter, with interest thereon to the time it is  
5 made.

6 (g) In lieu of levying all or a portion of the tax required  
7 under this Section in any year, the city may deposit with the  
8 city treasurer no later than March 1 of that year for the  
9 benefit of the fund, to be held in accordance with this  
10 Article, an amount that, together with the taxes levied under  
11 this Section for that year, is not less than the amount of the  
12 city contributions for that year as certified by the board to  
13 the city council. The deposit may be derived from any source  
14 legally available for that purpose, including, but not limited  
15 to, the proceeds of city borrowings and State contributions.  
16 The making of a deposit shall satisfy fully the requirements  
17 of this Section for that year to the extent of the amounts so  
18 deposited. Amounts deposited under this subsection may be used  
19 by the fund for any of the purposes for which the proceeds of  
20 the tax levied under this Section may be used, including the  
21 payment of any amount that is otherwise required by this  
22 Article to be paid from the proceeds of that tax.

23 (h) In addition to the contributions required under the  
24 other provisions of this Article, by November 1 of the  
25 following specified years, the city shall deposit with the  
26 city treasurer for the benefit of the fund, to be held and used

1 in accordance with this Article, the following specified  
2 amounts: \$6,300,000 in 1999; \$5,880,000 in 2000; \$5,460,000 in  
3 2001; \$5,040,000 in 2002; and \$4,620,000 in 2003.

4 The additional city contributions required under this  
5 subsection are intended to decrease the unfunded liability of  
6 the fund and shall not decrease the amount of the city  
7 contributions required under the other provisions of this  
8 Article. The additional city contributions made under this  
9 subsection may be used by the fund for any of its lawful  
10 purposes.

11 (i) Any proceeds received by the city in relation to the  
12 operation of a casino or casinos within the city shall be  
13 expended by the city for payment to the Policemen's Annuity  
14 and Benefit Fund of Chicago to satisfy the city contribution  
15 obligation in any year.

16 (Source: P.A. 99-506, eff. 5-30-16.)

17 (40 ILCS 5/5-169) (from Ch. 108 1/2, par. 5-169)

18 Sec. 5-169. Contributions for age and service annuities or  
19 Tier 2 monthly retirement annuities for present employees and  
20 future entrants.

21 (a) Beginning on the effective date and before January 1,  
22 1954, 3 1/2% per annum (except that beginning July 1, 1939 and  
23 before January 1, 1954 for a future entrant, 4%) and beginning  
24 January 1, 1954 and before August 1, 1957, 6%, and beginning  
25 August 1, 1957, 7% of each payment of the salary of each

1 present employee and future entrant shall be deducted and  
2 contributed to the fund for age and service annuity ~~or Tier 2~~  
3 ~~monthly retirement annuity~~. The deductions shall be made from  
4 each payment of salary and shall continue while the employee  
5 is in service.

6 Any policeman whose employment has been transferred to the  
7 police service of the city as a result of the Chicago Park and  
8 City Exchange of Functions Act ~~"An Act in relation to or~~  
9 ~~exchange of certain functions, property and personnel among~~  
10 ~~cities, and park districts having co extensive geographic~~  
11 ~~areas and populations in excess of 500,000", approved July 5,~~  
12 ~~1957, as now and hereafter amended,~~ shall also contribute a  
13 sum equal to 2% of the total salary received by him in his  
14 employment between August 1, 1957 to July 17, 1959, with the  
15 park district from which he has been transferred together with  
16 interest on the unpaid contributions of 4% per annum from July  
17 17, 1959 to the date such payments are made. Such additional  
18 sum may be paid at any time before the time such policeman  
19 enters into age and service annuity.

20 Concurrently with each such deduction, beginning on the  
21 effective date and prior to January 1, 1954, 8 1/2% (except for  
22 a future entrant beginning on July 1, 1939, 9 5/7%) and  
23 beginning January 1, 1954, 9 5/7% of each payment of salary  
24 shall be contributed by the city, but in the case of a future  
25 entrant who attains age 63 prior to January 1, 1988 while still  
26 in service, no contributions shall be made for the period

1 between the date the employee attains age 63 and January 1,  
2 1988.

3 (b) Each deduction from salary made prior to the date the  
4 age and service annuity for the employee is fixed, and each  
5 contribution by the city, shall be credited to the employee  
6 and be improved by interest for a present employee during the  
7 time he is in service until age and service annuity is fixed,  
8 and, for a future entrant, during the time he is in service.  
9 The sum accumulated shall be used to provide age and service  
10 annuity for the employee.

11 Beginning September 1, 1967, the deductions from salary  
12 provided in Section 5-167.1 shall also be made.

13 (Source: P.A. 99-905, eff. 11-29-16.)

14 (40 ILCS 5/5-239 new)

15 Sec. 5-239. Application of this amendatory Act of the  
16 103rd General Assembly. It is the intent of this amendatory  
17 Act of the 103rd General Assembly to provide to policemen who  
18 first became policemen on or after January 1, 2011 the same  
19 level of benefits and eligibility criteria for benefits as  
20 those who first became policemen before January 1, 2011. The  
21 changes made to this Article by this amendatory Act of the  
22 103rd General Assembly that provide benefit increases for  
23 policemen apply without regard to whether the policeman was in  
24 service on or after the effective date of this amendatory Act  
25 of the 103rd General Assembly, notwithstanding the provisions

1 of Section 1-103.1. The benefit increases are intended to  
2 apply prospectively and do not entitle a policeman to  
3 retroactive benefit payments or increases. The changes made to  
4 this Article by this amendatory Act of the 103rd General  
5 Assembly shall not cause or otherwise result in any  
6 retroactive adjustment of any employee contributions.

7 (40 ILCS 5/6-165) (from Ch. 108 1/2, par. 6-165)

8 Sec. 6-165. Financing; tax.

9 (a) Except as expressly provided in this Section, each  
10 city shall levy a tax annually upon all taxable property  
11 therein for the purpose of providing revenue for the fund. For  
12 the years prior to the year 1960, the tax rate shall be as  
13 provided for in the "Firemen's Annuity and Benefit Fund of the  
14 Illinois Municipal Code". The tax, from and after January 1,  
15 1968 to and including the year 1971, shall not exceed .0863% of  
16 the value, as equalized or assessed by the Department of  
17 Revenue, of all taxable property in the city. Beginning with  
18 the year 1972 and through 2014, the city shall levy a tax  
19 annually at a rate on the dollar of the value, as equalized or  
20 assessed by the Department of Revenue of all taxable property  
21 within such city that will produce, when extended, not to  
22 exceed an amount equal to the total amount of contributions by  
23 the employees to the fund made in the calendar year 2 years  
24 prior to the year for which the annual applicable tax is  
25 levied, multiplied by 2.23 through the calendar year 1981, and

1 by 2.26 for the year 1982 and for each tax levy year through  
2 2014. Beginning in tax levy year 2015, the city council shall  
3 levy a tax annually at a rate on the dollar of the assessed  
4 valuation of all taxable property that will produce when  
5 extended an annual amount that is equal to no less than the  
6 amount of the city's contribution in each of the following  
7 payment years: for 2016, \$199,000,000; for 2017, \$208,000,000;  
8 for 2018, \$227,000,000; for 2019, \$235,000,000; for 2020,  
9 \$245,000,000.

10 Beginning in tax levy year 2020 and until tax levy year  
11 2025, the city council shall levy a tax annually at a rate on  
12 the dollar of the assessed valuation of all taxable property  
13 that will produce when extended an annual amount that is equal  
14 to no less than (1) the normal cost to the Fund, plus (2) an  
15 annual amount sufficient to bring the total assets of the Fund  
16 up to 90% of the total actuarial liabilities of the Fund by the  
17 end of fiscal year 2055, as annually updated and determined by  
18 an enrolled actuary employed by the Illinois Department of  
19 Insurance or by an enrolled actuary retained by the Fund or the  
20 city. Beginning in tax levy year 2025, the city council shall  
21 levy a tax annually at a rate on the dollar of the assessed  
22 valuation of all taxable property that will produce when  
23 extended an annual amount that is equal to no less than (1) the  
24 normal cost to the Fund, plus (2) an annual amount sufficient  
25 to bring the total assets of the Fund up to 90% of the total  
26 actuarial liabilities of the Fund by the end of fiscal year



1 2055, as annually updated and determined by an enrolled  
2 actuary employed by the Department of Insurance or by an  
3 enrolled actuary retained by the Fund or the city, minus (3)  
4 the amount of the anticipated State contribution from the  
5 Local Government Retirement Fund for the payment year. In  
6 making these determinations, the required minimum employer  
7 contribution shall be calculated each year as a level  
8 percentage of payroll over the years remaining up to and  
9 including fiscal year 2055 and shall be determined under the  
10 entry age normal actuarial cost method. Beginning in payment  
11 year 2056, the city's required contribution in that year and  
12 for each year thereafter shall be an annual amount that is  
13 equal to no less than (1) the normal cost to the Fund, plus (2)  
14 the annual amount determined by an enrolled actuary employed  
15 by the Illinois Department of Insurance or by an enrolled  
16 actuary retained by the Fund to be equal to the amount, if any,  
17 needed to bring the total actuarial assets of the Fund up to  
18 90% of the total actuarial liabilities of the Fund as of the  
19 end of the year, utilizing the entry age normal actuarial cost  
20 method as provided above.

21 To provide revenue for the ordinary death benefit  
22 established by Section 6-150 of this Article, in addition to  
23 the contributions by the firemen for this purpose, the city  
24 council shall for the year 1962 and each year thereafter  
25 annually levy a tax, which shall be in addition to and  
26 exclusive of the taxes authorized to be levied under the

1 foregoing provisions of this Section, upon all taxable  
2 property in the city, as equalized or assessed by the  
3 Department of Revenue, at such rate per cent of the value of  
4 such property as shall be sufficient to produce for each year  
5 the sum of \$142,000.

6 The amounts produced by the taxes levied annually,  
7 together with the deposit expressly authorized in this Section  
8 and any State contributions, shall be sufficient, when added  
9 to the amounts deducted from the salaries of firemen and  
10 applied to the fund, to provide for the purposes of the fund.

11 (a-1) Beginning in State fiscal year 2025, the city  
12 council shall annually certify to the Governor the amount of  
13 (1) the normal cost to the Fund, plus (2) an annual amount  
14 sufficient to bring the total assets of the Fund up to 90% of  
15 the total actuarial liabilities of the Fund by the end of  
16 fiscal year 2055, as annually updated and determined by an  
17 enrolled actuary employed by the Department of Insurance or by  
18 an enrolled actuary retained by the Fund.

19 (a-5) For purposes of determining the required employer  
20 contribution to the Fund, the value of the Fund's assets shall  
21 be equal to the actuarial value of the Fund's assets, which  
22 shall be calculated as follows:

23 (1) On March 30, 2011, the actuarial value of the  
24 Fund's assets shall be equal to the market value of the  
25 assets as of that date.

26 (2) In determining the actuarial value of the Fund's

1 assets for fiscal years after March 30, 2011, any  
2 actuarial gains or losses from investment return incurred  
3 in a fiscal year shall be recognized in equal annual  
4 amounts over the 5-year period following that fiscal year.

5 (a-7) If the city fails to transmit to the Fund  
6 contributions required of it under this Article for more than  
7 90 days after the payment of those contributions is due, the  
8 Fund shall, after giving notice to the city, certify to the  
9 State Comptroller the amounts of the delinquent payments, and  
10 the Comptroller must, beginning in fiscal year 2016, deduct  
11 and deposit into the Fund the certified amounts or a portion of  
12 those amounts from the following proportions of grants of  
13 State funds to the city:

14 (1) in fiscal year 2016, one-third of the total amount  
15 of any grants of State funds to the city;

16 (2) in fiscal year 2017, two-thirds of the total  
17 amount of any grants of State funds to the city; and

18 (3) in fiscal year 2018 and each fiscal year  
19 thereafter, the total amount of any grants of State funds  
20 to the city.

21 The State Comptroller may not deduct from any grants of  
22 State funds to the city more than the amount of delinquent  
23 payments certified to the State Comptroller by the Fund.

24 (b) The taxes shall be levied and collected in like manner  
25 with the general taxes of the city, and shall be in addition to  
26 all other taxes which the city may levy upon all taxable

1 property therein and shall be exclusive of and in addition to  
2 the amount of tax the city may levy for general purposes under  
3 Section 8-3-1 of the Illinois Municipal Code, approved May 29,  
4 1961, as amended, or under any other law or laws which may  
5 limit the amount of tax which the city may levy for general  
6 purposes.

7 (c) The amounts of the taxes to be levied in each year  
8 shall be certified to the city council by the board.

9 (d) As soon as any revenue derived from such taxes is  
10 collected, it shall be paid to the city treasurer and held for  
11 the benefit of the fund, and all such revenue shall be paid  
12 into the fund in accordance with the provisions of this  
13 Article.

14 (e) If the funds available are insufficient during any  
15 year to meet the requirements of this Article, the city may  
16 issue tax anticipation warrants, against the tax levies herein  
17 authorized for the current fiscal year.

18 (f) The various sums, hereinafter stated, including  
19 interest, to be contributed by the city, shall be taken from  
20 the revenue derived from the taxes or otherwise as expressly  
21 provided in this Section. Except for defraying the cost of  
22 administration of the fund during the calendar year in which a  
23 city first attains a population of 500,000 and comes under the  
24 provisions of this Article and the first calendar year  
25 thereafter, any money of the city derived from any source  
26 other than these taxes or the sale of tax anticipation

1 warrants shall not be used to provide revenue for the fund, nor  
2 to pay any part of the cost of administration thereof, unless  
3 applied to make the deposit expressly authorized in this  
4 Section or the additional city contributions required under  
5 subsection (h).

6 (g) In lieu of levying all or a portion of the tax required  
7 under this Section in any year, the city may deposit with the  
8 city treasurer no later than March 1 of that year for the  
9 benefit of the fund, to be held in accordance with this  
10 Article, an amount that, together with the taxes levied under  
11 this Section for that year, is not less than the amount of the  
12 city contributions for that year as certified by the board to  
13 the city council. The deposit may be derived from any source  
14 legally available for that purpose, including, but not limited  
15 to, the proceeds of city borrowings and State contributions.  
16 The making of a deposit shall satisfy fully the requirements  
17 of this Section for that year to the extent of the amounts so  
18 deposited. Amounts deposited under this subsection may be used  
19 by the fund for any of the purposes for which the proceeds of  
20 the taxes levied under this Section may be used, including the  
21 payment of any amount that is otherwise required by this  
22 Article to be paid from the proceeds of those taxes.

23 (h) In addition to the contributions required under the  
24 other provisions of this Article, by November 1 of the  
25 following specified years, the city shall deposit with the  
26 city treasurer for the benefit of the fund, to be held and used

1 in accordance with this Article, the following specified  
2 amounts: \$6,300,000 in 1999; \$5,880,000 in 2000; \$5,460,000 in  
3 2001; \$5,040,000 in 2002; and \$4,620,000 in 2003.

4 The additional city contributions required under this  
5 subsection are intended to decrease the unfunded liability of  
6 the fund and shall not decrease the amount of the city  
7 contributions required under the other provisions of this  
8 Article. The additional city contributions made under this  
9 subsection may be used by the fund for any of its lawful  
10 purposes.

11 (i) Any proceeds received by the city in relation to the  
12 operation of a casino or casinos within the city shall be  
13 expended by the city for payment to the Firemen's Annuity and  
14 Benefit Fund of Chicago to satisfy the city contribution  
15 obligation in any year.

16 (Source: P.A. 99-506, eff. 5-30-16.)

17 (40 ILCS 5/6-210) (from Ch. 108 1/2, par. 6-210)

18 Sec. 6-210. Credit allowed for service in police  
19 department. Service rendered by a fireman, as a regularly  
20 appointed and sworn policeman of the city shall be included,  
21 for the purposes of this Article, as if such service were  
22 rendered as a fireman of the city. Salary received by a fireman  
23 for any such service as a policeman shall be considered, for  
24 the purposes of this Article, as salary received as a fireman.  
25 Any annuity payable to a fireman under this Article shall be

1 reduced by any pension or annuity payable to him from any  
2 policemen's annuity and benefit fund in operation in the city,  
3 ~~and any member entering service after January 1, 2011 shall~~  
4 ~~not be given service credit in this fund for any period of time~~  
5 ~~in which the member is in receipt of retirement benefits from~~  
6 ~~any annuity and benefit fund in operation in the city.~~

7 Any policeman who becomes a fireman, subsequent to July 1,  
8 1935, may contribute to the fund an amount equal to the sum  
9 which would have accumulated to his credit from deductions  
10 from salary for annuity purposes if he had been contributing  
11 to the fund such sums as he contributed for annuity purposes to  
12 the policemen's annuity and benefit fund, and no credit for  
13 periods of service rendered by him in the police department  
14 shall be allowed, under this Article, except as to such  
15 periods for which he made contributions to the policemen's  
16 annuity and benefit fund, provided he has made the payments  
17 required by this Article.

18 (Source: P.A. 96-1466, eff. 8-20-10.)

19 (40 ILCS 5/6-231 new)

20 Sec. 6-231. Application of this amendatory Act of the  
21 103rd General Assembly. It is the intent of this amendatory  
22 Act of the 103rd General Assembly to provide to firemen who  
23 first became firemen on or after January 1, 2011 the same level  
24 of benefits and eligibility criteria for benefits as those who  
25 first became firemen before January 1, 2011. The changes made

1 to this Article by this amendatory Act of the 103rd General  
2 Assembly that provide benefit increases for firemen apply  
3 without regard to whether the fireman was in service on or  
4 after the effective date of this amendatory Act of the 103rd  
5 General Assembly, notwithstanding the provisions of Section  
6 1-103.1. The benefit increases are intended to apply  
7 prospectively and do not entitle a fireman to retroactive  
8 benefit payments or increases. The changes made to this  
9 Article by this amendatory Act of the 103rd General Assembly  
10 shall not cause or otherwise result in any retroactive  
11 adjustment of any employee contributions.

12 (40 ILCS 5/7-142.1) (from Ch. 108 1/2, par. 7-142.1)

13 Sec. 7-142.1. Sheriff's law enforcement employees.

14 (a) In lieu of the retirement annuity provided by  
15 subparagraph 1 of paragraph (a) of Section 7-142:

16 Any sheriff's law enforcement employee who has 20 or more  
17 years of service in that capacity and who terminates service  
18 prior to January 1, 1988 shall be entitled at his option to  
19 receive a monthly retirement annuity for his service as a  
20 sheriff's law enforcement employee computed by multiplying 2%  
21 for each year of such service up to 10 years, 2 1/4% for each  
22 year of such service above 10 years and up to 20 years, and 2  
23 1/2% for each year of such service above 20 years, by his  
24 annual final rate of earnings and dividing by 12.

25 Any sheriff's law enforcement employee who has 20 or more



1 years of service in that capacity and who terminates service  
2 on or after January 1, 1988 and before July 1, 2004 shall be  
3 entitled at his option to receive a monthly retirement annuity  
4 for his service as a sheriff's law enforcement employee  
5 computed by multiplying 2.5% for each year of such service up  
6 to 20 years, 2% for each year of such service above 20 years  
7 and up to 30 years, and 1% for each year of such service above  
8 30 years, by his annual final rate of earnings and dividing by  
9 12.

10 Any sheriff's law enforcement employee who has 20 or more  
11 years of service in that capacity and who terminates service  
12 on or after July 1, 2004 shall be entitled at his or her option  
13 to receive a monthly retirement annuity for service as a  
14 sheriff's law enforcement employee computed by multiplying  
15 2.5% for each year of such service by his annual final rate of  
16 earnings and dividing by 12.

17 If a sheriff's law enforcement employee has service in any  
18 other capacity, his retirement annuity for service as a  
19 sheriff's law enforcement employee may be computed under this  
20 Section and the retirement annuity for his other service under  
21 Section 7-142.

22 In no case shall the total monthly retirement annuity for  
23 persons who retire before July 1, 2004 exceed 75% of the  
24 monthly final rate of earnings. In no case shall the total  
25 monthly retirement annuity for persons who retire on or after  
26 July 1, 2004 exceed 80% of the monthly final rate of earnings.

1 (b) Whenever continued group insurance coverage is elected  
2 in accordance with the provisions of Section 367h of the  
3 Illinois Insurance Code, as now or hereafter amended, the  
4 total monthly premium for such continued group insurance  
5 coverage or such portion thereof as is not paid by the  
6 municipality shall, upon request of the person electing such  
7 continued group insurance coverage, be deducted from any  
8 monthly pension benefit otherwise payable to such person  
9 pursuant to this Section, to be remitted by the Fund to the  
10 insurance company or other entity providing the group  
11 insurance coverage.

12 (c) A sheriff's law enforcement employee who began service  
13 in that capacity prior to the effective date of this  
14 amendatory Act of the 97th General Assembly and who has  
15 service in any other capacity may convert up to 10 years of  
16 that service into service as a sheriff's law enforcement  
17 employee by paying to the Fund an amount equal to (1) the  
18 additional employee contribution required under Section  
19 7-173.1, plus (2) the additional employer contribution  
20 required under Section 7-172, plus (3) interest on items (1)  
21 and (2) at the prescribed rate from the date of the service to  
22 the date of payment. Application must be received by the Board  
23 while the employee is an active participant in the Fund.  
24 Payment must be received while the member is an active  
25 participant, except that one payment will be permitted after  
26 termination of participation.

1           (d) The changes to subsections (a) and (b) of this Section  
2 made by this amendatory Act of the 94th General Assembly apply  
3 only to persons in service on or after July 1, 2004. In the  
4 case of such a person who begins to receive a retirement  
5 annuity before the effective date of this amendatory Act of  
6 the 94th General Assembly, the annuity shall be recalculated  
7 prospectively to reflect those changes, with the resulting  
8 increase beginning to accrue on the first annuity payment date  
9 following the effective date of this amendatory Act.

10           (e) Any elected county officer who was entitled to receive  
11 a stipend from the State on or after July 1, 2009 and on or  
12 before June 30, 2010 may establish earnings credit for the  
13 amount of stipend not received, if the elected county official  
14 applies in writing to the fund within 6 months after the  
15 effective date of this amendatory Act of the 96th General  
16 Assembly and pays to the fund an amount equal to (i) employee  
17 contributions on the amount of stipend not received, (ii)  
18 employer contributions determined by the Board equal to the  
19 employer's normal cost of the benefit on the amount of stipend  
20 not received, plus (iii) interest on items (i) and (ii) at the  
21 actuarially assumed rate.

22           (f) It is the intent of this amendatory Act of the 103rd  
23 General Assembly to provide to sheriff's law enforcement  
24 employees who first became sheriff's law enforcement employees  
25 on or after January 1, 2011 the same level of benefits and  
26 eligibility criteria for benefits as those who first became

1 sheriff's law enforcement employees before January 1, 2011.  
2 The changes made to this Article by this amendatory Act of the  
3 103rd General Assembly that provide benefit increases for  
4 sheriff's law enforcement employees apply without regard to  
5 whether the sheriff's law enforcement employee was in service  
6 on or after the effective date of this amendatory Act of the  
7 103rd General Assembly, notwithstanding the provisions of  
8 Section 1-103.1. The benefit increases are intended to apply  
9 prospectively and do not entitle a sheriff's law enforcement  
10 employee to retroactive benefit payments or increases. The  
11 changes made to this Article by this amendatory Act of the  
12 103rd General Assembly shall not cause or otherwise result in  
13 any retroactive adjustment of any employee contributions.

14 ~~(f) Notwithstanding any other provision of this Article,~~  
15 ~~the provisions of this subsection (f) apply to a person who~~  
16 ~~first becomes a sheriff's law enforcement employee under this~~  
17 ~~Article on or after January 1, 2011.~~

18 ~~A sheriff's law enforcement employee age 55 or more who~~  
19 ~~has 10 or more years of service in that capacity shall be~~  
20 ~~entitled at his option to receive a monthly retirement annuity~~  
21 ~~for his or her service as a sheriff's law enforcement employee~~  
22 ~~computed by multiplying 2.5% for each year of such service by~~  
23 ~~his or her final rate of earnings.~~

24 ~~The retirement annuity of a sheriff's law enforcement~~  
25 ~~employee who is retiring after attaining age 50 with 10 or more~~  
26 ~~years of creditable service shall be reduced by one half of 1%~~

1 ~~for each month that the sheriff's law enforcement employee's~~  
2 ~~age is under age 55.~~

3 ~~The maximum retirement annuity under this subsection (f)~~  
4 ~~shall be 75% of final rate of earnings.~~

5 ~~For the purposes of this subsection (f), "final rate of~~  
6 ~~earnings" means the average monthly earnings obtained by~~  
7 ~~dividing the total salary of the sheriff's law enforcement~~  
8 ~~employee during the 96 consecutive months of service within~~  
9 ~~the last 120 months of service in which the total earnings was~~  
10 ~~the highest by the number of months of service in that period.~~

11 ~~Notwithstanding any other provision of this Article,~~  
12 ~~beginning on January 1, 2011, for all purposes under this Code~~  
13 ~~(including without limitation the calculation of benefits and~~  
14 ~~employee contributions), the annual earnings of a sheriff's~~  
15 ~~law enforcement employee to whom this Section applies shall~~  
16 ~~not include overtime and shall not exceed \$106,800; however,~~  
17 ~~that amount shall annually thereafter be increased by the~~  
18 ~~lesser of (i) 3% of that amount, including all previous~~  
19 ~~adjustments, or (ii) one half the annual unadjusted percentage~~  
20 ~~increase (but not less than zero) in the consumer price~~  
21 ~~index u for the 12 months ending with the September preceding~~  
22 ~~each November 1, including all previous adjustments.~~

23 ~~(g) Notwithstanding any other provision of this Article,~~  
24 ~~the monthly annuity of a person who first becomes a sheriff's~~  
25 ~~law enforcement employee under this Article on or after~~  
26 ~~January 1, 2011 shall be increased on the January 1 occurring~~

1 ~~either on or after the attainment of age 60 or the first~~  
2 ~~anniversary of the annuity start date, whichever is later.~~  
3 ~~Each annual increase shall be calculated at 3% or one-half the~~  
4 ~~annual unadjusted percentage increase (but not less than zero)~~  
5 ~~in the consumer price index u for the 12 months ending with the~~  
6 ~~September preceding each November 1, whichever is less, of the~~  
7 ~~originally granted retirement annuity. If the annual~~  
8 ~~unadjusted percentage change in the consumer price index u for~~  
9 ~~a 12-month period ending in September is zero or, when~~  
10 ~~compared with the preceding period, decreases, then the~~  
11 ~~annuity shall not be increased.~~

12 ~~(h) Notwithstanding any other provision of this Article,~~  
13 ~~for a person who first becomes a sheriff's law enforcement~~  
14 ~~employee under this Article on or after January 1, 2011, the~~  
15 ~~annuity to which the surviving spouse, children, or parents~~  
16 ~~are entitled under this subsection (h) shall be in the amount~~  
17 ~~of 66 2/3% of the sheriff's law enforcement employee's earned~~  
18 ~~annuity at the date of death.~~

19 ~~(i) Notwithstanding any other provision of this Article,~~  
20 ~~the monthly annuity of a survivor of a person who first becomes~~  
21 ~~a sheriff's law enforcement employee under this Article on or~~  
22 ~~after January 1, 2011 shall be increased on the January 1 after~~  
23 ~~attainment of age 60 by the recipient of the survivor's~~  
24 ~~annuity and each January 1 thereafter by 3% or one-half the~~  
25 ~~annual unadjusted percentage increase in the consumer price~~  
26 ~~index u for the 12 months ending with the September preceding~~

1 ~~each November 1, whichever is less, of the originally granted~~  
2 ~~pension. If the annual unadjusted percentage change in the~~  
3 ~~consumer price index u for a 12-month period ending in~~  
4 ~~September is zero or, when compared with the preceding period,~~  
5 ~~decreases, then the annuity shall not be increased.~~

6 ~~(j) For the purposes of this Section, "consumer price~~  
7 ~~index u" means the index published by the Bureau of Labor~~  
8 ~~Statistics of the United States Department of Labor that~~  
9 ~~measures the average change in prices of goods and services~~  
10 ~~purchased by all urban consumers, United States city average,~~  
11 ~~all items, 1982-84 = 100. The new amount resulting from each~~  
12 ~~annual adjustment shall be determined by the Public Pension~~  
13 ~~Division of the Department of Insurance and made available to~~  
14 ~~the boards of the pension funds.~~

15 (Source: P.A. 100-148, eff. 8-18-17.)

16 (40 ILCS 5/7-171) (from Ch. 108 1/2, par. 7-171)

17 Sec. 7-171. Finance; taxes.

18 (a) Each municipality other than a school district shall  
19 appropriate an amount sufficient to provide for the current  
20 municipality contributions required by Section 7-172 of this  
21 Article, for the fiscal year for which the appropriation is  
22 made and all amounts due for municipal contributions for  
23 previous years. Those municipalities which have been assessed  
24 an annual amount to amortize its unfunded obligation, as  
25 provided in subparagraph 4 of paragraph (a) of Section 7-172

1 of this Article, shall include in the appropriation an amount  
2 sufficient to pay the amount assessed. The appropriation shall  
3 be based upon an estimate of assets available for municipality  
4 contributions and liabilities therefor for the fiscal year for  
5 which appropriations are to be made, including funds available  
6 from levies for this purpose in prior years.

7 (b) For the purpose of providing monies for municipality  
8 contributions, beginning for the year in which a municipality  
9 is included in this fund:

10 (1) A municipality other than a school district may  
11 levy a tax which shall not exceed the amount appropriated  
12 for municipality contributions minus the amount of the  
13 anticipated State contribution from the Local Government  
14 Retirement Fund to the municipality for that year.

15 (2) A school district may levy a tax in an amount  
16 reasonably calculated at the time of the levy to provide  
17 for the municipality contributions required under Section  
18 7-172 of this Article for the fiscal years for which  
19 revenues from the levy will be received and all amounts  
20 due for municipal contributions for previous years. Any  
21 levy adopted before the effective date of this amendatory  
22 Act of 1995 by a school district shall be considered valid  
23 and authorized to the extent that the amount was  
24 reasonably calculated at the time of the levy to provide  
25 for the municipality contributions required under Section  
26 7-172 for the fiscal years for which revenues from the



1           levy will be received and all amounts due for municipal  
2           contributions for previous years. In no event shall a  
3           budget adopted by a school district limit a levy of that  
4           school district adopted under this Section.

5           (c) Any county which is served by a regional office of  
6           education that serves 2 or more counties may include in its  
7           appropriation an amount sufficient to provide its  
8           proportionate share of the municipality contributions for that  
9           regional office of education. The tax levy authorized by this  
10          Section may include an amount necessary to provide monies for  
11          this contribution.

12          (d) Any county that is a part of a multiple-county health  
13          department or consolidated health department which is formed  
14          under "An Act in relation to the establishment and maintenance  
15          of county and multiple-county public health departments",  
16          approved July 9, 1943, as amended, and which is a  
17          participating instrumentality may include in the county's  
18          appropriation an amount sufficient to provide its  
19          proportionate share of municipality contributions of the  
20          department. The tax levy authorized by this Section may  
21          include the amount necessary to provide monies for this  
22          contribution.

23          (d-5) A school district participating in a special  
24          education joint agreement created under Section 10-22.31 of  
25          the School Code that is a participating instrumentality may  
26          include in the school district's tax levy under this Section

1 an amount sufficient to provide its proportionate share of the  
2 municipality contributions for current and prior service by  
3 employees of the participating instrumentality created under  
4 the joint agreement.

5 (e) Such tax shall be levied and collected in like manner,  
6 with the general taxes of the municipality and shall be in  
7 addition to all other taxes which the municipality is now or  
8 may hereafter be authorized to levy upon all taxable property  
9 therein, and shall be exclusive of and in addition to the  
10 amount of tax levied for general purposes under Section 8-3-1  
11 of the "Illinois Municipal Code", approved May 29, 1961, as  
12 amended, or under any other law or laws which may limit the  
13 amount of tax which the municipality may levy for general  
14 purposes. The tax may be levied by the governing body of the  
15 municipality without being authorized as being additional to  
16 all other taxes by a vote of the people of the municipality.

17 (f) The county clerk of the county in which any such  
18 municipality is located, in reducing tax levies shall not  
19 consider any such tax as a part of the general tax levy for  
20 municipality purposes, and shall not include the same in the  
21 limitation of any other tax rate which may be extended.

22 (g) The amount of the tax to be levied in any year shall,  
23 within the limits herein prescribed, be determined by the  
24 governing body of the respective municipality.

25 (h) The revenue derived from any such tax levy shall be  
26 used only for the contributions required under Section 7-172

1 and, as collected, shall be paid to the treasurer of the  
2 municipality levying the tax. Monies received by a county  
3 treasurer for use in making contributions to a regional office  
4 of education for its municipality contributions shall be held  
5 by him for that purpose and paid to the regional office of  
6 education in the same manner as other monies appropriated for  
7 the expense of the regional office.

8 (Source: P.A. 96-1084, eff. 7-16-10; 97-933, eff. 8-10-12.)

9 (40 ILCS 5/7-172) (from Ch. 108 1/2, par. 7-172)

10 Sec. 7-172. Contributions by participating municipalities  
11 and participating instrumentalities.

12 (a) Each participating municipality and each participating  
13 instrumentality shall make payment to the fund as follows:

14 1. municipality contributions in an amount determined  
15 by applying the municipality contribution rate to each  
16 payment of earnings paid to each of its participating  
17 employees;

18 2. an amount equal to the employee contributions  
19 provided by paragraph (a) of Section 7-173, whether or not  
20 the employee contributions are withheld as permitted by  
21 that Section;

22 3. all accounts receivable, together with interest  
23 charged thereon, as provided in Section 7-209, and any  
24 amounts due under subsection (a-5) of Section 7-144;

25 4. if it has no participating employees with current

1 earnings, an amount payable which, over a closed period of  
2 20 years for participating municipalities and 10 years for  
3 participating instrumentalities, will amortize, at the  
4 effective rate for that year, any unfunded obligation. The  
5 unfunded obligation shall be computed as provided in  
6 paragraph 2 of subsection (b);

7 5. if it has fewer than 7 participating employees or a  
8 negative balance in its municipality reserve, the greater  
9 of (A) an amount payable that, over a period of 20 years,  
10 will amortize at the effective rate for that year any  
11 unfunded obligation, computed as provided in paragraph 2  
12 of subsection (b) or (B) the amount required by paragraph  
13 1 of this subsection (a).

14 (b) A separate municipality contribution rate shall be  
15 determined for each calendar year for all participating  
16 municipalities together with all instrumentalities thereof.  
17 The municipality contribution rate shall be determined for  
18 participating instrumentalities as if they were participating  
19 municipalities. The municipality contribution rate shall be  
20 the sum of the following percentages:

21 1. The percentage of earnings of all the participating  
22 employees of all participating municipalities and  
23 participating instrumentalities which, if paid over the  
24 entire period of their service, will be sufficient when  
25 combined with all employee contributions available for the  
26 payment of benefits, to provide all annuities for

1 participating employees, and the \$3,000 death benefit  
2 payable under Sections 7-158 and 7-164, such percentage to  
3 be known as the normal cost rate.

4 2. The percentage of earnings of the participating  
5 employees of each participating municipality and  
6 participating instrumentalities necessary to adjust for  
7 the difference between the present value of all benefits,  
8 excluding temporary and total and permanent disability and  
9 death benefits, to be provided for its participating  
10 employees and the sum of its accumulated municipality  
11 contributions and the accumulated employee contributions  
12 and the present value of expected future employee and  
13 municipality contributions pursuant to subparagraph 1 of  
14 this paragraph (b). This adjustment shall be spread over a  
15 period determined by the Board, not to exceed 30 years for  
16 participating municipalities or 10 years for participating  
17 instrumentalities.

18 3. The percentage of earnings of the participating  
19 employees of all municipalities and participating  
20 instrumentalities necessary to provide the present value  
21 of all temporary and total and permanent disability  
22 benefits granted during the most recent year for which  
23 information is available.

24 4. The percentage of earnings of the participating  
25 employees of all participating municipalities and  
26 participating instrumentalities necessary to provide the

1 present value of the net single sum death benefits  
2 expected to become payable from the reserve established  
3 under Section 7-206 during the year for which this rate is  
4 fixed.

5 5. The percentage of earnings necessary to meet any  
6 deficiency arising in the Terminated Municipality Reserve.

7 (c) A separate municipality contribution rate shall be  
8 computed for each participating municipality or participating  
9 instrumentality for its sheriff's law enforcement employees.

10 A separate municipality contribution rate shall be  
11 computed for the sheriff's law enforcement employees of each  
12 forest preserve district that elects to have such employees.  
13 For the period from January 1, 1986 to December 31, 1986, such  
14 rate shall be the forest preserve district's regular rate plus  
15 2%.

16 Beginning in fiscal year 2025, the Board shall annually  
17 certify to the Governor the amount of each participant  
18 municipality's and participating instrumentality's  
19 contribution for its sheriff's law enforcement employees.

20 In the event that the Board determines that there is an  
21 actuarial deficiency in the account of any municipality with  
22 respect to a person who has elected to participate in the Fund  
23 under Section 3-109.1 of this Code, the Board may adjust the  
24 municipality's contribution rate so as to make up that  
25 deficiency over such reasonable period of time as the Board  
26 may determine.

1           (d) The Board may establish a separate municipality  
2 contribution rate for all employees who are program  
3 participants employed under the federal Comprehensive  
4 Employment Training Act by all of the participating  
5 municipalities and instrumentalities. The Board may also  
6 provide that, in lieu of a separate municipality rate for  
7 these employees, a portion of the municipality contributions  
8 for such program participants shall be refunded or an extra  
9 charge assessed so that the amount of municipality  
10 contributions retained or received by the fund for all CETA  
11 program participants shall be an amount equal to that which  
12 would be provided by the separate municipality contribution  
13 rate for all such program participants. Refunds shall be made  
14 to prime sponsors of programs upon submission of a claim  
15 therefor and extra charges shall be assessed to participating  
16 municipalities and instrumentalities. In establishing the  
17 municipality contribution rate as provided in paragraph (b) of  
18 this Section, the use of a separate municipality contribution  
19 rate for program participants or the refund of a portion of the  
20 municipality contributions, as the case may be, may be  
21 considered.

22           (e) Computations of municipality contribution rates for  
23 the following calendar year shall be made prior to the  
24 beginning of each year, from the information available at the  
25 time the computations are made, and on the assumption that the  
26 employees in each participating municipality or participating

1 instrumentality at such time will continue in service until  
2 the end of such calendar year at their respective rates of  
3 earnings at such time.

4 (f) Any municipality which is the recipient of State  
5 allocations representing that municipality's contributions for  
6 retirement annuity purposes on behalf of its employees as  
7 provided in Section 12-21.16 of the Illinois Public Aid Code  
8 shall pay the allocations so received to the Board for such  
9 purpose. Estimates of State allocations to be received during  
10 any taxable year shall be considered in the determination of  
11 the municipality's tax rate for that year under Section 7-171.  
12 If a special tax is levied under Section 7-171, none of the  
13 proceeds may be used to reimburse the municipality for the  
14 amount of State allocations received and paid to the Board.  
15 Any multiple-county or consolidated health department which  
16 receives contributions from a county under Section 11.2 of "An  
17 Act in relation to establishment and maintenance of county and  
18 multiple-county health departments", approved July 9, 1943, as  
19 amended, or distributions under Section 3 of the Department of  
20 Public Health Act, shall use these only for municipality  
21 contributions by the health department.

22 (g) Municipality contributions for the several purposes  
23 specified shall, for township treasurers and employees in the  
24 offices of the township treasurers who meet the qualifying  
25 conditions for coverage hereunder, be allocated among the  
26 several school districts and parts of school districts



1 serviced by such treasurers and employees in the proportion  
2 which the amount of school funds of each district or part of a  
3 district handled by the treasurer bears to the total amount of  
4 all school funds handled by the treasurer.

5 From the funds subject to allocation among districts and  
6 parts of districts pursuant to the School Code, the trustees  
7 shall withhold the proportionate share of the liability for  
8 municipality contributions imposed upon such districts by this  
9 Section, in respect to such township treasurers and employees  
10 and remit the same to the Board.

11 The municipality contribution rate for an educational  
12 service center shall initially be the same rate for each year  
13 as the regional office of education or school district which  
14 serves as its administrative agent. When actuarial data become  
15 available, a separate rate shall be established as provided in  
16 subparagraph (i) of this Section.

17 The municipality contribution rate for a public agency,  
18 other than a vocational education cooperative, formed under  
19 the Intergovernmental Cooperation Act shall initially be the  
20 average rate for the municipalities which are parties to the  
21 intergovernmental agreement. When actuarial data become  
22 available, a separate rate shall be established as provided in  
23 subparagraph (i) of this Section.

24 (h) Each participating municipality and participating  
25 instrumentality shall make the contributions in the amounts  
26 provided in this Section in the manner prescribed from time to

1 time by the Board and all such contributions shall be  
2 obligations of the respective participating municipalities and  
3 participating instrumentalities to this fund. The failure to  
4 deduct any employee contributions shall not relieve the  
5 participating municipality or participating instrumentality of  
6 its obligation to this fund. Delinquent payments of  
7 contributions due under this Section may, with interest, be  
8 recovered by civil action against the participating  
9 municipalities or participating instrumentalities.  
10 Municipality contributions, other than the amount necessary  
11 for employee contributions, for periods of service by  
12 employees from whose earnings no deductions were made for  
13 employee contributions to the fund, may be charged to the  
14 municipality reserve for the municipality or participating  
15 instrumentality.

16 (i) Contributions by participating instrumentalities shall  
17 be determined as provided herein except that the percentage  
18 derived under subparagraph 2 of paragraph (b) of this Section,  
19 and the amount payable under subparagraph 4 of paragraph (a)  
20 of this Section, shall be based on an amortization period of 10  
21 years.

22 (j) Notwithstanding the other provisions of this Section,  
23 the additional unfunded liability accruing as a result of  
24 Public Act 94-712 shall be amortized over a period of 30 years  
25 beginning on January 1 of the second calendar year following  
26 the calendar year in which Public Act 94-712 takes effect,

1     except that the employer may provide for a longer amortization  
2     period by adopting a resolution or ordinance specifying a  
3     35-year or 40-year period and submitting a certified copy of  
4     the ordinance or resolution to the fund no later than June 1 of  
5     the calendar year following the calendar year in which Public  
6     Act 94-712 takes effect.

7           (k) If the amount of a participating employee's reported  
8     earnings for any of the 12-month periods used to determine the  
9     final rate of earnings exceeds the employee's 12-month  
10    reported earnings with the same employer for the previous year  
11    by the greater of 6% or 1.5 times the annual increase in the  
12    Consumer Price Index-U, as established by the United States  
13    Department of Labor for the preceding September, the  
14    participating municipality or participating instrumentality  
15    that paid those earnings shall pay to the Fund, in addition to  
16    any other contributions required under this Article, the  
17    present value of the increase in the pension resulting from  
18    the portion of the increase in reported earnings that is in  
19    excess of the greater of 6% or 1.5 times the annual increase in  
20    the Consumer Price Index-U, as determined by the Fund. This  
21    present value shall be computed on the basis of the actuarial  
22    assumptions and tables used in the most recent actuarial  
23    valuation of the Fund that is available at the time of the  
24    computation.

25           Whenever it determines that a payment is or may be  
26    required under this subsection (k), the fund shall calculate

1 the amount of the payment and bill the participating  
2 municipality or participating instrumentality for that amount.  
3 The bill shall specify the calculations used to determine the  
4 amount due. If the participating municipality or participating  
5 instrumentality disputes the amount of the bill, it may,  
6 within 30 days after receipt of the bill, apply to the fund in  
7 writing for a recalculation. The application must specify in  
8 detail the grounds of the dispute. Upon receiving a timely  
9 application for recalculation, the fund shall review the  
10 application and, if appropriate, recalculate the amount due.  
11 The participating municipality and participating  
12 instrumentality contributions required under this subsection  
13 (k) may be paid in the form of a lump sum within 90 days after  
14 receipt of the bill. If the participating municipality and  
15 participating instrumentality contributions are not paid  
16 within 90 days after receipt of the bill, then interest will be  
17 charged at a rate equal to the fund's annual actuarially  
18 assumed rate of return on investment compounded annually from  
19 the 91st day after receipt of the bill. Payments must be  
20 concluded within 3 years after receipt of the bill by the  
21 participating municipality or participating instrumentality.

22 When assessing payment for any amount due under this  
23 subsection (k), the fund shall exclude earnings increases  
24 resulting from overload or overtime earnings.

25 When assessing payment for any amount due under this  
26 subsection (k), the fund shall exclude earnings increases

1 resulting from payments for unused vacation time, but only for  
2 payments for unused vacation time made in the final 3 months of  
3 the final rate of earnings period.

4 When assessing payment for any amount due under this  
5 subsection (k), the fund shall also exclude earnings increases  
6 attributable to standard employment promotions resulting in  
7 increased responsibility and workload.

8 When assessing payment for any amount due under this  
9 subsection (k), the fund shall exclude reportable earnings  
10 increases resulting from periods where the member was paid  
11 through workers' compensation.

12 This subsection (k) does not apply to earnings increases  
13 due to amounts paid as required by federal or State law or  
14 court mandate or to earnings increases due to the  
15 participating employee returning to the regular number of  
16 hours worked after having a temporary reduction in the number  
17 of hours worked.

18 This subsection (k) does not apply to earnings increases  
19 paid to individuals under contracts or collective bargaining  
20 agreements entered into, amended, or renewed before January 1,  
21 2012 (the effective date of Public Act 97-609), earnings  
22 increases paid to members who are 10 years or more from  
23 retirement eligibility, or earnings increases resulting from  
24 an increase in the number of hours required to be worked.

25 When assessing payment for any amount due under this  
26 subsection (k), the fund shall also exclude earnings

1 attributable to personnel policies adopted before January 1,  
2 2012 (the effective date of Public Act 97-609) as long as those  
3 policies are not applicable to employees who begin service on  
4 or after January 1, 2012 (the effective date of Public Act  
5 97-609).

6 The change made to this Section by Public Act 100-139 is a  
7 clarification of existing law and is intended to be  
8 retroactive to January 1, 2012 (the effective date of Public  
9 Act 97-609).

10 (Source: P.A. 102-849, eff. 5-13-22; 103-464, eff. 8-4-23.)

11 (40 ILCS 5/14-152.1)

12 Sec. 14-152.1. Application and expiration of new benefit  
13 increases.

14 (a) As used in this Section, "new benefit increase" means  
15 an increase in the amount of any benefit provided under this  
16 Article, or an expansion of the conditions of eligibility for  
17 any benefit under this Article, that results from an amendment  
18 to this Code that takes effect after June 1, 2005 (the  
19 effective date of Public Act 94-4). "New benefit increase",  
20 however, does not include any benefit increase resulting from  
21 the changes made to Article 1 or this Article by Public Act  
22 96-37, Public Act 100-23, Public Act 100-587, Public Act  
23 100-611, Public Act 101-10, Public Act 101-610, Public Act  
24 102-210, Public Act 102-856, Public Act 102-956, or this  
25 amendatory Act of the 103rd General Assembly ~~this amendatory~~

1 ~~Act of the 102nd General Assembly.~~

2 (b) Notwithstanding any other provision of this Code or  
3 any subsequent amendment to this Code, every new benefit  
4 increase is subject to this Section and shall be deemed to be  
5 granted only in conformance with and contingent upon  
6 compliance with the provisions of this Section.

7 (c) The Public Act enacting a new benefit increase must  
8 identify and provide for payment to the System of additional  
9 funding at least sufficient to fund the resulting annual  
10 increase in cost to the System as it accrues.

11 Every new benefit increase is contingent upon the General  
12 Assembly providing the additional funding required under this  
13 subsection. The Commission on Government Forecasting and  
14 Accountability shall analyze whether adequate additional  
15 funding has been provided for the new benefit increase and  
16 shall report its analysis to the Public Pension Division of  
17 the Department of Insurance. A new benefit increase created by  
18 a Public Act that does not include the additional funding  
19 required under this subsection is null and void. If the Public  
20 Pension Division determines that the additional funding  
21 provided for a new benefit increase under this subsection is  
22 or has become inadequate, it may so certify to the Governor and  
23 the State Comptroller and, in the absence of corrective action  
24 by the General Assembly, the new benefit increase shall expire  
25 at the end of the fiscal year in which the certification is  
26 made.

1 (d) Every new benefit increase shall expire 5 years after  
2 its effective date or on such earlier date as may be specified  
3 in the language enacting the new benefit increase or provided  
4 under subsection (c). This does not prevent the General  
5 Assembly from extending or re-creating a new benefit increase  
6 by law.

7 (e) Except as otherwise provided in the language creating  
8 the new benefit increase, a new benefit increase that expires  
9 under this Section continues to apply to persons who applied  
10 and qualified for the affected benefit while the new benefit  
11 increase was in effect and to the affected beneficiaries and  
12 alternate payees of such persons, but does not apply to any  
13 other person, including, without limitation, a person who  
14 continues in service after the expiration date and did not  
15 apply and qualify for the affected benefit while the new  
16 benefit increase was in effect.

17 (Source: P.A. 101-10, eff. 6-5-19; 101-81, eff. 7-12-19;  
18 101-610, eff. 1-1-20; 102-210, eff. 7-30-21; 102-856, eff.  
19 1-1-23; 102-956, eff. 5-27-22.)

20 (40 ILCS 5/15-108.1)

21 Sec. 15-108.1. Tier 1 member. "Tier 1 member": A  
22 participant or an annuitant of a retirement annuity under this  
23 Article, other than a participant in the self-managed plan  
24 under Section 15-158.2, who first became a participant or  
25 member before January 1, 2011 under any reciprocal retirement



1 system or pension fund established under this Code, other than  
2 a retirement system or pension fund established under Articles  
3 2, 3, 4, 5, 6, or 18 of this Code. "Tier 1 member" includes a  
4 participant or an annuitant who is a police officer or  
5 firefighter regardless of when the participant or annuitant  
6 first became a participant or member of a reciprocal  
7 retirement system or pension fund established under this Code,  
8 other than a retirement system or pension fund established  
9 under Articles 2, 3, 4, 5, 6, or 18 of this Code. "Tier 1  
10 member" includes a person who first became a participant under  
11 this System before January 1, 2011 and who accepts a refund and  
12 is subsequently reemployed by an employer on or after January  
13 1, 2011.

14 (Source: P.A. 98-92, eff. 7-16-13.)

15 (40 ILCS 5/15-108.2)

16 Sec. 15-108.2. Tier 2 member. "Tier 2 member": A person  
17 who first becomes a participant under this Article on or after  
18 January 1, 2011 and before the implementation date, as defined  
19 under subsection (a) of Section 1-161, determined by the  
20 Board, other than a person in the self-managed plan  
21 established under Section 15-158.2 or a person who makes the  
22 election under subsection (c) of Section 1-161, unless the  
23 person is otherwise a Tier 1 member. The changes made to this  
24 Section by this amendatory Act of the 98th General Assembly  
25 are a correction of existing law and are intended to be

1 retroactive to the effective date of Public Act 96-889,  
2 notwithstanding the provisions of Section 1-103.1 of this  
3 Code. "Tier 2 member" does not include a participant or an  
4 annuitant who is a police officer or firefighter regardless of  
5 when the participant or annuitant first became a participant  
6 or member of a reciprocal retirement system or pension fund  
7 established under this Code.

8 (Source: P.A. 100-23, eff. 7-6-17; 100-563, eff. 12-8-17.)

9 (40 ILCS 5/15-135) (from Ch. 108 1/2, par. 15-135)

10 Sec. 15-135. Retirement annuities; conditions.

11 (a) This subsection (a) applies only to a Tier 1 member. A  
12 participant who retires in one of the following specified  
13 years with the specified amount of service is entitled to a  
14 retirement annuity at any age under the retirement program  
15 applicable to the participant:

16 35 years if retirement is in 1997 or before;

17 34 years if retirement is in 1998;

18 33 years if retirement is in 1999;

19 32 years if retirement is in 2000;

20 31 years if retirement is in 2001;

21 30 years if retirement is in 2002 or later.

22 A participant with 8 or more years of service after  
23 September 1, 1941, is entitled to a retirement annuity on or  
24 after attainment of age 55.

25 A participant with at least 5 but less than 8 years of

1 service after September 1, 1941, is entitled to a retirement  
2 annuity on or after attainment of age 62.

3 A participant who has at least 25 years of service in this  
4 system as a police officer or firefighter is entitled to a  
5 retirement annuity on or after the attainment of age 50, if  
6 Rule 4 of Section 15-136 is applicable to the participant.

7 (a-5) A Tier 2 member is entitled to a retirement annuity  
8 upon written application if he or she has attained age 67 and  
9 has at least 10 years of service credit and is otherwise  
10 eligible under the requirements of this Article. A Tier 2  
11 member who has attained age 62 and has at least 10 years of  
12 service credit and is otherwise eligible under the  
13 requirements of this Article may elect to receive the lower  
14 retirement annuity provided in subsection (b-5) of Section  
15 15-136 of this Article.

16 (a-10) (Blank). ~~A Tier 2 member who has at least 20 years~~  
17 ~~of service in this system as a police officer or firefighter is~~  
18 ~~entitled to a retirement annuity upon written application on~~  
19 ~~or after the attainment of age 60 if Rule 4 of Section 15 136~~  
20 ~~is applicable to the participant. The changes made to this~~  
21 ~~subsection by this amendatory Act of the 101st General~~  
22 ~~Assembly apply retroactively to January 1, 2011.~~

23 (b) The annuity payment period shall begin on the date  
24 specified by the participant or the recipient of a disability  
25 retirement annuity submitting a written application. For a  
26 participant, the date on which the annuity payment period

1 begins shall not be prior to termination of employment or more  
2 than one year before the application is received by the board;  
3 however, if the participant is not an employee of an employer  
4 participating in this System or in a participating system as  
5 defined in Article 20 of this Code on April 1 of the calendar  
6 year next following the calendar year in which the participant  
7 attains the age specified under Section 401(a)(9) of the  
8 Internal Revenue Code of 1986, as amended, the annuity payment  
9 period shall begin on that date regardless of whether an  
10 application has been filed. For a recipient of a disability  
11 retirement annuity, the date on which the annuity payment  
12 period begins shall not be prior to the discontinuation of the  
13 disability retirement annuity under Section 15-153.2.

14 (c) An annuity is not payable if the amount provided under  
15 Section 15-136 is less than \$10 per month.

16 (Source: P.A. 101-610, eff. 1-1-20; 102-210, eff. 7-30-21.)

17 (40 ILCS 5/15-136) (from Ch. 108 1/2, par. 15-136)

18 Sec. 15-136. Retirement annuities; amount ~~Amount~~. The  
19 provisions of this Section 15-136 apply only to those  
20 participants who are participating in the traditional benefit  
21 package or the portable benefit package and do not apply to  
22 participants who are participating in the self-managed plan.

23 (a) The amount of a participant's retirement annuity,  
24 expressed in the form of a single-life annuity, shall be  
25 determined by whichever of the following rules is applicable

1 and provides the largest annuity:

2 Rule 1: The retirement annuity shall be 1.67% of final  
3 rate of earnings for each of the first 10 years of service,  
4 1.90% for each of the next 10 years of service, 2.10% for each  
5 year of service in excess of 20 but not exceeding 30, and 2.30%  
6 for each year in excess of 30; or for persons who retire on or  
7 after January 1, 1998, 2.2% of the final rate of earnings for  
8 each year of service.

9 Rule 2: The retirement annuity shall be the sum of the  
10 following, determined from amounts credited to the participant  
11 in accordance with the actuarial tables and the effective rate  
12 of interest in effect at the time the retirement annuity  
13 begins:

14 (i) the normal annuity which can be provided on an  
15 actuarially equivalent basis, by the accumulated normal  
16 contributions as of the date the annuity begins;

17 (ii) an annuity from employer contributions of an  
18 amount equal to that which can be provided on an  
19 actuarially equivalent basis from the accumulated normal  
20 contributions made by the participant under Section  
21 15-113.6 and Section 15-113.7 plus 1.4 times all other  
22 accumulated normal contributions made by the participant;  
23 and

24 (iii) the annuity that can be provided on an  
25 actuarially equivalent basis from the entire contribution  
26 made by the participant under Section 15-113.3.

1 With respect to a police officer or firefighter who  
2 retires on or after August 14, 1998, the accumulated normal  
3 contributions taken into account under clauses (i) and (ii) of  
4 this Rule 2 shall include the additional normal contributions  
5 made by the police officer or firefighter under Section  
6 15-157(a).

7 The amount of a retirement annuity calculated under this  
8 Rule 2 shall be computed solely on the basis of the  
9 participant's accumulated normal contributions, as specified  
10 in this Rule and defined in Section 15-116. Neither an  
11 employee or employer contribution for early retirement under  
12 Section 15-136.2 nor any other employer contribution shall be  
13 used in the calculation of the amount of a retirement annuity  
14 under this Rule 2.

15 This amendatory Act of the 91st General Assembly is a  
16 clarification of existing law and applies to every participant  
17 and annuitant without regard to whether status as an employee  
18 terminates before the effective date of this amendatory Act.

19 This Rule 2 does not apply to a person who first becomes an  
20 employee under this Article on or after July 1, 2005.

21 Rule 3: The retirement annuity of a participant who is  
22 employed at least one-half time during the period on which his  
23 or her final rate of earnings is based, shall be equal to the  
24 participant's years of service not to exceed 30, multiplied by  
25 (1) \$96 if the participant's final rate of earnings is less  
26 than \$3,500, (2) \$108 if the final rate of earnings is at least

1 \$3,500 but less than \$4,500, (3) \$120 if the final rate of  
2 earnings is at least \$4,500 but less than \$5,500, (4) \$132 if  
3 the final rate of earnings is at least \$5,500 but less than  
4 \$6,500, (5) \$144 if the final rate of earnings is at least  
5 \$6,500 but less than \$7,500, (6) \$156 if the final rate of  
6 earnings is at least \$7,500 but less than \$8,500, (7) \$168 if  
7 the final rate of earnings is at least \$8,500 but less than  
8 \$9,500, and (8) \$180 if the final rate of earnings is \$9,500 or  
9 more, except that the annuity for those persons having made an  
10 election under Section 15-154(a-1) shall be calculated and  
11 payable under the portable retirement benefit program pursuant  
12 to the provisions of Section 15-136.4.

13 Rule 4: A participant who is at least age 50 and has 25 or  
14 more years of service as a police officer or firefighter, and a  
15 participant who is age 55 or over and has at least 20 but less  
16 than 25 years of service as a police officer or firefighter,  
17 shall be entitled to a retirement annuity of 2 1/4% of the  
18 final rate of earnings for each of the first 10 years of  
19 service as a police officer or firefighter, 2 1/2% for each of  
20 the next 10 years of service as a police officer or  
21 firefighter, and 2 3/4% for each year of service as a police  
22 officer or firefighter in excess of 20. The retirement annuity  
23 for all other service shall be computed under Rule 1. ~~A Tier 2~~  
24 ~~member is eligible for a retirement annuity calculated under~~  
25 ~~Rule 4 only if that Tier 2 member meets the service~~  
26 ~~requirements for that benefit calculation as prescribed under~~

1 ~~this Rule 4 in addition to the applicable age requirement~~  
2 ~~under subsection (a-10) of Section 15-135.~~

3 For purposes of this Rule 4, a participant's service as a  
4 firefighter shall also include the following:

5 (i) service that is performed while the person is an  
6 employee under subsection (h) of Section 15-107; and

7 (ii) in the case of an individual who was a  
8 participating employee employed in the fire department of  
9 the University of Illinois's Champaign-Urbana campus  
10 immediately prior to the elimination of that fire  
11 department and who immediately after the elimination of  
12 that fire department transferred to another job with the  
13 University of Illinois, service performed as an employee  
14 of the University of Illinois in a position other than  
15 police officer or firefighter, from the date of that  
16 transfer until the employee's next termination of service  
17 with the University of Illinois.

18 (b) For a Tier 1 member, the retirement annuity provided  
19 under Rules 1 and 3 above shall be reduced by 1/2 of 1% for  
20 each month the participant is under age 60 at the time of  
21 retirement. However, this reduction shall not apply in the  
22 following cases:

23 (1) For a disabled participant whose disability  
24 benefits have been discontinued because he or she has  
25 exhausted eligibility for disability benefits under clause  
26 (6) of Section 15-152;



1           (2) For a participant who has at least the number of  
2           years of service required to retire at any age under  
3           subsection (a) of Section 15-135; or

4           (3) For that portion of a retirement annuity which has  
5           been provided on account of service of the participant  
6           during periods when he or she performed the duties of a  
7           police officer or firefighter, if these duties were  
8           performed for at least 5 years immediately preceding the  
9           date the retirement annuity is to begin.

10          (b-5) The retirement annuity of a Tier 2 member who is  
11          retiring under Rule 1 or 3 after attaining age 62 with at least  
12          10 years of service credit shall be reduced by 1/2 of 1% for  
13          each full month that the member's age is under age 67.

14          (c) The maximum retirement annuity provided under Rules 1,  
15          2, 4, and 5 shall be the lesser of (1) the annual limit of  
16          benefits as specified in Section 415 of the Internal Revenue  
17          Code of 1986, as such Section may be amended from time to time  
18          and as such benefit limits shall be adjusted by the  
19          Commissioner of Internal Revenue, and (2) 80% of final rate of  
20          earnings.

21          (d) A Tier 1 member whose status as an employee terminates  
22          after August 14, 1969 shall receive automatic increases in his  
23          or her retirement annuity as follows:

24          Effective January 1 immediately following the date the  
25          retirement annuity begins, the annuitant shall receive an  
26          increase in his or her monthly retirement annuity of 0.125% of

1 the monthly retirement annuity provided under Rule 1, Rule 2,  
2 Rule 3, or Rule 4 contained in this Section, multiplied by the  
3 number of full months which elapsed from the date the  
4 retirement annuity payments began to January 1, 1972, plus  
5 0.1667% of such annuity, multiplied by the number of full  
6 months which elapsed from January 1, 1972, or the date the  
7 retirement annuity payments began, whichever is later, to  
8 January 1, 1978, plus 0.25% of such annuity multiplied by the  
9 number of full months which elapsed from January 1, 1978, or  
10 the date the retirement annuity payments began, whichever is  
11 later, to the effective date of the increase.

12 The annuitant shall receive an increase in his or her  
13 monthly retirement annuity on each January 1 thereafter during  
14 the annuitant's life of 3% of the monthly annuity provided  
15 under Rule 1, Rule 2, Rule 3, or Rule 4 contained in this  
16 Section. The change made under this subsection by P.A. 81-970  
17 is effective January 1, 1980 and applies to each annuitant  
18 whose status as an employee terminates before or after that  
19 date.

20 Beginning January 1, 1990, all automatic annual increases  
21 payable under this Section shall be calculated as a percentage  
22 of the total annuity payable at the time of the increase,  
23 including all increases previously granted under this Article.

24 The change made in this subsection by P.A. 85-1008 is  
25 effective January 26, 1988, and is applicable without regard  
26 to whether status as an employee terminated before that date.

1 (d-5) A retirement annuity of a Tier 2 member shall  
2 receive annual increases on the January 1 occurring either on  
3 or after the attainment of age 67 or the first anniversary of  
4 the annuity start date, whichever is later. Each annual  
5 increase shall be calculated at 3% or one half the annual  
6 unadjusted percentage increase (but not less than zero) in the  
7 consumer price index-u for the 12 months ending with the  
8 September preceding each November 1, whichever is less, of the  
9 originally granted retirement annuity. If the annual  
10 unadjusted percentage change in the consumer price index-u for  
11 the 12 months ending with the September preceding each  
12 November 1 is zero or there is a decrease, then the annuity  
13 shall not be increased.

14 (e) If, on January 1, 1987, or the date the retirement  
15 annuity payment period begins, whichever is later, the sum of  
16 the retirement annuity provided under Rule 1 or Rule 2 of this  
17 Section and the automatic annual increases provided under the  
18 preceding subsection or Section 15-136.1, amounts to less than  
19 the retirement annuity which would be provided by Rule 3, the  
20 retirement annuity shall be increased as of January 1, 1987,  
21 or the date the retirement annuity payment period begins,  
22 whichever is later, to the amount which would be provided by  
23 Rule 3 of this Section. Such increased amount shall be  
24 considered as the retirement annuity in determining benefits  
25 provided under other Sections of this Article. This paragraph  
26 applies without regard to whether status as an employee

1 terminated before the effective date of this amendatory Act of  
2 1987, provided that the annuitant was employed at least  
3 one-half time during the period on which the final rate of  
4 earnings was based.

5 (f) A participant is entitled to such additional annuity  
6 as may be provided on an actuarially equivalent basis, by any  
7 accumulated additional contributions to his or her credit.  
8 However, the additional contributions made by the participant  
9 toward the automatic increases in annuity provided under this  
10 Section shall not be taken into account in determining the  
11 amount of such additional annuity.

12 (g) If, (1) by law, a function of a governmental unit, as  
13 defined by Section 20-107 of this Code, is transferred in  
14 whole or in part to an employer, and (2) a participant  
15 transfers employment from such governmental unit to such  
16 employer within 6 months after the transfer of the function,  
17 and (3) the sum of (A) the annuity payable to the participant  
18 under Rule 1, 2, or 3 of this Section (B) all proportional  
19 annuities payable to the participant by all other retirement  
20 systems covered by Article 20, and (C) the initial primary  
21 insurance amount to which the participant is entitled under  
22 the Social Security Act, is less than the retirement annuity  
23 which would have been payable if all of the participant's  
24 pension credits validated under Section 20-109 had been  
25 validated under this system, a supplemental annuity equal to  
26 the difference in such amounts shall be payable to the

1 participant.

2 (h) On January 1, 1981, an annuitant who was receiving a  
3 retirement annuity on or before January 1, 1971 shall have his  
4 or her retirement annuity then being paid increased \$1 per  
5 month for each year of creditable service. On January 1, 1982,  
6 an annuitant whose retirement annuity began on or before  
7 January 1, 1977, shall have his or her retirement annuity then  
8 being paid increased \$1 per month for each year of creditable  
9 service.

10 (i) On January 1, 1987, any annuitant whose retirement  
11 annuity began on or before January 1, 1977, shall have the  
12 monthly retirement annuity increased by an amount equal to 8¢  
13 per year of creditable service times the number of years that  
14 have elapsed since the annuity began.

15 (j) The changes made to this Section by this amendatory  
16 Act of the 101st General Assembly apply retroactively to  
17 January 1, 2011.

18 (Source: P.A. 101-610, eff. 1-1-20.)

19 (40 ILCS 5/15-198)

20 Sec. 15-198. Application and expiration of new benefit  
21 increases.

22 (a) As used in this Section, "new benefit increase" means  
23 an increase in the amount of any benefit provided under this  
24 Article, or an expansion of the conditions of eligibility for  
25 any benefit under this Article, that results from an amendment

1 to this Code that takes effect after June 1, 2005 (the  
2 effective date of Public Act 94-4). "New benefit increase",  
3 however, does not include any benefit increase resulting from  
4 the changes made to Article 1 or this Article by Public Act  
5 100-23, Public Act 100-587, Public Act 100-769, Public Act  
6 101-10, Public Act 101-610, Public Act 102-16, Public Act  
7 103-80, Public Act 103-548, or this amendatory Act of the  
8 103rd General Assembly ~~or this amendatory Act of the 103rd~~  
9 ~~General Assembly.~~

10 (b) Notwithstanding any other provision of this Code or  
11 any subsequent amendment to this Code, every new benefit  
12 increase is subject to this Section and shall be deemed to be  
13 granted only in conformance with and contingent upon  
14 compliance with the provisions of this Section.

15 (c) The Public Act enacting a new benefit increase must  
16 identify and provide for payment to the System of additional  
17 funding at least sufficient to fund the resulting annual  
18 increase in cost to the System as it accrues.

19 Every new benefit increase is contingent upon the General  
20 Assembly providing the additional funding required under this  
21 subsection. The Commission on Government Forecasting and  
22 Accountability shall analyze whether adequate additional  
23 funding has been provided for the new benefit increase and  
24 shall report its analysis to the Public Pension Division of  
25 the Department of Insurance. A new benefit increase created by  
26 a Public Act that does not include the additional funding

1 required under this subsection is null and void. If the Public  
2 Pension Division determines that the additional funding  
3 provided for a new benefit increase under this subsection is  
4 or has become inadequate, it may so certify to the Governor and  
5 the State Comptroller and, in the absence of corrective action  
6 by the General Assembly, the new benefit increase shall expire  
7 at the end of the fiscal year in which the certification is  
8 made.

9 (d) Every new benefit increase shall expire 5 years after  
10 its effective date or on such earlier date as may be specified  
11 in the language enacting the new benefit increase or provided  
12 under subsection (c). This does not prevent the General  
13 Assembly from extending or re-creating a new benefit increase  
14 by law.

15 (e) Except as otherwise provided in the language creating  
16 the new benefit increase, a new benefit increase that expires  
17 under this Section continues to apply to persons who applied  
18 and qualified for the affected benefit while the new benefit  
19 increase was in effect and to the affected beneficiaries and  
20 alternate payees of such persons, but does not apply to any  
21 other person, including, without limitation, a person who  
22 continues in service after the expiration date and did not  
23 apply and qualify for the affected benefit while the new  
24 benefit increase was in effect.

25 (Source: P.A. 102-16, eff. 6-17-21; 103-80, eff. 6-9-23;  
26 103-548, eff. 8-11-23; revised 8-31-23.)

1 (40 ILCS 5/15-203 new)

2 Sec. 15-203. Application of this amendatory Act of the  
3 103rd General Assembly. It is the intent of this amendatory  
4 Act of the 103rd General Assembly to provide to police  
5 officers and firefighters who first became participants on or  
6 after January 1, 2011 the same level of benefits and  
7 eligibility criteria for benefits as those who first became  
8 participants before January 1, 2011. The changes made to this  
9 Article by this amendatory Act of the 103rd General Assembly  
10 that provide benefit increases for police officers and  
11 firefighters apply without regard to whether the participant  
12 was in service on or after the effective date of this  
13 amendatory Act of the 103rd General Assembly, notwithstanding  
14 the provisions of Section 1-103.1. The benefit increases are  
15 intended to apply prospectively and do not entitle a  
16 participant to retroactive benefit payments or increases. The  
17 changes made to this Article by this amendatory Act of the  
18 103rd General Assembly shall not cause or otherwise result in  
19 any retroactive adjustment of any employee contributions.

20 Article 4.

21 Section 4-5. The Illinois Municipal Code is amended by  
22 adding Section 10-4-2.9 as follows:



1 (65 ILCS 5/10-4-2.9 new)

2 Sec. 10-4-2.9. Retired police officers and firefighters. A  
3 municipality that provides health insurance to police officers  
4 and firefighters shall maintain the health insurance plans of  
5 these employees after retirement and shall pay the cost of the  
6 health insurance premiums for each retiree who has completed  
7 20 years of service.

8 Article 99.

9 Section 99-995. No acceleration or delay. Where this Act  
10 makes changes in a statute that is represented in this Act by  
11 text that is not yet or no longer in effect (for example, a  
12 Section represented by multiple versions), the use of that  
13 text does not accelerate or delay the taking effect of (i) the  
14 changes made by this Act or (ii) provisions derived from any  
15 other Public Act.

16 Section 99-999. Effective date. This Act takes effect upon  
17 becoming law.

1	INDEX
2	Statutes amended in order of appearance
3	New Act
4	30 ILCS 105/5.1015 new
5	30 ILCS 105/5.790 rep.
6	725 ILCS 5/113-3 from Ch. 38, par. 113-3
7	725 ILCS 5/119-1
8	725 ILCS 105/10 from Ch. 38, par. 208-10
9	5 ILCS 845/Act rep.
10	730 ILCS 205/Act rep.
11	730 ILCS 210/Act rep.
12	5 ILCS 70/1.43 rep.
13	5 ILCS 100/5-45.35 rep.
14	5 ILCS 140/2.15
15	5 ILCS 160/4a
16	5 ILCS 315/14 from Ch. 48, par. 1614
17	5 ILCS 820/1
18	5 ILCS 820/5
19	5 ILCS 820/10
20	5 ILCS 820/15
21	5 ILCS 820/20
22	5 ILCS 820/30
23	5 ILCS 820/35
24	5 ILCS 820/21 rep.
25	15 ILCS 205/10 rep.

1 20 ILCS 2605/2605-302 was 20 ILCS 2605/55a in part  
2 20 ILCS 2610/14 from Ch. 121, par. 307.14  
3 20 ILCS 2610/17c rep.  
4 20 ILCS 3930/7.7 rep.  
5 20 ILCS 3930/7.8 rep.  
6 30 ILCS 105/5.990 rep.  
7 50 ILCS 105/4.1 rep.  
8 50 ILCS 205/3b  
9 50 ILCS 205/25 rep.  
10 50 ILCS 705/6.2  
11 50 ILCS 705/10.17  
12 50 ILCS 705/10.6 rep.  
13 50 ILCS 706/10-10  
14 50 ILCS 706/10-15  
15 50 ILCS 706/10-20  
16 50 ILCS 706/10-25  
17 50 ILCS 707/10  
18 50 ILCS 709/5-10  
19 50 ILCS 709/5-12  
20 50 ILCS 709/5-20  
21 50 ILCS 709/5-11 rep.  
22 50 ILCS 725/3.2 from Ch. 85, par. 2555  
23 50 ILCS 725/3.4 from Ch. 85, par. 2557  
24 50 ILCS 725/3.8 from Ch. 85, par. 2561  
25 50 ILCS 725/6.1 new  
26 50 ILCS 727/1-35 rep.

1	55 ILCS 5/4-5001	from Ch. 34, par. 4-5001
2	55 ILCS 5/4-12001	from Ch. 34, par. 4-12001
3	55 ILCS 5/4-12001.1	from Ch. 34, par. 4-12001.1
4	55 ILCS 5/3-4014 rep.	
5	55 ILCS 5/3-6041 rep.	
6	65 ILCS 5/11-5.1-2 rep.	
7	65 ILCS 5/1-2-12.2 new	
8	110 ILCS 12/15	
9	215 ILCS 5/143.19	from Ch. 73, par. 755.19
10	215 ILCS 5/143.19.1	from Ch. 73, par. 755.19.1
11	215 ILCS 5/205	from Ch. 73, par. 817
12	230 ILCS 10/5.1	from Ch. 120, par. 2405.1
13	410 ILCS 70/7.5	
14	625 ILCS 5/6-204	from Ch. 95 1/2, par. 6-204
15	625 ILCS 5/6-308	
16	625 ILCS 5/6-500	from Ch. 95 1/2, par. 6-500
17	625 ILCS 5/6-601	from Ch. 95 1/2, par. 6-601
18	625 ILCS 5/16-103	from Ch. 95 1/2, par. 16-103
19	625 ILCS 5/6-209.1	
20	625 ILCS 5/11-208.3	from Ch. 95 1/2, par. 11-208.3
21	625 ILCS 5/11-208.6	
22	625 ILCS 5/11-208.8	
23	625 ILCS 5/11-208.9	
24	625 ILCS 5/11-1201.1	
25	625 ILCS 5/4-214.2 new	
26	625 ILCS 5/6-303	from Ch. 95 1/2, par. 6-303

1	625 ILCS 5/6-306.5-1 new	
2	625 ILCS 5/6-306.9 new	
3	625 ILCS 40/5-7	
4	705 ILCS 105/27.3b	from Ch. 25, par. 27.3b
5	705 ILCS 205/9	from Ch. 13, par. 9
6	705 ILCS 405/1-7	
7	705 ILCS 405/1-8	
8	705 ILCS 405/5-150	
9	720 ILCS 5/26.5-5	
10	720 ILCS 5/31-1	from Ch. 38, par. 31-1
11	720 ILCS 5/31A-0.1	
12	720 ILCS 5/32-10	from Ch. 38, par. 32-10
13	720 ILCS 5/7-5	from Ch. 38, par. 7-5
14	720 ILCS 5/7-5.5	
15	720 ILCS 5/7-9	from Ch. 38, par. 7-9
16	720 ILCS 5/9-1	from Ch. 38, par. 9-1
17	720 ILCS 5/33-3	from Ch. 38, par. 33-3
18	720 ILCS 5/32-15.1 new	
19	720 ILCS 5/7-15 rep.	
20	720 ILCS 5/7-16 rep.	
21	720 ILCS 5/33-9 rep.	
22	725 ILCS 5/102-6	from Ch. 38, par. 102-6
23	725 ILCS 5/102-7	from Ch. 38, par. 102-7
24	725 ILCS 5/103-5	from Ch. 38, par. 103-5
25	725 ILCS 5/103-7	from Ch. 38, par. 103-7
26	725 ILCS 5/103-9	from Ch. 38, par. 103-9

1	725 ILCS 5/104-13	from Ch. 38, par. 104-13
2	725 ILCS 5/104-17	from Ch. 38, par. 104-17
3	725 ILCS 5/106D-1	
4	725 ILCS 5/107-4	from Ch. 38, par. 107-4
5	725 ILCS 5/107-9	from Ch. 38, par. 107-9
6	725 ILCS 5/107-11	from Ch. 38, par. 107-11
7	725 ILCS 5/109-1	from Ch. 38, par. 109-1
8	725 ILCS 5/109-2	from Ch. 38, par. 109-2
9	725 ILCS 5/109-3	from Ch. 38, par. 109-3
10	725 ILCS 5/109-3.1	from Ch. 38, par. 109-3.1
11	725 ILCS 5/Art. 110	
12	heading	
13	725 ILCS 5/110-1	from Ch. 38, par. 110-1
14	725 ILCS 5/110-2	from Ch. 38, par. 110-2
15	725 ILCS 5/110-3.1 new	
16	725 ILCS 5/110-5	from Ch. 38, par. 110-5
17	725 ILCS 5/110-5.2	
18	725 ILCS 5/110-6	
19	725 ILCS 5/110-6.1 new	
20	725 ILCS 5/110-6.2	from Ch. 38, par. 110-6.2
21	725 ILCS 5/110-6.4	
22	725 ILCS 5/110-10	from Ch. 38, par. 110-10
23	725 ILCS 5/110-11	from Ch. 38, par. 110-11
24	725 ILCS 5/110-12	from Ch. 38, par. 110-12
25	725 ILCS 5/111-2	from Ch. 38, par. 111-2
26	725 ILCS 5/112A-23	from Ch. 38, par. 112A-23

1	725 ILCS 5/113-3.1	from Ch. 38, par. 113-3.1
2	725 ILCS 5/114-1	from Ch. 38, par. 114-1
3	725 ILCS 5/115-4.1	from Ch. 38, par. 115-4.1
4	725 ILCS 5/122-6	from Ch. 38, par. 122-6
5	725 ILCS 5/102-10.5 rep.	
6	725 ILCS 5/102-14.5 rep.	
7	725 ILCS 5/110-6.6 rep.	
8	725 ILCS 5/110-7.5 rep.	
9	725 ILCS 5/110-1.5 rep.	
10	725 ILCS 5/103-2	from Ch. 38, par. 103-2
11	725 ILCS 5/108-8	from Ch. 38, par. 108-8
12	725 ILCS 5/103-3.1 new	
13	725 ILCS 5/110-4.1 new	
14	725 ILCS 5/110-6.3-1 new	
15	725 ILCS 5/110-6.5-1 new	
16	725 ILCS 5/110-7.1 new	
17	725 ILCS 5/110-8.1 new	
18	725 ILCS 5/110-9.1 new	
19	725 ILCS 5/110-13.1 new	
20	725 ILCS 5/110-14.1 new	
21	725 ILCS 5/110-15.1 new	
22	725 ILCS 5/110-16.1 new	
23	725 ILCS 5/110-17.1 new	
24	725 ILCS 5/110-18.1 new	
25	725 ILCS 5/Art. 110B	
26	heading new	

1	725 ILCS 5/110B-5 new	
2	725 ILCS 5/110B-10 new	
3	725 ILCS 5/110B-15 new	
4	725 ILCS 5/110B-20 new	
5	725 ILCS 5/110B-25 new	
6	725 ILCS 5/110B-30 new	
7	725 ILCS 5/110B-35 new	
8	725 ILCS 5/110B-40 new	
9	725 ILCS 5/110B-45 new	
10	725 ILCS 5/110B-50 new	
11	725 ILCS 5/110B-55 new	
12	725 ILCS 5/110B-60 new	
13	725 ILCS 5/110B-65 new	
14	725 ILCS 5/110B-70 new	
15	725 ILCS 5/110B-75 new	
16	725 ILCS 5/110B-80 new	
17	725 ILCS 165/4	from Ch. 38, par. 161-4
18	725 ILCS 120/3	from Ch. 38, par. 1403
19	725 ILCS 120/4	from Ch. 38, par. 1404
20	725 ILCS 120/4.5	
21	725 ILCS 185/7	from Ch. 38, par. 307
22	725 ILCS 185/11	from Ch. 38, par. 311
23	725 ILCS 185/19	from Ch. 38, par. 319
24	725 ILCS 185/20	from Ch. 38, par. 320
25	725 ILCS 185/22	from Ch. 38, par. 322
26	725 ILCS 185/34	



1	725 ILCS 195/Act title	
2	725 ILCS 195/0.01	from Ch. 16, par. 80
3	725 ILCS 195/1	from Ch. 16, par. 81
4	725 ILCS 195/2	from Ch. 16, par. 82
5	725 ILCS 195/3	from Ch. 16, par. 83
6	725 ILCS 195/5	from Ch. 16, par. 85
7	730 ILCS 5/5-3-2	from Ch. 38, par. 1005-3-2
8	730 ILCS 5/5-5-3.2	
9	730 ILCS 5/5-6-4	from Ch. 38, par. 1005-6-4
10	730 ILCS 5/5-6-4.1	from Ch. 38, par. 1005-6-4.1
11	730 ILCS 5/5-8A-7	
12	730 ILCS 5/8-2-1	from Ch. 38, par. 1008-2-1
13	730 ILCS 5/3-6-3	
14	730 ILCS 5/5-4-1	from Ch. 38, par. 1005-4-1
15	730 ILCS 5/5-4.5-95	
16	730 ILCS 5/5-4.5-100	
17	730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1
18	730 ILCS 5/5-8-4	from Ch. 38, par. 1005-8-4
19	730 ILCS 5/5-8-6	from Ch. 38, par. 1005-8-6
20	730 ILCS 5/5-8A-2	from Ch. 38, par. 1005-8A-2
21	730 ILCS 5/5-8A-4	from Ch. 38, par. 1005-8A-4
22	730 ILCS 5/5-8A-4.1	
23	730 ILCS 5/5-6-3.8 rep.	
24	730 ILCS 5/5-8A-4.15 rep.	
25	730 ILCS 110/18	
26	730 ILCS 125/5	from Ch. 75, par. 105

1	730 ILCS 130/3	from Ch. 75, par. 32
2	730 ILCS 167/20	
3	730 ILCS 168/20	
4	735 ILCS 5/10-106	from Ch. 110, par. 10-106
5	735 ILCS 5/10-125	from Ch. 110, par. 10-125
6	735 ILCS 5/10-127	from Ch. 110, par. 10-127
7	735 ILCS 5/10-135	from Ch. 110, par. 10-135
8	735 ILCS 5/10-136	from Ch. 110, par. 10-136
9	735 ILCS 5/21-103	
10	740 ILCS 22/220	
11	750 ILCS 60/223	from Ch. 40, par. 2312-23
12	750 ILCS 60/301	from Ch. 40, par. 2313-1
13	765 ILCS 1045/11	from Ch. 140, par. 111
14	775 ILCS 40/50	
15	820 ILCS 405/602	from Ch. 48, par. 432
16	730 ILCS 5/3-6-7.1 rep.	
17	730 ILCS 5/3-6-7.2 rep.	
18	730 ILCS 5/3-6-7.3 rep.	
19	730 ILCS 5/3-6-7.4 rep.	
20	730 ILCS 125/17.6 rep.	
21	730 ILCS 125/17.7 rep.	
22	730 ILCS 125/17.8 rep.	
23	730 ILCS 125/17.9 rep.	
24	5 ILCS 120/2	from Ch. 102, par. 42
25	5 ILCS 140/7	
26	5 ILCS 140/7.5	

1	5 ILCS 350/1	from Ch. 127, par. 1301
2	20 ILCS 415/4c	from Ch. 127, par. 63b104c
3	20 ILCS 2605/2605-50	was 20 ILCS 2605/55a-6
4	20 ILCS 2610/3	from Ch. 121, par. 307.3
5	20 ILCS 2610/6	from Ch. 121, par. 307.6
6	20 ILCS 2610/8	from Ch. 121, par. 307.8
7	20 ILCS 2610/9	from Ch. 121, par. 307.9
8	20 ILCS 2610/6.5 rep.	
9	20 ILCS 2610/11.5 rep.	
10	20 ILCS 2610/11.6 rep.	
11	20 ILCS 2610/12.6 rep.	
12	20 ILCS 2610/12.7 rep.	
13	20 ILCS 2610/40.1 rep.	
14	20 ILCS 2610/46 rep.	
15	50 ILCS 705/2	from Ch. 85, par. 502
16	50 ILCS 705/3	from Ch. 85, par. 503
17	50 ILCS 705/6	from Ch. 85, par. 506
18	50 ILCS 705/6.1	
19	50 ILCS 705/7	
20	50 ILCS 705/7.5	
21	50 ILCS 705/8	from Ch. 85, par. 508
22	50 ILCS 705/8.1	from Ch. 85, par. 508.1
23	50 ILCS 705/8.2	
24	50 ILCS 705/9	from Ch. 85, par. 509
25	50 ILCS 705/10	from Ch. 85, par. 510
26	50 ILCS 705/10.1	from Ch. 85, par. 510.1

1	50 ILCS 705/10.2	
2	50 ILCS 705/10.3	
3	50 ILCS 705/10.5-1 new	
4	50 ILCS 705/10.11	
5	50 ILCS 705/10.18	
6	50 ILCS 705/10.19	
7	50 ILCS 705/10.20	
8	50 ILCS 705/3.1 rep.	
9	50 ILCS 705/6.3 rep.	
10	50 ILCS 705/6.6 rep.	
11	50 ILCS 705/6.7 rep.	
12	50 ILCS 705/8.3 rep.	
13	50 ILCS 705/8.4 rep.	
14	50 ILCS 705/9.2 rep.	
15	50 ILCS 705/13 rep.	
16	55 ILCS 5/3-6001.5	
17	30 ILCS 105/5.1016 new	
18	30 ILCS 105/6z-140 new	
19	30 ILCS 805/8.47 new	
20	40 ILCS 5/1-160	
21	40 ILCS 5/3-111	from Ch. 108 1/2, par. 3-111
22	40 ILCS 5/3-111.1	from Ch. 108 1/2, par. 3-111.1
23	40 ILCS 5/3-112	from Ch. 108 1/2, par. 3-112
24	40 ILCS 5/3-125	from Ch. 108 1/2, par. 3-125
25	40 ILCS 5/3-148.5 new	
26	40 ILCS 5/4-109	from Ch. 108 1/2, par. 4-109

1	40 ILCS 5/4-109.1	from Ch. 108 1/2, par. 4-109.1
2	40 ILCS 5/4-114	from Ch. 108 1/2, par. 4-114
3	40 ILCS 5/4-118	from Ch. 108 1/2, par. 4-118
4	40 ILCS 5/4-138.15 new	
5	40 ILCS 5/5-155	from Ch. 108 1/2, par. 5-155
6	40 ILCS 5/5-167.1	from Ch. 108 1/2, par. 5-167.1
7	40 ILCS 5/5-168	from Ch. 108 1/2, par. 5-168
8	40 ILCS 5/5-169	from Ch. 108 1/2, par. 5-169
9	40 ILCS 5/5-239 new	
10	40 ILCS 5/6-165	from Ch. 108 1/2, par. 6-165
11	40 ILCS 5/6-210	from Ch. 108 1/2, par. 6-210
12	40 ILCS 5/6-231 new	
13	40 ILCS 5/7-142.1	from Ch. 108 1/2, par. 7-142.1
14	40 ILCS 5/7-171	from Ch. 108 1/2, par. 7-171
15	40 ILCS 5/7-172	from Ch. 108 1/2, par. 7-172
16	40 ILCS 5/14-152.1	
17	40 ILCS 5/15-108.1	
18	40 ILCS 5/15-108.2	
19	40 ILCS 5/15-135	from Ch. 108 1/2, par. 15-135
20	40 ILCS 5/15-136	from Ch. 108 1/2, par. 15-136
21	40 ILCS 5/15-198	
22	40 ILCS 5/15-203 new	
23	65 ILCS 5/10-4-2.9 new	