

# HB4697



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

**HB4697**

Introduced 2/6/2024, by Rep. Tim Ozinga

### SYNOPSIS AS INTRODUCED:

See Index

Amends, repeals, and reenacts various Acts. 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. Makes other technical changes. Effective immediately.

LRB103 35722 RLC 65802 b

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 (5 ILCS 845/Act rep.)

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6 is repealed.

7 (730 ILCS 205/Act rep.)

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9 is repealed.

10 (730 ILCS 210/Act rep.)

11 Section 15. The Reporting of Deaths in Custody Act is  
12 repealed.

13 (5 ILCS 70/1.43 rep.)

14 Section 20. The Statute on Statutes is amended by  
15 repealing Section 1.43.

16 (5 ILCS 100/5-45.35 rep.)

17 Section 25. The Illinois Administrative Procedure Act is  
18 amended by repealing Section 5-45.35 as added by Public Act  
19 102-1104.

1 Section 30. The Freedom of Information Act is amended by  
2 changing Section 2.15 as follows:

3 (5 ILCS 140/2.15)

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

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

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

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

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

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

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

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

3 Section 35. The State Records Act is amended by changing  
4 Section 4a as follows:

5 (5 ILCS 160/4a)

6 Sec. 4a. Arrest records and reports.

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

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

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

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

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

18 (5) (Blank).

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

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

24 (b) The information required by this Section must be made

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

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

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

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

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

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

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

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

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

21 (Source: P.A. 101-433, eff. 8-20-19; 101-652, eff. 1-1-23;  
22 102-1104, eff. 1-1-23.)

23 Section 40. The Illinois Public Labor Relations Act is  
24 amended by changing Section 14 as follows:

1 (5 ILCS 315/14) (from Ch. 48, par. 1614)

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

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



1 writing, arbitration, and shall submit a copy of the request  
2 to the Board.

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

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

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

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

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

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

1 punished by the court as contempt.

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

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

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

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

13 (1) The lawful authority of the employer.

14 (2) Stipulations of the parties.

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

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

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

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

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

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

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

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

17           (i) In the case of peace officers, the arbitration  
18 decision shall be limited to wages, hours, and conditions of  
19 employment (which may include residency requirements in  
20 municipalities with a population under 1,000,000, ~~100,000~~, but  
21 those residency requirements shall not allow residency outside  
22 of Illinois) and shall not include the following: i) residency  
23 requirements in municipalities with a population of at least  
24 1,000,000 ~~100,000~~; ii) the type of equipment, other than  
25 uniforms, issued or used; iii) manning; iv) the total number  
26 of employees employed by the department; v) mutual aid and

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

13 In the case of fire fighter, and fire department or fire  
14 district paramedic matters, the arbitration decision shall be  
15 limited to wages, hours, and conditions of employment  
16 (including manning and also including residency requirements  
17 in municipalities with a population under 1,000,000, but those  
18 residency requirements shall not allow residency outside of  
19 Illinois) and shall not include the following matters: i)  
20 residency requirements in municipalities with a population of  
21 at least 1,000,000; ii) the type of equipment (other than  
22 uniforms and fire fighter turnout gear) issued or used; iii)  
23 the total number of employees employed by the department; iv)  
24 mutual aid and assistance agreements to other units of  
25 government; and v) the criterion pursuant to which force,  
26 including deadly force, can be used; provided, however,

1 nothing herein shall preclude an arbitration decision  
2 regarding equipment levels if such decision is based on a  
3 finding that the equipment considerations in a specific work  
4 assignment involve a serious risk to the safety of a fire  
5 fighter beyond that which is inherent in the normal  
6 performance of fire fighter duties. Limitation of the terms of  
7 the arbitration decision pursuant to this subsection shall not  
8 be construed to limit the facts upon which the decision may be  
9 based, as set forth in subsection (h).

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

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

22 (j) Arbitration procedures shall be deemed to be initiated  
23 by the filing of a letter requesting mediation as required  
24 under subsection (a) of this Section. The commencement of a  
25 new municipal fiscal year after the initiation of arbitration  
26 procedures under this Act, but before the arbitration



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

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

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

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

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

24 (n) All of the terms decided upon by the arbitration panel  
25 shall be included in an agreement to be submitted to the public  
26 employer's governing body for ratification and adoption by

1 law, ordinance or the equivalent appropriate means.

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

26 (o) If the governing body of the employer votes to reject

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

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

13 ~~The amendatory changes to this Section made by Public Act~~  
14 ~~101-652 take effect July 1, 2022.~~

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

16 Section 45. The Community-Law Enforcement and Other First  
17 Responder Partnership for Deflection and Substance Use  
18 Disorder Treatment Act is amended by changing Sections 1, 5,  
19 10, 15, 20, 30, and 35 as follows:

20 (5 ILCS 820/1)

21 Sec. 1. Short title. This Act may be cited as the  
22 Community-Law Enforcement ~~Community~~ Partnership for Deflection  
23 and Substance Use Disorder Treatment Act.

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

1 (5 ILCS 820/5)

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

1 ~~emergency departments.~~

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

3 (5 ILCS 820/10)

4 Sec. 10. Definitions. In this Act:

5 "Case management" means those services which use  
6 evidence-based practices, including harm reduction and  
7 motivational interviewing, to assist persons in gaining access  
8 to needed social, educational, medical, substance use and  
9 mental health treatment, and other services.

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

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

22 "Deflection program" means a program in which a peace  
23 officer or member of a law enforcement agency, ~~other first~~  
24 ~~responder,~~ or local government agency facilitates contact  
25 between an individual and a licensed substance use treatment

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

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

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

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

1 proactive identification of persons thought likely to have  
2 a substance use disorder or untreated or undiagnosed  
3 mental illness;

4 (4) an officer, ~~other first responder,~~ or local  
5 government agency prevention deflection response initiated  
6 by a peace officer, law enforcement agency, or local  
7 government agency in response to a community call when no  
8 criminal charges are present;

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

13 "Harm reduction" means a reduction of, or attempt to  
14 reduce, the adverse consequences of substance use, including,  
15 but not limited to, by addressing the substance use and  
16 conditions that give rise to the substance use. "Harm  
17 reduction" includes, but is not limited to, syringe service  
18 programs, naloxone distribution, and public awareness  
19 campaigns about the Good Samaritan Act.

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

26 "Licensed treatment provider" means an organization



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

12 "Local government agency" means a county, municipality, or  
13 township office, a State's Attorney's Office, a Public  
14 Defender's Office, or a local health department.

15 "Peace officer" means any peace officer or member of any  
16 duly organized State, county, or municipal peace officer unit,  
17 any police force of another State, or any police force whose  
18 members, by statute, are granted and authorized to exercise  
19 powers similar to those conferred upon any peace officer  
20 employed by a law enforcement agency of this State.

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

26 "Treatment" means the broad range of emergency,

1 outpatient, intensive outpatient, and residential services and  
2 care (including assessment, diagnosis, case management,  
3 medical, psychiatric, psychological and social services,  
4 medication-assisted treatment, care and counseling, and  
5 recovery support) which may be extended to persons who have  
6 substance use disorders, persons with mental illness, or  
7 families of those persons.

8 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;  
9 103-361, eff. 1-1-24.)

10 (5 ILCS 820/15)

11 Sec. 15. Authorization.

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

20 (b) The deflection program may involve a post-overdose  
21 deflection response, a self-referral deflection response, a  
22 pre-arrest diversion response, an active outreach deflection  
23 response, an officer ~~or other first responder~~ prevention  
24 deflection response, or an officer intervention deflection  
25 response, or any combination of those.

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

9 (c-5) Whenever appropriate and available, case management  
10 should be provided by a licensed treatment provider or other  
11 appropriate provider and may include peer recovery support  
12 approaches.

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

16 (1) the involvement of one or more licensed treatment  
17 programs and one or more community members or  
18 organizations; and

19 (2) an agreement with the Illinois Criminal Justice  
20 Information Authority to collect and evaluate relevant  
21 statistical data related to the program, as established by  
22 the Illinois Criminal Justice Information Authority in  
23 paragraph (2) of subsection (a) of Section 25 of this Act.

24 ~~(3) an agreement with participating licensed treatment~~  
25 ~~providers authorizing the release of statistical data to~~  
26 ~~the Illinois Criminal Justice Information Authority, in~~

1 ~~compliance with State and Federal law, as established by~~  
2 ~~the Illinois Criminal Justice Information Authority in~~  
3 ~~paragraph (2) of subsection (a) of Section 25 of this Act.~~

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

5 (5 ILCS 820/20)

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

19 A deflection program organized and operating under this  
20 Act may accept, receive, and disburse, in furtherance of its  
21 duties and functions, any funds, grants, and services made  
22 available by the State and its agencies, the federal  
23 government and its agencies, units of local government, and  
24 private or civic sources.

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

1 (5 ILCS 820/30)

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

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

10 (5 ILCS 820/35)

11 Sec. 35. Funding.

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

18 (a.1) (Blank). ~~Up to 10 percent of appropriated funds may~~  
19 ~~be expended on activities related to knowledge dissemination,~~  
20 ~~training, technical assistance, or other similar activities~~  
21 ~~intended to increase practitioner and public awareness of~~  
22 ~~deflection and/or to support its implementation. The Illinois~~  
23 ~~Criminal Justice Information Authority may adopt guidelines~~  
24 ~~and requirements to direct the distribution of funds for these~~

1 ~~activities.~~

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

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

22 (2) case management including case management provided  
23 prior to assessment, diagnosis, and engagement in  
24 treatment, as well as assistance navigating and gaining  
25 access to various treatment modalities and support  
26 services;

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

5 (4) transportation to a licensed treatment provider or  
6 other program partner location;

7 (5) program evaluation activities;

8 (6) (blank); ~~naloxone and related harm reduction~~  
9 ~~supplies necessary for carrying out overdose prevention~~  
10 ~~and reversal for purposes of distribution to program~~  
11 ~~participants or for use by law enforcement, other first~~  
12 ~~responders, or local government agencies;~~

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

16 (8) wraparound participant funds to be used to  
17 incentivize participation and meet participant needs.  
18 Eligible items include, but are not limited to, clothing,  
19 transportation, application fees, emergency shelter,  
20 utilities, toiletries, medical supplies, haircuts, and  
21 snacks. Food and drink is allowed if it is necessary for  
22 the program's success where it incentivizes participation  
23 in case management or addresses an emergency need as a  
24 bridge to self-sufficiency when other sources of emergency  
25 food are not available.

26 (c) Specific linkage agreements with recovery support

1 services or self-help entities may be a requirement of the  
2 program services protocols. All deflection programs shall  
3 encourage the involvement of key family members and  
4 significant others as a part of a family-based approach to  
5 treatment. All deflection programs are encouraged to use  
6 evidence-based practices and outcome measures in the provision  
7 of case management, substance use disorder treatment, and  
8 medication-assisted treatment for persons with opioid use  
9 disorders.

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

11 (5 ILCS 820/21 rep.)

12 Section 50. The Community-Law Enforcement Partnership for  
13 Deflection and Substance Use Disorder Treatment Act is amended  
14 by repealing Section 21.

15 (15 ILCS 205/10 rep.)

16 Section 55. The Attorney General Act is amended by  
17 repealing Section 10.

18 Section 60. The Department of State Police Law of the  
19 Civil Administrative Code of Illinois is amended by changing  
20 Section 2605-302 as follows:

21 (20 ILCS 2605/2605-302) (was 20 ILCS 2605/55a in part)

22 Sec. 2605-302. Arrest reports.



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

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

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

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

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

12 (5) (Blank).

13 (5.1) If the individual is incarcerated, the amount of  
14 any bail or bond.

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

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

1 of law enforcement or correctional personnel or any other  
2 person; or (iii) compromise the security of any correctional  
3 facility.

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

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

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

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

21 Section 65. The State Police Act is amended by changing  
22 Section 14 as follows:

23 (20 ILCS 2610/14) (from Ch. 121, par. 307.14)

24 Sec. 14. Except as is otherwise provided in this Act, no

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

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

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

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

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

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

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

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

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

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

8           (20 ILCS 2610/17c rep.)

9           Section 70. The State Police Act is amended by repealing  
10 Section 17c.

11           (20 ILCS 3930/7.7 rep.)

12           (20 ILCS 3930/7.8 rep.)

13           Section 75. The Illinois Criminal Justice Information Act  
14 is amended by repealing Sections 7.7 and 7.8.

15           (30 ILCS 105/5.990 rep.)

16           Section 80. The State Finance Act is amended by repealing  
17 Section 5.990 as added by Public Act 102-1104.

18           (50 ILCS 105/4.1 rep.)

19           Section 85. The Public Officer Prohibited Activities Act  
20 is amended by repealing Section 4.1.

21           Section 90. The Local Records Act is amended by changing

1 Section 3b as follows:

2 (50 ILCS 205/3b)

3 Sec. 3b. Arrest records and reports.

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

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

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

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

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

15 (5) (Blank).

16 (5.1) If the individual is incarcerated, the amount of  
17 any bail or bond.

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

21 (b) The information required by this Section must be made  
22 available to the news media for inspection and copying as soon  
23 as practicable, but in no event shall the time period exceed 72  
24 hours from the arrest. The information described in paragraphs  
25 (3), (4), (5), and (6) of subsection (a), however, may be

1 withheld if it is determined that disclosure would:

2 (1) interfere with pending or actually and reasonably  
3 contemplated law enforcement proceedings conducted by any  
4 law enforcement or correctional agency;

5 (2) endanger the life or physical safety of law  
6 enforcement or correctional personnel or any other person;  
7 or

8 (3) compromise the security of any correctional  
9 facility.

10 (c) For the purposes of this Section the term "news media"  
11 means personnel of a newspaper or other periodical issued at  
12 regular intervals whether in print or electronic format, a  
13 news service whether in print or electronic format, a radio  
14 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 (f) All information, including photographs, made available



1 under this Section is subject to the provisions of Section  
2 2QQQ of the Consumer Fraud and Deceptive Business Practices  
3 Act.

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

5 (50 ILCS 205/25 rep.)

6 Section 95. The Local Records Act is amended by repealing  
7 Section 25.

8 Section 100. The Illinois Police Training Act is amended  
9 by changing Sections 6.2 and 10.17 as follows:

10 (50 ILCS 705/6.2)

11 Sec. 6.2. Officer professional conduct database. In order  
12 to ensure the continuing effectiveness of this Section, it is  
13 set forth in full and reenacted by this amendatory Act of the  
14 102nd General Assembly. This reenactment is intended as a  
15 continuation of this Section. This reenactment is not intended  
16 to supersede any amendment to this Section that may be made by  
17 any other Public Act of the 102nd General Assembly.

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

21 (1) the officer is discharged or dismissed as a result  
22 of the violation; or

23 (2) the officer resigns during the course of an

1 investigation and after the officer has been served notice  
2 that he or she is under investigation that is based on the  
3 commission of a Class 2 or greater ~~any felony or sex~~  
4 ~~offense.~~

5 The agency shall report to the Board within 30 days of a  
6 final decision of discharge or dismissal and final exhaustion  
7 of any appeal, or resignation, and shall provide information  
8 regarding the nature of the violation.

9 (b) Upon receiving notification from a law enforcement  
10 agency, the Board must notify the law enforcement officer of  
11 the report and his or her right to provide a statement  
12 regarding the reported violation.

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

20 (Source: P.A. 101-652, eff. 7-1-21. Repealed by P.A. 101-652,  
21 Article 25, Section 25-45, eff. 1-1-22; 102-694, eff. 1-7-22.  
22 Reenacted and changed by 102-694, eff. 1-7-22.)

23 (50 ILCS 705/10.17)

24 Sec. 10.17. Crisis intervention team training; mental  
25 health awareness training.

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

23 (b) The Board shall create an introductory course  
24 incorporating adult learning models that provides law  
25 enforcement officers with an awareness of mental health issues  
26 including a history of the mental health system, types of

1 mental health illness including signs and symptoms of mental  
2 illness and common treatments and medications, and the  
3 potential interactions law enforcement officers may have on a  
4 regular basis with these individuals, their families, and  
5 service providers including de-escalating a potential crisis  
6 situation. This course, in addition to other traditional  
7 learning settings, may be made available in an electronic  
8 format.

9 The amendatory changes to this Section made by Public Act  
10 101-652 shall take effect January 1, 2022.

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

12 (50 ILCS 705/10.6 rep.)

13 Section 105. The Illinois Police Training Act is amended  
14 by repealing Section 10.6.

15 Section 110. The Law Enforcement Officer-Worn Body Camera  
16 Act is amended by changing Sections 10-10, 10-15, 10-20, and  
17 10-25 as follows:

18 (50 ILCS 706/10-10)

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

20 "Badge" means an officer's department issued  
21 identification number associated with his or her position as a  
22 police officer with that department.

23 "Board" means the Illinois Law Enforcement Training

1 Standards Board created by the Illinois Police Training Act.

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

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

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

12 ~~"Community caretaking function" excludes law~~  
13 ~~enforcement-related encounters or activities.~~

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

15 "In uniform" means a law enforcement officer who is  
16 wearing any officially authorized uniform designated by a law  
17 enforcement agency, or a law enforcement officer who is  
18 visibly wearing articles of clothing, a badge, tactical gear,  
19 gun belt, a patch, or other insignia that he or she is a law  
20 enforcement officer acting in the course of his or her duties.

21 "Law enforcement officer" or "officer" means any person  
22 employed by a State, county, municipality, special district,  
23 college, unit of government, or any other entity authorized by  
24 law to employ peace officers or exercise police authority and  
25 who is primarily responsible for the prevention or detection  
26 of crime and the enforcement of the laws of this State.

1 "Law enforcement agency" means all State agencies with law  
2 enforcement officers, county sheriff's offices, municipal,  
3 special district, college, or unit of local government police  
4 departments.

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

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

19 "Officer-worn body camera" means an electronic camera  
20 system for creating, generating, sending, receiving, storing,  
21 displaying, and processing audiovisual recordings that may be  
22 worn about the person of a law enforcement officer.

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

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

1 "Recording" means the process of capturing data or  
2 information stored on a recording medium as required under  
3 this Act.

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

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

10 (50 ILCS 706/10-15)

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

20 ~~(b) Except as provided in subsection (b-5), all law~~  
21 ~~enforcement agencies must implement the use of body cameras~~  
22 ~~for all law enforcement officers, according to the following~~  
23 ~~schedule:~~

24 ~~(1) for municipalities and counties with populations~~  
25 ~~of 500,000 or more, body cameras shall be implemented by~~

1 ~~January 1, 2022;~~

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

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

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

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

13 ~~(b-5) If a law enforcement agency that serves a~~  
14 ~~municipality with a population of at least 100,000 but not~~  
15 ~~more than 500,000 or a law enforcement agency that serves a~~  
16 ~~county with a population of at least 100,000 but not more than~~  
17 ~~500,000 has ordered by October 1, 2022 or purchased by that~~  
18 ~~date officer worn body cameras for use by the law enforcement~~  
19 ~~agency, then the law enforcement agency may implement the use~~  
20 ~~of body cameras for all of its law enforcement officers by no~~  
21 ~~later than July 1, 2023. Records of purchase within this~~  
22 ~~timeline shall be submitted to the Illinois Law Enforcement~~  
23 ~~Training Standards Board by January 1, 2023.~~

24 ~~(e) A law enforcement agency's compliance with the~~  
25 ~~requirements under this Section shall receive preference by~~  
26 ~~the Illinois Law Enforcement Training Standards Board in~~



1 ~~awarding grant funding under the Law Enforcement Camera Grant~~  
2 ~~Act.~~

3 ~~(d) This Section does not apply to court security~~  
4 ~~officers, State's Attorney investigators, and Attorney General~~  
5 ~~investigators.~~

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

8 (50 ILCS 706/10-20)

9 Sec. 10-20. Requirements.

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

17 (1) Cameras must be equipped with pre-event recording,  
18 capable of recording at least the 30 seconds prior to  
19 camera activation, unless the officer-worn body camera was  
20 purchased and acquired by the law enforcement agency prior  
21 to July 1, 2015.

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

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

6           (A) If exigent circumstances exist which prevent  
7 the camera from being turned on, the camera must be  
8 turned on as soon as practicable.

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

14           ~~(C) Officer worn body cameras may be turned off~~  
15 ~~when the officer is inside a correctional facility or~~  
16 ~~courthouse which is equipped with a functioning camera~~  
17 ~~system.~~

18           (4) Cameras must be turned off when:

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

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

26           (C) the officer is interacting with a confidential

1 informant used by the law enforcement agency; or

2 (D) an officer of the Department of Revenue enters  
3 a Department of Revenue facility or conducts an  
4 interview during which return information will be  
5 discussed or visible.

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

15 (4.5) Cameras may be turned off when the officer is  
16 engaged in community caretaking functions. However, the  
17 camera must be turned on when the officer has reason to  
18 believe that the person on whose behalf the officer is  
19 performing a community caretaking function has committed  
20 or is in the process of committing a crime. If exigent  
21 circumstances exist which prevent the camera from being  
22 turned on, the camera must be turned on as soon as  
23 practicable.

24 (5) The officer must provide notice of recording to  
25 any person if the person has a reasonable expectation of  
26 privacy and proof of notice must be evident in the

1 recording. If exigent circumstances exist which prevent  
2 the officer from providing notice, notice must be provided  
3 as soon as practicable.

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

16 (i) A law enforcement officer shall not have  
17 access to or review his or her body-worn camera  
18 recordings or the body-worn camera recordings of  
19 another officer prior to completing incident reports  
20 or other documentation when the officer:

21 (a) has been involved in or is a witness to an  
22 officer-involved shooting, use of deadly force  
23 incident, or use of force incidents resulting in  
24 great bodily harm;

25 (b) is ordered to write a report in response  
26 to or during the investigation of a misconduct

1 complaint against the officer.

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

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

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

21 (A) Under no circumstances shall any recording,  
22 except for a non-law enforcement related activity or  
23 encounter, made with an officer-worn body camera be  
24 altered, erased, or destroyed prior to the expiration  
25 of the 90-day storage period. In the event any  
26 recording made with an officer-worn body camera is

1 altered, erased, or destroyed prior to the expiration  
2 of the 90-day storage period, the law enforcement  
3 agency shall maintain, for a period of one year, a  
4 written record including (i) the name of the  
5 individual who made such alteration, erasure, or  
6 destruction, and (ii) the reason for any such  
7 alteration, erasure, or destruction.

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

13 (i) a formal or informal complaint has been  
14 filed;

15 (ii) the officer discharged his or her firearm  
16 or used force during the encounter;

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

19 (iv) the encounter resulted in a detention or  
20 an arrest, excluding traffic stops which resulted  
21 in only a minor traffic offense or business  
22 offense;

23 (v) the officer is the subject of an internal  
24 investigation or otherwise being investigated for  
25 possible misconduct;

26 (vi) the supervisor of the officer,

1 prosecutor, defendant, or court determines that  
2 the encounter has evidentiary value in a criminal  
3 prosecution; or

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

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

16 ~~(D) Nothing in this Act prohibits law enforcement~~  
17 ~~agencies from labeling officer worn body camera video~~  
18 ~~within the recording medium; provided that the~~  
19 ~~labeling does not alter the actual recording of the~~  
20 ~~incident captured on the officer worn body camera. The~~  
21 ~~labels, titles, and tags shall not be construed as~~  
22 ~~altering the officer worn body camera video in any~~  
23 ~~way.~~

24 (8) Following the 90-day storage period, recordings  
25 may be retained if a supervisor at the law enforcement  
26 agency designates the recording for training purposes. If

1 the recording is designated for training purposes, the  
2 recordings may be viewed by officers, in the presence of a  
3 supervisor or training instructor, for the purposes of  
4 instruction, training, or ensuring compliance with agency  
5 policies.

6 (9) Recordings shall not be used to discipline law  
7 enforcement officers unless:

8 (A) a formal or informal complaint of misconduct  
9 has been made;

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

11 (C) the encounter on the recording could result in  
12 a formal investigation under the Uniform Peace  
13 Officers' Disciplinary Act; or

14 (D) as corroboration of other evidence of  
15 misconduct.

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

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



1 officer-worn body camera equipment.

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

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

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

26 (A) the subject of the encounter captured on the

1 recording is a victim or witness; and

2 (B) the law enforcement agency obtains written  
3 permission of the subject or the subject's legal  
4 representative;

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

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

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

23 Only recordings or portions of recordings responsive to  
24 the request shall be available for inspection or reproduction.  
25 Any recording disclosed under the Freedom of Information Act  
26 shall be redacted to remove identification of any person that

1 appears on the recording and is not the officer, a subject of  
2 the encounter, or directly involved in the encounter. Nothing  
3 in this subsection (b) shall require the disclosure of any  
4 recording or portion of any recording which would be exempt  
5 from disclosure under the Freedom of Information Act.

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

9 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;  
10 102-687, eff. 12-17-21; 102-694, eff. 1-7-22; 102-1104, eff.  
11 12-6-22.)

12 (50 ILCS 706/10-25)

13 Sec. 10-25. Reporting.

14 (a) Each law enforcement agency which employs the use of  
15 officer-worn body cameras must provide an annual report ~~on the~~  
16 ~~use of officer worn body cameras~~ to the Board, on or before May  
17 1 of the year. The report shall include:

18 (1) a brief overview of the makeup of the agency,  
19 including the number of officers utilizing officer-worn  
20 body cameras;

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

23 (3) any technical issues with the equipment and how  
24 those issues were remedied;

25 (4) a brief description of the review process used by

1 supervisors within the law enforcement agency;

2 (5) (blank); ~~and~~

3 (5.1) for each recording used in prosecutions of  
4 conservation, criminal, or traffic offenses or municipal  
5 ordinance violations:

6 (A) the time, date, location, and precinct of the  
7 incident; and

8 (B) the offense charged and the date charges were  
9 filed; and

10 (6) any other information relevant to the  
11 administration of the program.

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

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

16 Section 115. The Law Enforcement Camera Grant Act is  
17 amended by changing Section 10 as follows:

18 (50 ILCS 707/10)

19 Sec. 10. Law Enforcement Camera Grant Fund; creation,  
20 rules.

21 (a) The Law Enforcement Camera Grant Fund is created as a  
22 special fund in the State treasury. From appropriations to the  
23 Board from the Fund, the Board must make grants to units of  
24 local government in Illinois and Illinois public universities

1 for the purpose of (1) purchasing in-car video cameras for use  
2 in law enforcement vehicles, (2) purchasing officer-worn body  
3 cameras and associated technology for law enforcement  
4 officers, and (3) training for law enforcement officers in the  
5 operation of the cameras. ~~Grants under this Section may be  
6 used to offset data storage costs for officer worn body  
7 cameras.~~

8 Moneys received for the purposes of this Section,  
9 including, without limitation, fee receipts and gifts, grants,  
10 and awards from any public or private entity, must be  
11 deposited into the Fund. Any interest earned on moneys in the  
12 Fund must be deposited into the Fund.

13 (b) The Board may set requirements for the distribution of  
14 grant moneys and determine which law enforcement agencies are  
15 eligible.

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

18 (c) (Blank).

19 (d) (Blank).

20 (e) (Blank).

21 (f) (Blank).

22 (g) (Blank).

23 (h) (Blank).

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

25 Section 120. The Uniform Crime Reporting Act is amended by

1 changing Sections 5-10, 5-12, and 5-20 as follows:

2 (50 ILCS 709/5-10)

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

15 (Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21;  
16 102-813, eff. 5-13-22.)

17 (50 ILCS 709/5-12)

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

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

1 incident. The Illinois State Police shall submit on a  
2 quarterly basis all information collected under this  
3 paragraph (1) to the Illinois Criminal Justice Information  
4 Authority, contingent upon updated federal guidelines  
5 regarding the Uniform Crime Reporting Program;

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

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

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

24 (5) data on an index of offenses selected by the  
25 Illinois State Police based on the seriousness of the  
26 offense, frequency of occurrence of the offense, and

1 likelihood of being reported to law enforcement. The data  
2 shall include the number of index crime offenses committed  
3 and number of associated arrests; and

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

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

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

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



1 (50 ILCS 709/5-20)

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

13 (Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21;  
14 102-813, eff. 5-13-22.)

15 (50 ILCS 709/5-11 rep.)

16 Section 125. The Uniform Crime Reporting Act is amended by  
17 repealing Section 5-11.

18 Section 130. The Uniform Peace Officers' Disciplinary Act  
19 is amended by changing Sections 3.2, 3.4, and 3.8 as follows:

20 (50 ILCS 725/3.2) (from Ch. 85, par. 2555)

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

1 the officer shall be informed beforehand of the names of all  
2 complainants. The information shall be sufficient as to  
3 reasonably apprise the officer of the nature of the  
4 investigation.

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

6 (50 ILCS 725/3.4) (from Ch. 85, par. 2557)

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

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

17 (50 ILCS 725/3.8) (from Ch. 85, par. 2561)

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

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

1 to advise him or her at any stage of any interrogation.

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

13 Section 140. The Uniform Peace Officers' Disciplinary Act  
14 is amended by adding Section 6.1 as follows:

15 (50 ILCS 725/6.1 new)

16 Sec. 6.1. Applicability. Except as otherwise provided in  
17 this Act, the provisions of this Act apply only to the extent  
18 there is no collective bargaining agreement currently in  
19 effect dealing with the subject matter of this Act.

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

21 Section 145. The Police and Community Relations  
22 Improvement Act is amended by repealing Section 1-35.

1 Section 150. The Counties Code is amended by changing  
2 Sections 4-5001, 4-12001, and 4-12001.1 as follows:

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

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

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

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

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

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

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

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

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

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

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

1 For advertising property for sale, \$5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 For making certificate of redemption, \$3.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

25 Fees for Sheriff

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

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

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

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

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

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

13 For summoning each juror, \$10.

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

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

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

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

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

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

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

10 For advertising property for sale, \$20.

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

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

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

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

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

26 For taking special bail, \$5.

1 For returning each process, \$15.

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

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

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

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

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

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

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

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

20 For discharging such prisoners, \$3.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 Fees for Sheriff

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

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

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

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

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

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

19 For summoning each juror, \$4.

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

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

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

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

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

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

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

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

16 For advertising property for sale, \$3.

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

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

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



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

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

6 For taking special bail, \$2.

7 For returning each process, \$5.

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

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

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

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

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

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

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

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

26 For discharging such prisoners, \$1.

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

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

1 such basis.

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

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

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

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

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

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

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

23 (55 ILCS 5/3-4014 rep.)

24 (55 ILCS 5/3-6041 rep.)

25 Section 155. The Counties Code is amended by repealing

1 Sections 3-4014 and 3-6041.

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

3 Section 160. The Illinois Municipal Code is amended by  
4 repealing Section 11-5.1-2.

5 Section 165. The Illinois Municipal Code is amended by  
6 adding Section 1-2-12.2 as follows:

7 (65 ILCS 5/1-2-12.2 new)

8 Sec. 1-2-12.2. Municipal bond fees. A municipality may  
9 impose a fee up to \$20 for bail processing against any person  
10 arrested for violating a bailable municipal ordinance or a  
11 State or federal law.

12 Section 170. The Campus Security Enhancement Act of 2008  
13 is amended by changing Section 15 as follows:

14 (110 ILCS 12/15)

15 Sec. 15. Arrest reports.

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

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

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

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

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

6           (5) (Blank).

7           (5.1) If the individual is incarcerated, the amount of  
8       any bail or bond.

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

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

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

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

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

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

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

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

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

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

17 Section 180. The Illinois Insurance Code is amended by  
18 changing Sections 143.19, 143.19.1, and 205 as follows:

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

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

1 following reasons:

2 a. Nonpayment of premium;

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

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

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

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

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

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

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

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

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

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

26          g. The insured automobile is:



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

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

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

9           4. an authorized emergency vehicle;

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

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

14          Nothing in this Section shall apply to nonrenewal.

15          (Source: P.A. 101-652, eff. 1-1-23; 102-982, eff. 7-1-23;  
16 102-1104, eff. 1-1-23.)

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

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

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

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

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

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

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

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

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

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

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

26           5. Has been convicted or forfeited bail ~~pretrial~~

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

22 f. The insured automobile is:

23 1. So mechanically defective that its operation  
24 might endanger public safety; or

25 2. Used in carrying passengers for hire or  
26 compensation (the use of an automobile for a car pool

1 shall not be considered use of an automobile for hire  
2 or compensation); or

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

5 4. An authorized emergency vehicle; or

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

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

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

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

14 (215 ILCS 5/205) (from Ch. 73, par. 817)

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

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

18 (a) The costs and expenses of administration,  
19 including, but not limited to, the following:

20 (i) The reasonable expenses of the Illinois  
21 Insurance Guaranty Fund, the Illinois Life and Health  
22 Insurance Guaranty Association, and the Illinois  
23 Health Maintenance Organization Guaranty Association  
24 and of any similar organization in any other state,  
25 including overhead, salaries, and other general

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

20 (ii) The expenses expressly approved or ratified  
21 by the Director as liquidator or rehabilitator,  
22 including, but not limited to, the following:

23 (1) the actual and necessary costs of  
24 preserving or recovering the property of the  
25 insurer;

26 (2) reasonable compensation for all services

1 rendered on behalf of the administrative  
2 supervisor or receiver;

3 (3) any necessary filing fees;

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

5 (5) unsecured loans obtained by the receiver;

6 and

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

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

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

25 (c) Claims for wages actually owing to employees for  
26 services rendered within 3 months prior to the date of the

1 filing of the complaint, not exceeding \$1,000 to each  
2 employee unless there are claims due the federal  
3 government under paragraph (f), then the claims for wages  
4 shall have a priority of distribution immediately  
5 following that of federal claims under paragraph (f) and  
6 immediately preceding claims of general creditors under  
7 paragraph (g).

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

1           whereby an insurer authorized to write business under  
2           Class 1 of Section 4 of this Code may accept and accumulate  
3           funds and make one or more payments at future dates in  
4           amounts that are not based upon mortality or morbidity  
5           contingencies.

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

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

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

17          (h) Claims of guaranty fund certificate holders,  
18          guaranty capital shareholders, capital note holders, and  
19          surplus note holders.

20          (i) Proprietary claims of shareholders, members, or  
21          other owners.

22          Every claim under a written agreement, statute, or rule  
23          providing that the assets in a separate account are not  
24          chargeable with the liabilities arising out of any other  
25          business of the insurer shall be satisfied out of the funded  
26          assets in the separate account equal to, but not to exceed, the



1 reserves maintained in the separate account under the separate  
2 account agreement, and to the extent, if any, the claim is not  
3 fully discharged thereby, the remainder of the claim shall be  
4 treated as a priority level (d) claim under paragraph (d) of  
5 this subsection to the extent that reserves have been  
6 established in the insurer's general account pursuant to  
7 statute, rule, or the separate account agreement.

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

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

26 To the extent, if any, reserves or assets maintained in

1 the separate account are in excess of the amounts needed to  
2 satisfy claims under the separate account contracts, the  
3 excess shall be treated as part of the general assets of the  
4 insurer's estate.

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

24 The Director shall establish procedures for the ratable  
25 allocation and distribution of disbursements to the Illinois  
26 Insurance Guaranty Fund, the Illinois Life and Health

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

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

26 (4) The provisions of this Section are severable under

1 Section 1.31 of the Statute on Statutes.

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

3 Section 185. The Illinois Gambling Act is amended by  
4 changing Section 5.1 as follows:

5 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

6 Sec. 5.1. Disclosure of records.

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

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

15 (2) An identification of any applicant or licensee  
16 including, if an applicant or licensee is not an  
17 individual, the names and addresses of all stockholders  
18 and directors, if the entity is a corporation; the names  
19 and addresses of all members, if the entity is a limited  
20 liability company; the names and addresses of all  
21 partners, both general and limited, if the entity is a  
22 partnership; and the names and addresses of all  
23 beneficiaries, if the entity is a trust. If an applicant  
24 or licensee has a pending registration statement filed

1 with the Securities and Exchange Commission, only the  
2 names of those persons or entities holding interest of 5%  
3 or more must be provided.

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

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

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

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

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

23           (8) A statement listing the names and titles of all  
24 public officials or officers of any unit of government,  
25 and relatives of said public officials or officers who,  
26 directly or indirectly, own any financial interest in,

1 have any beneficial interest in, are the creditors of or  
2 hold any debt instrument issued by, or hold or have any  
3 interest in any contractual or service relationship with,  
4 an applicant or licensee.

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

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

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

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

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

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

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

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

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

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

13                 (2) The statutes, rules, regulations or  
14                 intergovernmental agreements of any jurisdiction.

15          (d) The Board may assess fees for the copying of  
16          information in accordance with Section 6 of the Freedom of  
17          Information Act.

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

19          Section 190. The Sexual Assault Survivors Emergency  
20          Treatment Act is amended by changing Section 7.5 as follows:

21                 (410 ILCS 70/7.5)

22                 Sec. 7.5. Prohibition on billing sexual assault survivors  
23                 directly for certain services; written notice; billing  
24                 protocols.



1 (a) A hospital, approved pediatric health care facility,  
2 health care professional, ambulance provider, laboratory, or  
3 pharmacy furnishing medical forensic services, transportation,  
4 follow-up healthcare, or medication to a sexual assault  
5 survivor shall not:

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

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

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

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

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

24 (a-5) Notwithstanding any other provision of law,  
25 including, but not limited to, subsection (a), a sexual  
26 assault survivor who is not the subscriber or primary

1 policyholder of the sexual assault survivor's insurance policy  
2 may opt out of billing the sexual assault survivor's private  
3 insurance provider. If the sexual assault survivor opts out of  
4 billing the sexual assault survivor's private insurance  
5 provider, then the bill for medical forensic services shall be  
6 sent to the Department of Healthcare and Family Services'  
7 Sexual Assault Emergency Treatment Program for reimbursement  
8 for the services provided to the sexual assault survivor.

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

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

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

26 (2) a statement that a sexual assault survivor who is

1 admitted to a hospital may be billed for inpatient  
2 services provided by a hospital, health care professional,  
3 laboratory, or pharmacy;

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

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

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

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

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

25 (d) Within 60 days after the effective date of this  
26 amendatory Act of the 99th General Assembly, every health care

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

22 Within 60 days after the Department's approval of a  
23 treatment plan, an approved pediatric health care facility and  
24 any health care professional employed by an approved pediatric  
25 health care facility must develop a billing protocol that  
26 ensures that no survivor of sexual assault is sent a bill for

1 any medical forensic services and submit the billing protocol  
2 to the Crime Victim Services Division of the Office of the  
3 Attorney General for approval.

4 The billing protocol must include at a minimum:

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

7 (2) a written acknowledgement signed by a person who  
8 has completed the training that the person will not bill  
9 survivors of sexual assault;

10 (3) prohibitions on submitting any bill for any  
11 portion of medical forensic services provided to a  
12 survivor of sexual assault to a collection agency;

13 (4) prohibitions on taking any action that would  
14 adversely affect the credit of the survivor of sexual  
15 assault;

16 (5) the termination of all collection activities if  
17 the protocol is violated; and

18 (6) the actions to be taken if a bill is sent to a  
19 collection agency or the failure to pay is reported to any  
20 credit reporting agency.

21 The Crime Victim Services Division of the Office of the  
22 Attorney General may provide a sample acceptable billing  
23 protocol upon request.

24 The Office of the Attorney General shall approve a  
25 proposed protocol if it finds that the implementation of the  
26 protocol would result in no survivor of sexual assault being

1 billed or sent a bill for medical forensic services.

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

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

24 (e) This Section is effective on and after January 1,  
25 2024.

26 (Source: P.A. 101-634, eff. 6-5-20; 101-652, eff. 7-1-21;

1 102-22, eff. 6-25-21; 102-674, eff. 11-30-21; 102-1097, eff.  
2 1-1-23.)

3 Section 195. The Illinois Vehicle Code is amended by  
4 changing Sections 6-204, 6-308, 6-500, 6-601, and 16-103 as  
5 follows:

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

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

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

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

1 forward the same, together with a report of such  
2 conviction, to the Secretary.

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



1 of vehicle), 15-109.1 (cover or tarpaulin), 15-111  
2 (weights), 15-112 (weights), 15-301 (weights), 15-316  
3 (weights), 15-318 (weights), and also excepting the  
4 following enumerated Sections of the Chicago Municipal  
5 Code: Sections 27-245 (following fire apparatus), 27-254  
6 (obstruction of traffic), 27-258 (driving vehicle which is  
7 in unsafe condition), 27-259 (coasting on downgrade),  
8 27-264 (use of horns and signal devices), 27-265  
9 (obstruction to driver's view or driver mechanism), 27-267  
10 (dimming of headlights), 27-268 (unattended motor  
11 vehicle), 27-272 (illegal funeral procession), 27-273  
12 (funeral procession on boulevard), 27-275 (driving freight  
13 hauling vehicles on boulevard), 27-276 (stopping and  
14 standing of buses or taxicabs), 27-277 (cruising of public  
15 passenger vehicles), 27-305 (parallel parking), 27-306  
16 (diagonal parking), 27-307 (parking not to obstruct  
17 traffic), 27-308 (stopping, standing or parking  
18 regulated), 27-311 (parking regulations), 27-312 (parking  
19 regulations), 27-313 (parking regulations), 27-314  
20 (parking regulations), 27-315 (parking regulations),  
21 27-316 (parking regulations), 27-317 (parking  
22 regulations), 27-318 (parking regulations), 27-319  
23 (parking regulations), 27-320 (parking regulations),  
24 27-321 (parking regulations), 27-322 (parking  
25 regulations), 27-324 (loading and unloading at an angle),  
26 27-333 (wheel and axle loads), 27-334 (load restrictions

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

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

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

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

3 The reporting requirements of this subsection (a)  
4 apply to all violations listed in paragraphs (1) and (2)  
5 of this subsection (a), excluding parking violations, when  
6 the driver holds a CLP or CDL, regardless of the type of  
7 vehicle in which the violation occurred, or when any  
8 driver committed the violation in a commercial motor  
9 vehicle as defined in Section 6-500 of this Code.

10 (3) Whenever an order is entered vacating the  
11 forfeiture of any bail, security or bond given to secure  
12 appearance for any offense under this Code or similar  
13 offenses under municipal ordinance, it shall be the duty  
14 of the clerk of the court in which such vacation was had or  
15 the judge of such court if such court has no clerk, within  
16 5 days thereafter to forward to the Secretary of State a  
17 report of the vacation. ~~Whenever an order is entered~~  
18 ~~revoking pretrial release given to secure appearance for~~  
19 ~~any offense under this Code or similar offenses under~~  
20 ~~municipal ordinance, it shall be the duty of the clerk of~~  
21 ~~the court in which such revocation was had or the judge of~~  
22 ~~such court if such court has no clerk, within 5 days~~  
23 ~~thereafter to forward to the Secretary of State a report~~  
24 ~~of the revocation.~~

25 (4) A report of any disposition of court supervision  
26 for a violation of Sections 6-303, 11-401, 11-501 or a

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

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

1 conviction or sentencing hearing under the Juvenile Court  
2 Act of 1987 as required by this Section shall be deemed an  
3 omission of duty and it shall be the duty of the several  
4 State's Attorneys to enforce the requirements of this  
5 Section.

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

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

22 (d) For the purpose of providing the Secretary of State  
23 with records necessary to properly monitor and assess driver  
24 performance and assist the courts in the proper disposition of  
25 repeat traffic law offenders, the clerk of the court shall  
26 forward to the Secretary of State, on a form prescribed by the

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

1 reports shall be recorded to the driver's record as a  
2 conviction for use in the disqualification of the driver's  
3 commercial motor vehicle privileges and shall not be  
4 privileged information.

5 (Source: P.A. 101-623, eff. 7-1-20; 101-652, eff. 1-1-23;  
6 102-1104, eff. 1-1-23.)

7 (625 ILCS 5/6-308)

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

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

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



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

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

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

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

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

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

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

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

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

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

21 (3) (Blank).

22 (4) (Blank).

23 (5) (Blank).

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

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

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

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

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

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

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

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

26 (6) Commercial Motor Vehicle.

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

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

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

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

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

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

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

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

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

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

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

23 (8) Conviction. "Conviction" means an unvacated  
24 adjudication of guilt or a determination that a person has  
25 violated or failed to comply with the law in a court of  
26 original jurisdiction or by an authorized administrative

1 tribunal; an unvacated forfeiture of bail or collateral  
2 deposited to secure the person's appearance in court; a plea  
3 of guilty or nolo contendere accepted by the court; the  
4 payment of a fine or court cost regardless of whether the  
5 imposition of sentence is deferred and ultimately a judgment  
6 dismissing the underlying charge is entered; or a violation of  
7 a condition of release without bail, regardless of whether or  
8 not the penalty is rebated, suspended or probated.

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

18 (8.5) Day. "Day" means calendar day.

19 (9) (Blank).

20 (10) (Blank).

21 (11) (Blank).

22 (12) (Blank).

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

1 non-commercial motor vehicle.

2 (13.5) Driver applicant. "Driver applicant" means an  
3 individual who applies to a state or other jurisdiction to  
4 obtain, transfer, upgrade, or renew a CDL or to obtain or renew  
5 a CLP.

6 (13.6) Drug and alcohol clearinghouse. "Drug and alcohol  
7 clearinghouse" means a database system established by the  
8 Federal Motor Carrier Safety Administration that permits the  
9 access and retrieval of a drug and alcohol testing violation  
10 or violations precluding an applicant or employee from  
11 occupying safety-sensitive positions involving the operation  
12 of a commercial motor vehicle.

13 (13.8) Electronic device. "Electronic device" includes,  
14 but is not limited to, a cellular telephone, personal digital  
15 assistant, pager, computer, or any other device used to input,  
16 write, send, receive, or read text.

17 (14) Employee. "Employee" means a person who is employed  
18 as a commercial motor vehicle driver. A person who is  
19 self-employed as a commercial motor vehicle driver must comply  
20 with the requirements of this UCCLA pertaining to employees.  
21 An owner-operator on a long-term lease shall be considered an  
22 employee.

23 (15) Employer. "Employer" means a person (including the  
24 United States, a State or a local authority) who owns or leases  
25 a commercial motor vehicle or assigns employees to operate  
26 such a vehicle. A person who is self-employed as a commercial

1 motor vehicle driver must comply with the requirements of this  
2 UCCLA.

3 (15.1) Endorsement. "Endorsement" means an authorization  
4 to an individual's CLP or CDL required to permit the  
5 individual to operate certain types of commercial motor  
6 vehicles.

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

18 (15.3) Excepted interstate. "Excepted interstate" means a  
19 person who operates or expects to operate in interstate  
20 commerce, but engages exclusively in transportation or  
21 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68,  
22 or 398.3 from all or part of the qualification requirements of  
23 49 C.F.R. Part 391 and is not required to obtain a medical  
24 examiner's certificate by 49 C.F.R. 391.45.

25 (15.5) Excepted intrastate. "Excepted intrastate" means a  
26 person who operates in intrastate commerce but engages



1 exclusively in transportation or operations excepted from all  
2 or parts of the state driver qualification requirements.

3 (16) (Blank).

4 (16.5) Fatality. "Fatality" means the death of a person as  
5 a result of a motor vehicle crash.

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

11 (17) Foreign jurisdiction. "Foreign jurisdiction" means a  
12 sovereign jurisdiction that does not fall within the  
13 definition of "State".

14 (18) (Blank).

15 (19) (Blank).

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

21 (20.5) Imminent Hazard. "Imminent hazard" means the  
22 existence of any condition of a vehicle, employee, or  
23 commercial motor vehicle operations that substantially  
24 increases the likelihood of serious injury or death if not  
25 discontinued immediately; or a condition relating to hazardous  
26 material that presents a substantial likelihood that death,

1 serious illness, severe personal injury, or a substantial  
2 endangerment to health, property, or the environment may occur  
3 before the reasonably foreseeable completion date of a formal  
4 proceeding begun to lessen the risk of that death, illness,  
5 injury or endangerment.

6 (20.6) Issuance. "Issuance" means initial issuance,  
7 transfer, renewal, or upgrade of a CLP or CDL and  
8 non-domiciled CLP or CDL.

9 (20.7) Issue. "Issue" means initial issuance, transfer,  
10 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or  
11 non-domiciled CDL.

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

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

23 (21.1) Medical examiner. "Medical examiner" means an  
24 individual certified by the Federal Motor Carrier Safety  
25 Administration and listed on the National Registry of  
26 Certified Medical Examiners in accordance with Federal Motor

1 Carrier Safety Regulations, 49 CFR 390.101 et seq.

2 (21.2) Medical examiner's certificate. "Medical examiner's  
3 certificate" means either (1) prior to June 22, 2021, a  
4 document prescribed or approved by the Secretary of State that  
5 is issued by a medical examiner to a driver to medically  
6 qualify him or her to drive; or (2) beginning June 22, 2021, an  
7 electronic submission of results of an examination conducted  
8 by a medical examiner listed on the National Registry of  
9 Certified Medical Examiners to the Federal Motor Carrier  
10 Safety Administration of a driver to medically qualify him or  
11 her to drive.

12 (21.5) Medical variance. "Medical variance" means a driver  
13 has received one of the following from the Federal Motor  
14 Carrier Safety Administration which allows the driver to be  
15 issued a medical certificate: (1) an exemption letter  
16 permitting operation of a commercial motor vehicle pursuant to  
17 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a  
18 skill performance evaluation (SPE) certificate permitting  
19 operation of a commercial motor vehicle pursuant to 49 C.F.R.  
20 391.49.

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

26 (22) Motor Vehicle. "Motor vehicle" means every vehicle

1 which is self-propelled, and every vehicle which is propelled  
2 by electric power obtained from over head trolley wires but  
3 not operated upon rails, except vehicles moved solely by human  
4 power and motorized wheel chairs.

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

10 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or  
11 combination of motor vehicles not defined by the term  
12 "commercial motor vehicle" or "CMV" in this Section.

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

18 (22.8) Non-excepted intrastate. "Non-excepted intrastate"  
19 means a person who operates only in intrastate commerce and is  
20 subject to State driver qualification requirements.

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

25 (i) to an individual domiciled in a foreign country  
26 meeting the requirements of Part 383.23(b)(1) of 49 C.F.R.

1 of the Federal Motor Carrier Safety Administration.

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

5 (24) (Blank).

6 (25) (Blank).

7 (25.5) Railroad-Highway Grade Crossing Violation.

8 "Railroad-highway grade crossing violation" means a violation,  
9 while operating a commercial motor vehicle, of any of the  
10 following:

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

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

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

19 (26) Serious Traffic Violation. "Serious traffic  
20 violation" means:

21 (A) a conviction when operating a commercial motor  
22 vehicle, or when operating a non-CMV while holding a CLP  
23 or CDL, of:

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

1 (ii) a violation relating to reckless driving; or  
2 (iii) a violation of any State law or local  
3 ordinance relating to motor vehicle traffic control  
4 (other than parking violations) arising in connection  
5 with a fatal traffic crash; or

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

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

11 (vi) a violation relating to improper or erratic  
12 traffic lane changes; or

13 (vii) a violation relating to following another  
14 vehicle too closely; or

15 (viii) a violation relating to texting while  
16 driving; or

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

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

24 (27) State. "State" means a state of the United States,  
25 the District of Columbia and any province or territory of  
26 Canada.

1 (28) (Blank).

2 (29) (Blank).

3 (30) (Blank).

4 (31) (Blank).

5 (32) Texting. "Texting" means manually entering  
6 alphanumeric text into, or reading text from, an electronic  
7 device.

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

15 (2) Texting does not include:

16 (i) inputting, selecting, or reading information  
17 on a global positioning system or navigation system;  
18 or

19 (ii) pressing a single button to initiate or  
20 terminate a voice communication using a mobile  
21 telephone; or

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

1 Carrier Safety Regulations.

2 (32.3) Third party skills test examiner. "Third party  
3 skills test examiner" means a person employed by a third party  
4 tester who is authorized by the State to administer the CDL  
5 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

6 (32.5) Third party tester. "Third party tester" means a  
7 person (including, but not limited to, another state, a motor  
8 carrier, a private driver training facility or other private  
9 institution, or a department, agency, or instrumentality of a  
10 local government) authorized by the State to employ skills  
11 test examiners to administer the CDL skills tests specified in  
12 49 C.F.R. Part 383, subparts G and H.

13 (32.7) United States. "United States" means the 50 states  
14 and the District of Columbia.

15 (33) Use a hand-held mobile telephone. "Use a hand-held  
16 mobile telephone" means:

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

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

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



1 (Source: P.A. 102-982, eff. 7-1-23; 102-1104, eff. 1-1-23;  
2 103-179, eff. 6-30-23.)

3 (625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)  
4 Sec. 6-601. Penalties.

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

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

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

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

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

24 3. A petty offense if the person has been issued a  
25 temporary visitor's driver's license or permit and is

1           unable to provide proof of liability insurance as provided  
2           in subsection (d-5) of Section 6-105.1.

3           If a licensee under this Code is convicted of violating  
4           Section 6-303 for operating a motor vehicle during a time when  
5           such licensee's driver's license was suspended under the  
6           provisions of Section 6-306.3 or 6-308, then such act shall be  
7           a petty offense (provided the licensee has answered the charge  
8           which was the basis of the suspension under Section 6-306.3 or  
9           6-308), and there shall be imposed no additional like period  
10          of suspension as provided in paragraph (b) of Section 6-303.

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

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

23                 (625 ILCS 5/16-103) (from Ch. 95 1/2, par. 16-103)

24                 Sec. 16-103. Arrest outside county where violation  
25                 committed.

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

21 (Source: P.A. 101-652, eff. 1-1-23; 102-813, eff. 5-13-22.)

22 Section 200. The Illinois Vehicle Code is amended by  
23 changing Sections 6-209.1, 11-208.3, 11-208.6, 11-208.8,  
24 11-208.9, and 11-1201.1 as follows:

1 (625 ILCS 5/6-209.1)

2 Sec. 6-209.1. Restoration of driving privileges;  
3 revocation; suspension; cancellation.

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

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

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

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

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

22 (5) the person receiving a disposition of court  
23 supervision for a violation of subsection (a), (d), or (e)  
24 of Section 6-20 of the Liquor Control Act of 1934 or a  
25 similar provision of a local ordinance, if the person  
26 presents a certified copy of a court order that includes a

1 finding that the person was not an occupant of a motor  
2 vehicle at the time of the violation;

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

8 (7) the person failing to satisfy any fine or penalty  
9 resulting from a final order issued by the ~~Illinois State~~  
10 ~~Toll Highway~~ Authority relating directly or indirectly to  
11 5 or more toll violations, toll evasions, or both;

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

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

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

1 ~~before the effective date of this amendatory Act of the 101st~~  
2 ~~General Assembly due to the person having failed to pay any~~  
3 ~~fine or penalty for traffic violations, automated traffic law~~  
4 ~~enforcement system violations as defined in Sections 11-208.6,~~  
5 ~~and 11-208.8, 11-208.9, and 11-1201.1, or abandoned vehicle~~  
6 ~~fees.~~

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

9 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

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

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

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

15 (1) A traffic compliance administrator authorized to  
16 adopt, distribute, and process parking, compliance, and  
17 automated speed enforcement system or automated traffic  
18 law violation notices and other notices required by this  
19 Section, collect money paid as fines and penalties for  
20 violation of parking and compliance ordinances and  
21 automated speed enforcement system or automated traffic  
22 law violations, and operate an administrative adjudication  
23 system. The traffic compliance administrator also may make  
24 a certified report to the Secretary of State under Section  
25 6-306.5-1.

26 (2) A parking, standing, compliance, automated speed

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



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

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

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

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

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

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

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

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

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

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

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

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



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

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

1 education program or the unpaid fine or penalty, or  
2 both, is a debt due and owing the municipality or  
3 county. The notice shall contain warnings that failure  
4 to complete any required traffic education program or  
5 to pay any fine or penalty due and owing the  
6 municipality or county, or both, within the time  
7 specified may result in the municipality's or county's  
8 filing of a petition in the Circuit Court to have the  
9 incomplete traffic education program or unpaid fine or  
10 penalty, or both, rendered a judgment as provided by  
11 this Section, or, where applicable, may result in  
12 suspension of the person's driver's license for  
13 failure to complete a traffic education program or to  
14 pay fines or penalties, or both, for 5 or more  
15 automated traffic law violations under Section  
16 11-208.6 or 11-208.9 or automated speed enforcement  
17 system violations under Section 11-208.8.

18 (6) A notice of impending driver's license suspension.  
19 This notice shall be sent to the person liable for failure  
20 to complete a required traffic education program or to pay  
21 any fine or penalty that remains due and owing, or both, on  
22 5 or more unpaid automated speed enforcement system or  
23 automated traffic law violations. The notice shall state  
24 that failure to complete a required traffic education  
25 program or to pay the fine or penalty owing, or both,  
26 within 45 days of the notice's date will result in the

1 municipality or county notifying the Secretary of State  
2 that the person is eligible for initiation of suspension  
3 proceedings under Section 6-306.5-1 ~~6-306.5~~ of this Code.  
4 The notice shall also state that the person may obtain a  
5 photostatic copy of an original ticket imposing a fine or  
6 penalty by sending a self-addressed, stamped envelope to  
7 the municipality or county along with a request for the  
8 photostatic copy. The notice of impending driver's license  
9 suspension shall be sent by first class United States  
10 mail, postage prepaid, to the address recorded with the  
11 Secretary of State or, if any notice to that address is  
12 returned as undeliverable, to the last known address  
13 recorded in a United States Post Office approved database.

14 (7) Final determinations of violation liability. A  
15 final determination of violation liability shall occur  
16 following failure to complete the required traffic  
17 education program or to pay the fine or penalty, or both,  
18 after a hearing officer's determination of violation  
19 liability and the exhaustion of or failure to exhaust any  
20 administrative review procedures provided by ordinance.  
21 Where a person fails to appear at a hearing to contest the  
22 alleged violation in the time and manner specified in a  
23 prior mailed notice, the hearing officer's determination  
24 of violation liability shall become final: (A) upon denial  
25 of a timely petition to set aside that determination, or  
26 (B) upon expiration of the period for filing the petition

1 without a filing having been made.

2 (8) A petition to set aside a determination of  
3 parking, standing, compliance, automated speed enforcement  
4 system, or automated traffic law violation liability that  
5 may be filed by a person owing an unpaid fine or penalty. A  
6 petition to set aside a determination of liability may  
7 also be filed by a person required to complete a traffic  
8 education program. The petition shall be filed with and  
9 ruled upon by the traffic compliance administrator in the  
10 manner and within the time specified by ordinance. The  
11 grounds for the petition may be limited to: (A) the person  
12 not having been the owner or lessee of the cited vehicle on  
13 the date the violation notice was issued, (B) the person  
14 having already completed the required traffic education  
15 program or paid the fine or penalty, or both, for the  
16 violation in question, and (C) excusable failure to appear  
17 at or request a new date for a hearing. With regard to  
18 municipalities or counties with a population of 1 million  
19 or more, it shall be grounds for dismissal of a parking  
20 violation if the state registration number or vehicle  
21 make, only if specified in the violation notice, is  
22 incorrect. After the determination of parking, standing,  
23 compliance, automated speed enforcement system, or  
24 automated traffic law violation liability has been set  
25 aside upon a showing of just cause, the registered owner  
26 shall be provided with a hearing on the merits for that

1 violation.

2 (9) Procedures for non-residents. Procedures by which  
3 persons who are not residents of the municipality or  
4 county may contest the merits of the alleged violation  
5 without attending a hearing.

6 (10) A schedule of civil fines for violations of  
7 vehicular standing, parking, compliance, automated speed  
8 enforcement system, or automated traffic law regulations  
9 enacted by ordinance pursuant to this Section, and a  
10 schedule of penalties for late payment of the fines or  
11 failure to complete required traffic education programs,  
12 provided, however, that the total amount of the fine and  
13 penalty for any one violation shall not exceed \$250,  
14 except as provided in subsection (c) of Section 11-1301.3  
15 of this Code.

16 (11) Other provisions as are necessary and proper to  
17 carry into effect the powers granted and purposes stated  
18 in this Section.

19 (b-5) An automated speed enforcement system or automated  
20 traffic law ordinance adopted under this Section by a  
21 municipality or county shall require that the determination to  
22 issue a citation be vested solely with the municipality or  
23 county and that such authority may not be delegated to any  
24 vendor retained by the municipality or county. Any contract or  
25 agreement violating such a provision in the ordinance is null  
26 and void.

1 (c) Any municipality or county establishing vehicular  
2 standing, parking, compliance, automated speed enforcement  
3 system, or automated traffic law regulations under this  
4 Section may also provide by ordinance for a program of vehicle  
5 immobilization for the purpose of facilitating enforcement of  
6 those regulations. The program of vehicle immobilization shall  
7 provide for immobilizing any eligible vehicle upon the public  
8 way by presence of a restraint in a manner to prevent operation  
9 of the vehicle. Any ordinance establishing a program of  
10 vehicle immobilization under this Section shall provide:

11 (1) Criteria for the designation of vehicles eligible  
12 for immobilization. A vehicle shall be eligible for  
13 immobilization when the registered owner of the vehicle  
14 has accumulated the number of incomplete traffic education  
15 programs or unpaid final determinations of parking,  
16 standing, compliance, automated speed enforcement system,  
17 or automated traffic law violation liability, or both, as  
18 determined by ordinance.

19 (2) A notice of impending vehicle immobilization and a  
20 right to a hearing to challenge the validity of the notice  
21 by disproving liability for the incomplete traffic  
22 education programs or unpaid final determinations of  
23 parking, standing, compliance, automated speed enforcement  
24 system, or automated traffic law violation liability, or  
25 both, listed on the notice.

26 (3) The right to a prompt hearing after a vehicle has

1           been immobilized or subsequently towed without the  
2           completion of the required traffic education program or  
3           payment of the outstanding fines and penalties on parking,  
4           standing, compliance, automated speed enforcement system,  
5           or automated traffic law violations, or both, for which  
6           final determinations have been issued. An order issued  
7           after the hearing is a final administrative decision  
8           within the meaning of Section 3-101 of the Code of Civil  
9           Procedure.

10           (4) A post immobilization and post-towing notice  
11           advising the registered owner of the vehicle of the right  
12           to a hearing to challenge the validity of the impoundment.

13           (d) Judicial review of final determinations of parking,  
14           standing, compliance, automated speed enforcement system, or  
15           automated traffic law violations and final administrative  
16           decisions issued after hearings regarding vehicle  
17           immobilization and impoundment made under this Section shall  
18           be subject to the provisions of the Administrative Review Law.

19           (e) Any fine, penalty, incomplete traffic education  
20           program, or part of any fine or any penalty remaining unpaid  
21           after the exhaustion of, or the failure to exhaust,  
22           administrative remedies created under this Section and the  
23           conclusion of any judicial review procedures shall be a debt  
24           due and owing the municipality or county and, as such, may be  
25           collected in accordance with applicable law. Completion of any  
26           required traffic education program and payment in full of any

1 fine or penalty resulting from a standing, parking,  
2 compliance, automated speed enforcement system, or automated  
3 traffic law violation shall constitute a final disposition of  
4 that violation.

5 (f) After the expiration of the period within which  
6 judicial review may be sought for a final determination of  
7 parking, standing, compliance, automated speed enforcement  
8 system, or automated traffic law violation, the municipality  
9 or county may commence a proceeding in the Circuit Court for  
10 purposes of obtaining a judgment on the final determination of  
11 violation. Nothing in this Section shall prevent a  
12 municipality or county from consolidating multiple final  
13 determinations of parking, standing, compliance, automated  
14 speed enforcement system, or automated traffic law violations  
15 against a person in a proceeding. Upon commencement of the  
16 action, the municipality or county shall file a certified copy  
17 or record of the final determination of parking, standing,  
18 compliance, automated speed enforcement system, or automated  
19 traffic law violation, which shall be accompanied by a  
20 certification that recites facts sufficient to show that the  
21 final determination of violation was issued in accordance with  
22 this Section and the applicable municipal or county ordinance.  
23 Service of the summons and a copy of the petition may be by any  
24 method provided by Section 2-203 of the Code of Civil  
25 Procedure or by certified mail, return receipt requested,  
26 provided that the total amount of fines and penalties for



1 final determinations of parking, standing, compliance,  
2 automated speed enforcement system, or automated traffic law  
3 violations does not exceed \$2500. If the court is satisfied  
4 that the final determination of parking, standing, compliance,  
5 automated speed enforcement system, or automated traffic law  
6 violation was entered in accordance with the requirements of  
7 this Section and the applicable municipal or county ordinance,  
8 and that the registered owner or the lessee, as the case may  
9 be, had an opportunity for an administrative hearing and for  
10 judicial review as provided in this Section, the court shall  
11 render judgment in favor of the municipality or county and  
12 against the registered owner or the lessee for the amount  
13 indicated in the final determination of parking, standing,  
14 compliance, automated speed enforcement system, or automated  
15 traffic law violation, plus costs. The judgment shall have the  
16 same effect and may be enforced in the same manner as other  
17 judgments for the recovery of money.

18 (g) The fee for participating in a traffic education  
19 program under this Section shall not exceed \$25.

20 A low-income individual required to complete a traffic  
21 education program under this Section who provides proof of  
22 eligibility for the federal earned income tax credit under  
23 Section 32 of the Internal Revenue Code or the Illinois earned  
24 income tax credit under Section 212 of the Illinois Income Tax  
25 Act shall not be required to pay any fee for participating in a  
26 required traffic education program.

1           (h) Notwithstanding any other provision of law to the  
2 contrary, a person shall not be liable for violations, fees,  
3 fines, or penalties under this Section during the period in  
4 which the motor vehicle was stolen or hijacked, as indicated  
5 in a report to the appropriate law enforcement agency filed in  
6 a timely manner.

7           (Source: P.A. 102-558, eff. 8-20-21; 102-905, eff. 1-1-23;  
8 103-364, eff. 7-28-23.)

9           (625 ILCS 5/11-208.6)

10          Sec. 11-208.6. Automated traffic law enforcement system.

11          (a) As used in this Section, "automated traffic law  
12 enforcement system" means a device with one or more motor  
13 vehicle sensors working in conjunction with a red light signal  
14 to produce recorded images of motor vehicles entering an  
15 intersection against a red signal indication in violation of  
16 Section 11-306 of this Code or a similar provision of a local  
17 ordinance.

18          An automated traffic law enforcement system is a system,  
19 in a municipality or county operated by a governmental agency,  
20 that produces a recorded image of a motor vehicle's violation  
21 of a provision of this Code or a local ordinance and is  
22 designed to obtain a clear recorded image of the vehicle and  
23 the vehicle's license plate. The recorded image must also  
24 display the time, date, and location of the violation.

25          (b) As used in this Section, "recorded images" means

1 images recorded by an automated traffic law enforcement system  
2 on:

- 3 (1) 2 or more photographs;
- 4 (2) 2 or more microphotographs;
- 5 (3) 2 or more electronic images; or
- 6 (4) a video recording showing the motor vehicle and,  
7 on at least one image or portion of the recording, clearly  
8 identifying the registration plate or digital registration  
9 plate number of the motor vehicle.

10 (b-5) A municipality or county that produces a recorded  
11 image of a motor vehicle's violation of a provision of this  
12 Code or a local ordinance must make the recorded images of a  
13 violation accessible to the alleged violator by providing the  
14 alleged violator with a website address, accessible through  
15 the Internet.

16 (c) Except as provided under Section 11-208.8 of this  
17 Code, a county or municipality, including a home rule county  
18 or municipality, may not use an automated traffic law  
19 enforcement system to provide recorded images of a motor  
20 vehicle for the purpose of recording its speed. Except as  
21 provided under Section 11-208.8 of this Code, the regulation  
22 of the use of automated traffic law enforcement systems to  
23 record vehicle speeds is an exclusive power and function of  
24 the State. This subsection (c) is a denial and limitation of  
25 home rule powers and functions under subsection (h) of Section  
26 6 of Article VII of the Illinois Constitution.

1           (c-5) A county or municipality, including a home rule  
2 county or municipality, may not use an automated traffic law  
3 enforcement system to issue violations in instances where the  
4 motor vehicle comes to a complete stop and does not enter the  
5 intersection, as defined by Section 1-132 of this Code, during  
6 the cycle of the red signal indication unless one or more  
7 pedestrians or bicyclists are present, even if the motor  
8 vehicle stops at a point past a stop line or crosswalk where a  
9 driver is required to stop, as specified in subsection (c) of  
10 Section 11-306 of this Code or a similar provision of a local  
11 ordinance.

12           (c-6) A county, or a municipality with less than 2,000,000  
13 inhabitants, including a home rule county or municipality, may  
14 not use an automated traffic law enforcement system to issue  
15 violations in instances where a motorcyclist enters an  
16 intersection against a red signal indication when the red  
17 signal fails to change to a green signal within a reasonable  
18 period of time not less than 120 seconds because of a signal  
19 malfunction or because the signal has failed to detect the  
20 arrival of the motorcycle due to the motorcycle's size or  
21 weight.

22           (d) For each violation of a provision of this Code or a  
23 local ordinance recorded by an automatic traffic law  
24 enforcement system, the county or municipality having  
25 jurisdiction shall issue a written notice of the violation to  
26 the registered owner of the vehicle as the alleged violator.

1 The notice shall be delivered to the registered owner of the  
2 vehicle, by mail, within 30 days after the Secretary of State  
3 notifies the municipality or county of the identity of the  
4 owner of the vehicle, but in no event later than 90 days after  
5 the violation.

6 The notice shall include:

7 (1) the name and address of the registered owner of  
8 the vehicle;

9 (2) the registration number of the motor vehicle  
10 involved in the violation;

11 (3) the violation charged;

12 (4) the location where the violation occurred;

13 (5) the date and time of the violation;

14 (6) a copy of the recorded images;

15 (7) the amount of the civil penalty imposed and the  
16 requirements of any traffic education program imposed and  
17 the date by which the civil penalty should be paid and the  
18 traffic education program should be completed;

19 (8) a statement that recorded images are evidence of a  
20 violation of a red light signal;

21 (9) a warning that failure to pay the civil penalty,  
22 to complete a required traffic education program, or to  
23 contest liability in a timely manner is an admission of  
24 liability and may result in a suspension of the driving  
25 privileges of the registered owner of the vehicle;

26 (10) a statement that the person may elect to proceed

1 by:

2 (A) paying the fine, completing a required traffic  
3 education program, or both; or

4 (B) challenging the charge in court, by mail, or  
5 by administrative hearing; and

6 (11) a website address, accessible through the  
7 Internet, where the person may view the recorded images of  
8 the violation.

9 (e) (Blank).

10 (e-1) If a person charged with a traffic violation, as a  
11 result of an automated traffic law enforcement system, does  
12 not pay the fine or complete a required traffic education  
13 program, or both, or successfully contest the civil penalty  
14 resulting from that violation, the Secretary of State shall  
15 suspend the driving privileges of the registered owner of the  
16 vehicle under Section 6-306.5-1 of this Code for failing to  
17 complete a required traffic education program or to pay any  
18 fine or penalty due and owing, or both, as a result of a  
19 combination of 5 violations of the automated traffic law  
20 enforcement system or the automated speed enforcement system  
21 under Section 11-208.8 of this Code.

22 (f) Based on inspection of recorded images produced by an  
23 automated traffic law enforcement system, a notice alleging  
24 that the violation occurred shall be evidence of the facts  
25 contained in the notice and admissible in any proceeding  
26 alleging a violation under this Section.

1 (g) Recorded images made by an automatic traffic law  
2 enforcement system are confidential and shall be made  
3 available only to the alleged violator and governmental and  
4 law enforcement agencies for purposes of adjudicating a  
5 violation of this Section, for statistical purposes, or for  
6 other governmental purposes. Any recorded image evidencing a  
7 violation of this Section, however, may be admissible in any  
8 proceeding resulting from the issuance of the citation.

9 (h) The court or hearing officer may consider in defense  
10 of a violation:

11 (1) that the motor vehicle or registration plates or  
12 digital registration plates of the motor vehicle were  
13 stolen before the violation occurred and not under the  
14 control of or in the possession of the owner or lessee at  
15 the time of the violation;

16 (1.5) that the motor vehicle was hijacked before the  
17 violation occurred and not under the control of or in the  
18 possession of the owner or lessee at the time of the  
19 violation;

20 (2) that the driver of the vehicle passed through the  
21 intersection when the light was red either (i) in order to  
22 yield the right-of-way to an emergency vehicle or (ii) as  
23 part of a funeral procession; and

24 (3) any other evidence or issues provided by municipal  
25 or county ordinance.

26 (i) To demonstrate that the motor vehicle was hijacked or

1 the motor vehicle or registration plates or digital  
2 registration plates were stolen before the violation occurred  
3 and were not under the control or possession of the owner or  
4 lessee at the time of the violation, the owner or lessee must  
5 submit proof that a report concerning the motor vehicle or  
6 registration plates was filed with a law enforcement agency in  
7 a timely manner.

8 (j) Unless the driver of the motor vehicle received a  
9 Uniform Traffic Citation from a police officer at the time of  
10 the violation, the motor vehicle owner is subject to a civil  
11 penalty not exceeding \$100 or the completion of a traffic  
12 education program, or both, plus an additional penalty of not  
13 more than \$100 for failure to pay the original penalty or to  
14 complete a required traffic education program, or both, in a  
15 timely manner, if the motor vehicle is recorded by an  
16 automated traffic law enforcement system. A violation for  
17 which a civil penalty is imposed under this Section is not a  
18 violation of a traffic regulation governing the movement of  
19 vehicles and may not be recorded on the driving record of the  
20 owner of the vehicle.

21 (j-3) A registered owner who is a holder of a valid  
22 commercial driver's license is not required to complete a  
23 traffic education program.

24 (j-5) For purposes of the required traffic education  
25 program only, a registered owner may submit an affidavit to  
26 the court or hearing officer swearing that at the time of the



1 alleged violation, the vehicle was in the custody and control  
2 of another person. The affidavit must identify the person in  
3 custody and control of the vehicle, including the person's  
4 name and current address. The person in custody and control of  
5 the vehicle at the time of the violation is required to  
6 complete the required traffic education program. If the person  
7 in custody and control of the vehicle at the time of the  
8 violation completes the required traffic education program,  
9 the registered owner of the vehicle is not required to  
10 complete a traffic education program.

11 (k) An intersection equipped with an automated traffic law  
12 enforcement system must be posted with a sign visible to  
13 approaching traffic indicating that the intersection is being  
14 monitored by an automated traffic law enforcement system and  
15 informing drivers whether, following a stop, a right turn at  
16 the intersection is permitted or prohibited.

17 (k-3) A municipality or county that has one or more  
18 intersections equipped with an automated traffic law  
19 enforcement system must provide notice to drivers by posting  
20 the locations of automated traffic law systems on the  
21 municipality or county website.

22 (k-5) An intersection equipped with an automated traffic  
23 law enforcement system must have a yellow change interval that  
24 conforms with the Illinois Manual on Uniform Traffic Control  
25 Devices (IMUTCD) published by the Illinois Department of  
26 Transportation. Beginning 6 months before it installs an

1 automated traffic law enforcement system at an intersection, a  
2 county or municipality may not change the yellow change  
3 interval at that intersection.

4 (k-7) A municipality or county operating an automated  
5 traffic law enforcement system shall conduct a statistical  
6 analysis to assess the safety impact of each automated traffic  
7 law enforcement system at an intersection following  
8 installation of the system and every 2 years thereafter. Each  
9 statistical analysis shall be based upon the best available  
10 crash, traffic, and other data, and shall cover a period of  
11 time before and after installation of the system sufficient to  
12 provide a statistically valid comparison of safety impact.  
13 Each statistical analysis shall be consistent with  
14 professional judgment and acceptable industry practice. Each  
15 statistical analysis also shall be consistent with the data  
16 required for valid comparisons of before and after conditions  
17 and shall be conducted within a reasonable period following  
18 the installation of the automated traffic law enforcement  
19 system. Each statistical analysis required by this subsection  
20 (k-7) shall be made available to the public and shall be  
21 published on the website of the municipality or county. If a  
22 statistical analysis ~~36-month~~ indicates that there has been an  
23 increase in the rate of crashes at the approach to the  
24 intersection monitored by the system, the municipality or  
25 county shall undertake additional studies to determine the  
26 cause and severity of the crashes, and may take any action that

1 it determines is necessary or appropriate to reduce the number  
2 or severity of the crashes at that intersection.

3 (k-8) Any municipality or county operating an automated  
4 traffic law enforcement system before July 28, 2023 (the  
5 effective date of Public Act 103-364) ~~this amendatory Act of~~  
6 ~~the 103rd General Assembly~~ shall conduct a statistical  
7 analysis to assess the safety impact of each automated traffic  
8 law enforcement system at an intersection by no later than one  
9 year after July 28, 2023 (the effective date of Public Act  
10 103-364 ~~this amendatory Act of the 103rd General Assembly~~ and  
11 every 2 years thereafter. The statistical analyses shall be  
12 based upon the best available crash, traffic, and other data,  
13 and shall cover a period of time before and after installation  
14 of the system sufficient to provide a statistically valid  
15 comparison of safety impact. The statistical analyses shall be  
16 consistent with professional judgment and acceptable industry  
17 practice. The statistical analyses also shall be consistent  
18 with the data required for valid comparisons of before and  
19 after conditions. The statistical analyses required by this  
20 subsection shall be made available to the public and shall be  
21 published on the website of the municipality or county. If the  
22 statistical analysis for any period following installation of  
23 the system indicates that there has been an increase in the  
24 rate of accidents at the approach to the intersection  
25 monitored by the system, the municipality or county shall  
26 undertake additional studies to determine the cause and

1 severity of the accidents, and may take any action that it  
2 determines is necessary or appropriate to reduce the number or  
3 severity of the accidents at that intersection.

4 (1) The compensation paid for an automated traffic law  
5 enforcement system must be based on the value of the equipment  
6 or the services provided and may not be based on the number of  
7 traffic citations issued or the revenue generated by the  
8 system.

9 (1-1) No member of the General Assembly and no officer or  
10 employee of a municipality or county shall knowingly accept  
11 employment or receive compensation or fees for services from a  
12 vendor that provides automated traffic law enforcement system  
13 equipment or services to municipalities or counties. No former  
14 member of the General Assembly shall, within a period of 2  
15 years immediately after the termination of service as a member  
16 of the General Assembly, knowingly accept employment or  
17 receive compensation or fees for services from a vendor that  
18 provides automated traffic law enforcement system equipment or  
19 services to municipalities or counties. No former officer or  
20 employee of a municipality or county shall, within a period of  
21 2 years immediately after the termination of municipal or  
22 county employment, knowingly accept employment or receive  
23 compensation or fees for services from a vendor that provides  
24 automated traffic law enforcement system equipment or services  
25 to municipalities or counties.

26 (m) This Section applies only to the counties of Cook,

1 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and  
2 to municipalities located within those counties.

3 (n) The fee for participating in a traffic education  
4 program under this Section shall not exceed \$25.

5 A low-income individual required to complete a traffic  
6 education program under this Section who provides proof of  
7 eligibility for the federal earned income tax credit under  
8 Section 32 of the Internal Revenue Code or the Illinois earned  
9 income tax credit under Section 212 of the Illinois Income Tax  
10 Act shall not be required to pay any fee for participating in a  
11 required traffic education program.

12 (o) (Blank).

13 (o-1) A municipality or county shall make a certified  
14 report to the Secretary of State pursuant to Section 6-306.5-1  
15 of this Code whenever a registered owner of a vehicle has  
16 failed to pay any fine or penalty due and owing as a result of  
17 a combination of 5 offenses for automated traffic law or speed  
18 enforcement system violations.

19 (p) No person who is the lessor of a motor vehicle pursuant  
20 to a written lease agreement shall be liable for an automated  
21 speed or traffic law enforcement system violation involving  
22 such motor vehicle during the period of the lease; provided  
23 that upon the request of the appropriate authority received  
24 within 120 days after the violation occurred, the lessor  
25 provides within 60 days after such receipt the name and  
26 address of the lessee. The driver's license number of a lessee

1 may be subsequently individually requested by the appropriate  
2 authority if needed for enforcement of this Section.

3       Upon the provision of information by the lessor pursuant  
4 to this subsection, the county or municipality may issue the  
5 violation to the lessee of the vehicle in the same manner as it  
6 would issue a violation to a registered owner of a vehicle  
7 pursuant to this Section, and the lessee may be held liable for  
8 the violation.

9       (q) If a county or municipality selects a new vendor for  
10 its automated traffic law enforcement system and must, as a  
11 consequence, apply for a permit, approval, or other  
12 authorization from the Department for reinstallation of one or  
13 more malfunctioning components of that system and if, at the  
14 time of the application for the permit, approval, or other  
15 authorization, the new vendor operates an automated traffic  
16 law enforcement system for any other county or municipality in  
17 the State, then the Department shall approve or deny the  
18 county or municipality's application for the permit, approval,  
19 or other authorization within 90 days after its receipt.

20       (r) The Department may revoke any permit, approval, or  
21 other authorization granted to a county or municipality for  
22 the placement, installation, or operation of an automated  
23 traffic law enforcement system if any official or employee who  
24 serves that county or municipality is charged with bribery,  
25 official misconduct, or a similar crime related to the  
26 placement, installation, or operation of the automated traffic

1 law enforcement system in the county or municipality.

2 The Department shall adopt any rules necessary to  
3 implement and administer this subsection. The rules adopted by  
4 the Department shall describe the revocation process, shall  
5 ensure that notice of the revocation is provided, and shall  
6 provide an opportunity to appeal the revocation. Any county or  
7 municipality that has a permit, approval, or other  
8 authorization revoked under this subsection may not reapply  
9 for such a permit, approval, or other authorization for a  
10 period of one ± year after the revocation.

11 (s) If an automated traffic law enforcement system is  
12 removed or rendered inoperable due to construction, then the  
13 Department shall authorize the reinstallation or use of the  
14 automated traffic law enforcement system within 30 days after  
15 the construction is complete.

16 (Source: P.A. 102-905, eff. 1-1-23; 102-982, eff. 7-1-23;  
17 103-154, eff. 6-30-23; 103-364, eff. 7-28-23; revised  
18 9-19-23.)

19 (625 ILCS 5/11-208.8)

20 Sec. 11-208.8. Automated speed enforcement systems in  
21 safety zones.

22 (a) As used in this Section:

23 "Automated speed enforcement system" means a photographic  
24 device, radar device, laser device, or other electrical or  
25 mechanical device or devices installed or utilized in a safety

1 zone and designed to record the speed of a vehicle and obtain a  
2 clear photograph or other recorded image of the vehicle and  
3 the vehicle's registration plate or digital registration plate  
4 while the driver is violating Article VI of Chapter 11 of this  
5 Code or a similar provision of a local ordinance.

6 An automated speed enforcement system is a system, located  
7 in a safety zone which is under the jurisdiction of a  
8 municipality, that produces a recorded image of a motor  
9 vehicle's violation of a provision of this Code or a local  
10 ordinance and is designed to obtain a clear recorded image of  
11 the vehicle and the vehicle's license plate. The recorded  
12 image must also display the time, date, and location of the  
13 violation.

14 "Owner" means the person or entity to whom the vehicle is  
15 registered.

16 "Recorded image" means images recorded by an automated  
17 speed enforcement system on:

- 18 (1) 2 or more photographs;
- 19 (2) 2 or more microphotographs;
- 20 (3) 2 or more electronic images; or
- 21 (4) a video recording showing the motor vehicle and,  
22 on at least one image or portion of the recording, clearly  
23 identifying the registration plate or digital registration  
24 plate number of the motor vehicle.

25 "Safety zone" means an area that is within one-eighth of a  
26 mile from the nearest property line of any public or private



1 elementary or secondary school, or from the nearest property  
2 line of any facility, area, or land owned by a school district  
3 that is used for educational purposes approved by the Illinois  
4 State Board of Education, not including school district  
5 headquarters or administrative buildings. A safety zone also  
6 includes an area that is within one-eighth of a mile from the  
7 nearest property line of any facility, area, or land owned by a  
8 park district used for recreational purposes. However, if any  
9 portion of a roadway is within either one-eighth mile radius,  
10 the safety zone also shall include the roadway extended to the  
11 furthest portion of the next furthest intersection. The term  
12 "safety zone" does not include any portion of the roadway  
13 known as Lake Shore Drive or any controlled access highway  
14 with 8 or more lanes of traffic.

15 (a-5) The automated speed enforcement system shall be  
16 operational and violations shall be recorded only at the  
17 following times:

18 (i) if the safety zone is based upon the property line  
19 of any facility, area, or land owned by a school district,  
20 only on school days and no earlier than 6 a.m. and no later  
21 than 8:30 p.m. if the school day is during the period of  
22 Monday through Thursday, or 9 p.m. if the school day is a  
23 Friday; and

24 (ii) if the safety zone is based upon the property  
25 line of any facility, area, or land owned by a park  
26 district, no earlier than one hour prior to the time that

1 the facility, area, or land is open to the public or other  
2 patrons, and no later than one hour after the facility,  
3 area, or land is closed to the public or other patrons.

4 (b) A municipality that produces a recorded image of a  
5 motor vehicle's violation of a provision of this Code or a  
6 local ordinance must make the recorded images of a violation  
7 accessible to the alleged violator by providing the alleged  
8 violator with a website address, accessible through the  
9 Internet.

10 (c) Notwithstanding any penalties for any other violations  
11 of this Code, the owner of a motor vehicle used in a traffic  
12 violation recorded by an automated speed enforcement system  
13 shall be subject to the following penalties:

14 (1) if the recorded speed is no less than 6 miles per  
15 hour and no more than 10 miles per hour over the legal  
16 speed limit, a civil penalty not exceeding \$50, plus an  
17 additional penalty of not more than \$50 for failure to pay  
18 the original penalty in a timely manner; or

19 (2) if the recorded speed is more than 10 miles per  
20 hour over the legal speed limit, a civil penalty not  
21 exceeding \$100, plus an additional penalty of not more  
22 than \$100 for failure to pay the original penalty in a  
23 timely manner.

24 A penalty may not be imposed under this Section if the  
25 driver of the motor vehicle received a Uniform Traffic  
26 Citation from a police officer for a speeding violation

1 occurring within one-eighth of a mile and 15 minutes of the  
2 violation that was recorded by the system. A violation for  
3 which a civil penalty is imposed under this Section is not a  
4 violation of a traffic regulation governing the movement of  
5 vehicles and may not be recorded on the driving record of the  
6 owner of the vehicle. A law enforcement officer is not  
7 required to be present or to witness the violation. No penalty  
8 may be imposed under this Section if the recorded speed of a  
9 vehicle is 5 miles per hour or less over the legal speed limit.  
10 The municipality may send, in the same manner that notices are  
11 sent under this Section, a speed violation warning notice  
12 where the violation involves a speed of 5 miles per hour or  
13 less above the legal speed limit.

14 (d) The net proceeds that a municipality receives from  
15 civil penalties imposed under an automated speed enforcement  
16 system, after deducting all non-personnel and personnel costs  
17 associated with the operation and maintenance of such system,  
18 shall be expended or obligated by the municipality for the  
19 following purposes:

20 (i) public safety initiatives to ensure safe passage  
21 around schools, and to provide police protection and  
22 surveillance around schools and parks, including but not  
23 limited to: (1) personnel costs; and (2) non-personnel  
24 costs such as construction and maintenance of public  
25 safety infrastructure and equipment;

26 (ii) initiatives to improve pedestrian and traffic

1 safety;

2 (iii) construction and maintenance of infrastructure  
3 within the municipality, including but not limited to  
4 roads and bridges; and

5 (iv) after school programs.

6 (e) For each violation of a provision of this Code or a  
7 local ordinance recorded by an automated speed enforcement  
8 system, the municipality having jurisdiction shall issue a  
9 written notice of the violation to the registered owner of the  
10 vehicle as the alleged violator. The notice shall be delivered  
11 to the registered owner of the vehicle, by mail, within 30 days  
12 after the Secretary of State notifies the municipality of the  
13 identity of the owner of the vehicle, but in no event later  
14 than 90 days after the violation.

15 (f) The notice required under subsection (e) of this  
16 Section shall include:

17 (1) the name and address of the registered owner of  
18 the vehicle;

19 (2) the registration number of the motor vehicle  
20 involved in the violation;

21 (3) the violation charged;

22 (4) the date, time, and location where the violation  
23 occurred;

24 (5) a copy of the recorded image or images;

25 (6) the amount of the civil penalty imposed and the  
26 date by which the civil penalty should be paid;

1 (7) a statement that recorded images are evidence of a  
2 violation of a speed restriction;

3 (8) a warning that failure to pay the civil penalty or  
4 to contest liability in a timely manner is an admission of  
5 liability and may result in a suspension of the driving  
6 privileges of the registered owner of the vehicle;

7 (9) a statement that the person may elect to proceed  
8 by:

9 (A) paying the fine; or

10 (B) challenging the charge in court, by mail, or  
11 by administrative hearing; and

12 (10) a website address, accessible through the  
13 Internet, where the person may view the recorded images of  
14 the violation.

15 (g) (Blank).

16 (g-1) If a person charged with a traffic violation, as a  
17 result of an automated speed enforcement system, does not pay  
18 the fine or successfully contest the civil penalty resulting  
19 from that violation, the Secretary of State shall suspend the  
20 driving privileges of the registered owner of the vehicle  
21 under Section 6-306.5-1 of this Code for failing to pay any  
22 fine or penalty due and owing, or both, as a result of a  
23 combination of 5 violations of the automated speed enforcement  
24 system or the automated traffic law under Section 11-208.6 of  
25 this Code.

26 (h) Based on inspection of recorded images produced by an

1 automated speed enforcement system, a notice alleging that the  
2 violation occurred shall be evidence of the facts contained in  
3 the notice and admissible in any proceeding alleging a  
4 violation under this Section.

5 (i) Recorded images made by an automated speed enforcement  
6 system are confidential and shall be made available only to  
7 the alleged violator and governmental and law enforcement  
8 agencies for purposes of adjudicating a violation of this  
9 Section, for statistical purposes, or for other governmental  
10 purposes. Any recorded image evidencing a violation of this  
11 Section, however, may be admissible in any proceeding  
12 resulting from the issuance of the citation.

13 (j) The court or hearing officer may consider in defense  
14 of a violation:

15 (1) that the motor vehicle or registration plates or  
16 digital registration plates of the motor vehicle were  
17 stolen before the violation occurred and not under the  
18 control or in the possession of the owner or lessee at the  
19 time of the violation;

20 (1.5) that the motor vehicle was hijacked before the  
21 violation occurred and not under the control of or in the  
22 possession of the owner or lessee at the time of the  
23 violation;

24 (2) that the driver of the motor vehicle received a  
25 Uniform Traffic Citation from a police officer for a  
26 speeding violation occurring within one-eighth of a mile

1 and 15 minutes of the violation that was recorded by the  
2 system; and

3 (3) any other evidence or issues provided by municipal  
4 ordinance.

5 (k) To demonstrate that the motor vehicle was hijacked or  
6 the motor vehicle or registration plates or digital  
7 registration plates were stolen before the violation occurred  
8 and were not under the control or possession of the owner or  
9 lessee at the time of the violation, the owner or lessee must  
10 submit proof that a report concerning the motor vehicle or  
11 registration plates was filed with a law enforcement agency in  
12 a timely manner.

13 (l) A roadway equipped with an automated speed enforcement  
14 system shall be posted with a sign conforming to the national  
15 Manual on Uniform Traffic Control Devices that is visible to  
16 approaching traffic stating that vehicle speeds are being  
17 photo-enforced and indicating the speed limit. The  
18 municipality shall install such additional signage as it  
19 determines is necessary to give reasonable notice to drivers  
20 as to where automated speed enforcement systems are installed.

21 (m) A roadway where a new automated speed enforcement  
22 system is installed shall be posted with signs providing 30  
23 days notice of the use of a new automated speed enforcement  
24 system prior to the issuance of any citations through the  
25 automated speed enforcement system.

26 (n) The compensation paid for an automated speed

1 enforcement system must be based on the value of the equipment  
2 or the services provided and may not be based on the number of  
3 traffic citations issued or the revenue generated by the  
4 system.

5 (n-1) No member of the General Assembly and no officer or  
6 employee of a municipality or county shall knowingly accept  
7 employment or receive compensation or fees for services from a  
8 vendor that provides automated speed enforcement system  
9 equipment or services to municipalities or counties. No former  
10 member of the General Assembly shall, within a period of 2  
11 years immediately after the termination of service as a member  
12 of the General Assembly, knowingly accept employment or  
13 receive compensation or fees for services from a vendor that  
14 provides automated speed enforcement system equipment or  
15 services to municipalities or counties. No former officer or  
16 employee of a municipality or county shall, within a period of  
17 2 years immediately after the termination of municipal or  
18 county employment, knowingly accept employment or receive  
19 compensation or fees for services from a vendor that provides  
20 automated speed enforcement system equipment or services to  
21 municipalities or counties.

22 (o) (Blank).

23 (o-1) A municipality shall make a certified report to the  
24 Secretary of State pursuant to Section 6-306.5-1 of this Code  
25 whenever a registered owner of a vehicle has failed to pay any  
26 fine or penalty due and owing as a result of a combination of 5



1 offenses for automated speed or traffic law enforcement system  
2 violations.

3 (p) No person who is the lessor of a motor vehicle pursuant  
4 to a written lease agreement shall be liable for an automated  
5 speed or traffic law enforcement system violation involving  
6 such motor vehicle during the period of the lease; provided  
7 that upon the request of the appropriate authority received  
8 within 120 days after the violation occurred, the lessor  
9 provides within 60 days after such receipt the name and  
10 address of the lessee. The driver's ~~drivers~~ license number of  
11 a lessee may be subsequently individually requested by the  
12 appropriate authority if needed for enforcement of this  
13 Section.

14 Upon the provision of information by the lessor pursuant  
15 to this subsection, the municipality may issue the violation  
16 to the lessee of the vehicle in the same manner as it would  
17 issue a violation to a registered owner of a vehicle pursuant  
18 to this Section, and the lessee may be held liable for the  
19 violation.

20 (q) A municipality using an automated speed enforcement  
21 system must provide notice to drivers by publishing the  
22 locations of all safety zones where system equipment is  
23 installed on the website of the municipality.

24 (r) A municipality operating an automated speed  
25 enforcement system shall conduct a statistical analysis to  
26 assess the safety impact of the system following installation

1 of the system and every 2 years thereafter. A municipality  
2 operating an automated speed enforcement system before the  
3 effective date of this amendatory Act of the 103rd General  
4 Assembly shall conduct a statistical analysis to assess the  
5 safety impact of the system by no later than one year after the  
6 effective date of this amendatory Act of the 103rd General  
7 Assembly and every 2 years thereafter. Each statistical  
8 analysis shall be based upon the best available crash,  
9 traffic, and other data, and shall cover a period of time  
10 before and after installation of the system sufficient to  
11 provide a statistically valid comparison of safety impact.  
12 Each statistical analysis shall be consistent with  
13 professional judgment and acceptable industry practice. Each  
14 statistical analysis also shall be consistent with the data  
15 required for valid comparisons of before and after conditions  
16 and shall be conducted within a reasonable period following  
17 the installation of the automated traffic law enforcement  
18 system. Each statistical analysis required by this subsection  
19 shall be made available to the public and shall be published on  
20 the website of the municipality.

21 (s) This Section applies only to municipalities with a  
22 population of 1,000,000 or more inhabitants.

23 (t) If a county or municipality selects a new vendor for  
24 its automated speed enforcement system and must, as a  
25 consequence, apply for a permit, approval, or other  
26 authorization from the Department for reinstallation of one or

1 more malfunctioning components of that system and if, at the  
2 time of the application for the permit, approval, or other  
3 authorization, the new vendor operates an automated speed  
4 enforcement system for any other county or municipality in the  
5 State, then the Department shall approve or deny the county or  
6 municipality's application for the permit, approval, or other  
7 authorization within 90 days after its receipt.

8 (u) The Department may revoke any permit, approval, or  
9 other authorization granted to a county or municipality for  
10 the placement, installation, or operation of an automated  
11 speed enforcement system if any official or employee who  
12 serves that county or municipality is charged with bribery,  
13 official misconduct, or a similar crime related to the  
14 placement, installation, or operation of the automated speed  
15 enforcement system in the county or municipality.

16 The Department shall adopt any rules necessary to  
17 implement and administer this subsection. The rules adopted by  
18 the Department shall describe the revocation process, shall  
19 ensure that notice of the revocation is provided, and shall  
20 provide an opportunity to appeal the revocation. Any county or  
21 municipality that has a permit, approval, or other  
22 authorization revoked under this subsection may not reapply  
23 for such a permit, approval, or other authorization for a  
24 period of 1 year after the revocation.

25 (Source: P.A. 102-905, eff. 1-1-23; 103-364, eff. 7-28-23.)

1 (625 ILCS 5/11-208.9)

2 Sec. 11-208.9. Automated traffic law enforcement system;  
3 approaching, overtaking, and passing a school bus.

4 (a) As used in this Section, "automated traffic law  
5 enforcement system" means a device with one or more motor  
6 vehicle sensors working in conjunction with the visual signals  
7 on a school bus, as specified in Sections 12-803 and 12-805 of  
8 this Code, to produce recorded images of motor vehicles that  
9 fail to stop before meeting or overtaking, from either  
10 direction, any school bus stopped at any location for the  
11 purpose of receiving or discharging pupils in violation of  
12 Section 11-1414 of this Code or a similar provision of a local  
13 ordinance.

14 An automated traffic law enforcement system is a system,  
15 in a municipality or county operated by a governmental agency,  
16 that produces a recorded image of a motor vehicle's violation  
17 of a provision of this Code or a local ordinance and is  
18 designed to obtain a clear recorded image of the vehicle and  
19 the vehicle's license plate. The recorded image must also  
20 display the time, date, and location of the violation.

21 (b) As used in this Section, "recorded images" means  
22 images recorded by an automated traffic law enforcement system  
23 on:

- 24 (1) 2 or more photographs;  
25 (2) 2 or more microphotographs;  
26 (3) 2 or more electronic images; or

1           (4) a video recording showing the motor vehicle and,  
2           on at least one image or portion of the recording, clearly  
3           identifying the registration plate or digital registration  
4           plate number of the motor vehicle.

5           (c) A municipality or county that produces a recorded  
6           image of a motor vehicle's violation of a provision of this  
7           Code or a local ordinance must make the recorded images of a  
8           violation accessible to the alleged violator by providing the  
9           alleged violator with a website address, accessible through  
10          the Internet.

11          (d) For each violation of a provision of this Code or a  
12          local ordinance recorded by an automated traffic law  
13          enforcement system, the county or municipality having  
14          jurisdiction shall issue a written notice of the violation to  
15          the registered owner of the vehicle as the alleged violator.  
16          The notice shall be delivered to the registered owner of the  
17          vehicle, by mail, within 30 days after the Secretary of State  
18          notifies the municipality or county of the identity of the  
19          owner of the vehicle, but in no event later than 90 days after  
20          the violation.

21          (e) The notice required under subsection (d) shall  
22          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 overtaking or passing a school bus stopped  
9 for the purpose of receiving or discharging pupils;
- 10 (9) 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 (10) 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 (11) a website address, accessible through the  
20 Internet, where the person may view the recorded images of  
21 the violation.
- 22 (f) (Blank).
- 23 (f-1) If a person charged with a traffic violation, as a  
24 result of an automated traffic law enforcement system under  
25 this Section, does not pay the fine or successfully contest  
26 the civil penalty resulting from that violation, the Secretary

1 of State shall suspend the driving privileges of the  
2 registered owner of the vehicle under Section 6-306.5-1 of  
3 this Code for failing to pay any fine or penalty due and owing  
4 as a result of a combination of 5 violations of the automated  
5 traffic law enforcement system or the automated speed  
6 enforcement system under Section 11-208.8 of this Code.

7 (g) Based on inspection of recorded images produced by an  
8 automated traffic law enforcement system, a notice alleging  
9 that the violation occurred shall be evidence of the facts  
10 contained in the notice and admissible in any proceeding  
11 alleging a violation under this Section.

12 (h) Recorded images made by an automated traffic law  
13 enforcement system are confidential and shall be made  
14 available only to the alleged violator and governmental and  
15 law enforcement agencies for purposes of adjudicating a  
16 violation of this Section, for statistical purposes, or for  
17 other governmental purposes. Any recorded image evidencing a  
18 violation of this Section, however, may be admissible in any  
19 proceeding resulting from the issuance of the citation.

20 (i) 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 of or in the possession of the owner or lessee at  
26 the 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 violation of Section 11-1414 of this Code within  
8 one-eighth of a mile and 15 minutes of the violation that  
9 was recorded by the system;

10          (3) that the visual signals required by Sections  
11 12-803 and 12-805 of this Code were damaged, not  
12 activated, not present in violation of Sections 12-803 and  
13 12-805, or inoperable; and

14          (4) any other evidence or issues provided by municipal  
15 or county ordinance.

16          (j) To demonstrate that the motor vehicle was hijacked or  
17 the motor vehicle or registration plates or digital  
18 registration plates were stolen before the violation occurred  
19 and were not under the control or possession of the owner or  
20 lessee at the time of the violation, the owner or lessee must  
21 submit proof that a report concerning the motor vehicle or  
22 registration plates was filed with a law enforcement agency in  
23 a timely manner.

24          (k) Unless the driver of the motor vehicle received a  
25 Uniform Traffic Citation from a police officer at the time of  
26 the violation, the motor vehicle owner is subject to a civil



1 penalty not exceeding \$150 for a first time violation or \$500  
2 for a second or subsequent violation, plus an additional  
3 penalty of not more than \$100 for failure to pay the original  
4 penalty in a timely manner, if the motor vehicle is recorded by  
5 an automated traffic law enforcement system. A violation for  
6 which a civil penalty is imposed under this Section is not a  
7 violation of a traffic regulation governing the movement of  
8 vehicles and may not be recorded on the driving record of the  
9 owner of the vehicle, but may be recorded by the municipality  
10 or county for the purpose of determining if a person is subject  
11 to the higher fine for a second or subsequent offense.

12 (l) A school bus equipped with an automated traffic law  
13 enforcement system must be posted with a sign indicating that  
14 the school bus is being monitored by an automated traffic law  
15 enforcement system.

16 (m) A municipality or county that has one or more school  
17 buses equipped with an automated traffic law enforcement  
18 system must provide notice to drivers by posting a list of  
19 school districts using school buses equipped with an automated  
20 traffic law enforcement system on the municipality or county  
21 website. School districts that have one or more school buses  
22 equipped with an automated traffic law enforcement system must  
23 provide notice to drivers by posting that information on their  
24 websites.

25 (n) A municipality or county operating an automated  
26 traffic law enforcement system shall conduct a statistical

1 analysis to assess the safety impact in each school district  
2 using school buses equipped with an automated traffic law  
3 enforcement system following installation of the system and  
4 every 2 years thereafter. A municipality or county operating  
5 an automated speed enforcement system before the effective  
6 date of this amendatory Act of the 103rd General Assembly  
7 shall conduct a statistical analysis to assess the safety  
8 impact of the system by no later than one year after the  
9 effective date of this amendatory Act of the 103rd General  
10 Assembly and every 2 years thereafter. Each statistical  
11 analysis shall be based upon the best available crash,  
12 traffic, and other data, and shall cover a period of time  
13 before and after installation of the system sufficient to  
14 provide a statistically valid comparison of safety impact.  
15 Each statistical analysis shall be consistent with  
16 professional judgment and acceptable industry practice. Each  
17 statistical analysis also shall be consistent with the data  
18 required for valid comparisons of before and after conditions  
19 and shall be conducted within a reasonable period following  
20 the installation of the automated traffic law enforcement  
21 system. Each statistical analysis required by this subsection  
22 shall be made available to the public and shall be published on  
23 the website of the municipality or county. If a statistical  
24 analysis indicates that there has been an increase in the rate  
25 of crashes at the approach to school buses monitored by the  
26 system, the municipality or county shall undertake additional

1 studies to determine the cause and severity of the crashes,  
2 and may take any action that it determines is necessary or  
3 appropriate to reduce the number or severity of the crashes  
4 involving school buses equipped with an automated traffic law  
5 enforcement system.

6 (o) The compensation paid for an automated traffic law  
7 enforcement system must be based on the value of the equipment  
8 or the services provided and may not be based on the number of  
9 traffic citations issued or the revenue generated by the  
10 system.

11 (o-1) No member of the General Assembly and no officer or  
12 employee of a municipality or county shall knowingly accept  
13 employment or receive compensation or fees for services from a  
14 vendor that provides automated traffic law enforcement system  
15 equipment or services to municipalities or counties. No former  
16 member of the General Assembly shall, within a period of 2  
17 years immediately after the termination of service as a member  
18 of the General Assembly, knowingly accept employment or  
19 receive compensation or fees for services from a vendor that  
20 provides automated traffic law enforcement system equipment or  
21 services to municipalities or counties. No former officer or  
22 employee of a municipality or county shall, within a period of  
23 2 years immediately after the termination of municipal or  
24 county employment, knowingly accept employment or receive  
25 compensation or fees for services from a vendor that provides  
26 automated traffic law enforcement system equipment or services

1 to municipalities or counties.

2 (p) No person who is the lessor of a motor vehicle pursuant  
3 to a written lease agreement shall be liable for an automated  
4 speed or traffic law enforcement system violation involving  
5 such motor vehicle during the period of the lease; provided  
6 that upon the request of the appropriate authority received  
7 within 120 days after the violation occurred, the lessor  
8 provides within 60 days after such receipt the name and  
9 address of the lessee. The driver's license number of a lessee  
10 may be subsequently individually requested by the appropriate  
11 authority if needed for enforcement of this Section.

12 Upon the provision of information by the lessor pursuant  
13 to this subsection, the county or municipality may issue the  
14 violation to the lessee of the vehicle in the same manner as it  
15 would issue a violation to a registered owner of a vehicle  
16 pursuant to this Section, and the lessee may be held liable for  
17 the violation.

18 (q) (Blank).

19 (q-1) A municipality or county shall make a certified  
20 report to the Secretary of State pursuant to Section 6-306.5-1  
21 of this Code whenever a registered owner of a vehicle has  
22 failed to pay any fine or penalty due and owing as a result of  
23 a combination of 5 offenses for automated traffic law or speed  
24 enforcement system violations.

25 (r) After a municipality or county enacts an ordinance  
26 providing for automated traffic law enforcement systems under

1 this Section, each school district within that municipality or  
2 county's jurisdiction may implement an automated traffic law  
3 enforcement system under this Section. The elected school  
4 board for that district must approve the implementation of an  
5 automated traffic law enforcement system. The school district  
6 shall be responsible for entering into a contract, approved by  
7 the elected school board of that district, with vendors for  
8 the installation, maintenance, and operation of the automated  
9 traffic law enforcement system. The school district must enter  
10 into an intergovernmental agreement, approved by the elected  
11 school board of that district, with the municipality or county  
12 with jurisdiction over that school district for the  
13 administration of the automated traffic law enforcement  
14 system. The proceeds from a school district's automated  
15 traffic law enforcement system's fines shall be divided  
16 equally between the school district and the municipality or  
17 county administering the automated traffic law enforcement  
18 system.

19 (s) If a county or municipality changes the vendor it uses  
20 for its automated traffic law enforcement system and must, as  
21 a consequence, apply for a permit, approval, or other  
22 authorization from the Department for reinstallation of one or  
23 more malfunctioning components of that system and if, at the  
24 time of the application, the new vendor operates an automated  
25 traffic law enforcement system for any other county or  
26 municipality in the State, then the Department shall approve

1 or deny the county or municipality's application for that  
2 permit, approval, or other authorization within 90 days after  
3 its receipt.

4 (t) The Department may revoke any permit, approval, or  
5 other authorization granted to a county or municipality for  
6 the placement, installation, or operation of an automated  
7 traffic law enforcement system if any official or employee who  
8 serves that county or municipality is charged with bribery,  
9 official misconduct, or a similar crime related to the  
10 placement, installation, or operation of the automated traffic  
11 law enforcement system in the county or municipality.

12 The Department shall adopt any rules necessary to  
13 implement and administer this subsection. The rules adopted by  
14 the Department shall describe the revocation process, shall  
15 ensure that notice of the revocation is provided, and shall  
16 provide an opportunity to appeal the revocation. Any county or  
17 municipality that has a permit, approval, or other  
18 authorization revoked under this subsection may not reapply  
19 for such a permit, approval, or other authorization for a  
20 period of 1 year after the revocation.

21 (Source: P.A. 102-905, eff. 1-1-23; 102-982, eff. 7-1-23;  
22 103-154, eff. 6-30-23; 103-364, eff. 7-28-23.)

23 (625 ILCS 5/11-1201.1)

24 Sec. 11-1201.1. Automated railroad crossing enforcement  
25 system.

1           (a) For the purposes of this Section, an automated  
2 railroad grade crossing enforcement system is a system in a  
3 municipality or county operated by a governmental agency that  
4 produces a recorded image of a motor vehicle's violation of a  
5 provision of this Code or local ordinance and is designed to  
6 obtain a clear recorded image of the vehicle and vehicle's  
7 license plate. The recorded image must also display the time,  
8 date, and location of the violation.

9           As used in this Section, "recorded images" means images  
10 recorded by an automated railroad grade crossing enforcement  
11 system on:

- 12           (1) 2 or more photographs;
- 13           (2) 2 or more microphotographs;
- 14           (3) 2 or more electronic images; or
- 15           (4) a video recording showing the motor vehicle and,  
16 on at least one image or portion of the recording, clearly  
17 identifying the registration plate or digital registration  
18 plate number of the motor vehicle.

19           (b) The Illinois Commerce Commission may, in cooperation  
20 with a local law enforcement agency, establish in any county  
21 or municipality an automated railroad grade crossing  
22 enforcement system at any railroad grade crossing equipped  
23 with a crossing gate designated by local authorities. Local  
24 authorities desiring the establishment of an automated  
25 railroad crossing enforcement system must initiate the process  
26 by enacting a local ordinance requesting the creation of such

1 a system. After the ordinance has been enacted, and before any  
2 additional steps toward the establishment of the system are  
3 undertaken, the local authorities and the Commission must  
4 agree to a plan for obtaining, from any combination of  
5 federal, State, and local funding sources, the moneys required  
6 for the purchase and installation of any necessary equipment.

7 (b-1) (Blank).

8 (c) For each violation of Section 11-1201 of this Code or a  
9 local ordinance recorded by an automated railroad grade  
10 crossing enforcement system, the county or municipality having  
11 jurisdiction shall issue a written notice of the violation to  
12 the registered owner of the vehicle as the alleged violator.  
13 The notice shall be delivered to the registered owner of the  
14 vehicle, by mail, no later than 90 days after the violation.

15 The notice shall include:

16 (1) the name and address of the registered owner of  
17 the vehicle;

18 (2) the registration number of the motor vehicle  
19 involved in the violation;

20 (3) the violation charged;

21 (4) the location where the violation occurred;

22 (5) the date and time of the violation;

23 (6) a copy of the recorded images;

24 (7) the amount of the civil penalty imposed and the  
25 date by which the civil penalty should be paid;

26 (8) a statement that recorded images are evidence of a



1 violation of a railroad grade crossing;

2 (9) a warning that failure to pay the civil penalty or  
3 to contest liability in a timely manner is an admission of  
4 liability and may result in a suspension of the driving  
5 privileges of the registered owner of the vehicle; and

6 (10) a statement that the person may elect to proceed  
7 by:

8 (A) paying the fine; or

9 (B) challenging the charge in court, by mail, or  
10 by administrative hearing.

11 (d) (Blank).

12 (d-1) (Blank).

13 (d-2) (Blank).

14 (d-3) If a person charged with a traffic violation, as a  
15 result of an automated railroad grade crossing enforcement  
16 system, does not pay or successfully contest the civil penalty  
17 resulting from that violation, the Secretary of State shall  
18 suspend the driving privileges of the registered owner of the  
19 vehicle under Section 6-306.5-1 of this Code for failing to  
20 pay any fine or penalty due and owing as a result of 5  
21 violations of the automated railroad grade crossing  
22 enforcement system.

23 (e) Based on inspection of recorded images produced by an  
24 automated railroad grade crossing enforcement system, a notice  
25 alleging that the violation occurred shall be evidence of the  
26 facts contained in the notice and admissible in any proceeding

1 alleging a violation under this Section.

2 (e-1) Recorded images made by an automated railroad grade  
3 crossing enforcement system are confidential and shall be made  
4 available only to the alleged violator and governmental and  
5 law enforcement agencies for purposes of adjudicating a  
6 violation of this Section, for statistical purposes, or for  
7 other governmental purposes. Any recorded image evidencing a  
8 violation of this Section, however, may be admissible in any  
9 proceeding resulting from the issuance of the citation.

10 (e-2) The court or hearing officer may consider the  
11 following in the defense of a violation:

12 (1) that the motor vehicle or registration plates or  
13 digital registration plates of the motor vehicle were  
14 stolen before the violation occurred and not under the  
15 control of or in the possession of the owner or lessee at  
16 the time of the violation;

17 (1.5) that the motor vehicle was hijacked before the  
18 violation occurred and not under the control of or in the  
19 possession of the owner or lessee at the time of the  
20 violation;

21 (2) that the driver of the motor vehicle received a  
22 Uniform Traffic Citation from a police officer at the time  
23 of the violation for the same offense;

24 (3) any other evidence or issues provided by municipal  
25 or county ordinance.

26 (e-3) To demonstrate that the motor vehicle was hijacked

1 or the motor vehicle or registration plates or digital  
2 registration plates were stolen before the violation occurred  
3 and were not under the control or possession of the owner or  
4 lessee at the time of the violation, the owner or lessee must  
5 submit proof that a report concerning the motor vehicle or  
6 registration plates was filed with a law enforcement agency in  
7 a timely manner.

8 (f) Rail crossings equipped with an automatic railroad  
9 grade crossing enforcement system shall be posted with a sign  
10 visible to approaching traffic stating that the railroad grade  
11 crossing is being monitored, that citations will be issued,  
12 and the amount of the fine for violation.

13 (g) The compensation paid for an automated railroad grade  
14 crossing enforcement system must be based on the value of the  
15 equipment or the services provided and may not be based on the  
16 number of citations issued or the revenue generated by the  
17 system.

18 (h) (Blank).

19 (i) If any part or parts of this Section are held by a  
20 court of competent jurisdiction to be unconstitutional, the  
21 unconstitutionality shall not affect the validity of the  
22 remaining parts of this Section. The General Assembly hereby  
23 declares that it would have passed the remaining parts of this  
24 Section if it had known that the other part or parts of this  
25 Section would be declared unconstitutional.

26 (j) Penalty. A civil fine of \$250 shall be imposed for a

1 first violation of this Section, and a civil fine of \$500 shall  
2 be imposed for a second or subsequent violation of this  
3 Section.

4 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;  
5 102-813, eff. 5-13-22; 102-905, eff. 1-1-23.)

6 Section 205. The Illinois Vehicle Code is amended by  
7 changing Sections 6-303, 6-306.5-1, and 6-306.9 and by adding  
8 Sections 4-214.2 and 6-306.5-1 as follows:

9 (625 ILCS 5/4-214.2 new)

10 Sec. 4-214.2. Failure to pay fines, charges, and costs on  
11 an abandoned vehicle.

12 (a) Whenever any resident of this State fails to pay any  
13 fine, charge, or cost imposed for a violation of Section 4-201  
14 of this Code, or a similar provision of a local ordinance, the  
15 clerk shall notify the Secretary of State, on a report  
16 prescribed by the Secretary, and the Secretary shall prohibit  
17 the renewal, reissue, or reinstatement of the resident's  
18 driving privileges until the fine, charge, or cost has been  
19 paid in full. The clerk shall provide notice to the owner, at  
20 the owner's last known address as shown on the court's  
21 records, stating that the action will be effective on the 46th  
22 day following the date of the above notice if payment is not  
23 received in full by the court of venue.

24 (b) Following receipt of the report from the clerk, the

1 Secretary of State shall make the proper notation to the  
2 owner's file to prohibit the renewal, reissue, or  
3 reinstatement of the owner's driving privileges. Except as  
4 provided in subsection (d) of this Section, the notation shall  
5 not be removed from the owner's record until the owner  
6 satisfies the outstanding fine, charge, or cost and an  
7 appropriate notice on a form prescribed by the Secretary is  
8 received by the Secretary from the court of venue, stating  
9 that the fine, charge, or cost has been paid in full. Upon  
10 payment in full of a fine, charge, or court cost which has  
11 previously been reported under this Section as unpaid, the  
12 clerk of the court shall present the owner with a signed  
13 receipt containing the seal of the court indicating that the  
14 fine, charge, or cost has been paid in full, and shall forward  
15 immediately to the Secretary of State a notice stating that  
16 the fine, charge, or cost has been paid in full.

17 (c) Notwithstanding the receipt of a report from the clerk  
18 as prescribed in subsection (a), nothing in this Section is  
19 intended to place any responsibility upon the Secretary of  
20 State to provide independent notice to the owner of any  
21 potential action to disallow the renewal, reissue, or  
22 reinstatement of the owner's driving privileges.

23 (d) The Secretary of State shall renew, reissue, or  
24 reinstate an owner's driving privileges which were previously  
25 refused under this Section upon presentation of an original  
26 receipt which is signed by the clerk of the court and contains

1 the seal of the court indicating that the fine, charge, or cost  
2 has been paid in full. The Secretary of State shall retain the  
3 receipt for his or her records.

4 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

5 Sec. 6-303. Driving while driver's license, permit, or  
6 privilege to operate a motor vehicle is suspended or revoked.

7 (a) Except as otherwise provided in subsection (a-5) or  
8 (a-7), any person who drives or is in actual physical control  
9 of a motor vehicle on any highway of this State at a time when  
10 such person's driver's license, permit, or privilege to do so  
11 or the privilege to obtain a driver's license or permit is  
12 revoked or suspended as provided by this Code or the law of  
13 another state, except as may be specifically allowed by a  
14 judicial driving permit issued prior to January 1, 2009,  
15 monitoring device driving permit, family financial  
16 responsibility driving permit, probationary license to drive,  
17 or a restricted driving permit issued pursuant to this Code or  
18 under the law of another state, shall be guilty of a Class A  
19 misdemeanor.

20 (a-3) A second or subsequent violation of subsection (a)  
21 of this Section is a Class 4 felony if committed by a person  
22 whose driving or operation of a motor vehicle is the proximate  
23 cause of a motor vehicle crash that causes personal injury or  
24 death to another. For purposes of this subsection, a personal  
25 injury includes any Type A injury as indicated on the traffic

1 crash report completed by a law enforcement officer that  
2 requires immediate professional attention in either a doctor's  
3 office or a medical facility. A Type A injury includes severe  
4 bleeding wounds, distorted extremities, and injuries that  
5 require the injured party to be carried from the scene.

6 (a-5) Any person who violates this Section as provided in  
7 subsection (a) while his or her driver's license, permit, or  
8 privilege is revoked because of a violation of Section 9-3 of  
9 the Criminal Code of 1961 or the Criminal Code of 2012,  
10 relating to the offense of reckless homicide, or a violation  
11 of 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 drug  
14 or drugs, or intoxicating compound or compounds, or any  
15 combination thereof when the violation was a proximate cause  
16 of a death, or a similar provision of a law of another state,  
17 is guilty of a Class 4 felony. The person shall be required to  
18 undergo a professional evaluation, as provided in Section  
19 11-501 of this Code, to determine if an alcohol, drug, or  
20 intoxicating compound problem exists and the extent of the  
21 problem, and to undergo the imposition of treatment as  
22 appropriate.

23 (a-7) Any person who violates this Section as provided in  
24 subsection (a) while his or her driver's license or privilege  
25 to drive is suspended under Section 6-306.5-1 ~~6-306.5~~ or 7-702  
26 of this Code shall receive a Uniform Traffic Citation from the

1 law enforcement officer. A person who receives 3 or more  
2 Uniform Traffic Citations under this subsection (a-7) without  
3 paying any fees associated with the citations shall be guilty  
4 of a Class A misdemeanor.

5 (a-10) A person's driver's license, permit, or privilege  
6 to obtain a driver's license or permit may be subject to  
7 multiple revocations, multiple suspensions, or any combination  
8 of both simultaneously. No revocation or suspension shall  
9 serve to negate, invalidate, cancel, postpone, or in any way  
10 lessen the effect of any other revocation or suspension  
11 entered prior or subsequent to any other revocation or  
12 suspension.

13 (b) (Blank).

14 (b-1) Except for a person under subsection (a-7) of this  
15 Section, upon receiving a report of the conviction of any  
16 violation indicating a person was operating a motor vehicle  
17 during the time when the person's driver's license, permit, or  
18 privilege was suspended by the Secretary of State or the  
19 driver's licensing administrator of another state, except as  
20 specifically allowed by a probationary license, judicial  
21 driving permit, restricted driving permit, or monitoring  
22 device driving permit, the Secretary shall extend the  
23 suspension for the same period of time as the originally  
24 imposed suspension unless the suspension has already expired,  
25 in which case the Secretary shall be authorized to suspend the  
26 person's driving privileges for the same period of time as the



1 originally imposed suspension.

2 (b-2) Except as provided in subsection (b-6) or (a-7),  
3 upon receiving a report of the conviction of any violation  
4 indicating a person was operating a motor vehicle when the  
5 person's driver's license, permit, or privilege was revoked by  
6 the Secretary of State or the driver's license administrator  
7 of any other state, except as specifically allowed by a  
8 restricted driving permit issued pursuant to this Code or the  
9 law of another state, the Secretary shall not issue a driver's  
10 license for an additional period of one year from the date of  
11 such conviction indicating such person was operating a vehicle  
12 during such period of revocation.

13 (b-3) (Blank).

14 (b-4) When the Secretary of State receives a report of a  
15 conviction of any violation indicating a person was operating  
16 a motor vehicle that was not equipped with an ignition  
17 interlock device during a time when the person was prohibited  
18 from operating a motor vehicle not equipped with such a  
19 device, the Secretary shall not issue a driver's license to  
20 that person for an additional period of one year from the date  
21 of the conviction.

22 (b-5) Any person convicted of violating this Section shall  
23 serve a minimum term of imprisonment of 30 consecutive days or  
24 300 hours of community service when the person's driving  
25 privilege was revoked or suspended as a result of a violation  
26 of Section 9-3 of the Criminal Code of 1961 or the Criminal

1 Code of 2012, relating to the offense of reckless homicide, or  
2 a violation of subparagraph (F) of paragraph (1) of subsection  
3 (d) of Section 11-501 of this Code, relating to the offense of  
4 aggravated driving under the influence of alcohol, other drug  
5 or drugs, or intoxicating compound or compounds, or any  
6 combination thereof when the violation was a proximate cause  
7 of a death, or a similar provision of a law of another state.  
8 The court may give credit toward the fulfillment of community  
9 service hours for participation in activities and treatment as  
10 determined by court services.

11 (b-6) Upon receiving a report of a first conviction of  
12 operating a motor vehicle while the person's driver's license,  
13 permit, or privilege was revoked where the revocation was for  
14 a violation of Section 9-3 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012 relating to the offense of reckless  
16 homicide, or a violation of subparagraph (F) of paragraph (1)  
17 of subsection (d) of Section 11-501 of this Code, relating to  
18 the offense of aggravated driving under the influence of  
19 alcohol, other drug or drugs, or intoxicating compound or  
20 compounds, or any combination thereof when the violation was a  
21 proximate cause of a death, or a similar out-of-state offense,  
22 the Secretary shall not issue a driver's license for an  
23 additional period of 3 years from the date of such conviction.

24 (c) Except as provided in subsections (c-3) and (c-4), any  
25 person convicted of violating this Section shall serve a  
26 minimum term of imprisonment of 10 consecutive days or 30 days

1 of community service when the person's driving privilege was  
2 revoked or suspended as a result of:

3 (1) a violation of Section 11-501 of this Code or a  
4 similar provision of a local ordinance relating to the  
5 offense of operating or being in physical control of a  
6 vehicle while under the influence of alcohol, any other  
7 drug or any combination thereof; or

8 (2) a violation of paragraph (b) of Section 11-401 of  
9 this Code or a similar provision of a local ordinance  
10 relating to the offense of leaving the scene of a motor  
11 vehicle crash involving personal injury or death; or

12 (3) a statutory summary suspension or revocation under  
13 Section 11-501.1 of this Code.

14 Such sentence of imprisonment or community service shall  
15 not be subject to suspension in order to reduce such sentence.

16 (c-1) Except as provided in subsections (a-7), (c-5), and  
17 (d), any person convicted of a second violation of this  
18 Section shall be ordered by the court to serve a minimum of 100  
19 hours of community service. The court may give credit toward  
20 the fulfillment of community service hours for participation  
21 in activities and treatment as determined by court services.

22 (c-2) In addition to other penalties imposed under this  
23 Section, the court may impose on any person convicted a fourth  
24 time of violating this Section any of the following:

25 (1) Seizure of the license plates of the person's  
26 vehicle.

1           (2) Immobilization of the person's vehicle for a  
2           period of time to be determined by the court.

3           (c-3) Any person convicted of a violation of this Section  
4           during a period of summary suspension imposed pursuant to  
5           Section 11-501.1 when the person was eligible for a monitoring  
6           device driving permit shall be guilty of a Class 4 felony and  
7           shall serve a minimum term of imprisonment of 30 days.

8           (c-4) Any person who has been issued a monitoring device  
9           driving permit or a restricted driving permit which requires  
10          the person to operate only motor vehicles equipped with an  
11          ignition interlock device and who is convicted of a violation  
12          of this Section as a result of operating or being in actual  
13          physical control of a motor vehicle not equipped with an  
14          ignition interlock device at the time of the offense shall be  
15          guilty of a Class 4 felony and shall serve a minimum term of  
16          imprisonment of 30 days.

17          (c-5) Any person convicted of a second violation of this  
18          Section is guilty of a Class 2 felony, is not eligible for  
19          probation or conditional discharge, and shall serve a  
20          mandatory term of imprisonment, if:

21                 (1) the current violation occurred when the person's  
22                 driver's license was suspended or revoked for a violation  
23                 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
24                 Code of 2012, relating to the offense of reckless  
25                 homicide, or a violation of subparagraph (F) of paragraph  
26                 (1) of subsection (d) of Section 11-501 of this Code,

1 relating to the offense of aggravated driving under the  
2 influence of alcohol, other drug or drugs, or intoxicating  
3 compound or compounds, or any combination thereof when the  
4 violation was a proximate cause of a death, or a similar  
5 out-of-state offense; and

6 (2) the prior conviction under this Section occurred  
7 while the person's driver's license was suspended or  
8 revoked 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, or  
17 was suspended or revoked for a violation of Section 11-401  
18 or 11-501 of this Code, a similar out-of-state offense, a  
19 similar provision of a local ordinance, or a statutory  
20 summary suspension or revocation under Section 11-501.1 of  
21 this Code.

22 (d) Any person convicted of a second violation of this  
23 Section shall be guilty of a Class 4 felony and shall serve a  
24 minimum term of imprisonment of 30 days or 300 hours of  
25 community service, as determined by the court, if:

26 (1) the current violation occurred when the person's

1 driver's license was suspended or revoked for a violation  
2 of Section 11-401 or 11-501 of this Code, a similar  
3 out-of-state offense, a similar provision of a local  
4 ordinance, or a statutory summary suspension or revocation  
5 under Section 11-501.1 of this Code; and

6 (2) the prior conviction under this Section occurred  
7 while the person's driver's license was suspended or  
8 revoked for a violation of Section 11-401 or 11-501 of  
9 this Code, a similar out-of-state offense, a similar  
10 provision of a local ordinance, or a statutory summary  
11 suspension or revocation under Section 11-501.1 of this  
12 Code, or for a violation of Section 9-3 of the Criminal  
13 Code of 1961 or the Criminal Code of 2012, relating to the  
14 offense of reckless homicide, or a violation of  
15 subparagraph (F) of paragraph (1) of subsection (d) of  
16 Section 11-501 of this Code, relating to the offense of  
17 aggravated driving under the influence of alcohol, other  
18 drug or drugs, or intoxicating compound or compounds, or  
19 any combination thereof when the violation was a proximate  
20 cause of a death, or a similar out-of-state offense.

21 The court may give credit toward the fulfillment of  
22 community service hours for participation in activities and  
23 treatment as determined by court services.

24 (d-1) Except as provided in subsections (a-7), (d-2),  
25 (d-2.5), and (d-3), any person convicted of a third or  
26 subsequent violation of this Section shall serve a minimum

1 term of imprisonment of 30 days or 300 hours of community  
2 service, as determined by the court. The court may give credit  
3 toward the fulfillment of community service hours for  
4 participation in activities and treatment as determined by  
5 court services.

6 (d-2) Any person convicted of a third violation of this  
7 Section is guilty of a Class 4 felony and must serve a minimum  
8 term of imprisonment of 30 days, if:

9 (1) the current violation occurred when the person's  
10 driver's license was suspended or revoked for a violation  
11 of Section 11-401 or 11-501 of this Code, or a similar  
12 out-of-state offense, or a similar provision of a local  
13 ordinance, or a statutory summary suspension or revocation  
14 under Section 11-501.1 of this Code; and

15 (2) the prior convictions under this Section occurred  
16 while the person's driver's license was suspended or  
17 revoked for a violation of Section 11-401 or 11-501 of  
18 this Code, a similar out-of-state offense, a similar  
19 provision of a local ordinance, or a statutory summary  
20 suspension or revocation under Section 11-501.1 of this  
21 Code, or for a violation of Section 9-3 of the Criminal  
22 Code of 1961 or the Criminal Code of 2012, relating to the  
23 offense of reckless homicide, or a violation of  
24 subparagraph (F) of paragraph (1) of subsection (d) of  
25 Section 11-501 of this Code, relating to the offense of  
26 aggravated driving under the influence of alcohol, other

1 drug or drugs, or intoxicating compound or compounds, or  
2 any combination thereof when the violation was a proximate  
3 cause of a death, or a similar out-of-state offense.

4 (d-2.5) Any person convicted of a third violation of this  
5 Section is guilty of a Class 1 felony, is not eligible for  
6 probation or conditional discharge, and must serve a mandatory  
7 term of imprisonment, if:

8 (1) the current violation occurred while the person's  
9 driver's license was suspended or revoked for a violation  
10 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
11 Code of 2012, relating to the offense of reckless  
12 homicide, or a violation of subparagraph (F) of paragraph  
13 (1) of subsection (d) of Section 11-501 of this Code,  
14 relating to the offense of aggravated driving under the  
15 influence of alcohol, other drug or drugs, or intoxicating  
16 compound or compounds, or any combination thereof when the  
17 violation was a proximate cause of a death, or a similar  
18 out-of-state offense. The person's driving privileges  
19 shall be revoked for the remainder of the person's life;  
20 and

21 (2) the prior convictions under this Section occurred  
22 while the person's driver's license was suspended or  
23 revoked for a violation of Section 9-3 of the Criminal  
24 Code of 1961 or the Criminal Code of 2012, relating to the  
25 offense of reckless homicide, or a violation of  
26 subparagraph (F) of paragraph (1) of subsection (d) of



1 Section 11-501 of this Code, relating to the offense of  
2 aggravated driving under the influence of alcohol, other  
3 drug or drugs, or intoxicating compound or compounds, or  
4 any combination thereof when the violation was a proximate  
5 cause of a death, or a similar out-of-state offense, or  
6 was suspended or revoked for a violation of Section 11-401  
7 or 11-501 of this Code, a similar out-of-state offense, a  
8 similar provision of a local ordinance, or a statutory  
9 summary suspension or revocation under Section 11-501.1 of  
10 this Code.

11 (d-3) Any person convicted of a fourth, fifth, sixth,  
12 seventh, eighth, or ninth violation of this Section is guilty  
13 of a Class 4 felony and must serve a minimum term of  
14 imprisonment of 180 days, if:

15 (1) the current violation occurred when the person's  
16 driver's license was suspended or revoked for a violation  
17 of Section 11-401 or 11-501 of this Code, a similar  
18 out-of-state offense, a similar provision of a local  
19 ordinance, or a statutory summary suspension or revocation  
20 under Section 11-501.1 of this Code; and

21 (2) the prior convictions under this Section occurred  
22 while the person's driver's license was suspended or  
23 revoked for a violation of Section 11-401 or 11-501 of  
24 this Code, a similar out-of-state offense, a similar  
25 provision of a local ordinance, or a statutory summary  
26 suspension or revocation under Section 11-501.1 of this

1 Code, or for a violation of Section 9-3 of the Criminal  
2 Code of 1961 or the Criminal Code of 2012, relating to the  
3 offense of reckless homicide, or a violation of  
4 subparagraph (F) of paragraph (1) of subsection (d) of  
5 Section 11-501 of this Code, relating to the offense of  
6 aggravated driving under the influence of alcohol, other  
7 drug or drugs, or intoxicating compound or compounds, or  
8 any combination thereof when the violation was a proximate  
9 cause of a death, or a similar out-of-state offense.

10 (d-3.5) Any person convicted of a fourth or subsequent  
11 violation of this Section is guilty of a Class 1 felony, is not  
12 eligible for probation or conditional discharge, must serve a  
13 mandatory term of imprisonment, and is eligible for an  
14 extended term, if:

15 (1) the current violation occurred when 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; and

26 (2) the prior convictions under this Section occurred

1 while the person's driver's license was suspended or  
2 revoked 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, or  
11 was suspended or revoked for a violation of Section 11-401  
12 or 11-501 of this Code, a similar out-of-state offense, a  
13 similar provision of a local ordinance, or a statutory  
14 summary suspension or revocation under Section 11-501.1 of  
15 this Code.

16 (d-4) Any person convicted of a tenth, eleventh, twelfth,  
17 thirteenth, or fourteenth violation of this Section is guilty  
18 of a Class 3 felony, and is not eligible for probation or  
19 conditional discharge, if:

20 (1) the current violation occurred when the person's  
21 driver's license was suspended or revoked for a violation  
22 of Section 11-401 or 11-501 of this Code, or a similar  
23 out-of-state offense, or a similar provision of a local  
24 ordinance, or a statutory summary suspension or revocation  
25 under Section 11-501.1 of this Code; and

26 (2) the prior convictions under this Section occurred

1 while the person's driver's license was suspended or  
2 revoked for a violation of Section 11-401 or 11-501 of  
3 this Code, a similar out-of-state offense, a similar  
4 provision of a local ordinance, or a statutory suspension  
5 or revocation under Section 11-501.1 of this Code, or for  
6 a violation of Section 9-3 of the Criminal Code of 1961 or  
7 the Criminal Code of 2012, relating to the offense of  
8 reckless homicide, or a violation of subparagraph (F) of  
9 paragraph (1) of subsection (d) of Section 11-501 of this  
10 Code, relating to the offense of aggravated driving under  
11 the influence of alcohol, other drug or drugs, or  
12 intoxicating compound or compounds, or any combination  
13 thereof when the violation was a proximate cause of a  
14 death, or a similar out-of-state offense.

15 (d-5) Any person convicted of a fifteenth or subsequent  
16 violation of this Section is guilty of a Class 2 felony, and is  
17 not eligible for probation or conditional discharge, if:

18 (1) the current violation occurred when the person's  
19 driver's license was suspended or revoked for a violation  
20 of Section 11-401 or 11-501 of this Code, or a similar  
21 out-of-state offense, or a similar provision of a local  
22 ordinance, or a statutory summary suspension or revocation  
23 under Section 11-501.1 of this Code; and

24 (2) the prior convictions under this Section occurred  
25 while the person's driver's license was suspended or  
26 revoked for a violation of Section 11-401 or 11-501 of

1           this Code, a similar out-of-state offense, a similar  
2           provision of a local ordinance, or a statutory summary  
3           suspension or revocation under Section 11-501.1 of this  
4           Code, or 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.

13          (e) Any person in violation of this Section who is also in  
14          violation of Section 7-601 of this Code relating to mandatory  
15          insurance requirements, in addition to other penalties imposed  
16          under this Section, shall have his or her motor vehicle  
17          immediately impounded by the arresting law enforcement  
18          officer. The motor vehicle may be released to any licensed  
19          driver upon a showing of proof of insurance for the vehicle  
20          that was impounded and the notarized written consent for the  
21          release by the vehicle owner.

22          (f) For any prosecution under this Section, a certified  
23          copy of the driving abstract of the defendant shall be  
24          admitted as proof of any prior conviction.

25          (g) The motor vehicle used in a violation of this Section  
26          is subject to seizure and forfeiture as provided in Sections

1 36-1 and 36-2 of the Criminal Code of 2012 if the person's  
2 driving privilege was revoked or suspended as a result of:

3 (1) a violation of Section 11-501 of this Code, a  
4 similar provision of a local ordinance, or a similar  
5 provision of a law of another state;

6 (2) a violation of paragraph (b) of Section 11-401 of  
7 this Code, a similar provision of a local ordinance, or a  
8 similar provision of a law of another state;

9 (3) a statutory summary suspension or revocation under  
10 Section 11-501.1 of this Code or a similar provision of a  
11 law of another state; or

12 (4) a violation of Section 9-3 of the Criminal Code of  
13 1961 or the Criminal Code of 2012 relating to the offense  
14 of reckless homicide, or a violation of subparagraph (F)  
15 of paragraph (1) of subsection (d) of Section 11-501 of  
16 this Code, relating to the offense of aggravated driving  
17 under the influence of alcohol, other drug or drugs, or  
18 intoxicating compound or compounds, or any combination  
19 thereof when the violation was a proximate cause of a  
20 death, or a similar provision of a law of another state.

21 (Source: P.A. 101-81, eff. 7-12-19; 102-982, eff. 7-1-23.)

22 (625 ILCS 5/6-306.5-1 new)

23 Sec. 6-306.5-1. Failure to pay fine or penalty for  
24 standing, parking, compliance, automated speed enforcement  
25 system, or automated traffic law violations; suspension of

1 driving privileges.

2 (a) Upon receipt of a certified report, as prescribed by  
3 subsection (c) of this Section, from any municipality or  
4 county stating that the owner of a registered vehicle has  
5 failed to pay any fine or penalty due and owing as a result of  
6 5 offenses for automated speed enforcement system violations  
7 or automated traffic violations as defined in Sections  
8 11-208.6, 11-208.8, 11-208.9, or 11-1201.1, or combination  
9 thereof, or is more than 14 days in default of a payment plan  
10 pursuant to which a suspension had been terminated under  
11 subsection (c) of this Section, the Secretary of State shall  
12 suspend the driving privileges of such person in accordance  
13 with the procedures set forth in this Section. The Secretary  
14 shall also suspend the driving privileges of an owner of a  
15 registered vehicle upon receipt of a certified report, as  
16 prescribed by subsection (f) of this Section, from any  
17 municipality or county stating that such person has failed to  
18 satisfy any fines or penalties imposed by final judgments for  
19 5 or more automated speed enforcement system or automated  
20 traffic law violations, or combination thereof, after  
21 exhaustion of judicial review procedures.

22 (b) Following receipt of the certified report of the  
23 municipality or county as specified in this Section, the  
24 Secretary of State shall notify the person whose name appears  
25 on the certified report that the person's driver's license  
26 will be suspended at the end of a specified period of time

1 unless the Secretary of State is presented with a notice from  
2 the municipality or county certifying that the fine or penalty  
3 due and owing the municipality or county has been paid or that  
4 inclusion of that person's name on the certified report was in  
5 error. The Secretary's notice shall state in substance the  
6 information contained in the municipality's or county's  
7 certified report to the Secretary, and shall be effective as  
8 specified by subsection (c) of Section 6-211 of this Code.

9 (c) The report of the appropriate municipal or county  
10 official notifying the Secretary of State of unpaid fines or  
11 penalties pursuant to this Section shall be certified and  
12 shall contain the following:

13 (1) The name, last known address as recorded with the  
14 Secretary of State, as provided by the lessor of the cited  
15 vehicle at the time of lease, or as recorded in a United  
16 States Post Office approved database if any notice sent  
17 under Section 11-208.3 of this Code is returned as  
18 undeliverable, and driver's license number of the person  
19 who failed to pay the fine or penalty or who has defaulted  
20 in a payment plan and the registration number of any  
21 vehicle known to be registered to such person in this  
22 State.

23 (2) The name of the municipality or county making the  
24 report pursuant to this Section.

25 (3) A statement that the municipality or county sent a  
26 notice of impending driver's license suspension as



1 prescribed by ordinance enacted pursuant to Section  
2 11-208.3 of this Code or a notice of default in a payment  
3 plan, to the person named in the report at the address  
4 recorded with the Secretary of State or at the last  
5 address known to the lessor of the cited vehicle at the  
6 time of lease or, if any notice sent under Section  
7 11-208.3 of this Code is returned as undeliverable, at the  
8 last known address recorded in a United States Post Office  
9 approved database; the date on which such notice was sent;  
10 and the address to which such notice was sent. In a  
11 municipality or county with a population of 1,000,000 or  
12 more, the report shall also include a statement that the  
13 alleged violator's State vehicle registration number and  
14 vehicle make, if specified on the automated speed  
15 enforcement system violation or automated traffic law  
16 violation notice, are correct as they appear on the  
17 citations.

18 (4) A unique identifying reference number for each  
19 request of suspension sent whenever a person has failed to  
20 pay the fine or penalty or has defaulted on a payment plan.

21 (d) Any municipality or county making a certified report  
22 to the Secretary of State pursuant to this Section shall  
23 notify the Secretary of State, in a form prescribed by the  
24 Secretary, whenever a person named in the certified report has  
25 paid the previously reported fine or penalty, whenever a  
26 person named in the certified report has entered into a

1 payment plan pursuant to which the municipality or county has  
2 agreed to terminate the suspension, or whenever the  
3 municipality or county determines that the original report was  
4 in error. A certified copy of such notification shall also be  
5 given upon request and at no additional charge to the person  
6 named therein. Upon receipt of the municipality's or county's  
7 notification or presentation of a certified copy of such  
8 notification, the Secretary of State shall terminate the  
9 suspension.

10 (e) Any municipality or county making a certified report  
11 to the Secretary of State pursuant to this Section shall also  
12 by ordinance establish procedures for persons to challenge the  
13 accuracy of the certified report. The ordinance shall also  
14 state the grounds for such a challenge, which may be limited to  
15 (1) the person not having been the owner or lessee of the  
16 vehicle or vehicles receiving a combination of 5 or more  
17 automated speed enforcement system or automated traffic law  
18 violations on the date or dates such notices were issued; and  
19 (2) the person having already paid the fine or penalty for the  
20 combination of 5 or more automated speed enforcement system or  
21 automated traffic law violations indicated on the certified  
22 report.

23 (f) Any municipality or county, other than a municipality  
24 or county establishing automated speed enforcement system  
25 regulations under Section 11-208.8, or automated traffic law  
26 regulations under Section 11-208.6, 11-208.9, or 11-1201.1,

1 may also cause a suspension of a person's driver's license  
2 pursuant to this Section. Such municipality or county may  
3 invoke this sanction by making a certified report to the  
4 Secretary of State upon a person's failure to satisfy any fine  
5 or penalty imposed by final judgment for a combination of 5 or  
6 more automated speed enforcement system or automated traffic  
7 law violations after exhaustion of judicial review procedures,  
8 but only if:

9 (1) the municipality or county complies with the  
10 provisions of this Section in all respects except in  
11 regard to enacting an ordinance pursuant to Section  
12 11-208.3;

13 (2) the municipality or county has sent a notice of  
14 impending driver's license suspension as prescribed by an  
15 ordinance enacted pursuant to subsection (g) of this  
16 Section; and

17 (3) in municipalities or counties with a population of  
18 1,000,000 or more, the municipality or county has verified  
19 that the alleged violator's State vehicle registration  
20 number and vehicle make are correct as they appear on the  
21 citations.

22 (g) Any municipality or county, other than a municipality  
23 or county establishing automated speed enforcement system  
24 regulations under Section 11-208.8, or automated traffic law  
25 regulations under Section 11-208.6, 11-208.9, or 11-1201.1,  
26 may provide by ordinance for the sending of a notice of

1 impending driver's license suspension to the person who has  
2 failed to satisfy any fine or penalty imposed by final  
3 judgment for a combination of 5 or more automated speed  
4 enforcement system or automated traffic law violations after  
5 exhaustion of judicial review procedures. An ordinance so  
6 providing shall specify that the notice sent to the person  
7 liable for any fine or penalty shall state that failure to pay  
8 the fine or penalty owing within 45 days of the notice's date  
9 will result in the municipality or county notifying the  
10 Secretary of State that the person's driver's license is  
11 eligible for suspension pursuant to this Section. The notice  
12 of impending driver's license suspension shall be sent by  
13 first class United States mail, postage prepaid, to the  
14 address recorded with the Secretary of State or at the last  
15 address known to the lessor of the cited vehicle at the time of  
16 lease or, if any notice sent under Section 11-208.3 of this  
17 Code is returned as undeliverable, to the last known address  
18 recorded in a United States Post Office approved database.

19 (h) An administrative hearing to contest an impending  
20 suspension or a suspension made pursuant to this Section may  
21 be had upon filing a written request with the Secretary of  
22 State. The filing fee for this hearing shall be \$20, to be paid  
23 at the time the request is made. A municipality or county which  
24 files a certified report with the Secretary of State pursuant  
25 to this Section shall reimburse the Secretary for all  
26 reasonable costs incurred by the Secretary as a result of the

1 filing of the report, including, but not limited to, the costs  
2 of providing the notice required pursuant to subsection (b)  
3 and the costs incurred by the Secretary in any hearing  
4 conducted with respect to the report pursuant to this  
5 subsection and any appeal from such a hearing.

6 (i) The provisions of this Section shall apply on and  
7 after January 1, 1988.

8 (j) For purposes of this Section, the term "compliance  
9 violation" is defined as in Section 11-208.3.

10 (625 ILCS 5/6-306.9 new)

11 Sec. 6-306.9. Failure to pay traffic fines, penalties, or  
12 court costs.

13 (a) Whenever any resident of this State fails to pay any  
14 traffic fine, penalty, or cost imposed for a violation of this  
15 Code, or similar provision of local ordinance, the clerk may  
16 notify the Secretary of State, on a report prescribed by the  
17 Secretary, and the Secretary shall prohibit the renewal,  
18 reissue or reinstatement of such resident's driving privileges  
19 until such fine, penalty, or cost has been paid in full. The  
20 clerk shall provide notice to the driver, at the driver's last  
21 known address as shown on the court's records, stating that  
22 such action will be effective on the 46th day following the  
23 date of the above notice if payment is not received in full by  
24 the court of venue.

25 (a-1) Whenever any resident of this State who has made a

1 partial payment on any traffic fine, penalty, or cost that was  
2 imposed under a conviction entered on or after January 1, 2005  
3 (the effective date of Public Act 93-788), for a violation of  
4 this Code or a similar provision of a local ordinance, fails to  
5 pay the remainder of the outstanding fine, penalty, or cost  
6 within the time limit set by the court, the clerk may notify  
7 the Secretary of State, on a report prescribed by the  
8 Secretary, and the Secretary shall prohibit the renewal,  
9 reissue, or reinstatement of the resident's driving privileges  
10 until the fine, penalty, or cost has been paid in full. The  
11 clerk shall provide notice to the driver, at the driver's last  
12 known address as shown on the court's records, stating that  
13 the action will be effective on the 46th day following the date  
14 of the notice if payment is not received in full by the court  
15 of venue.

16 (b) Except as provided in subsection (b-1), following  
17 receipt of the report from the clerk, the Secretary of State  
18 shall make the proper notation to the driver's file to  
19 prohibit the renewal, reissue or reinstatement of such  
20 driver's driving privileges. Except as provided in paragraph  
21 (2) of subsection (d) of this Section, such notation shall not  
22 be removed from the driver's record until the driver satisfies  
23 the outstanding fine, penalty, or cost and an appropriate  
24 notice on a form prescribed by the Secretary is received by the  
25 Secretary from the court of venue, stating that such fine,  
26 penalty, or cost has been paid in full. Upon payment in full of

1 a traffic fine, penalty, or court cost which has previously  
2 been reported under this Section as unpaid, the clerk of the  
3 court shall present the driver with a signed receipt  
4 containing the seal of the court indicating that such fine,  
5 penalty, or cost has been paid in full, and shall forward  
6 forthwith to the Secretary of State a notice stating that the  
7 fine, penalty, or cost has been paid in full.

8 (b-1) In a county with a population of 3,000,000 or more,  
9 following receipt of the report from the clerk, the Secretary  
10 of State shall make the proper notation to the driver's file to  
11 prohibit the renewal, reissue or reinstatement of such  
12 driver's driving privileges. Such notation shall not be  
13 removed from the driver's record until the driver satisfies  
14 the outstanding fine, penalty, or cost and an appropriate  
15 notice on a form prescribed by the Secretary is received by the  
16 Secretary directly from the court of venue, stating that such  
17 fine, penalty, or cost has been paid in full. Upon payment in  
18 full of a traffic fine, penalty, or court cost which has  
19 previously been reported under this Section as unpaid, the  
20 clerk of the court shall forward forthwith directly to the  
21 Secretary of State a notice stating that the fine, penalty, or  
22 cost has been paid in full and shall provide the driver with a  
23 signed receipt containing the seal of the court, indicating  
24 that the fine, penalty, and cost have been paid in full. The  
25 receipt may not be used by the driver to clear the driver's  
26 record.

1       (c) The provisions of this Section shall be limited to a  
2 single action per arrest and as a post conviction measure  
3 only. Fines, penalty, or costs to be collected subsequent to  
4 orders of court supervision, or other available court  
5 diversions are not applicable to this Section.

6       (d) (1) Notwithstanding the receipt of a report from the  
7 clerk as prescribed in subsections (a) and (e), nothing in  
8 this Section is intended to place any responsibility upon the  
9 Secretary of State to provide independent notice to the driver  
10 of any potential action to disallow the renewal, reissue or  
11 reinstatement of such driver's driving privileges.

12       (2) Except as provided in subsection (b-1), the Secretary  
13 of State shall renew, reissue or reinstate a driver's driving  
14 privileges which were previously refused pursuant to this  
15 Section upon presentation of an original receipt which is  
16 signed by the clerk of the court and contains the seal of the  
17 court indicating that the fine, penalty, or cost has been paid  
18 in full. The Secretary of State shall retain such receipt for  
19 his records.

20       (e) Upon receipt of notification from another state that  
21 is a member of the Nonresident Violator Compact of 1977,  
22 stating a resident of this State failed to pay a traffic fine,  
23 penalty, or cost imposed for a violation that occurs in  
24 another state, the Secretary shall make the proper notation to  
25 the driver's license file to prohibit the renewal, reissue, or  
26 reinstatement of the resident's driving privileges until the



1 fine, penalty, or cost has been paid in full. The Secretary of  
2 State shall renew, reissue, or reinstate the driver's driving  
3 privileges that were previously refused under this Section  
4 upon receipt of notification from the other state that  
5 indicates that the fine, penalty, or cost has been paid in  
6 full. The Secretary of State shall retain the out-of-state  
7 receipt for his or her records.

8 Section 210. The Snowmobile Registration and Safety Act is  
9 amended by changing Section 5-7 as follows:

10 (625 ILCS 40/5-7)

11 Sec. 5-7. Operating a snowmobile while under the influence  
12 of alcohol or other drug or drugs, intoxicating compound or  
13 compounds, or a combination of them; criminal penalties;  
14 suspension of operating privileges.

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

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

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

23 3. The person is under the influence of any other drug  
24 or combination of drugs to a degree that renders that

1 person incapable of safely operating a snowmobile;

2 3.1. The person is under the influence of any  
3 intoxicating compound or combination of intoxicating  
4 compounds to a degree that renders the person incapable of  
5 safely operating a snowmobile;

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

10 4.3. The person who is not a CDL holder has a  
11 tetrahydrocannabinol concentration in the person's whole  
12 blood or other bodily substance at which driving a motor  
13 vehicle is prohibited under subdivision (7) of subsection  
14 (a) of Section 11-501 of the Illinois Vehicle Code;

15 4.5. The person who is a CDL holder has any amount of a  
16 drug, substance, or compound in the person's breath,  
17 blood, other bodily substance, or urine resulting from the  
18 unlawful use or consumption of cannabis listed in the  
19 Cannabis Control Act; or

20 5. There is any amount of a drug, substance, or  
21 compound in that person's breath, blood, other bodily  
22 substance, or urine resulting from the unlawful use or  
23 consumption of a controlled substance listed in the  
24 Illinois Controlled Substances Act, methamphetamine as  
25 listed in the Methamphetamine Control and Community  
26 Protection Act, or intoxicating compound listed in the use

1 of Intoxicating Compounds Act.

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

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

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

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

17 (1) a forfeiture of bail or collateral deposited to  
18 secure a defendant's appearance in court when forfeiture  
19 has not been vacated ~~an unvacated revocation of pretrial~~  
20 ~~release~~; or

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

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

24 1. The person has a previous conviction under this  
25 Section;

26 2. The offense results in personal injury where a

1 person other than the operator suffers great bodily harm  
2 or permanent disability or disfigurement, when the  
3 violation was a proximate cause of the injuries. A person  
4 guilty of a Class 4 felony under this paragraph 2, if  
5 sentenced to a term of imprisonment, shall be sentenced to  
6 not less than one year nor more than 12 years; or

7 3. The offense occurred during a period in which the  
8 person's privileges to operate a snowmobile are revoked or  
9 suspended, and the revocation or suspension was for a  
10 violation of this Section or was imposed under Section  
11 5-7.1.

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

18 (e-1) Every person convicted of violating this Section or  
19 a similar provision of a local ordinance who had a child under  
20 the age of 16 on board the snowmobile at the time of offense  
21 shall be subject to a mandatory minimum fine of \$500 and shall  
22 be subject to a mandatory minimum of 5 days of community  
23 service in a program benefiting children. The assignment under  
24 this subsection shall not be subject to suspension nor shall  
25 the person be eligible for probation in order to reduce the  
26 assignment.

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

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

24           (f) In addition to any criminal penalties imposed, the  
25 Department of Natural Resources shall suspend the snowmobile  
26 operation privileges of a person convicted or found guilty of

1 a misdemeanor under this Section for a period of one year,  
2 except that first-time offenders are exempt from this  
3 mandatory one-year suspension.

4 (g) In addition to any criminal penalties imposed, the  
5 Department of Natural Resources shall suspend for a period of  
6 5 years the snowmobile operation privileges of any person  
7 convicted or found guilty of a felony under this Section.

8 (Source: P.A. 101-652, eff. 1-1-23; 102-145, eff. 7-23-21;  
9 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23.)

10 Section 215. The Clerks of Courts Act is amended by  
11 changing Section 27.3b as follows:

12 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

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

1 of statutory fees by a credit card or debit card. The clerk of  
2 the court may also accept the credit card or debit card for the  
3 cash deposit of bail bond fees.

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

1 revenue earned by the clerk of the circuit court to be remitted  
2 to the county general revenue fund.

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

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

6 Section 220. The Attorney Act is amended by changing  
7 Section 9 as follows:

8 (705 ILCS 205/9) (from Ch. 13, par. 9)

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

21 (Source: R.S. 1874, p. 169; P.A. 101-652, eff. 1-1-23.)

22 Section 225. The Juvenile Court Act of 1987 is amended by  
23 changing Sections 1-7, 1-8, and 5-150 as follows:



1 (705 ILCS 405/1-7)

2 Sec. 1-7. Confidentiality of juvenile law enforcement and  
3 municipal ordinance violation records.

4 (A) All juvenile law enforcement records which have not  
5 been expunged are confidential and may never be disclosed to  
6 the general public or otherwise made widely available.  
7 Juvenile law enforcement records may be obtained only under  
8 this Section and Section 1-8 and Part 9 of Article V of this  
9 Act, when their use is needed for good cause and with an order  
10 from the juvenile court, as required by those not authorized  
11 to retain them. Inspection, copying, and disclosure of  
12 juvenile law enforcement records maintained by law enforcement  
13 agencies or records of municipal ordinance violations  
14 maintained by any State, local, or municipal agency that  
15 relate to a minor who has been investigated, arrested, or  
16 taken into custody before the minor's 18th birthday shall be  
17 restricted to the following:

18 (0.05) The minor who is the subject of the juvenile  
19 law enforcement record, the minor's parents, guardian, and  
20 counsel.

21 (0.10) Judges of the circuit court and members of the  
22 staff of the court designated by the judge.

23 (0.15) An administrative adjudication hearing officer  
24 or members of the staff designated to assist in the  
25 administrative adjudication process.

1           (1) Any local, State, or federal law enforcement  
2 officers or designated law enforcement staff of any  
3 jurisdiction or agency when necessary for the discharge of  
4 their official duties during the investigation or  
5 prosecution of a crime or relating to a minor who has been  
6 adjudicated delinquent and there has been a previous  
7 finding that the act which constitutes the previous  
8 offense was committed in furtherance of criminal  
9 activities by a criminal street gang, or, when necessary  
10 for the discharge of its official duties in connection  
11 with a particular investigation of the conduct of a law  
12 enforcement officer, an independent agency or its staff  
13 created by ordinance and charged by a unit of local  
14 government with the duty of investigating the conduct of  
15 law enforcement officers. For purposes of this Section,  
16 "criminal street gang" has the meaning ascribed to it in  
17 Section 10 of the Illinois Streetgang Terrorism Omnibus  
18 Prevention Act.

19           (2) Prosecutors, public defenders, probation officers,  
20 social workers, or other individuals assigned by the court  
21 to conduct a pre-adjudication or pre-disposition  
22 investigation, and individuals responsible for supervising  
23 or providing temporary or permanent care and custody for  
24 minors under the order of the juvenile court, when  
25 essential to performing their responsibilities.

26           (3) Federal, State, or local prosecutors, public

1           defenders, probation officers, and designated staff:

2                   (a) in the course of a trial when institution of  
3           criminal proceedings has been permitted or required  
4           under Section 5-805;

5                   (b) when institution of criminal proceedings has  
6           been permitted or required under Section 5-805 and the  
7           minor is the subject of a proceeding to determine the  
8           amount of bail ~~conditions of pretrial release;~~

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

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

17                   (4) Adult and Juvenile Prisoner Review Board.

18                   (5) Authorized military personnel.

19                   (5.5) Employees of the federal government authorized  
20          by law.

21                   (6) Persons engaged in bona fide research, with the  
22          permission of the Presiding Judge and the chief executive  
23          of the respective law enforcement agency; provided that  
24          publication of such research results in no disclosure of a  
25          minor's identity and protects the confidentiality of the  
26          minor's record.

1           (7) Department of Children and Family Services child  
2 protection investigators acting in their official  
3 capacity.

4           (8) The appropriate school official only if the agency  
5 or officer believes that there is an imminent threat of  
6 physical harm to students, school personnel, or others.

7           (A) Inspection and copying shall be limited to  
8 juvenile law enforcement records transmitted to the  
9 appropriate school official or officials whom the  
10 school has determined to have a legitimate educational  
11 or safety interest by a local law enforcement agency  
12 under a reciprocal reporting system established and  
13 maintained between the school district and the local  
14 law enforcement agency under Section 10-20.14 of the  
15 School Code concerning a minor enrolled in a school  
16 within the school district who has been arrested or  
17 taken into custody for any of the following offenses:

18                   (i) any violation of Article 24 of the  
19 Criminal Code of 1961 or the Criminal Code of  
20 2012;

21                   (ii) a violation of the Illinois Controlled  
22 Substances Act;

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

24                   (iv) a forcible felony as defined in Section  
25 2-8 of the Criminal Code of 1961 or the Criminal  
26 Code of 2012;

1 (v) a violation of the Methamphetamine Control  
2 and Community Protection Act;

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

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

6 (viii) a violation of Section 12-1, 12-2,  
7 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,  
8 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the  
9 Criminal Code of 1961 or the Criminal Code of  
10 2012.

11 The information derived from the juvenile law  
12 enforcement records shall be kept separate from and  
13 shall not become a part of the official school record  
14 of that child and shall not be a public record. The  
15 information shall be used solely by the appropriate  
16 school official or officials whom the school has  
17 determined to have a legitimate educational or safety  
18 interest to aid in the proper rehabilitation of the  
19 child and to protect the safety of students and  
20 employees in the school. If the designated law  
21 enforcement and school officials deem it to be in the  
22 best interest of the minor, the student may be  
23 referred to in-school or community-based social  
24 services if those services are available.  
25 "Rehabilitation services" may include interventions by  
26 school support personnel, evaluation for eligibility

1 for special education, referrals to community-based  
2 agencies such as youth services, behavioral healthcare  
3 service providers, drug and alcohol prevention or  
4 treatment programs, and other interventions as deemed  
5 appropriate for the student.

6 (B) Any information provided to appropriate school  
7 officials whom the school has determined to have a  
8 legitimate educational or safety interest by local law  
9 enforcement officials about a minor who is the subject  
10 of a current police investigation that is directly  
11 related to school safety shall consist of oral  
12 information only, and not written juvenile law  
13 enforcement records, and shall be used solely by the  
14 appropriate school official or officials to protect  
15 the safety of students and employees in the school and  
16 aid in the proper rehabilitation of the child. The  
17 information derived orally from the local law  
18 enforcement officials shall be kept separate from and  
19 shall not become a part of the official school record  
20 of the child and shall not be a public record. This  
21 limitation on the use of information about a minor who  
22 is the subject of a current police investigation shall  
23 in no way limit the use of this information by  
24 prosecutors in pursuing criminal charges arising out  
25 of the information disclosed during a police  
26 investigation of the minor. For purposes of this

1 paragraph, "investigation" means an official  
2 systematic inquiry by a law enforcement agency into  
3 actual or suspected criminal activity.

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

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

1 District Act.

2 (11) Persons managing and designated to participate in  
3 a court diversion program as designated in subsection (6)  
4 of Section 5-105.

5 (12) The Public Access Counselor of the Office of the  
6 Attorney General, when reviewing juvenile law enforcement  
7 records under its powers and duties under the Freedom of  
8 Information Act.

9 (13) Collection agencies, contracted or otherwise  
10 engaged by a governmental entity, to collect any debts due  
11 and owing to the governmental entity.

12 (B)(1) Except as provided in paragraph (2), no law  
13 enforcement officer or other person or agency may knowingly  
14 transmit to the Department of Corrections, the Illinois State  
15 Police, or the Federal Bureau of Investigation any fingerprint  
16 or photograph relating to a minor who has been arrested or  
17 taken into custody before the minor's 18th birthday, unless  
18 the court in proceedings under this Act authorizes the  
19 transmission or enters an order under Section 5-805 permitting  
20 or requiring the institution of criminal proceedings.

21 (2) Law enforcement officers or other persons or agencies  
22 shall transmit to the Illinois State Police copies of  
23 fingerprints and descriptions of all minors who have been  
24 arrested or taken into custody before their 18th birthday for  
25 the offense of unlawful use of weapons under Article 24 of the  
26 Criminal Code of 1961 or the Criminal Code of 2012, a Class X



1 or Class 1 felony, a forcible felony as defined in Section 2-8  
2 of the Criminal Code of 1961 or the Criminal Code of 2012, or a  
3 Class 2 or greater felony under the Cannabis Control Act, the  
4 Illinois Controlled Substances Act, the Methamphetamine  
5 Control and Community Protection Act, or Chapter 4 of the  
6 Illinois Vehicle Code, pursuant to Section 5 of the Criminal  
7 Identification Act. Information reported to the Department  
8 pursuant to this Section may be maintained with records that  
9 the Department files pursuant to Section 2.1 of the Criminal  
10 Identification Act. Nothing in this Act prohibits a law  
11 enforcement agency from fingerprinting a minor taken into  
12 custody or arrested before the minor's 18th birthday for an  
13 offense other than those listed in this paragraph (2).

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

23 (1) In cases where the law enforcement, or independent  
24 agency, records concern a pending juvenile court case, the  
25 party seeking to inspect the records shall provide actual  
26 notice to the attorney or guardian ad litem of the minor

1           whose records are sought.

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

8           (3) In determining whether the records should be  
9 available for inspection, the court shall consider the  
10 minor's interest in confidentiality and rehabilitation  
11 over the moving party's interest in obtaining the  
12 information. Any records obtained in violation of this  
13 subsection (C) shall not be admissible in any criminal or  
14 civil proceeding, or operate to disqualify a minor from  
15 subsequently holding public office or securing employment,  
16 or operate as a forfeiture of any public benefit, right,  
17 privilege, or right to receive any license granted by  
18 public authority.

19           (D) Nothing contained in subsection (C) of this Section  
20 shall prohibit the inspection or disclosure to victims and  
21 witnesses of photographs contained in the records of law  
22 enforcement agencies when the inspection and disclosure is  
23 conducted in the presence of a law enforcement officer for the  
24 purpose of the identification or apprehension of any person  
25 subject to the provisions of this Act or for the investigation  
26 or prosecution of any crime.

1           (E) Law enforcement officers, and personnel of an  
2 independent agency created by ordinance and charged by a unit  
3 of local government with the duty of investigating the conduct  
4 of law enforcement officers, may not disclose the identity of  
5 any minor in releasing information to the general public as to  
6 the arrest, investigation or disposition of any case involving  
7 a minor.

8           (F) Nothing contained in this Section shall prohibit law  
9 enforcement agencies from communicating with each other by  
10 letter, memorandum, teletype, or intelligence alert bulletin  
11 or other means the identity or other relevant information  
12 pertaining to a person under 18 years of age if there are  
13 reasonable grounds to believe that the person poses a real and  
14 present danger to the safety of the public or law enforcement  
15 officers. The information provided under this subsection (F)  
16 shall remain confidential and shall not be publicly disclosed,  
17 except as otherwise allowed by law.

18           (G) Nothing in this Section shall prohibit the right of a  
19 Civil Service Commission or appointing authority of any  
20 federal government, state, county or municipality examining  
21 the character and fitness of an applicant for employment with  
22 a law enforcement agency, correctional institution, or fire  
23 department from obtaining and examining the records of any law  
24 enforcement agency relating to any record of the applicant  
25 having been arrested or taken into custody before the  
26 applicant's 18th birthday.

1 (G-5) Information identifying victims and alleged victims  
2 of sex offenses shall not be disclosed or open to the public  
3 under any circumstances. Nothing in this Section shall  
4 prohibit the victim or alleged victim of any sex offense from  
5 voluntarily disclosing this identity.

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

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

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

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

21 (Source: P.A. 102-538, eff. 8-20-21; 102-752, eff. 1-1-23;  
22 102-813, eff. 5-13-22; 103-22, eff. 8-8-23.)

23 (705 ILCS 405/1-8)

24 Sec. 1-8. Confidentiality and accessibility of juvenile  
25 court records.

1 (A) A juvenile adjudication shall never be considered a  
2 conviction nor shall an adjudicated individual be considered a  
3 criminal. Unless expressly allowed by law, a juvenile  
4 adjudication shall not operate to impose upon the individual  
5 any of the civil disabilities ordinarily imposed by or  
6 resulting from conviction. Unless expressly allowed by law,  
7 adjudications shall not prejudice or disqualify the individual  
8 in any civil service application or appointment, from holding  
9 public office, or from receiving any license granted by public  
10 authority. All juvenile court records which have not been  
11 expunged are sealed and may never be disclosed to the general  
12 public or otherwise made widely available. Sealed juvenile  
13 court records may be obtained only under this Section and  
14 Section 1-7 and Part 9 of Article V of this Act, when their use  
15 is needed for good cause and with an order from the juvenile  
16 court. Inspection and copying of juvenile court records  
17 relating to a minor who is the subject of a proceeding under  
18 this Act shall be restricted to the following:

19 (1) The minor who is the subject of record, the  
20 minor's parents, guardian, and counsel.

21 (2) Law enforcement officers and law enforcement  
22 agencies when such information is essential to executing  
23 an arrest or search warrant or other compulsory process,  
24 or to conducting an ongoing investigation or relating to a  
25 minor who has been adjudicated delinquent and there has  
26 been a previous finding that the act which constitutes the

1 previous offense was committed in furtherance of criminal  
2 activities by a criminal street gang.

3 Before July 1, 1994, for the purposes of this Section,  
4 "criminal street gang" means any ongoing organization,  
5 association, or group of 3 or more persons, whether formal  
6 or informal, having as one of its primary activities the  
7 commission of one or more criminal acts and that has a  
8 common name or common identifying sign, symbol, or  
9 specific color apparel displayed, and whose members  
10 individually or collectively engage in or have engaged in  
11 a pattern of criminal activity.

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

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

24 (4) Judges, federal, State, and local prosecutors,  
25 public defenders, probation officers, and designated  
26 staff:

1 (a) in the course of a trial when institution of  
2 criminal proceedings has been permitted or required  
3 under Section 5-805;

4 (b) when criminal proceedings have been permitted  
5 or required under Section 5-805 and a minor is the  
6 subject of a proceeding to determine the amount of  
7 bail ~~conditions of pretrial release~~;

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

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

19 (5) Adult and Juvenile Prisoner Review Boards.

20 (6) Authorized military personnel.

21 (6.5) Employees of the federal government authorized  
22 by law.

23 (7) Victims, their subrogees and legal  
24 representatives; however, such persons shall have access  
25 only to the name and address of the minor and information  
26 pertaining to the disposition or alternative adjustment

1 plan of the juvenile court.

2 (8) Persons engaged in bona fide research, with the  
3 permission of the presiding judge of the juvenile court  
4 and the chief executive of the agency that prepared the  
5 particular records; provided that publication of such  
6 research results in no disclosure of a minor's identity  
7 and protects the confidentiality of the record.

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

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

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



1 paragraph (11) may be used only in sexually violent  
2 persons commitment proceedings.

3 (12) (Blank).

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

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

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

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

26 (0.3) In determining whether juvenile court records should

1 be made available for inspection and whether inspection should  
2 be limited to certain parts of the file, the court shall  
3 consider the minor's interest in confidentiality and  
4 rehabilitation over the requesting party's interest in  
5 obtaining the information. The State's Attorney, the minor,  
6 and the minor's parents, guardian, and counsel shall at all  
7 times have the right to examine court files and records.

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

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

24 (E) Nothing in this Section shall affect the right of a  
25 Civil Service Commission or appointing authority of the  
26 federal government, or any state, county, or municipality

1 examining the character and fitness of an applicant for  
2 employment with a law enforcement agency, correctional  
3 institution, or fire department to ascertain whether that  
4 applicant was ever adjudicated to be a delinquent minor and,  
5 if so, to examine the records of disposition or evidence which  
6 were made in proceedings under this Act.

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

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

25 (H) When a court hearing a proceeding under Article II of  
26 this Act becomes aware that an earlier proceeding under

1 Article II had been heard in a different county, that court  
2 shall request, and the court in which the earlier proceedings  
3 were initiated shall transmit, an authenticated copy of the  
4 juvenile court record, including all documents, petitions, and  
5 orders filed and the minute orders, transcript of proceedings,  
6 and docket entries of the court.

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

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

21 (K) 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 (K) shall not apply to the person who is the  
24 subject of the record.

25 (L) 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. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;  
3 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-379, eff.  
4 7-28-23; revised 8-30-23.)

5 (705 ILCS 405/5-150)

6 Sec. 5-150. Admissibility of evidence and adjudications in  
7 other proceedings.

8 (1) Evidence and adjudications in proceedings under this  
9 Act shall be admissible:

10 (a) in subsequent proceedings under this Act  
11 concerning the same minor; or

12 (b) in criminal proceedings when the court is to  
13 determine the amount of bail ~~conditions of pretrial~~  
14 ~~release~~, fitness of the defendant or in sentencing under  
15 the Unified Code of Corrections; or

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

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

25 (2) No adjudication or disposition under this Act shall

1 operate to disqualify a minor from subsequently holding public  
2 office nor shall operate as a forfeiture of any right,  
3 privilege or right to receive any license granted by public  
4 authority.

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

14 (Source: P.A. 103-22, eff. 8-8-23.)

15 Section 230. The Criminal Code of 2012 is amended by  
16 changing Sections 26.5-5, 31-1, 31A-0.1, and 32-10 as follows:

17 (720 ILCS 5/26.5-5)

18 Sec. 26.5-5. Sentence.

19 (a) Except as provided in subsection (b), a person who  
20 violates any of the provisions of Section 26.5-1, 26.5-2, or  
21 26.5-3 of this Article is guilty of a Class B misdemeanor.  
22 Except as provided in subsection (b), a second or subsequent  
23 violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article  
24 is a Class A misdemeanor, for which the court shall impose a

1 minimum of 14 days in jail or, if public or community service  
2 is established in the county in which the offender was  
3 convicted, 240 hours of public or community service.

4 (b) In any of the following circumstances, a person who  
5 violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article  
6 shall be guilty of a Class 4 felony:

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

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

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

22 (4) In the course of the offense, the offender  
23 threatened to kill the victim or any member of the  
24 victim's family or household;

25 (5) The person has been convicted in the last 10 years  
26 of a forcible felony as defined in Section 2-8 of the

1 Criminal Code of 1961 or the Criminal Code of 2012;

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

4 (7) The person was at least 18 years of age at the time  
5 of the commission of the offense and the victim was under  
6 18 years of age at the time of the commission of the  
7 offense.

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

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

11 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

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

14 (a) A person who knowingly:

15 (1) resists arrest, or

16 (2) obstructs the performance by one known to the  
17 person to be a peace officer, firefighter, or correctional  
18 institution employee of any authorized act within his or  
19 her official capacity commits a Class A misdemeanor.

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



1 determined by the court. The person shall not be eligible for  
2 probation in order to reduce the sentence of imprisonment or  
3 community service.

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

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

1 fire department. "Firefighter" also means a person employed by  
2 the Office of the State Fire Marshal to conduct arson  
3 investigations.

4 (c) It is an affirmative defense to a violation of this  
5 Section if a person resists or obstructs the performance of  
6 one known by the person to be a firefighter by returning to or  
7 remaining in a dwelling, residence, building, or other  
8 structure to rescue or to attempt to rescue any person.

9 ~~(d) A person shall not be subject to arrest for resisting~~  
10 ~~arrest under this Section unless there is an underlying~~  
11 ~~offense for which the person was initially subject to arrest.~~

12 (Source: P.A. 101-652, eff. 1-1-23; 102-28, eff. 6-25-21.)

13 (720 ILCS 5/31A-0.1)

14 Sec. 31A-0.1. Definitions. For the purposes of this  
15 Article:

16 "Deliver" or "delivery" means the actual, constructive or  
17 attempted transfer of possession of an item of contraband,  
18 with or without consideration, whether or not there is an  
19 agency relationship.

20 "Employee" means any elected or appointed officer, trustee  
21 or employee of a penal institution or of the governing  
22 authority of the penal institution, or any person who performs  
23 services for the penal institution pursuant to contract with  
24 the penal institution or its governing authority.

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

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

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

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

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

10 (iv) "Hypodermic syringe" or hypodermic needle, or any  
11 instrument adapted for use of controlled substances or  
12 cannabis by subcutaneous injection.

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

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

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

1 (B) any device used exclusively for signaling or  
2 safety and required as recommended by the United  
3 States Coast Guard or the Interstate Commerce  
4 Commission; or

5 (C) any device used exclusively for the firing of  
6 stud cartridges, explosive rivets or industrial  
7 ammunition; or

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

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

20 (A) any ammunition exclusively designed for use  
21 with a device used exclusively for signaling or safety  
22 and required or recommended by the United States Coast  
23 Guard or the Interstate Commerce Commission; or

24 (B) any ammunition designed exclusively for use  
25 with a stud or rivet driver or other similar  
26 industrial ammunition.

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

6           (ix) "Tool to defeat security mechanisms" means, but  
7 is not limited to, handcuff or security restraint key,  
8 tool designed to pick locks, popper, or any device or  
9 instrument used to or capable of unlocking or preventing  
10 from locking any handcuff or security restraints, doors to  
11 cells, rooms, gates or other areas of the penal  
12 institution.

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

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

1 recording device, computer, or cellular communications  
2 equipment, including, but not limited to, cellular  
3 telephones, cellular telephone batteries, videotape  
4 recorders, pagers, computers, and computer peripheral  
5 equipment.

6 "Penal institution" means any penitentiary, State farm,  
7 reformatory, prison, jail, house of correction, police  
8 detention area, half-way house or other institution or place  
9 for the incarceration or custody of persons under sentence for  
10 offenses awaiting trial or sentence for offenses, under arrest  
11 for an offense, a violation of probation, a violation of  
12 parole, a violation of aftercare release, or a violation of  
13 mandatory supervised release, or awaiting a bail setting  
14 hearing ~~on the setting of conditions of pretrial release~~ or  
15 preliminary hearing; provided that where the place for  
16 incarceration or custody is housed within another public  
17 building this Article shall not apply to that part of the  
18 building unrelated to the incarceration or custody of persons.  
19 (Source: P.A. 101-652, eff. 1-1-23.)

20 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

21 Sec. 32-10. Violation of ~~conditions of pretrial release~~  
22 bail bond.

23 (a) (Blank).

24 (a-1) Whoever, having been admitted to bail for appearance  
25 before any court of this State, incurs a forfeiture of the bail

1 and knowingly fails to surrender himself or herself within 30  
2 days following the date of the forfeiture, commits, if the  
3 bail was given in connection with a charge of felony or pending  
4 appeal or certiorari after conviction of any offense, a felony  
5 of the next lower Class or a Class A misdemeanor if the  
6 underlying offense was a Class 4 felony; or, if the bail was  
7 given in connection with a charge of committing a misdemeanor,  
8 or for appearance as a witness, commits a misdemeanor of the  
9 next lower Class, but not less than a Class C misdemeanor.

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

15 (b) Whoever, having been ~~released pretrial under~~  
16 ~~conditions~~ admitted to bail for appearance before any court of  
17 this State, while charged with a criminal offense in which the  
18 victim is a family or household member as defined in Article  
19 112A of the Code of Criminal Procedure of 1963, knowingly  
20 violates a condition of that release as set forth in Section  
21 110-10, subsection (d) of the Code of Criminal Procedure of  
22 1963, commits a Class A misdemeanor.

23 (c) Whoever, having been admitted to bail ~~released~~  
24 ~~pretrial~~ for appearance before any court of this State for a  
25 felony, Class A misdemeanor or a criminal offense in which the  
26 victim is a family or household member as defined in Article

1 112A of the Code of Criminal Procedure of 1963, is charged with  
2 any other felony, Class A misdemeanor, or a criminal offense  
3 in which the victim is a family or household member as defined  
4 in Article 112A of the Code of Criminal Procedure of 1963 while  
5 on this release, must appear before the court before bail is  
6 statutorily set ~~and may not be released by law enforcement~~  
7 ~~under 109-1 of the Code of Criminal Procedure of 1963 prior to~~  
8 ~~the court appearance.~~

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

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

16 Section 235. The Criminal Code of 2012 is amended by  
17 changing Sections 7-5, 7-5.5, 7-9, 9-1, and 33-3 as follows:

18 (720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

19 Sec. 7-5. Peace officer's use of force in making arrest.

20 (a) A peace officer, or any person whom he has summoned or  
21 directed to assist him, need not retreat or desist from  
22 efforts to make a lawful arrest because of resistance or  
23 threatened resistance to the arrest. He is justified in the  
24 use of any force which he reasonably believes, ~~based on the~~



1 ~~totality of the circumstances,~~ to be necessary to effect the  
2 arrest and of any force which he reasonably believes, ~~based on~~  
3 ~~the totality of the circumstances,~~ to be necessary to defend  
4 himself or another from bodily harm while making the arrest.  
5 However, he is justified in using force likely to cause death  
6 or great bodily harm only when: (i) he reasonably believes, ~~7~~  
7 ~~based on the totality of the circumstances,~~ that such force is  
8 necessary to prevent death or great bodily harm to himself or  
9 such other person; or (ii) when he reasonably believes, ~~based~~  
10 ~~on the totality of the circumstances,~~ both that:

11 (1) Such force is necessary to prevent the arrest from  
12 being defeated by resistance or escape ~~and the officer~~  
13 ~~reasonably believes that the person to be arrested is~~  
14 ~~likely to cause great bodily harm to another;~~ and

15 (2) The person to be arrested committed or attempted a  
16 forcible felony which involves the infliction or  
17 threatened infliction of great bodily harm or is  
18 attempting to escape by use of a deadly weapon, or  
19 otherwise indicates that he will endanger human life or  
20 inflict great bodily harm unless arrested without delay.

21 ~~As used in this subsection, "retreat" does not mean~~  
22 ~~tactical repositioning or other de-escalation tactics.~~

23 ~~A peace officer is not justified in using force likely to~~  
24 ~~cause death or great bodily harm when there is no longer an~~  
25 ~~imminent threat of great bodily harm to the officer or~~  
26 ~~another.~~

1       ~~(a 5) Where feasible, a peace officer shall, prior to the~~  
2       ~~use of force, make reasonable efforts to identify himself or~~  
3       ~~herself as a peace officer and to warn that deadly force may be~~  
4       ~~used.~~

5       ~~(a 10) A peace officer shall not use deadly force against~~  
6       ~~a person based on the danger that the person poses to himself~~  
7       ~~or herself if a reasonable officer would believe the person~~  
8       ~~does not pose an imminent threat of death or great bodily harm~~  
9       ~~to the peace officer or to another person.~~

10       ~~(a 15) A peace officer shall not use deadly force against~~  
11       ~~a person who is suspected of committing a property offense,~~  
12       ~~unless that offense is terrorism or unless deadly force is~~  
13       ~~otherwise authorized by law.~~

14       ~~(b) A peace officer making an arrest pursuant to an~~  
15       ~~invalid warrant is justified in the use of any force which he~~  
16       ~~would be justified in using if the warrant were valid, unless~~  
17       ~~he knows that the warrant is invalid.~~

18       ~~(c) The authority to use physical force conferred on peace~~  
19       ~~officers by this Article is a serious responsibility that~~  
20       ~~shall be exercised judiciously and with respect for human~~  
21       ~~rights and dignity and for the sanctity of every human life.~~

22       ~~(d) Peace officers shall use deadly force only when~~  
23       ~~reasonably necessary in defense of human life. In determining~~  
24       ~~whether deadly force is reasonably necessary, officers shall~~  
25       ~~evaluate each situation in light of the totality of~~  
26       ~~circumstances of each case, including, but not limited to, the~~

1 ~~proximity in time of the use of force to the commission of a~~  
2 ~~foreible felony, and the reasonable feasibility of safely~~  
3 ~~apprehending a subject at a later time, and shall use other~~  
4 ~~available resources and techniques, if reasonably safe and~~  
5 ~~feasible to a reasonable officer.~~

6 ~~(e) The decision by a peace officer to use force shall be~~  
7 ~~evaluated carefully and thoroughly, in a manner that reflects~~  
8 ~~the gravity of that authority and the serious consequences of~~  
9 ~~the use of force by peace officers, in order to ensure that~~  
10 ~~officers use force consistent with law and agency policies.~~

11 ~~(f) The decision by a peace officer to use force shall be~~  
12 ~~evaluated from the perspective of a reasonable officer in the~~  
13 ~~same situation, based on the totality of the circumstances~~  
14 ~~known to or perceived by the officer at the time of the~~  
15 ~~decision, rather than with the benefit of hindsight, and that~~  
16 ~~the totality of the circumstances shall account for occasions~~  
17 ~~when officers may be forced to make quick judgments about~~  
18 ~~using force.~~

19 ~~(g) Law enforcement agencies are encouraged to adopt and~~  
20 ~~develop policies designed to protect individuals with~~  
21 ~~physical, mental health, developmental, or intellectual~~  
22 ~~disabilities, or individuals who are significantly more likely~~  
23 ~~to experience greater levels of physical force during police~~  
24 ~~interactions, as these disabilities may affect the ability of~~  
25 ~~a person to understand or comply with commands from peace~~  
26 ~~officers.~~

1           ~~(h) As used in this Section:~~

2           ~~(1) "Deadly force" means any use of force that creates~~  
3           ~~a substantial risk of causing death or great bodily harm,~~  
4           ~~including, but not limited to, the discharge of a firearm.~~

5           ~~(2) A threat of death or serious bodily injury is~~  
6           ~~"imminent" when, based on the totality of the~~  
7           ~~circumstances, a reasonable officer in the same situation~~  
8           ~~would believe that a person has the present ability,~~  
9           ~~opportunity, and apparent intent to immediately cause~~  
10           ~~death or great bodily harm to the peace officer or another~~  
11           ~~person. An imminent harm is not merely a fear of future~~  
12           ~~harm, no matter how great the fear and no matter how great~~  
13           ~~the likelihood of the harm, but is one that, from~~  
14           ~~appearances, must be instantly confronted and addressed.~~

15           ~~(3) "Totality of the circumstances" means all facts~~  
16           ~~known to the peace officer at the time, or that would be~~  
17           ~~known to a reasonable officer in the same situation,~~  
18           ~~including the conduct of the officer and the subject~~  
19           ~~leading up to the use of deadly force.~~

20           (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;  
21           102-687, eff. 12-17-21.)

22           (720 ILCS 5/7-5.5)

23           Sec. 7-5.5. Prohibited use of force by a peace officer.

24           ~~(a) A peace officer, or any other person acting under the~~  
25           ~~color of law, shall not use a chokehold or restraint above the~~

1 ~~shoulders with risk of asphyxiation~~ in the performance of his  
2 or her duties, unless deadly force is justified under this  
3 Article.

4 (b) A peace officer, ~~or any other person acting under the~~  
5 ~~color of law,~~ shall not use a chokehold ~~or restraint above the~~  
6 ~~shoulders with risk of asphyxiation,~~ or any lesser contact  
7 with the throat or neck area of another, in order to prevent  
8 the destruction of evidence by ingestion.

9 (c) As used in this Section, "chokehold" means applying  
10 any direct pressure to the throat, windpipe, or airway of  
11 another with the intent to reduce or prevent the intake of air.  
12 "Chokehold" does not include any holding involving contact  
13 with the neck that is not intended to reduce the intake of air  
14 such as a headlock where the only pressure applied is to the  
15 head.

16 ~~(d) As used in this Section, "restraint above the~~  
17 ~~shoulders with risk of positional asphyxiation" means a use of~~  
18 ~~a technique used to restrain a person above the shoulders,~~  
19 ~~including the neck or head, in a position which interferes~~  
20 ~~with the person's ability to breathe after the person no~~  
21 ~~longer poses a threat to the officer or any other person.~~

22 ~~(e) A peace officer, or any other person acting under the~~  
23 ~~color of law, shall not:~~

24 ~~(i) use force as punishment or retaliation;~~

25 ~~(ii) discharge kinetic impact projectiles and all~~  
26 ~~other non lethal or less lethal projectiles in a manner~~

1 ~~that targets the head, neck, groin, anterior pelvis, or~~  
2 ~~back;~~

3 ~~(iii) discharge conducted electrical weapons in a~~  
4 ~~manner that targets the head, chest, neck, groin, or~~  
5 ~~anterior pelvis;~~

6 ~~(iv) discharge firearms or kinetic impact projectiles~~  
7 ~~indiscriminately into a crowd;~~

8 ~~(v) use chemical agents or irritants for crowd~~  
9 ~~control, including pepper spray and tear gas, prior to~~  
10 ~~issuing an order to disperse in a sufficient manner to~~  
11 ~~allow for the order to be heard and repeated if necessary,~~  
12 ~~followed by sufficient time and space to allow compliance~~  
13 ~~with the order unless providing such time and space would~~  
14 ~~unduly place an officer or another person at risk of death~~  
15 ~~or great bodily harm; or~~

16 ~~(vi) use chemical agents or irritants, including~~  
17 ~~pepper spray and tear gas, prior to issuing an order in a~~  
18 ~~sufficient manner to ensure the order is heard, and~~  
19 ~~repeated if necessary, to allow compliance with the order~~  
20 ~~unless providing such time and space would unduly place an~~  
21 ~~officer or another person at risk of death or great bodily~~  
22 ~~harm.~~

23 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;  
24 102-687, eff. 12-17-21.)

25 (720 ILCS 5/7-9) (from Ch. 38, par. 7-9)

1           Sec. 7-9. Use of force to prevent escape.

2           (a) A peace officer or other person who has an arrested  
3 person in his custody is justified in the use of such force,  
4 ~~except deadly force,~~ to prevent the escape of the arrested  
5 person from custody as he would be justified in using if he  
6 were arresting such person.

7           (b) A guard or other peace officer is justified in the use  
8 of force, including force likely to cause death or great  
9 bodily harm, which he reasonably believes to be necessary to  
10 prevent the escape from a penal institution of a person whom  
11 the officer reasonably believes to be lawfully detained in  
12 such institution under sentence for an offense or awaiting  
13 trial or commitment for an offense.

14           ~~(c) Deadly force shall not be used to prevent escape under~~  
15 ~~this Section unless, based on the totality of the~~  
16 ~~circumstances, deadly force is necessary to prevent death or~~  
17 ~~great bodily harm to himself or such other person.~~

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

19           (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

20           Sec. 9-1. First degree murder.

21           (a) A person who kills an individual without lawful  
22 justification commits first degree murder if, in performing  
23 the acts which cause the death:

24                   (1) he or she either intends to kill or do great bodily  
25 harm to that individual or another, or knows that such

1 acts will cause death to that individual or another; or

2 (2) he or she knows that such acts create a strong  
3 probability of death or great bodily harm to that  
4 individual or another; or

5 (3) he or she is attempting or committing a forcible  
6 felony other than second degree murder ~~he or she, acting~~  
7 ~~alone or with one or more participants, commits or~~  
8 ~~attempts to commit a forcible felony other than second~~  
9 ~~degree murder, and in the course of or in furtherance of~~  
10 ~~such crime or flight therefrom, he or she or another~~  
11 ~~participant causes the death of a person.~~

12 (b) (Blank).

13 (b-5) (Blank).

14 (c) (Blank).

15 (d) (Blank).

16 (e) (Blank).

17 (f) (Blank).

18 (g) (Blank).

19 (h) (Blank).~~—~~

20 (h-5) (Blank).

21 (i) (Blank).

22 (j) (Blank).

23 (k) (Blank).

24 (Source: P.A. 103-51, eff. 1-1-24; revised 9-20-23.)

25 (720 ILCS 5/33-3) (from Ch. 38, par. 33-3)



1           Sec. 33-3. Official misconduct.

2           (a) A public officer or employee or special government  
3 agent commits misconduct when, in his official capacity or  
4 capacity as a special government agent, he or she commits any  
5 of the following acts:

6           (1) Intentionally or recklessly fails to perform any  
7 mandatory duty as required by law; or

8           (2) Knowingly performs an act which he knows he is  
9 forbidden by law to perform; or

10          (3) With intent to obtain a personal advantage for  
11 himself or another, he performs an act in excess of his  
12 lawful authority; or

13          (4) Solicits or knowingly accepts for the performance  
14 of any act a fee or reward which he knows is not authorized  
15 by law.

16          (b) An employee of a law enforcement agency commits  
17 misconduct when he or she knowingly uses or communicates,  
18 directly or indirectly, information acquired in the course of  
19 employment, with the intent to obstruct, impede, or prevent  
20 the investigation, apprehension, or prosecution of any  
21 criminal offense or person. Nothing in this subsection (b)  
22 shall be construed to impose liability for communicating to a  
23 confidential resource, who is participating or aiding law  
24 enforcement, in an ongoing investigation.

25          (c) A public officer or employee or special government  
26 agent convicted of violating any provision of this Section

1 forfeits his or her office or employment or position as a  
2 special government agent. In addition, he or she commits a  
3 Class 3 felony.

4 (d) For purposes of this Section, "special ~~:-"Special~~  
5 government agent" has the meaning ascribed to it in subsection  
6 (1) of Section 4A-101 of the Illinois Governmental Ethics Act.  
7 (Source: P.A. 101-652, eff. 7-1-21.)

8 Section 240. The Criminal Code of 2012 is amended by  
9 adding Section 32-15.1 as follows:

10 (720 ILCS 5/32-15.1 new)

11 Sec. 32-15.1. Bail bond false statement. Any person who in  
12 any affidavit, document, schedule or other application to  
13 become surety or bail for another on any bail bond or  
14 recognizance in any civil or criminal proceeding then pending  
15 or about to be started against the other person, having taken a  
16 lawful oath or made affirmation, shall swear or affirm  
17 wilfully, corruptly and falsely as to the ownership or liens  
18 or incumbrances upon or the value of any real or personal  
19 property alleged to be owned by the person proposed as surety  
20 or bail, the financial worth or standing of the person  
21 proposed as surety or bail, or as to the number or total  
22 penalties of all other bonds or recognizances signed by and  
23 standing against the proposed surety or bail, or any person  
24 who, having taken a lawful oath or made affirmation, shall

1 testify wilfully, corruptly and falsely as to any of said  
2 matters for the purpose of inducing the approval of any such  
3 bail bond or recognizance; or for the purpose of justifying on  
4 any such bail bond or recognizance, or who shall suborn any  
5 other person to so swear, affirm or testify as aforesaid,  
6 shall be deemed and adjudged guilty of perjury or subornation  
7 of perjury (as the case may be) and punished accordingly.

8 (720 ILCS 5/7-15 rep.)

9 (720 ILCS 5/7-16 rep.)

10 (720 ILCS 5/33-9 rep.)

11 Section 245. The Criminal Code of 2012 is amended by  
12 repealing Sections 7-15, 7-16, and 33-9.

13 Section 250. The Code of Criminal Procedure of 1963 is  
14 amended by changing the heading of Article 110 and by changing  
15 Sections 102-6, 102-7, 103-5, 103-7, 103-9, 104-13, 104-17,  
16 106D-1, 107-4, 107-9, 107-11, 109-1, 109-2, 109-3, 109-3.1,  
17 110-1, 110-2, 110-3, 110-5, 110-5.2, 110-6, 110-6.1, 110-6.2,  
18 110-6.4, 110-10, 110-11, 110-12, 110-14, 111-2, 112A-23,  
19 113-3.1, 114-1, 115-4.1, and 122-6 and by adding Section  
20 110-3.1 as follows:

21 (725 ILCS 5/102-6) (from Ch. 38, par. 102-6)

22 Sec. 102-6. "Bail". ~~Pretrial release.~~ "Bail" means the  
23 amount of money set by the court which is required to be

1 obligated and secured as provided by law for the release of a  
2 person in custody in order that he will appear before the court  
3 in which his appearance may be required and that he will comply  
4 with such conditions as set forth in the bail bond. "Pretrial  
5 release" has the meaning ascribed to bail in Section 9 of  
6 Article I of the Illinois Constitution where the sureties  
7 provided are nonmonetary in nature.

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

9 (725 ILCS 5/102-7) (from Ch. 38, par. 102-7)

10 Sec. 102-7. ~~Conditions of pretrial release. "Bail~~  
11 bond". "Bail bond" means an undertaking secured by bail entered  
12 into by a person in custody by which he binds himself to comply  
13 with such conditions as are set forth therein. "Conditions of  
14 pretrial release" means the requirements imposed upon a  
15 criminal defendant by the court under Section 110-5.

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

17 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

18 Sec. 103-5. Speedy trial.)

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

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

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

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

1 under this subsection.

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

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

24 (d) Every person not tried in accordance with subsections  
25 (a), (b) and (c) of this Section shall be discharged from  
26 custody or released from the obligations of the person's bail

1 ~~his pretrial release~~ or recognizance.

2 (e) If a person is simultaneously in custody upon more  
3 than one charge pending against him in the same county, or  
4 simultaneously demands trial upon more than one charge pending  
5 against him in the same county, he shall be tried, or adjudged  
6 guilty after waiver of trial, upon at least one such charge  
7 before expiration relative to any of such pending charges of  
8 the period prescribed by subsections (a) and (b) of this  
9 Section. Such person shall be tried upon all of the remaining  
10 charges thus pending within 160 days from the date on which  
11 judgment relative to the first charge thus prosecuted is  
12 rendered pursuant to the Unified Code of Corrections or, if  
13 such trial upon such first charge is terminated without  
14 judgment and there is no subsequent trial of, or adjudication  
15 of guilt after waiver of trial of, such first charge within a  
16 reasonable time, the person shall be tried upon all of the  
17 remaining charges thus pending within 160 days from the date  
18 on which such trial is terminated; if either such period of 160  
19 days expires without the commencement of trial of, or  
20 adjudication of guilt after waiver of trial of, any of such  
21 remaining charges thus pending, such charge or charges shall  
22 be dismissed and barred for want of prosecution unless delay  
23 is occasioned by the defendant, by an examination for fitness  
24 ordered pursuant to Section 104-13 of this Act, by a fitness  
25 hearing, by an adjudication of unfitness for trial, by a  
26 continuance allowed pursuant to Section 114-4 of this Act

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

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

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

23 (725 ILCS 5/103-7) (from Ch. 38, par. 103-7)

24 Sec. 103-7. Posting notice of rights. Every sheriff, chief  
25 of police or other person who is in charge of any jail, police



1 station or other building where persons under arrest are held  
2 in custody pending investigation, bail ~~pretrial release~~ or  
3 other criminal proceedings, shall post in every room, other  
4 than cells, of such buildings where persons are held in  
5 custody, in conspicuous places where it may be seen and read by  
6 persons in custody and others, a poster, printed in large  
7 type, containing a verbatim copy in the English language of  
8 the provisions of Sections 103-2, 103-3, 103-4, 109-1, 110-2,  
9 110-4, and sub-parts (a) and (b) of Sections 110-7.1, and  
10 113-3 of this Code. Each person who is in charge of any  
11 courthouse or other building in which any trial of an offense  
12 is conducted shall post in each room primarily used for such  
13 trials and in each room in which defendants are confined or  
14 wait, pending trial, in conspicuous places where it may be  
15 seen and read by persons in custody and others, a poster,  
16 printed in large type, containing a verbatim copy in the  
17 English language of the provisions of Sections 103-6, 113-1,  
18 113-4 and 115-1 and of subparts (a) and (b) of Section 113-3 of  
19 this Code.

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

21 (725 ILCS 5/103-9) (from Ch. 38, par. 103-9)

22 Sec. 103-9. Bail bondsmen. No bail bondsman from any state  
23 may seize or transport unwillingly any person found in this  
24 State who is allegedly in violation of a bail bond posted in  
25 some other state ~~or conditions of pretrial release~~. The return

1 of any such person to another state may be accomplished only as  
2 provided by the laws of this State. Any bail bondsman who  
3 violates this Section is fully subject to the criminal and  
4 civil penalties provided by the laws of this State for his  
5 actions.

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

7 (725 ILCS 5/104-13) (from Ch. 38, par. 104-13)

8 Sec. 104-13. Fitness examination.

9 (a) When the issue of fitness involves the defendant's  
10 mental condition, the court shall order an examination of the  
11 defendant by one or more licensed physicians, clinical  
12 psychologists, or psychiatrists chosen by the court. No  
13 physician, clinical psychologist or psychiatrist employed by  
14 the Department of Human Services shall be ordered to perform,  
15 in his official capacity, an examination under this Section.

16 (b) If the issue of fitness involves the defendant's  
17 physical condition, the court shall appoint one or more  
18 physicians and in addition, such other experts as it may deem  
19 appropriate to examine the defendant and to report to the  
20 court regarding the defendant's condition.

21 (c) An examination ordered under this Section shall be  
22 given at the place designated by the person who will conduct  
23 the examination, except that if the defendant is being held in  
24 custody, the examination shall take place at such location as  
25 the court directs. No examinations under this Section shall be

1 ordered to take place at mental health or developmental  
2 disabilities facilities operated by the Department of Human  
3 Services. If the defendant fails to keep appointments without  
4 reasonable cause or if the person conducting the examination  
5 reports to the court that diagnosis requires hospitalization  
6 or extended observation, the court may order the defendant  
7 admitted to an appropriate facility for an examination, other  
8 than a screening examination, for not more than 7 days. The  
9 court may, upon a showing of good cause, grant an additional 7  
10 days to complete the examination.

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

14 (e) Upon request by the defense and if the defendant is  
15 indigent, the court may appoint, in addition to the expert or  
16 experts chosen pursuant to subsection (a) of this Section, a  
17 qualified expert selected by the defendant to examine him and  
18 to make a report as provided in Section 104-15. Upon the filing  
19 with the court of a verified statement of services rendered,  
20 the court shall enter an order on the county board to pay such  
21 expert a reasonable fee stated in the order.

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

23 (725 ILCS 5/104-17) (from Ch. 38, par. 104-17)

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

25 (a) If the defendant is eligible to be or has been released

1 on bail ~~pretrial release~~ or on his own recognizance, the court  
2 shall select the least physically restrictive form of  
3 treatment therapeutically appropriate and consistent with the  
4 treatment plan. The placement may be ordered either on an  
5 inpatient or an outpatient basis.

6 (b) If the defendant's disability is mental, the court may  
7 order him placed for secure treatment in the custody of the  
8 Department of Human Services, or the court may order him  
9 placed in the custody of any other appropriate public or  
10 private mental health facility or treatment program which has  
11 agreed to provide treatment to the defendant. If the most  
12 serious charge faced by the defendant is a misdemeanor, the  
13 court shall order outpatient treatment, unless the court finds  
14 good cause on the record to order inpatient treatment. If the  
15 court orders the defendant to inpatient treatment in the  
16 custody of the Department of Human Services, the Department  
17 shall evaluate the defendant to determine the most appropriate  
18 secure facility to receive the defendant and, within 20 days  
19 of the transmittal by the clerk of the circuit court of the  
20 court's placement order, notify the court of the designated  
21 facility to receive the defendant. The Department shall admit  
22 the defendant to a secure facility within 60 days of the  
23 transmittal of the court's placement order, unless the  
24 Department can demonstrate good faith efforts at placement and  
25 a lack of bed and placement availability. If placement cannot  
26 be made within 60 days of the transmittal of the court's

1 placement order and the Department has demonstrated good faith  
2 efforts at placement and a lack of bed and placement  
3 availability, the Department shall provide an update to the  
4 ordering court every 30 days until the defendant is placed.  
5 Once bed and placement availability is determined, the  
6 Department shall notify the sheriff who shall promptly  
7 transport the defendant to the designated facility. If the  
8 defendant is placed in the custody of the Department of Human  
9 Services, the defendant shall be placed in a secure setting.  
10 During the period of time required to determine bed and  
11 placement availability at the designated facility, the  
12 defendant shall remain in jail. If during the course of  
13 evaluating the defendant for placement, the Department of  
14 Human Services determines that the defendant is currently fit  
15 to stand trial, it shall immediately notify the court and  
16 shall submit a written report within 7 days. In that  
17 circumstance the placement shall be held pending a court  
18 hearing on the Department's report. Otherwise, upon completion  
19 of the placement process, including identifying bed and  
20 placement availability, the sheriff shall be notified and  
21 shall transport the defendant to the designated facility. If,  
22 within 60 days of the transmittal by the clerk of the circuit  
23 court of the court's placement order, the Department fails to  
24 provide the sheriff with notice of bed and placement  
25 availability at the designated facility, the sheriff shall  
26 contact the Department to inquire about when a placement will

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

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

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

26 (1) a certified copy of the order to undergo

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

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

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

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

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

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

1 shall include:

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

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

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

9 (Source: P.A. 101-652, eff. 1-1-23; 102-1118, eff. 1-18-23.)

10 (725 ILCS 5/106D-1)

11 Sec. 106D-1. Defendant's appearance by closed circuit  
12 television and video conference ~~two-way audio-visual~~  
13 ~~communication system.~~

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

23 (1) the initial appearance before a judge on a  
24 criminal complaint, at which bail will be set; ~~as provided~~  
25 ~~in subsection (f) of Section 109-1;~~



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

1 person in custody or confinement may have to be present  
2 physically. ~~system if the person in custody or confinement~~  
3 ~~waives 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 (d) Nothing in this Section shall be construed to  
14 establish a right of any person held in custody or confinement  
15 to appear in court through a two-way audio-visual  
16 communication ~~system~~ or to require that any governmental  
17 entity, or place of custody or confinement, provide a two-way  
18 audio-visual communication ~~system~~.

19 (Source: P.A. 101-652, eff. 1-1-23; 102-486, eff. 8-20-21;  
20 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23.)

21 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

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

24 (a) As used in this Section:

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

1 the District of Columbia.

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

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

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

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

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

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

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

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

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

3 (Source: P.A. 101-652, eff. 1-1-23; 102-538, eff. 8-20-21;  
4 102-813, eff. 5-13-22.)

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

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

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

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

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

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

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

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

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

1 (c) A warrant shall ~~or summons may~~ be issued by the court  
2 for the arrest ~~or appearance~~ of the person complained against  
3 if it appears from the contents of the complaint and the  
4 examination of the complainant or other witnesses, if any,  
5 that the person against whom the complaint was made has  
6 committed an offense.

7 (d) The warrant of arrest ~~or summons~~ shall:

8 (1) Be in writing;

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

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

15 (4) State the date when issued and the municipality or  
16 county where issued;

17 (5) Be signed by the judge of the court with the title  
18 of the judge's office; ~~and~~

19 (6) Command that the person against whom the complaint  
20 was made ~~to~~ be arrested and brought before the court  
21 issuing the warrant or if he is absent or unable to act  
22 before the nearest or most accessible court in the same  
23 county ~~issuing the warrant or the nearest or most~~  
24 ~~accessible court in the same county, or appear before the~~  
25 ~~court at a certain time and place;~~

26 (7) Specify the amount of bail ~~conditions of pretrial~~

1 ~~release, if any; and~~

2 (8) Specify any geographical limitation placed on the  
3 execution of the warrant, ~~if any,~~ but such limitation  
4 shall not be expressed in mileage.

5 ~~(c) The summons may be served in the same manner as the~~  
6 ~~summons in a civil action, except that a police officer may~~  
7 ~~serve a summons for a violation of an ordinance occurring~~  
8 ~~within the municipality of the police officer.~~

9 ~~(f) If the person summoned fails to appear by the date~~  
10 ~~required or cannot be located to serve the summons, a warrant~~  
11 ~~may be issued by the court for the arrest of the person~~  
12 ~~complained against.~~

13 ~~(g) A warrant of arrest issued under this Section shall~~  
14 ~~incorporate the information included in the summons, and shall~~  
15 ~~comply with the following:~~

16 ~~(1) The arrest warrant shall specify any geographic~~  
17 ~~limitation placed on the execution of the warrant, but~~  
18 ~~such limitation shall not be expressed in mileage.~~

19 (e) ~~(2)~~ The ~~arrest~~ warrant shall be directed to all peace  
20 officers in the State. It shall be executed by the peace  
21 officer, or by a private person specially named therein, at  
22 any location within the geographic limitation for execution  
23 placed on the warrant. If no geographic limitation is placed  
24 on the warrant, then it may be executed anywhere in the State.

25 (f) ~~(h)~~ The arrest warrant ~~or summons~~ may be issued  
26 electronically or electromagnetically by use of electronic

1 mail or a facsimile transmission machine and any ~~such~~ arrest  
2 warrant ~~or summons~~ shall have the same validity as a written  
3 ~~arrest warrant or summons~~.

4 (Source: P.A. 101-239, eff. 1-1-20; 101-652, eff. 1-1-23;  
5 102-1104, eff. 1-1-23.)

6 (725 ILCS 5/107-11) (from Ch. 38, par. 107-11)

7 Sec. 107-11. When summons may be issued.

8 (a) When authorized to issue a warrant of arrest, a court  
9 may instead issue a summons.

10 (b) The summons shall:

11 (1) Be in writing;

12 (2) State the name of the person summoned and his or  
13 her address, if known;

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

15 (4) State the date when issued and the municipality or  
16 county where issued;

17 (5) Be signed by the judge of the court with the title  
18 of his or her office; and

19 (6) Command the person to appear before a court at a  
20 certain time and place.

21 (c) The summons may be served in the same manner as the  
22 summons in a civil action ~~or by certified or regular mail~~,  
23 except that police officers may serve summons for violations  
24 of ordinances occurring within their municipalities.

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



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

2 Sec. 109-1. Person arrested; ~~release from law enforcement~~  
3 ~~eustody and court appearance; geographic constraints prevent~~  
4 ~~in person appearances.~~

5 (a) A person arrested with or without a warrant ~~for an~~  
6 ~~offense for which pretrial release may be denied under~~  
7 ~~paragraphs (1) through (6) of Section 110-6.1~~ shall be taken  
8 without unnecessary delay before the nearest and most  
9 accessible judge in that county, except when such county is a  
10 participant in a regional jail authority, in which event such  
11 person may be taken to the nearest and most accessible judge,  
12 irrespective of the county where such judge presides, ~~within~~  
13 ~~48 hours,~~ and a charge shall be filed. Whenever a person  
14 arrested either with or without a warrant is required to be  
15 taken before a judge, a charge may be filed against such person  
16 by way of a two-way closed circuit television system  
17 ~~audio visual communication system,~~ except that a hearing to  
18 deny ~~pretrial release~~ bail to the defendant may not be  
19 conducted by way of closed circuit television ~~two-way~~  
20 ~~audio visual communication system unless the accused waives~~  
21 ~~the right to be present physically in court, the court~~  
22 ~~determines that the physical health and safety of any person~~  
23 ~~necessary to the proceedings would be endangered by appearing~~  
24 ~~in court, or the chief judge of the circuit orders use of that~~  
25 ~~system due to operational challenges in conducting the hearing~~

1 ~~in person. Such operational challenges must be documented and~~  
2 ~~approved by the chief judge of the circuit, and a plan to~~  
3 ~~address the challenges through reasonable efforts must be~~  
4 ~~presented and approved by the Administrative Office of the~~  
5 ~~Illinois Courts every 6 months.~~

6 ~~(a 1) Law enforcement shall issue a citation in lieu of~~  
7 ~~eustodial arrest, upon proper identification, for those~~  
8 ~~accused of any offense that is not a felony or Class A~~  
9 ~~misdemeanor unless (i) a law enforcement officer reasonably~~  
10 ~~believes the accused poses a threat to the community or any~~  
11 ~~person, (ii) a custodial arrest is necessary because the~~  
12 ~~criminal activity persists after the issuance of a citation,~~  
13 ~~or (iii) the accused has an obvious medical or mental health~~  
14 ~~issue that poses a risk to the accused's own safety. Nothing in~~  
15 ~~this Section requires arrest in the case of Class A~~  
16 ~~misdemeanor and felony offenses, or otherwise limits existing~~  
17 ~~law enforcement discretion to decline to effect a custodial~~  
18 ~~arrest.~~

19 ~~(a 3) A person arrested with or without a warrant for an~~  
20 ~~offense for which pretrial release may not be denied may,~~  
21 ~~except as otherwise provided in this Code, be released by a law~~  
22 ~~enforcement officer without appearing before a judge. A~~  
23 ~~presumption in favor of pretrial release shall be applied by~~  
24 ~~an arresting officer in the exercise of his or her discretion~~  
25 ~~under this Section.~~

26 (a-5) A person charged with an offense shall be allowed

1 counsel at the hearing at which ~~pretrial release~~ bail is  
2 determined under Article 110 of this Code. If the defendant  
3 desires counsel for his or her initial appearance but is  
4 unable to obtain counsel, the court shall appoint a public  
5 defender or licensed attorney at law of this State to  
6 represent him or her for purposes of that hearing.

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

9 (1) inform the defendant of the charge against him and  
10 shall provide him with a copy of the charge;

11 (2) advise the defendant of his right to counsel and  
12 if indigent shall appoint a public defender or licensed  
13 attorney at law of this State to represent him in  
14 accordance with the provisions of Section 113-3 of this  
15 Code;

16 (3) schedule a preliminary hearing in appropriate  
17 cases;

18 (4) admit the defendant to ~~pretrial release~~ bail in  
19 accordance with the provisions of Article ~~110/5~~ 110 of  
20 this Code, ~~or upon verified petition of the State, proceed~~  
21 ~~with the setting of a detention hearing as provided in~~  
22 ~~Section 110-6.1; and~~

23 (5) order ~~Order~~ the confiscation of the person's  
24 passport or impose travel restrictions on a defendant  
25 arrested for first degree murder or other violent crime as  
26 defined in Section 3 of the Rights of Crime Victims and

1           Witnesses Act, if the judge determines, based on the  
2           factors in Section 110-5 of this Code, that this will  
3           reasonably ensure the appearance of the defendant and  
4           compliance by the defendant with all conditions of  
5           release.

6           (c) The court may issue an order of protection in  
7           accordance with the provisions of Article 112A of this Code.  
8           ~~Crime victims shall be given notice by the State's Attorney's~~  
9           ~~office of this hearing as required in paragraph (2) of~~  
10           ~~subsection (b) of the Rights of Crime Victims and Witnesses~~  
11           ~~Act and shall be informed of their opportunity at this hearing~~  
12           ~~to obtain an order of protection under Article 112A of this~~  
13           ~~Code.~~

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

23           (e) If consular notification is not provided to a  
24           defendant before his or her first appearance in court, the  
25           court shall grant any reasonable request for a continuance of  
26           the proceedings to allow contact with the defendant's

1 consulate. Any delay caused by the granting of the request by a  
2 defendant shall temporarily suspend for the time of the delay  
3 the period within which a person shall be tried as prescribed  
4 by subsections (a), (b), or (e) of Section 103-5 of this Code  
5 and on the day of the expiration of delay the period shall  
6 continue at the point at which it was suspended.

7 ~~(f) At the hearing at which conditions of pretrial release~~  
8 ~~are determined, the person charged shall be present in person~~  
9 ~~rather than by two way audio video communication system unless~~  
10 ~~the accused waives the right to be present physically in~~  
11 ~~court, the court determines that the physical health and~~  
12 ~~safety of any person necessary to the proceedings would be~~  
13 ~~endangered by appearing in court, or the chief judge of the~~  
14 ~~circuit orders use of that system due to operational~~  
15 ~~challenges in conducting the hearing in person. Such~~  
16 ~~operational challenges must be documented and approved by the~~  
17 ~~chief judge of the circuit, and a plan to address the~~  
18 ~~challenges through reasonable efforts must be presented and~~  
19 ~~approved by the Administrative Office of the Illinois Courts~~  
20 ~~every 6 months.~~

21 ~~(g) Defense counsel shall be given adequate opportunity to~~  
22 ~~confer with the defendant prior to any hearing in which~~  
23 ~~conditions of release or the detention of the defendant is to~~  
24 ~~be considered, with a physical accommodation made to~~  
25 ~~facilitate attorney/client consultation. If defense counsel~~  
26 ~~needs to confer or consult with the defendant during any~~

1 ~~hearing conducted via a two way audio visual communication~~  
2 ~~system, such consultation shall not be recorded and shall be~~  
3 ~~undertaken consistent with constitutional protections.~~

4 (Source: P.A. 101-652, eff. 1-1-23; 102-813, eff. 5-13-22;  
5 102-1104, eff. 1-1-23.)

6 (725 ILCS 5/109-2) (from Ch. 38, par. 109-2)

7 Sec. 109-2. Person arrested in another county.

8 (a) Any person arrested in a county other than the one in  
9 which a warrant for his arrest was issued shall be taken  
10 without unnecessary delay before the nearest and most  
11 accessible judge in the county where the arrest was made or, if  
12 no additional delay is created, before the nearest and most  
13 accessible judge in the county from which the warrant was  
14 issued. He shall be admitted to bail in the amount specified in  
15 the warrant or, for offenses other than felonies, in an amount  
16 as set by the judge, and such bail shall be conditioned on his  
17 appearing in the court issuing the warrant on a certain date.

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

20 (b) Notwithstanding the provisions of subsection (a), any  
21 person arrested in a county other than the one in which a  
22 warrant for his arrest was issued, may waive the right to be  
23 taken before a judge in the county where the arrest was made.  
24 If a person so arrested waives such right, the arresting  
25 agency shall surrender such person to a law enforcement agency

1 of the county that issued the warrant without unnecessary  
2 delay. The provisions of Section 109-1 shall then apply to the  
3 person so arrested.

4 ~~(c) If a person is taken before a judge in any county and a~~  
5 ~~warrant for arrest issued by another Illinois county exists~~  
6 ~~for that person, the court in the arresting county shall hold~~  
7 ~~for that person a detention hearing under Section 110-6.1, or~~  
8 ~~other hearing under Section 110-5 or Section 110-6.~~

9 ~~(d) After the court in the arresting county has determined~~  
10 ~~whether the person shall be released or detained on the~~  
11 ~~arresting offense, the court shall then order the sheriff to~~  
12 ~~immediately contact the sheriff in any county where any~~  
13 ~~warrant is outstanding and notify them of the arrest of the~~  
14 ~~individual.~~

15 ~~(e) If a person has a warrant in another county for an~~  
16 ~~offense, then, no later than 5 calendar days after the end of~~  
17 ~~any detention issued on the charge in the arresting county,~~  
18 ~~the county where the warrant is outstanding shall do one of the~~  
19 ~~following:~~

20 ~~(1) transport the person to the county where the~~  
21 ~~warrant was issued for a hearing under Section 110-6 or~~  
22 ~~110-6.1 in the matter for which the warrant was issued; or~~

23 ~~(2) quash the warrant and order the person released on~~  
24 ~~the case for which the warrant was issued only when the~~  
25 ~~county that issued the warrant fails to transport the~~  
26 ~~defendant in the timeline as proscribed.~~

1       ~~(f) If the issuing county fails to take any action under~~  
2       ~~subsection (e) within 5 calendar days, the defendant shall be~~  
3       ~~released from custody on the warrant, and the circuit judge or~~  
4       ~~associate circuit judge in the county of arrest shall set~~  
5       ~~conditions of release under Section 110-5 and shall admit the~~  
6       ~~defendant to pretrial release for his or her appearance before~~  
7       ~~the court named in the warrant. Upon releasing the defendant,~~  
8       ~~the circuit judge or associate circuit judge shall certify~~  
9       ~~such a fact on the warrant and deliver the warrant and the~~  
10       ~~acknowledgment by the defendant of his or her receiving the~~  
11       ~~conditions of pretrial release to the officer having charge of~~  
12       ~~the defendant from arrest and without delay deliver such~~  
13       ~~warrant and such acknowledgment by the defendant of his or her~~  
14       ~~receiving the conditions to the court before which the~~  
15       ~~defendant is required to appear.~~

16       ~~(g) If a person has a warrant in another county, in lieu of~~  
17       ~~transporting the person to the issuing county as outlined in~~  
18       ~~subsection (e), the issuing county may hold the hearing by way~~  
19       ~~of a two way audio visual communication system if the accused~~  
20       ~~waives the right to be physically present in court, the court~~  
21       ~~determines that the physical health and safety of any person~~  
22       ~~necessary to the proceedings would be endangered by appearing~~  
23       ~~in court, or the chief judge of the circuit orders use of that~~  
24       ~~system due to operational challenges in conducting the hearing~~  
25       ~~in person. Such operational challenges must be documented and~~  
26       ~~approved by the chief judge of the circuit, and a plan to~~



1 ~~address the challenges through reasonable efforts must be~~  
2 ~~presented and approved by the Administrative Office of the~~  
3 ~~Illinois Courts every 6 months.~~

4 ~~(h) If more than 2 Illinois county warrants exist, the~~  
5 ~~judge in the county of arrest shall order that the process~~  
6 ~~described in subsections (d) through (f) occur in each county~~  
7 ~~in whatever order the judge finds most appropriate. Each judge~~  
8 ~~in each subsequent county shall then follow the rules in this~~  
9 ~~Section.~~

10 ~~(i) This Section applies only to warrants issued by~~  
11 ~~Illinois state, county, or municipal courts.~~

12 ~~(j) When an issuing agency is contacted by an out of state~~  
13 ~~agency of a person arrested for any offense, or when an~~  
14 ~~arresting agency is contacted by or contacts an out of state~~  
15 ~~issuing agency, the Uniform Criminal Extradition Act shall~~  
16 ~~govern.~~

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

18 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

19 Sec. 109-3. Preliminary examination.

20 (a) The judge shall hold the defendant to answer to the  
21 court having jurisdiction of the offense if from the evidence  
22 it appears there is probable cause to believe an offense has  
23 been committed by the defendant, as provided in Section  
24 109-3.1 of this Code, if the offense is a felony.

25 (b) If the defendant waives preliminary examination the

1 judge shall hold him to answer and may, or on the demand of the  
2 prosecuting attorney shall, cause the witnesses for the State  
3 to be examined. After hearing the testimony if it appears that  
4 there is not probable cause to believe the defendant guilty of  
5 any offense the judge shall discharge him.

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

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

25 (e) During preliminary hearing or examination the  
26 defendant may move for an order of suppression of evidence

1 pursuant to Section 114-11 or 114-12 of this Act or for other  
2 reasons, and may move for dismissal of the charge pursuant to  
3 Section 114-1 of this Act or for other reasons.

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

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

6 Sec. 109-3.1. Persons charged with felonies.

7 (a) In any case involving a person charged with a felony in  
8 this State, alleged to have been committed on or after January  
9 1, 1984, the provisions of this Section shall apply.

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

20 The provisions of this paragraph shall not apply in the  
21 following situations:

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

23 (2) when the defendant has been indicted by the Grand  
24 Jury on the felony offense for which he or she was  
25 initially taken into custody or on an offense arising from

1 the same transaction or conduct of the defendant that was  
2 the basis for the felony offense or offenses initially  
3 charged; or

4 (3) when a competency examination is ordered by the  
5 court; or

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

7 (5) when an adjudication of incompetency for trial has  
8 been made; or

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

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

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

19 (725 ILCS 5/Art. 110 heading)

20 ARTICLE 110. BAIL ~~PRETRIAL RELEASE~~

21 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

22 Sec. 110-1. Definitions. As used in this Article:

23 ~~(a) (Blank).~~

24 "Security" is that which is required to be pledged to

1 insure the payment of bail.

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

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

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

16 ~~(d) (Blank).~~

17 ~~(e) "Protective order" means any order of protection~~  
18 ~~issued under Section 112A 14 of this Code or the Illinois~~  
19 ~~Domestic Violence Act of 1986, a stalking no contact order~~  
20 ~~issued under Section 80 of the Stalking No Contact Order Act,~~  
21 ~~or a civil no contact order issued under Section 213 of the~~  
22 ~~Civil No Contact Order Act.~~

23 ~~(f) "Willful flight" means intentional conduct with a~~  
24 ~~purpose to thwart the judicial process to avoid prosecution.~~  
25 ~~Isolated instances of nonappearance in court alone are not~~  
26 ~~evidence of the risk of willful flight. Reoccurrence and~~

1 ~~patterns of intentional conduct to evade prosecution, along~~  
2 ~~with any affirmative steps to communicate or remedy any such~~  
3 ~~missed court date, may be considered as factors in assessing~~  
4 ~~future intent to evade prosecution.~~

5 (Source: P.A. 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23;  
6 103-154, eff. 6-30-23.)

7 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

8 Sec. 110-2. Release on own recognizance ~~Pretrial release.~~  
9 When from all the circumstances the court is of the opinion  
10 that the defendant will appear as required either before or  
11 after conviction and the defendant will not pose a danger to  
12 any person or the community and that the defendant will comply  
13 with all conditions of bond, which shall include the  
14 defendant's current address with a written admonishment to the  
15 defendant that he or she must comply with the provisions of  
16 Section 110-12 of this Code regarding any change in his or her  
17 address, the defendant may be released on his or her own  
18 recognizance. The defendant's address shall at all times  
19 remain a matter of public record with the clerk of the court. A  
20 failure to appear as required by such recognizance shall  
21 constitute an offense subject to the penalty provided in  
22 Section 32-10 of the Criminal Code of 2012 for violation of the  
23 bail bond, and any obligated sum fixed in the recognizance  
24 shall be forfeited and collected in accordance with subsection  
25 (g) of Section 110-7.1 of this Code.

1        This Section shall be liberally construed to effectuate  
2 the purpose of relying upon contempt of court proceedings or  
3 criminal sanctions instead of financial loss to assure the  
4 appearance of the defendant, and that the defendant will not  
5 pose a danger to any person or the community and that the  
6 defendant will comply with all conditions of bond. Monetary  
7 bail should be set only when it is determined that no other  
8 conditions of release will reasonably assure the defendant's  
9 appearance in court, that the defendant does not present a  
10 danger to any person or the community and that the defendant  
11 will comply with all conditions of bond.

12        The State may appeal any order permitting release by  
13 personal recognizance.

14        ~~(a) All persons charged with an offense shall be eligible~~  
15 ~~for pretrial release before conviction. It is presumed that a~~  
16 ~~defendant is entitled to release on personal recognizance on~~  
17 ~~the condition that the defendant attend all required court~~  
18 ~~proceedings and the defendant does not commit any criminal~~  
19 ~~offense, and complies with all terms of pretrial release,~~  
20 ~~including, but not limited to, orders of protection under both~~  
21 ~~Section 112A-4 of this Code and Section 214 of the Illinois~~  
22 ~~Domestic Violence Act of 1986, all civil no contact orders,~~  
23 ~~and all stalking no contact orders. Pretrial release may be~~  
24 ~~denied only if a person is charged with an offense listed in~~  
25 ~~Section 110-6.1 and after the court has held a hearing under~~  
26 ~~Section 110 6.1, and in a manner consistent with subsections~~

1 ~~(b), (c), and (d) of this Section.~~

2 ~~(b) At all pretrial hearings, the prosecution shall have~~  
3 ~~the burden to prove by clear and convincing evidence that any~~  
4 ~~condition of release is necessary.~~

5 ~~(c) When it is alleged that pretrial release should be~~  
6 ~~denied to a person upon the grounds that the person presents a~~  
7 ~~real and present threat to the safety of any person or persons~~  
8 ~~or the community, based on the specific articulable facts of~~  
9 ~~the case, the burden of proof of such allegations shall be upon~~  
10 ~~the State.~~

11 ~~(d) When it is alleged that pretrial release should be~~  
12 ~~denied to a person charged with stalking or aggravated~~  
13 ~~stalking upon the grounds set forth in Section 110-6.3, the~~  
14 ~~burden of proof of those allegations shall be upon the State.~~

15 ~~(e) This Section shall be liberally construed to~~  
16 ~~effectuate the purpose of relying on pretrial release by~~  
17 ~~nonmonetary means to reasonably ensure an eligible person's~~  
18 ~~appearance in court, the protection of the safety of any other~~  
19 ~~person or the community, that the person will not attempt or~~  
20 ~~obstruct the criminal justice process, and the person's~~  
21 ~~compliance with all conditions of release, while authorizing~~  
22 ~~the court, upon motion of a prosecutor, to order pretrial~~  
23 ~~detention of the person under Section 110-6.1 when it finds~~  
24 ~~clear and convincing evidence that no condition or combination~~  
25 ~~of conditions can reasonably ensure the effectuation of these~~  
26 ~~goals.~~



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

2 (725 ILCS 5/110-3.1 new)

3 Sec. 110-3.1. Issuance of warrant.

4 (a) Upon failure to comply with any condition of a bail  
5 bond or recognizance the court having jurisdiction at the time  
6 of such failure may, in addition to any other action provided  
7 by law, issue a warrant for the arrest of the person at liberty  
8 on bail or his own recognizance. The contents of such a warrant  
9 shall be the same as required for an arrest warrant issued upon  
10 complaint. When a defendant is at liberty on bail or his own  
11 recognizance on a felony charge and fails to appear in court as  
12 directed, the court shall issue a warrant for the arrest of  
13 such person. Such warrant shall be noted with a directive to  
14 peace officers to arrest the person and hold such person  
15 without bail and to deliver such person before the court for  
16 further proceedings.

17 (b) A defendant who is arrested or surrenders within 30  
18 days of the issuance of such warrant shall not be bailable in  
19 the case in question unless he shows by the preponderance of  
20 the evidence that his failure to appear was not intentional.

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

22 Sec. 110-5. Determining the amount of bail and conditions  
23 of release.

24 (a) In determining the amount of monetary bail or

1 conditions of release, if any, which will reasonably assure  
2 the appearance of a defendant as required or the safety of any  
3 other person or the community and the likelihood of compliance  
4 by the defendant with all the conditions of bail, the court  
5 shall, on the basis of available information, take into  
6 account such matters as the nature and circumstances of the  
7 offense charged, whether the evidence shows that as part of  
8 the offense there was a use of violence or threatened use of  
9 violence, whether the offense involved corruption of public  
10 officials or employees, whether there was physical harm or  
11 threats of physical harm to any public official, public  
12 employee, judge, prosecutor, juror or witness, senior citizen,  
13 child, or person with a disability, whether evidence shows  
14 that during the offense or during the arrest the defendant  
15 possessed or used a firearm, machine gun, explosive or metal  
16 piercing ammunition or explosive bomb device or any military  
17 or paramilitary armament, whether the evidence shows that the  
18 offense committed was related to or in furtherance of the  
19 criminal activities of an organized gang or was motivated by  
20 the defendant's membership in or allegiance to an organized  
21 gang, the condition of the victim, any written statement  
22 submitted by the victim or proffer or representation by the  
23 State regarding the impact which the alleged criminal conduct  
24 has had on the victim and the victim's concern, if any, with  
25 further contact with the defendant if released on bail,  
26 whether the offense was based on racial, religious, sexual

1 orientation or ethnic hatred, the likelihood of the filing of  
2 a greater charge, the likelihood of conviction, the sentence  
3 applicable upon conviction, the weight of the evidence against  
4 such defendant, whether there exists motivation or ability to  
5 flee, whether there is any verification as to prior residence,  
6 education, or family ties in the local jurisdiction, in  
7 another county, state or foreign country, the defendant's  
8 employment, financial resources, character and mental  
9 condition, past conduct, prior use of alias names or dates of  
10 birth, and length of residence in the community, the consent  
11 of the defendant to periodic drug testing in accordance with  
12 Section 110-6.5-1, whether a foreign national defendant is  
13 lawfully admitted in the United States of America, whether the  
14 government of the foreign national maintains an extradition  
15 treaty with the United States by which the foreign government  
16 will extradite to the United States its national for a trial  
17 for a crime allegedly committed in the United States, whether  
18 the defendant is currently subject to deportation or exclusion  
19 under the immigration laws of the United States, whether the  
20 defendant, although a United States citizen, is considered  
21 under the law of any foreign state a national of that state for  
22 the purposes of extradition or non-extradition to the United  
23 States, the amount of unrecovered proceeds lost as a result of  
24 the alleged offense, the source of bail funds tendered or  
25 sought to be tendered for bail, whether from the totality of  
26 the court's consideration, the loss of funds posted or sought

1 to be posted for bail will not deter the defendant from flight,  
2 whether the evidence shows that the defendant is engaged in  
3 significant possession, manufacture, or delivery of a  
4 controlled substance or cannabis, either individually or in  
5 consort with others, whether at the time of the offense  
6 charged he or she was on bond or pre-trial release pending  
7 trial, probation, periodic imprisonment or conditional  
8 discharge pursuant to this Code or the comparable Code of any  
9 other state or federal jurisdiction, whether the defendant is  
10 on bond or pre-trial release pending the imposition or  
11 execution of sentence or appeal of sentence for any offense  
12 under the laws of Illinois or any other state or federal  
13 jurisdiction, whether the defendant is under parole, aftercare  
14 release, mandatory supervised release, or work release from  
15 the Illinois Department of Corrections or Illinois Department  
16 of Juvenile Justice or any penal institution or corrections  
17 department of any state or federal jurisdiction, the  
18 defendant's record of convictions, whether the defendant has  
19 been convicted of a misdemeanor or ordinance offense in  
20 Illinois or similar offense in other state or federal  
21 jurisdiction within the 10 years preceding the current charge  
22 or convicted of a felony in Illinois, whether the defendant  
23 was convicted of an offense in another state or federal  
24 jurisdiction that would be a felony if committed in Illinois  
25 within the 20 years preceding the current charge or has been  
26 convicted of such felony and released from the penitentiary

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

1       (a-5) There shall be a presumption that any conditions of  
2 release imposed shall be non-monetary in nature and the court  
3 shall impose the least restrictive conditions or combination  
4 of conditions necessary to reasonably assure the appearance of  
5 the defendant for further court proceedings and protect the  
6 integrity of the judicial proceedings from a specific threat  
7 to a witness or participant. Conditions of release may  
8 include, but not be limited to, electronic home monitoring,  
9 curfews, drug counseling, stay-away orders, and in-person  
10 reporting. The court shall consider the defendant's  
11 socio-economic circumstance when setting conditions of release  
12 or imposing monetary bail.

13       (b) The amount of bail shall be:

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

22       (2) Not oppressive.

23       (3) Considerate of the financial ability of the  
24 accused.

25       (4) When a person is charged with a drug related  
26 offense involving possession or delivery of cannabis or

1 possession or delivery of a controlled substance as  
2 defined in the Cannabis Control Act, the Illinois  
3 Controlled Substances Act, or the Methamphetamine Control  
4 and Community Protection Act, the full street value of the  
5 drugs seized shall be considered. "Street value" shall be  
6 determined by the court on the basis of a proffer by the  
7 State based upon reliable information of a law enforcement  
8 official contained in a written report as to the amount  
9 seized and such proffer may be used by the court as to the  
10 current street value of the smallest unit of the drug  
11 seized.

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

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

26 (2) the source of any money or property deposited by

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

4 (3) the source of any money posted as cash bail, and  
5 whether any such money constitutes the fruits of criminal  
6 or unlawful conduct; and

7 (4) the background, character, reputation, and  
8 relationship to the accused of the person posting cash  
9 bail.

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

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

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

25 (d) When a person has been convicted of an offense and only  
26 a fine has been imposed the amount of the bail shall not exceed



1 double the amount of the fine.

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

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

15 (1) whether the alleged incident involved harassment  
16 or abuse, as defined in the Illinois Domestic Violence Act  
17 of 1986;

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

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

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

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

26 (6) whether the person has access to deadly weapons or

1 a history of using deadly weapons;

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

4 (8) based on the severity of the alleged incident that  
5 is the basis of the alleged offense, including, but not  
6 limited to, the duration of the current incident, and  
7 whether the alleged incident involved the use of a weapon,  
8 physical injury, sexual assault, strangulation, abuse  
9 during the alleged victim's pregnancy, abuse of pets, or  
10 forcible entry to gain access to the alleged victim;

11 (9) whether a separation of the person from the  
12 alleged victim or a termination of the relationship  
13 between the person and the alleged victim has recently  
14 occurred or is pending;

15 (10) whether the person has exhibited obsessive or  
16 controlling behaviors toward the alleged victim,  
17 including, but not limited to, stalking, surveillance, or  
18 isolation of the alleged victim or victim's family member  
19 or members;

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

22 (12) based on any information contained in the  
23 complaint and any police reports, affidavits, or other  
24 documents accompanying the complaint;

25 the court may, in its discretion, order the respondent to  
26 undergo a risk assessment evaluation using a recognized,

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

22 ~~(a) In determining which conditions of pretrial release,~~  
23 ~~if any, will reasonably ensure the appearance of a defendant~~  
24 ~~as required or the safety of any other person or the community~~  
25 ~~and the likelihood of compliance by the defendant with all the~~  
26 ~~conditions of pretrial release, the court shall, on the basis~~

1 ~~of available information, take into account such matters as:~~

2 ~~(1) the nature and circumstances of the offense~~  
3 ~~charged;~~

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

7 ~~(3) the history and characteristics of the defendant,~~  
8 ~~including:~~

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

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

20 ~~(4) the nature and seriousness of the real and present~~  
21 ~~threat to the safety of any person or persons or the~~  
22 ~~community, based on the specific articulable facts of the~~  
23 ~~case, that would be posed by the defendant's release, if~~  
24 ~~applicable, as required under paragraph (7.5) of Section 4~~  
25 ~~of the Rights of Crime Victims and Witnesses Act;~~

26 ~~(5) the nature and seriousness of the risk of~~

1 ~~obstructing or attempting to obstruct the criminal justice~~  
2 ~~process that would be posed by the defendant's release, if~~  
3 ~~applicable;~~

4 ~~(6) when a person is charged with a violation of a~~  
5 ~~protective order, domestic battery, aggravated domestic~~  
6 ~~battery, kidnapping, aggravated kidnaping, unlawful~~  
7 ~~restraint, aggravated unlawful restraint, cyberstalking,~~  
8 ~~harassment by telephone, harassment through electronic~~  
9 ~~communications, or an attempt to commit first degree~~  
10 ~~murder committed against a spouse or a current or former~~  
11 ~~partner in a cohabitation or dating relationship,~~  
12 ~~regardless of whether an order of protection has been~~  
13 ~~issued against the person, the court may consider the~~  
14 ~~following additional factors:~~

15 ~~(A) whether the alleged incident involved~~  
16 ~~harassment or abuse, as defined in the Illinois~~  
17 ~~Domestic Violence Act of 1986;~~

18 ~~(B) whether the person has a history of domestic~~  
19 ~~violence, as defined in the Illinois Domestic Violence~~  
20 ~~Act of 1986, or a history of other criminal acts;~~

21 ~~(C) the mental health of the person;~~

22 ~~(D) whether the person has a history of violating~~  
23 ~~the orders of any court or governmental entity;~~

24 ~~(E) whether the person has been, or is,~~  
25 ~~potentially a threat to any other person;~~

26 ~~(F) whether the person has access to deadly~~

1 ~~weapons or a history of using deadly weapons;~~

2 ~~(G) whether the person has a history of abusing~~  
3 ~~alcohol or any controlled substance;~~

4 ~~(H) the severity of the alleged incident that is~~  
5 ~~the basis of the alleged offense, including, but not~~  
6 ~~limited to, the duration of the current incident, and~~  
7 ~~whether the alleged incident involved the use of a~~  
8 ~~weapon, physical injury, sexual assault,~~  
9 ~~strangulation, abuse during the alleged victim's~~  
10 ~~pregnancy, abuse of pets, or forcible entry to gain~~  
11 ~~access to the alleged victim;~~

12 ~~(I) whether a separation of the person from the~~  
13 ~~victim of abuse or a termination of the relationship~~  
14 ~~between the person and the victim of abuse has~~  
15 ~~recently occurred or is pending;~~

16 ~~(J) whether the person has exhibited obsessive or~~  
17 ~~controlling behaviors toward the victim of abuse,~~  
18 ~~including, but not limited to, stalking, surveillance,~~  
19 ~~or isolation of the victim of abuse or the victim's~~  
20 ~~family member or members;~~

21 ~~(K) whether the person has expressed suicidal or~~  
22 ~~homicidal ideations; and~~

23 ~~(L) any other factors deemed by the court to have a~~  
24 ~~reasonable bearing upon the defendant's propensity or~~  
25 ~~reputation for violent, abusive, or assaultive~~  
26 ~~behavior, or lack of that behavior.~~

1           ~~(7) in cases of stalking or aggravated stalking under~~  
2           ~~Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the~~  
3           ~~court may consider the factors listed in paragraph (6) and~~  
4           ~~the following additional factors:~~

5           ~~(A) any evidence of the defendant's prior criminal~~  
6           ~~history indicative of violent, abusive or assaultive~~  
7           ~~behavior, or lack of that behavior; the evidence may~~  
8           ~~include testimony or documents received in juvenile~~  
9           ~~proceedings, criminal, quasi criminal, civil~~  
10          ~~commitment, domestic relations, or other proceedings;~~

11          ~~(B) any evidence of the defendant's psychological,~~  
12          ~~psychiatric, or other similar social history that~~  
13          ~~tends to indicate a violent, abusive, or assaultive~~  
14          ~~nature, or lack of any such history;~~

15          ~~(C) the nature of the threat that is the basis of~~  
16          ~~the charge against the defendant;~~

17          ~~(D) any statements made by, or attributed to, the~~  
18          ~~defendant, together with the circumstances surrounding~~  
19          ~~them;~~

20          ~~(E) the age and physical condition of any person~~  
21          ~~allegedly assaulted by the defendant;~~

22          ~~(F) whether the defendant is known to possess or~~  
23          ~~have access to any weapon or weapons; and~~

24          ~~(G) any other factors deemed by the court to have a~~  
25          ~~reasonable bearing upon the defendant's propensity or~~  
26          ~~reputation for violent, abusive, or assaultive~~

1 ~~behavior, or lack of that behavior.~~

2 ~~(b) The court may use a regularly validated risk~~  
3 ~~assessment tool to aid its determination of appropriate~~  
4 ~~conditions of release as provided under Section 110-6.4. If a~~  
5 ~~risk assessment tool is used, the defendant's counsel shall be~~  
6 ~~provided with the information and scoring system of the risk~~  
7 ~~assessment tool used to arrive at the determination. The~~  
8 ~~defendant retains the right to challenge the validity of a~~  
9 ~~risk assessment tool used by the court and to present evidence~~  
10 ~~relevant to the defendant's challenge.~~

11 ~~(c) The court shall impose any conditions that are~~  
12 ~~mandatory under subsection (a) of Section 110-10. The court~~  
13 ~~may impose any conditions that are permissible under~~  
14 ~~subsection (b) of Section 110-10. The conditions of release~~  
15 ~~imposed shall be the least restrictive conditions or~~  
16 ~~combination of conditions necessary to reasonably ensure the~~  
17 ~~appearance of the defendant as required or the safety of any~~  
18 ~~other person or persons or the community.~~

19 ~~(d) When a person is charged with a violation of a~~  
20 ~~protective order, the court may order the defendant placed~~  
21 ~~under electronic surveillance as a condition of pretrial~~  
22 ~~release, as provided in Section 5-8A-7 of the Unified Code of~~  
23 ~~Corrections, based on the information collected under~~  
24 ~~paragraph (6) of subsection (a) of this Section, the results~~  
25 ~~of any assessment conducted, or other circumstances of the~~  
26 ~~violation.~~



1       ~~(e) If a person remains in pretrial detention 48 hours~~  
2 ~~after having been ordered released with pretrial conditions,~~  
3 ~~the court shall hold a hearing to determine the reason for~~  
4 ~~continued detention. If the reason for continued detention is~~  
5 ~~due to the unavailability or the defendant's ineligibility for~~  
6 ~~one or more pretrial conditions previously ordered by the~~  
7 ~~court or directed by a pretrial services agency, the court~~  
8 ~~shall reopen the conditions of release hearing to determine~~  
9 ~~what available pretrial conditions exist that will reasonably~~  
10 ~~ensure the appearance of a defendant as required, the safety~~  
11 ~~of any other person, and the likelihood of compliance by the~~  
12 ~~defendant with all the conditions of pretrial release. The~~  
13 ~~inability of the defendant to pay for a condition of release or~~  
14 ~~any other ineligibility for a condition of pretrial release~~  
15 ~~shall not be used as a justification for the pretrial~~  
16 ~~detention of that defendant.~~

17       ~~(f) Prior to the defendant's first appearance, and with~~  
18 ~~sufficient time for meaningful attorney client contact to~~  
19 ~~gather information in order to advocate effectively for the~~  
20 ~~defendant's pretrial release, the court shall appoint the~~  
21 ~~public defender or a licensed attorney at law of this State to~~  
22 ~~represent the defendant for purposes of that hearing, unless~~  
23 ~~the defendant has obtained licensed counsel. Defense counsel~~  
24 ~~shall have access to the same documentary information relied~~  
25 ~~upon by the prosecution and presented to the court.~~

26       ~~(f 5) At each subsequent appearance of the defendant~~

1 ~~before the court, the judge must find that the current~~  
2 ~~conditions imposed are necessary to reasonably ensure the~~  
3 ~~appearance of the defendant as required, the safety of any~~  
4 ~~other person, and the compliance of the defendant with all the~~  
5 ~~conditions of pretrial release. The court is not required to~~  
6 ~~be presented with new information or a change in circumstance~~  
7 ~~to remove pretrial conditions.~~

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

15 ~~(h) If the court imposes electronic monitoring, GPS~~  
16 ~~monitoring, or home confinement, the court shall set forth in~~  
17 ~~the record the basis for its finding. A defendant shall be~~  
18 ~~given custodial credit for each day he or she was subjected to~~  
19 ~~home confinement, at the same rate described in subsection (b)~~  
20 ~~of Section 5-4.5-100 of the Unified Code of Corrections. The~~  
21 ~~court may give custodial credit to a defendant for each day the~~  
22 ~~defendant was subjected to GPS monitoring without home~~  
23 ~~confinement or electronic monitoring without home confinement.~~

24 ~~(i) If electronic monitoring, GPS monitoring, or home~~  
25 ~~confinement is imposed, the court shall determine every 60~~  
26 ~~days if no less restrictive condition of release or~~

1 ~~combination of less restrictive conditions of release would~~  
2 ~~reasonably ensure the appearance, or continued appearance, of~~  
3 ~~the defendant for later hearings or protect an identifiable~~  
4 ~~person or persons from imminent threat of serious physical~~  
5 ~~harm. If the court finds that there are less restrictive~~  
6 ~~conditions of release, the court shall order that the~~  
7 ~~condition be removed. This subsection takes effect January 1,~~  
8 ~~2022.~~

9 ~~(j) Crime Victims shall be given notice by the State's~~  
10 ~~Attorney's office of this hearing as required in paragraph (1)~~  
11 ~~of subsection (b) of Section 4.5 of the Rights of Crime Victims~~  
12 ~~and Witnesses Act and shall be informed of their opportunity~~  
13 ~~at this hearing to obtain a protective order.~~

14 ~~(k) The State and defendants may appeal court orders~~  
15 ~~imposing conditions of pretrial release.~~

16 (Source: P.A. 101-652, eff. 1-1-23; 102-28, eff. 6-25-21;  
17 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1104, eff.  
18 1-1-23.)

19 (725 ILCS 5/110-5.2)

20 Sec. 110-5.2. Bail ~~Pretrial release~~; pregnant pre-trial  
21 detainee.

22 (a) It is the policy of this State that a pre-trial  
23 detainee shall not be required to deliver a child while in  
24 custody absent a finding by the court that continued pre-trial  
25 custody is necessary to protect the public or the victim of the

1 ~~offense on which the charge is based alleviate a real and~~  
2 ~~present threat to the safety of any person or persons or the~~  
3 ~~community, based on the specific articulable facts of the~~  
4 ~~case, or prevent the defendant's willful flight.~~

5 (b) If the court reasonably believes that a pre-trial  
6 detainee will give birth while in custody, the court shall  
7 order an alternative to custody unless, after a hearing, the  
8 court determines:

9 (1) that the release of the pregnant pre-trial  
10 detainee would pose a real and present threat to the  
11 physical safety of the alleged victim of the offense and  
12 continuing custody is necessary to prevent the fulfillment  
13 of the threat upon which the charge is based; or ~~the~~  
14 ~~pregnant pretrial detainee is charged with an offense for~~  
15 ~~which pretrial release may be denied under Section~~  
16 ~~110-6.1; and~~

17 (2) that the release of the pregnant pre-trial  
18 detainee would pose a real and present threat to the  
19 physical safety of any person or persons or the general  
20 public after a hearing under Section 110-6.1 that  
21 ~~considers the circumstances of the pregnancy, the court~~  
22 ~~determines that continued detention is the only way to~~  
23 ~~prevent a real and present threat to the safety of any~~  
24 ~~person or persons or the community, based on the specific~~  
25 ~~articulable facts of the case, or prevent the defendant's~~  
26 ~~willful flight.~~

1           (c) The court may order a pregnant or post-partum detainee  
2 to be subject to electronic monitoring as a condition of  
3 pre-trial release or order other condition or combination of  
4 conditions the court reasonably determines are in the best  
5 interest of the detainee and the public. ~~Electronic Monitoring~~  
6 ~~may be ordered by the court only if no less restrictive~~  
7 ~~condition of release or combination of less restrictive~~  
8 ~~conditions of release would reasonably ensure the appearance,~~  
9 ~~or continued appearance, of the defendant for later hearings~~  
10 ~~or protect an identifiable person or persons from imminent~~  
11 ~~threat of serious physical harm. All pregnant people or those~~  
12 ~~who have given birth within 6 weeks shall be granted ample~~  
13 ~~movement to attend doctor's appointments and for emergencies~~  
14 ~~related to the health of the pregnancy, infant, or postpartum~~  
15 ~~person.~~

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

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

20           (725 ILCS 5/110-6)

21           Sec. 110-6. Modification of bail or conditions ~~Revocation~~  
22 ~~of pretrial release, modification of conditions of pretrial~~  
23 ~~release, and sanctions for violations of conditions of~~  
24 ~~pretrial release.~~

25           (a) Upon verified application by the State or the

1 defendant or on its own motion the court before which the  
2 proceeding is pending may increase or reduce the amount of  
3 bail or may alter the conditions of the bail bond or grant bail  
4 where it has been previously revoked or denied. If bail has  
5 been previously revoked pursuant to subsection (f) of this  
6 Section or if bail has been denied to the defendant pursuant to  
7 subsection (e) of Section 110-6.1 or subsection (e) of Section  
8 110-6.3-1, the defendant shall be required to present a  
9 verified application setting forth in detail any new facts not  
10 known or obtainable at the time of the previous revocation or  
11 denial of bail proceedings. If the court grants bail where it  
12 has been previously revoked or denied, the court shall state  
13 on the record of the proceedings the findings of facts and  
14 conclusion of law upon which such order is based.

15 (a-5) In addition to any other available motion or  
16 procedure under this Code, a person in custody solely for a  
17 Category B offense due to an inability to post monetary bail  
18 shall be brought before the court at the next available court  
19 date or 7 calendar days from the date bail was set, whichever  
20 is earlier, for a rehearing on the amount or conditions of bail  
21 or release pending further court proceedings. The court may  
22 reconsider conditions of release for any other person whose  
23 inability to post monetary bail is the sole reason for  
24 continued incarceration, including a person in custody for a  
25 Category A offense or a Category A offense and a Category B  
26 offense. The court may deny the rehearing permitted under this

1 subsection (a-5) if the person has failed to appear as  
2 required before the court and is incarcerated based on a  
3 warrant for failure to appear on the same original criminal  
4 offense.

5 (b) Violation of the conditions of Section 110-10 of this  
6 Code or any special conditions of bail as ordered by the court  
7 shall constitute grounds for the court to increase the amount  
8 of bail, or otherwise alter the conditions of bail, or, where  
9 the alleged offense committed on bail is a forcible felony in  
10 Illinois or a Class 2 or greater offense under the Illinois  
11 Controlled Substances Act, the Cannabis Control Act, or the  
12 Methamphetamine Control and Community Protection Act, revoke  
13 bail pursuant to the appropriate provisions of subsection (e)  
14 of this Section.

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

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

20 (e) Upon verified application by the State stating facts  
21 or circumstances constituting a violation or a threatened  
22 violation of any of the conditions of the bail bond the court  
23 may issue a warrant commanding any peace officer to bring the  
24 defendant without unnecessary delay before the court for a  
25 hearing on the matters set forth in the application. If the  
26 actual court before which the proceeding is pending is absent

1 or otherwise unavailable another court may issue a warrant  
2 pursuant to this Section. When the defendant is charged with a  
3 felony offense and while free on bail is charged with a  
4 subsequent felony offense and is the subject of a proceeding  
5 set forth in Section 109-1 or 109-3 of this Code, upon the  
6 filing of a verified petition by the State alleging a  
7 violation of Section 110-10 (a) (4) of this Code, the court  
8 shall without prior notice to the defendant, grant leave to  
9 file such application and shall order the transfer of the  
10 defendant and the application without unnecessary delay to the  
11 court before which the previous felony matter is pending for a  
12 hearing as provided in subsection (b) or this subsection of  
13 this Section. The defendant shall be held without bond pending  
14 transfer to and a hearing before such court. At the conclusion  
15 of the hearing based on a violation of the conditions of  
16 Section 110-10 of this Code or any special conditions of bail  
17 as ordered by the court the court may enter an order increasing  
18 the amount of bail or alter the conditions of bail as deemed  
19 appropriate.

20 (f) Where the alleged violation consists of the violation  
21 of one or more felony statutes of any jurisdiction which would  
22 be a forcible felony in Illinois or a Class 2 or greater  
23 offense under the Illinois Controlled Substances Act, the  
24 Cannabis Control Act, or the Methamphetamine Control and  
25 Community Protection Act and the defendant is on bail for the  
26 alleged commission of a felony, or where the defendant is on



1 bail for a felony domestic battery (enhanced pursuant to  
2 subsection (b) of Section 12-3.2 of the Criminal Code of 1961  
3 or the Criminal Code of 2012), aggravated domestic battery,  
4 aggravated battery, unlawful restraint, aggravated unlawful  
5 restraint or domestic battery in violation of item (1) of  
6 subsection (a) of Section 12-3.2 of the Criminal Code of 1961  
7 or the Criminal Code of 2012 against a family or household  
8 member as defined in Section 112A-3 of this Code and the  
9 violation is an offense of domestic battery against the same  
10 victim the court shall, on the motion of the State or its own  
11 motion, revoke bail in accordance with the following  
12 provisions:

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

1 upon reasonable notice to the defendant and the court.

2 (2) At a hearing on the alleged violation the State  
3 has the burden of going forward and proving the violation  
4 by clear and convincing evidence. The evidence shall be  
5 presented in open court with the opportunity to testify,  
6 to present witnesses in his behalf, and to cross-examine  
7 witnesses if any are called by the State, and  
8 representation by counsel and if the defendant is indigent  
9 to have counsel appointed for him. The rules of evidence  
10 applicable in criminal trials in this State shall not  
11 govern the admissibility of evidence at such hearing.  
12 Information used by the court in its findings or stated in  
13 or offered in connection with hearings for increase or  
14 revocation of bail may be by way of proffer based upon  
15 reliable information offered by the State or defendant.  
16 All evidence shall be admissible if it is relevant and  
17 reliable regardless of whether it would be admissible  
18 under the rules of evidence applicable at criminal trials.  
19 A motion by the defendant to suppress evidence or to  
20 suppress a confession shall not be entertained at such a  
21 hearing. Evidence that proof may have been obtained as a  
22 result of an unlawful search and seizure or through  
23 improper interrogation is not relevant to this hearing.

24 (3) Upon a finding by the court that the State has  
25 established by clear and convincing evidence that the  
26 defendant has committed a forcible felony or a Class 2 or

1 greater offense under the Illinois Controlled Substances  
2 Act, the Cannabis Control Act, or the Methamphetamine  
3 Control and Community Protection Act while admitted to  
4 bail, or where the defendant is on bail for a felony  
5 domestic battery (enhanced pursuant to subsection (b) of  
6 Section 12-3.2 of the Criminal Code of 1961 or the  
7 Criminal Code of 2012), aggravated domestic battery,  
8 aggravated battery, unlawful restraint, aggravated  
9 unlawful restraint or domestic battery in violation of  
10 item (1) of subsection (a) of Section 12-3.2 of the  
11 Criminal Code of 1961 or the Criminal Code of 2012 against  
12 a family or household member as defined in Section 112A-3  
13 of this Code and the violation is an offense of domestic  
14 battery, against the same victim, the court shall revoke  
15 the bail of the defendant and hold the defendant for trial  
16 without bail. Neither the finding of the court nor any  
17 transcript or other record of the hearing shall be  
18 admissible in the State's case in chief, but shall be  
19 admissible for impeachment, or as provided in Section  
20 115-10.1 of this Code or in a perjury proceeding.

21 (4) If the bail of any defendant is revoked pursuant  
22 to paragraph (f) (3) of this Section, the defendant may  
23 demand and shall be entitled to be brought to trial on the  
24 offense with respect to which he was formerly released on  
25 bail within 90 days after the date on which his bail was  
26 revoked. If the defendant is not brought to trial within

1       the 90 day period required by the preceding sentence, he  
2       shall not be held longer without bail. In computing the 90  
3       day period, the court shall omit any period of delay  
4       resulting from a continuance granted at the request of the  
5       defendant.

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

21       (g) The State may appeal any order where the court has  
22       increased or reduced the amount of bail or altered the  
23       conditions of the bail bond or granted bail where it has  
24       previously been revoked.

25       ~~(a) When a defendant has previously been granted pretrial~~  
26       ~~release under this Section for a felony or Class A~~

1 ~~misdemeanor, that pretrial release may be revoked only if the~~  
2 ~~defendant is charged with a felony or Class A misdemeanor that~~  
3 ~~is alleged to have occurred during the defendant's pretrial~~  
4 ~~release after a hearing on the court's own motion or upon the~~  
5 ~~filing of a verified petition by the State.~~

6 ~~When a defendant released pretrial is charged with a~~  
7 ~~violation of a protective order or was previously convicted of~~  
8 ~~a violation of a protective order and the subject of the~~  
9 ~~protective order is the same person as the victim in the~~  
10 ~~current underlying matter, the State shall file a verified~~  
11 ~~petition seeking revocation of pretrial release.~~

12 ~~Upon the filing of a petition or upon motion of the court~~  
13 ~~seeking revocation, the court shall order the transfer of the~~  
14 ~~defendant and the petition or motion to the court before which~~  
15 ~~the previous felony or Class A misdemeanor is pending. The~~  
16 ~~defendant may be held in custody pending transfer to and a~~  
17 ~~hearing before such court. The defendant shall be transferred~~  
18 ~~to the court before which the previous matter is pending~~  
19 ~~without unnecessary delay, and the revocation hearing shall~~  
20 ~~occur within 72 hours of the filing of the State's petition or~~  
21 ~~the court's motion for revocation.~~

22 ~~A hearing at which pretrial release may be revoked must be~~  
23 ~~conducted in person (and not by way of two way audio visual~~  
24 ~~communication) unless the accused waives the right to be~~  
25 ~~present physically in court, the court determines that the~~  
26 ~~physical health and safety of any person necessary to the~~

1 ~~proceedings would be endangered by appearing in court, or the~~  
2 ~~chief judge of the circuit orders use of that system due to~~  
3 ~~operational challenges in conducting the hearing in person.~~  
4 ~~Such operational challenges must be documented and approved by~~  
5 ~~the chief judge of the circuit, and a plan to address the~~  
6 ~~challenges through reasonable efforts must be presented and~~  
7 ~~approved by the Administrative Office of the Illinois Courts~~  
8 ~~every 6 months.~~

9 ~~The court before which the previous felony matter or Class~~  
10 ~~A misdemeanor is pending may revoke the defendant's pretrial~~  
11 ~~release after a hearing. During the hearing for revocation,~~  
12 ~~the defendant shall be represented by counsel and have an~~  
13 ~~opportunity to be heard regarding the violation and evidence~~  
14 ~~in mitigation. The court shall consider all relevant~~  
15 ~~circumstances, including, but not limited to, the nature and~~  
16 ~~seriousness of the violation or criminal act alleged. The~~  
17 ~~State shall bear the burden of proving, by clear and~~  
18 ~~convincing evidence, that no condition or combination of~~  
19 ~~conditions of release would reasonably ensure the appearance~~  
20 ~~of the defendant for later hearings or prevent the defendant~~  
21 ~~from being charged with a subsequent felony or Class A~~  
22 ~~misdemeanor.~~

23 ~~In lieu of revocation, the court may release the defendant~~  
24 ~~pre-trial, with or without modification of conditions of~~  
25 ~~pretrial release.~~

26 ~~If the case that caused the revocation is dismissed, the~~

1 ~~defendant is found not guilty in the case causing the~~  
2 ~~revocation, or the defendant completes a lawfully imposed~~  
3 ~~sentence on the case causing the revocation, the court shall,~~  
4 ~~without unnecessary delay, hold a hearing on conditions of~~  
5 ~~pretrial release pursuant to Section 110-5 and release the~~  
6 ~~defendant with or without modification of conditions of~~  
7 ~~pretrial release.~~

8 ~~Both the State and the defendant may appeal an order~~  
9 ~~revoking pretrial release or denying a petition for revocation~~  
10 ~~of release.~~

11 ~~(b) If a defendant previously has been granted pretrial~~  
12 ~~release under this Section for a Class B or Class C misdemeanor~~  
13 ~~offense, a petty or business offense, or an ordinance~~  
14 ~~violation and if the defendant is subsequently charged with a~~  
15 ~~felony that is alleged to have occurred during the defendant's~~  
16 ~~pretrial release or a Class A misdemeanor offense that is~~  
17 ~~alleged to have occurred during the defendant's pretrial~~  
18 ~~release, such pretrial release may not be revoked, but the~~  
19 ~~court may impose sanctions under subsection (c).~~

20 ~~(c) The court shall follow the procedures set forth in~~  
21 ~~Section 110-3 to ensure the defendant's appearance in court if~~  
22 ~~the defendant:~~

23 ~~(1) fails to appear in court as required by the~~  
24 ~~defendant's conditions of release;~~

25 ~~(2) is charged with a felony or Class A misdemeanor~~  
26 ~~offense that is alleged to have occurred during the~~

1 ~~defendant's pretrial release after having been previously~~  
2 ~~granted pretrial release for a Class B or Class C~~  
3 ~~misdemeanor, a petty or business offense, or an ordinance~~  
4 ~~violation that is alleged to have occurred during the~~  
5 ~~defendant's pretrial release;~~

6 ~~(3) is charged with a Class B or C misdemeanor~~  
7 ~~offense, petty or business offense, or ordinance violation~~  
8 ~~that is alleged to have occurred during the defendant's~~  
9 ~~pretrial release; or~~

10 ~~(4) violates any other condition of pretrial release~~  
11 ~~set by the court.~~

12 ~~In response to a violation described in this subsection,~~  
13 ~~the court may issue a warrant specifying that the defendant~~  
14 ~~must appear before the court for a hearing for sanctions and~~  
15 ~~may not be released by law enforcement before that appearance.~~

16 ~~(d) When a defendant appears in court pursuant to a~~  
17 ~~summons or warrant issued in accordance with Section 110-3 or~~  
18 ~~after being arrested for an offense that is alleged to have~~  
19 ~~occurred during the defendant's pretrial release, the State~~  
20 ~~may file a verified petition requesting a hearing for~~  
21 ~~sanctions.~~

22 ~~(e) During the hearing for sanctions, the defendant shall~~  
23 ~~be represented by counsel and have an opportunity to be heard~~  
24 ~~regarding the violation and evidence in mitigation. The State~~  
25 ~~shall bear the burden of proving by clear and convincing~~  
26 ~~evidence that:~~



1 ~~(1) the defendant committed an act that violated a~~  
2 ~~term of the defendant's pretrial release;~~

3 ~~(2) the defendant had actual knowledge that the~~  
4 ~~defendant's action would violate a court order;~~

5 ~~(3) the violation of the court order was willful; and~~

6 ~~(4) the violation was not caused by a lack of access to~~  
7 ~~financial monetary resources.~~

8 ~~(f) Sanctions for violations of pretrial release may~~  
9 ~~include:~~

10 ~~(1) a verbal or written admonishment from the court;~~

11 ~~(2) imprisonment in the county jail for a period not~~  
12 ~~exceeding 30 days;~~

13 ~~(3) (Blank); or~~

14 ~~(4) a modification of the defendant's pretrial~~  
15 ~~conditions.~~

16 ~~(g) The court may, at any time, after motion by either~~  
17 ~~party or on its own motion, remove previously set conditions~~  
18 ~~of pretrial release, subject to the provisions in this~~  
19 ~~subsection. The court may only add or increase conditions of~~  
20 ~~pretrial release at a hearing under this Section.~~

21 ~~The court shall not remove a previously set condition of~~  
22 ~~pretrial release regulating contact with a victim or witness~~  
23 ~~in the case, unless the subject of the condition has been given~~  
24 ~~notice of the hearing as required in paragraph (1) of~~  
25 ~~subsection (b) of Section 4.5 of the Rights of Crime Victims~~  
26 ~~and Witnesses Act. If the subject of the condition of release~~

1 ~~is not present, the court shall follow the procedures of~~  
2 ~~paragraph (10) of subsection (c-1) of the Rights of Crime~~  
3 ~~Victims and Witnesses Act.~~

4 ~~(h) Crime victims shall be given notice by the State's~~  
5 ~~Attorney's office of all hearings under this Section as~~  
6 ~~required in paragraph (1) of subsection (b) of Section 4.5 of~~  
7 ~~the Rights of Crime Victims and Witnesses Act and shall be~~  
8 ~~informed of their opportunity at these hearings to obtain a~~  
9 ~~protective order.~~

10 ~~(i) Nothing in this Section shall be construed to limit~~  
11 ~~the State's ability to file a verified petition seeking denial~~  
12 ~~of pretrial release under subsection (a) of Section 110-6.1 or~~  
13 ~~subdivision (d) (2) of Section 110-6.1.~~

14 ~~(j) At each subsequent appearance of the defendant before~~  
15 ~~the court, the judge must find that continued detention under~~  
16 ~~this Section is necessary to reasonably ensure the appearance~~  
17 ~~of the defendant for later hearings or to prevent the~~  
18 ~~defendant from being charged with a subsequent felony or Class~~  
19 ~~A misdemeanor.~~

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

21 (725 ILCS 5/110-6.1

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

24 (a) Upon verified petition by the State, the court shall  
25 hold a hearing to determine whether bail should be denied to a

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

7 (1) A petition may be filed without prior notice to  
8 the defendant at the first appearance before a judge, or  
9 within the 21 calendar days, except as provided in Section  
10 110-6, after arrest and release of the defendant upon  
11 reasonable notice to defendant; provided that while such  
12 petition is pending before the court, the defendant if  
13 previously released shall not be detained.

14 (2) The hearing shall be held immediately upon the  
15 defendant's appearance before the court, unless for good  
16 cause shown the defendant or the State seeks a  
17 continuance. A continuance on motion of the defendant may  
18 not exceed 5 calendar days, and a continuance on the  
19 motion of the State may not exceed 3 calendar days. The  
20 defendant may be held in custody during such continuance.

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

23 (1) the proof is evident or the presumption great that  
24 the defendant has committed an offense for which a  
25 sentence of imprisonment, without probation, periodic  
26 imprisonment or conditional discharge, must be imposed by

1 law as a consequence of conviction, and

2 (2) the defendant poses a real and present threat to  
3 the physical safety of any person or persons, by conduct  
4 which may include, but is not limited to, a forcible  
5 felony, the obstruction of justice, intimidation, injury,  
6 physical harm, an offense under the Illinois Controlled  
7 Substances Act which is a Class X felony, or an offense  
8 under the Methamphetamine Control and Community Protection  
9 Act which is a Class X felony, and

10 (3) the court finds that no condition or combination  
11 of conditions set forth in subsection (b) of Section  
12 110-10 of this Article, can reasonably assure the physical  
13 safety of any other person or persons.

14 (c) Conduct of the hearings.

15 (1) The hearing on the defendant's culpability and  
16 dangerousness shall be conducted in accordance with the  
17 following provisions:

18 (A) Information used by the court in its findings or  
19 stated in or offered at such hearing may be by way of  
20 proffer based upon reliable information offered by the  
21 State or by defendant. Defendant has the right to be  
22 represented by counsel, and if he is indigent, to have  
23 counsel appointed for him. Defendant shall have the  
24 opportunity to testify, to present witnesses in his  
25 own behalf, and to cross-examine witnesses if any are  
26 called by the State. The defendant has the right to

1 present witnesses in his favor. When the ends of  
2 justice so require, the court may exercise its  
3 discretion and compel the appearance of a complaining  
4 witness. The court shall state on the record reasons  
5 for granting a defense request to compel the presence  
6 of a complaining witness. Cross-examination of a  
7 complaining witness at the pretrial detention hearing  
8 for the purpose of impeaching the witness' credibility  
9 is insufficient reason to compel the presence of the  
10 witness. In deciding whether to compel the appearance  
11 of a complaining witness, the court shall be  
12 considerate of the emotional and physical well-being  
13 of the witness. The pre-trial detention hearing is not  
14 to be used for purposes of discovery, and the post  
15 arraignment rules of discovery do not apply. The State  
16 shall tender to the defendant, prior to the hearing,  
17 copies of defendant's criminal history, if any, if  
18 available, and any written or recorded statements and  
19 the substance of any oral statements made by any  
20 person, if relied upon by the State in its petition.  
21 The rules concerning the admissibility of evidence in  
22 criminal trials do not apply to the presentation and  
23 consideration of information at the hearing. At the  
24 trial concerning the offense for which the hearing was  
25 conducted neither the finding of the court nor any  
26 transcript or other record of the hearing shall be

1 admissible in the State's case in chief, but shall be  
2 admissible for impeachment, or as provided in Section  
3 115-10.1 of this Code, or in a perjury proceeding.

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

10 (2) The facts relied upon by the court to support a  
11 finding that the defendant poses a real and present threat  
12 to the physical safety of any person or persons shall be  
13 supported by clear and convincing evidence presented by  
14 the State.

15 (d) Factors to be considered in making a determination of  
16 dangerousness. The court may, in determining whether the  
17 defendant poses a real and present threat to the physical  
18 safety of any person or persons, consider but shall not be  
19 limited to evidence or testimony concerning:

20 (1) The nature and circumstances of any offense  
21 charged, including whether the offense is a crime of  
22 violence, involving a weapon.

23 (2) The history and characteristics of the defendant  
24 including:

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

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

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

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

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

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

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

19 (7) Whether, at the time of the current offense or any  
20 other offense or arrest, the defendant was on probation,  
21 parole, aftercare release, mandatory supervised release or  
22 other release from custody pending trial, sentencing,  
23 appeal or completion of sentence for an offense under  
24 federal or state law;

25 (8) Any other factors, including those listed in  
26 Section 110-5 of this Article deemed by the court to have a

1 reasonable bearing upon the defendant's propensity or  
2 reputation for violent, abusive or assaultive behavior, or  
3 lack of such behavior.

4 (e) Detention order. The court shall, in any order for  
5 detention:

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

9 (2) direct that the defendant be committed to the  
10 custody of the sheriff for confinement in the county jail  
11 pending trial;

12 (3) direct that the defendant be given a reasonable  
13 opportunity for private consultation with counsel, and for  
14 communication with others of his choice by visitation,  
15 mail and telephone; and

16 (4) direct that the sheriff deliver the defendant as  
17 required for appearances in connection with court  
18 proceedings.

19 (f) If the court enters an order for the detention of the  
20 defendant pursuant to subsection (e) of this Section, the  
21 defendant shall be brought to trial on the offense for which he  
22 is detained within 90 days after the date on which the order  
23 for detention was entered. If the defendant is not brought to  
24 trial within the 90 day period required by the preceding  
25 sentence, he shall not be held longer without bail. In  
26 computing the 90 day period, the court shall omit any period of



1 delay resulting from a continuance granted at the request of  
2 the defendant.

3 (g) Rights of the defendant. Any person shall be entitled  
4 to appeal any order entered under this Section denying bail to  
5 the defendant.

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

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

11 ~~(a) Upon verified petition by the State, the court shall~~  
12 ~~hold a hearing and may deny a defendant pretrial release only~~  
13 ~~if:~~

14 ~~(1) the defendant is charged with a felony offense~~  
15 ~~other than a forcible felony for which, based on the~~  
16 ~~charge or the defendant's criminal history, a sentence of~~  
17 ~~imprisonment, without probation, periodic imprisonment or~~  
18 ~~conditional discharge, is required by law upon conviction,~~  
19 ~~and it is alleged that the defendant's pretrial release~~  
20 ~~poses a real and present threat to the safety of any person~~  
21 ~~or persons or the community, based on the specific~~  
22 ~~articulable facts of the case;~~

23 ~~(1.5) the defendant's pretrial release poses a real~~  
24 ~~and present threat to the safety of any person or persons~~  
25 ~~or the community, based on the specific articulable facts~~  
26 ~~of the case, and the defendant is charged with a forcible~~

1 ~~felony, which as used in this Section, means treason,~~  
2 ~~first degree murder, second degree murder, predatory~~  
3 ~~criminal sexual assault of a child, aggravated criminal~~  
4 ~~sexual assault, criminal sexual assault, armed robbery,~~  
5 ~~aggravated robbery, robbery, burglary where there is use~~  
6 ~~of force against another person, residential burglary,~~  
7 ~~home invasion, vehicular invasion, aggravated arson,~~  
8 ~~arson, aggravated kidnaping, kidnaping, aggravated battery~~  
9 ~~resulting in great bodily harm or permanent disability or~~  
10 ~~disfigurement or any other felony which involves the~~  
11 ~~threat of or infliction of great bodily harm or permanent~~  
12 ~~disability or disfigurement;~~

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

19 ~~(3) the defendant is charged with a violation of an~~  
20 ~~order of protection issued under Section 112A-14 of this~~  
21 ~~Code or Section 214 of the Illinois Domestic Violence Act~~  
22 ~~of 1986, a stalking no contact order under Section 80 of~~  
23 ~~the Stalking No Contact Order Act, or of a civil no contact~~  
24 ~~order under Section 213 of the Civil No Contact Order Act,~~  
25 ~~and it is alleged that the defendant's pretrial release~~  
26 ~~poses a real and present threat to the safety of any person~~

1 ~~or persons or the community, based on the specific~~  
2 ~~articulable facts of the case;~~

3 ~~(4) the defendant is charged with domestic battery or~~  
4 ~~aggravated domestic battery under Section 12-3.2 or 12-3.3~~  
5 ~~of the Criminal Code of 2012 and it is alleged that the~~  
6 ~~defendant's pretrial release poses a real and present~~  
7 ~~threat to the safety of any person or persons or the~~  
8 ~~community, based on the specific articulable facts of the~~  
9 ~~case;~~

10 ~~(5) the defendant is charged with any offense under~~  
11 ~~Article 11 of the Criminal Code of 2012, except for~~  
12 ~~Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,~~  
13 ~~11-40, and 11-45 of the Criminal Code of 2012, or similar~~  
14 ~~provisions of the Criminal Code of 1961 and it is alleged~~  
15 ~~that the defendant's pretrial release poses a real and~~  
16 ~~present threat to the safety of any person or persons or~~  
17 ~~the community, based on the specific articulable facts of~~  
18 ~~the case;~~

19 ~~(6) the defendant is charged with any of the following~~  
20 ~~offenses under the Criminal Code of 2012, and it is~~  
21 ~~alleged that the defendant's pretrial release poses a real~~  
22 ~~and present threat to the safety of any person or persons~~  
23 ~~or the community, based on the specific articulable facts~~  
24 ~~of the case;~~

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

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

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

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

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

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

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

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

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

20           ~~(J) Section 24-3A (gunrunning);~~

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

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

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

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

26           ~~(O) Non probationable violations: (i) unlawful use~~

1 ~~or possession of weapons by felons or persons in the~~  
2 ~~Custody of the Department of Corrections facilities~~  
3 ~~(Section 24-1.1), (ii) aggravated unlawful use of a~~  
4 ~~weapon (Section 24-1.6), or (iii) aggravated~~  
5 ~~possession of a stolen firearm (Section 24-3.9);~~

6 ~~(P) Section 9-3 (reckless homicide and involuntary~~  
7 ~~manslaughter);~~

8 ~~(Q) Section 19-3 (residential burglary);~~

9 ~~(R) Section 10-5 (child abduction);~~

10 ~~(S) Felony violations of Section 12C-5 (child~~  
11 ~~endangerment);~~

12 ~~(T) Section 12-7.1 (hate crime);~~

13 ~~(U) Section 10-3.1 (aggravated unlawful~~  
14 ~~restraint);~~

15 ~~(V) Section 12-9 (threatening a public official);~~

16 ~~(W) Subdivision (f) (1) of Section 12-3.05~~  
17 ~~(aggravated battery with a deadly weapon other than by~~  
18 ~~discharge of a firearm);~~

19 ~~(6.5) the defendant is charged with any of the~~  
20 ~~following offenses, and it is alleged that the defendant's~~  
21 ~~pretrial release poses a real and present threat to the~~  
22 ~~safety of any person or persons or the community, based on~~  
23 ~~the specific articulable facts of the case:~~

24 ~~(A) Felony violations of Sections 3.01, 3.02, or~~  
25 ~~3.03 of the Humane Care for Animals Act (cruel~~  
26 ~~treatment, aggravated cruelty, and animal torture);~~

1           ~~(B) Subdivision (d) (1) (B) of Section 11-501 of the~~  
2           ~~Illinois Vehicle Code (aggravated driving under the~~  
3           ~~influence while operating a school bus with~~  
4           ~~passengers);~~

5           ~~(C) Subdivision (d) (1) (C) of Section 11-501 of the~~  
6           ~~Illinois Vehicle Code (aggravated driving under the~~  
7           ~~influence causing great bodily harm);~~

8           ~~(D) Subdivision (d) (1) (D) of Section 11-501 of the~~  
9           ~~Illinois Vehicle Code (aggravated driving under the~~  
10           ~~influence after a previous reckless homicide~~  
11           ~~conviction);~~

12           ~~(E) Subdivision (d) (1) (F) of Section 11-501 of the~~  
13           ~~Illinois Vehicle Code (aggravated driving under the~~  
14           ~~influence leading to death); or~~

15           ~~(F) Subdivision (d) (1) (J) of Section 11-501 of the~~  
16           ~~Illinois Vehicle Code (aggravated driving under the~~  
17           ~~influence that resulted in bodily harm to a child~~  
18           ~~under the age of 16);~~

19           ~~(7) the defendant is charged with an attempt to commit~~  
20           ~~any charge listed in paragraphs (1) through (6.5), and it~~  
21           ~~is alleged that the defendant's pretrial release poses a~~  
22           ~~real and present threat to the safety of any person or~~  
23           ~~persons or the community, based on the specific~~  
24           ~~articulable facts of the case; or~~

25           ~~(8) the person has a high likelihood of willful flight~~  
26           ~~to avoid prosecution and is charged with;~~

1                   ~~(A) Any felony described in subdivisions (a) (1)~~  
2                   ~~through (a) (7) of this Section; or~~

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

4                   ~~(b) If the charged offense is a felony, as part of the~~  
5                   ~~detention hearing, the court shall determine whether there is~~  
6                   ~~probable cause the defendant has committed an offense, unless~~  
7                   ~~a hearing pursuant to Section 109-3 of this Code has already~~  
8                   ~~been held or a grand jury has returned a true bill of~~  
9                   ~~indictment against the defendant. If there is a finding of no~~  
10                   ~~probable cause, the defendant shall be released. No such~~  
11                   ~~finding is necessary if the defendant is charged with a~~  
12                   ~~misdemeanor.~~

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

14                   ~~(1) A petition may be filed without prior notice to~~  
15                   ~~the defendant at the first appearance before a judge, or~~  
16                   ~~within the 21 calendar days, except as provided in Section~~  
17                   ~~110-6, after arrest and release of the defendant upon~~  
18                   ~~reasonable notice to defendant; provided that while such~~  
19                   ~~petition is pending before the court, the defendant if~~  
20                   ~~previously released shall not be detained.~~

21                   ~~(2) Upon filing, the court shall immediately hold a~~  
22                   ~~hearing on the petition unless a continuance is requested.~~  
23                   ~~If a continuance is requested and granted, the hearing~~  
24                   ~~shall be held within 48 hours of the defendant's first~~  
25                   ~~appearance if the defendant is charged with first degree~~  
26                   ~~murder or a Class X, Class 1, Class 2, or Class 3 felony,~~

1 ~~and within 24 hours if the defendant is charged with a~~  
2 ~~Class 4 or misdemeanor offense. The Court may deny or~~  
3 ~~grant the request for continuance. If the court decides to~~  
4 ~~grant the continuance, the Court retains the discretion to~~  
5 ~~detain or release the defendant in the time between the~~  
6 ~~filing of the petition and the hearing.~~

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

8 ~~(1) The petition shall be verified by the State and~~  
9 ~~shall state the grounds upon which it contends the~~  
10 ~~defendant should be denied pretrial release, including the~~  
11 ~~real and present threat to the safety of any person or~~  
12 ~~persons or the community, based on the specific~~  
13 ~~articulable facts or flight risk, as appropriate.~~

14 ~~(2) If the State seeks to file a second or subsequent~~  
15 ~~petition under this Section, the State shall be required~~  
16 ~~to present a verified application setting forth in detail~~  
17 ~~any new facts not known or obtainable at the time of the~~  
18 ~~filing of the previous petition.~~

19 ~~(e) Eligibility: All defendants shall be presumed eligible~~  
20 ~~for pretrial release, and the State shall bear the burden of~~  
21 ~~proving by clear and convincing evidence that:~~

22 ~~(1) the proof is evident or the presumption great that~~  
23 ~~the defendant has committed an offense listed in~~  
24 ~~subsection (a), and~~

25 ~~(2) for offenses listed in paragraphs (1) through (7)~~  
26 ~~of subsection (a), the defendant poses a real and present~~



1 ~~threat to the safety of any person or persons or the~~  
2 ~~community, based on the specific articulable facts of the~~  
3 ~~case, by conduct which may include, but is not limited to,~~  
4 ~~a forcible felony, the obstruction of justice,~~  
5 ~~intimidation, injury, or abuse as defined by paragraph (1)~~  
6 ~~of Section 103 of the Illinois Domestic Violence Act of~~  
7 ~~1986, and~~

8 ~~(3) no condition or combination of conditions set~~  
9 ~~forth in subsection (b) of Section 110-10 of this Article~~  
10 ~~can mitigate (i) the real and present threat to the safety~~  
11 ~~of any person or persons or the community, based on the~~  
12 ~~specific articulable facts of the case, for offenses~~  
13 ~~listed in paragraphs (1) through (7) of subsection (a), or~~  
14 ~~(ii) the defendant's willful flight for offenses listed in~~  
15 ~~paragraph (8) of subsection (a), and~~

16 ~~(4) for offenses under subsection (b) of Section 407~~  
17 ~~of the Illinois Controlled Substances Act that are subject~~  
18 ~~to paragraph (1) of subsection (a), no condition or~~  
19 ~~combination of conditions set forth in subsection (b) of~~  
20 ~~Section 110-10 of this Article can mitigate the real and~~  
21 ~~present threat to the safety of any person or persons or~~  
22 ~~the community, based on the specific articulable facts of~~  
23 ~~the case, and the defendant poses a serious risk to not~~  
24 ~~appear in court as required.~~

25 ~~(f) Conduct of the hearings.~~

26 ~~(1) Prior to the hearing, the State shall tender to~~

1 ~~the defendant copies of the defendant's criminal history~~  
2 ~~available, any written or recorded statements, and the~~  
3 ~~substance of any oral statements made by any person, if~~  
4 ~~relied upon by the State in its petition, and any police~~  
5 ~~reports in the prosecutor's possession at the time of the~~  
6 ~~hearing.~~

7 ~~(2) The State or defendant may present evidence at the~~  
8 ~~hearing by way of proffer based upon reliable information.~~

9 ~~(3) The defendant has the right to be represented by~~  
10 ~~counsel, and if he or she is indigent, to have counsel~~  
11 ~~appointed for him or her. The defendant shall have the~~  
12 ~~opportunity to testify, to present witnesses on his or her~~  
13 ~~own behalf, and to cross-examine any witnesses that are~~  
14 ~~called by the State. Defense counsel shall be given~~  
15 ~~adequate opportunity to confer with the defendant before~~  
16 ~~any hearing at which conditions of release or the~~  
17 ~~detention of the defendant are to be considered, with an~~  
18 ~~accommodation for a physical condition made to facilitate~~  
19 ~~attorney/client consultation. If defense counsel needs to~~  
20 ~~confer or consult with the defendant during any hearing~~  
21 ~~conducted via a two-way audio-visual communication system,~~  
22 ~~such consultation shall not be recorded and shall be~~  
23 ~~undertaken consistent with constitutional protections.~~

24 ~~(3.5) A hearing at which pretrial release may be~~  
25 ~~denied must be conducted in person (and not by way of~~  
26 ~~two-way audio-visual communication) unless the accused~~

1 ~~waives the right to be present physically in court, the~~  
2 ~~court determines that the physical health and safety of~~  
3 ~~any person necessary to the proceedings would be~~  
4 ~~endangered by appearing in court, or the chief judge of~~  
5 ~~the circuit orders use of that system due to operational~~  
6 ~~challenges in conducting the hearing in person. Such~~  
7 ~~operational challenges must be documented and approved by~~  
8 ~~the chief judge of the circuit, and a plan to address the~~  
9 ~~challenges through reasonable efforts must be presented~~  
10 ~~and approved by the Administrative Office of the Illinois~~  
11 ~~Courts every 6 months.~~

12 ~~(4) If the defense seeks to compel the complaining~~  
13 ~~witness to testify as a witness in its favor, it shall~~  
14 ~~petition the court for permission. When the ends of~~  
15 ~~justice so require, the court may exercise its discretion~~  
16 ~~and compel the appearance of a complaining witness. The~~  
17 ~~court shall state on the record reasons for granting a~~  
18 ~~defense request to compel the presence of a complaining~~  
19 ~~witness only on the issue of the defendant's pretrial~~  
20 ~~detention. In making a determination under this Section,~~  
21 ~~the court shall state on the record the reason for~~  
22 ~~granting a defense request to compel the presence of a~~  
23 ~~complaining witness, and only grant the request if the~~  
24 ~~court finds by clear and convincing evidence that the~~  
25 ~~defendant will be materially prejudiced if the complaining~~  
26 ~~witness does not appear. Cross examination of a~~

1 ~~complaining witness at the pretrial detention hearing for~~  
2 ~~the purpose of impeaching the witness' credibility is~~  
3 ~~insufficient reason to compel the presence of the witness.~~  
4 ~~In deciding whether to compel the appearance of a~~  
5 ~~complaining witness, the court shall be considerate of the~~  
6 ~~emotional and physical well being of the witness. The~~  
7 ~~pre trial detention hearing is not to be used for purposes~~  
8 ~~of discovery, and the post arraignment rules of discovery~~  
9 ~~do not apply. The State shall tender to the defendant,~~  
10 ~~prior to the hearing, copies, if any, of the defendant's~~  
11 ~~criminal history, if available, and any written or~~  
12 ~~recorded statements and the substance of any oral~~  
13 ~~statements made by any person, if in the State's~~  
14 ~~Attorney's possession at the time of the hearing.~~

15 ~~(5) The rules concerning the admissibility of evidence~~  
16 ~~in criminal trials do not apply to the presentation and~~  
17 ~~consideration of information at the hearing. At the trial~~  
18 ~~concerning the offense for which the hearing was conducted~~  
19 ~~neither the finding of the court nor any transcript or~~  
20 ~~other record of the hearing shall be admissible in the~~  
21 ~~State's case in chief, but shall be admissible for~~  
22 ~~impeachment, or as provided in Section 115-10.1 of this~~  
23 ~~Code, or in a perjury proceeding.~~

24 ~~(6) The defendant may not move to suppress evidence or~~  
25 ~~a confession, however, evidence that proof of the charged~~  
26 ~~crime may have been the result of an unlawful search or~~

1 ~~seizure, or both, or through improper interrogation, is~~  
2 ~~relevant in assessing the weight of the evidence against~~  
3 ~~the defendant.~~

4 ~~(7) Decisions regarding release, conditions of~~  
5 ~~release, and detention prior to trial must be~~  
6 ~~individualized, and no single factor or standard may be~~  
7 ~~used exclusively to order detention. Risk assessment tools~~  
8 ~~may not be used as the sole basis to deny pretrial release.~~

9 ~~(g) Factors to be considered in making a determination of~~  
10 ~~dangerousness. The court may, in determining whether the~~  
11 ~~defendant poses a real and present threat to the safety of any~~  
12 ~~person or persons or the community, based on the specific~~  
13 ~~articulable facts of the case, consider, but shall not be~~  
14 ~~limited to, evidence or testimony concerning:~~

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

18 ~~(2) The history and characteristics of the defendant~~  
19 ~~including:~~

20 ~~(A) Any evidence of the defendant's prior criminal~~  
21 ~~history indicative of violent, abusive or assaultive~~  
22 ~~behavior, or lack of such behavior. Such evidence may~~  
23 ~~include testimony or documents received in juvenile~~  
24 ~~proceedings, criminal, quasi-criminal, civil~~  
25 ~~commitment, domestic relations, or other proceedings.~~

26 ~~(B) Any evidence of the defendant's psychological,~~

1           ~~psychiatric or other similar social history which~~  
2           ~~tends to indicate a violent, abusive, or assaultive~~  
3           ~~nature, or lack of any such history.~~

4           ~~(3) The identity of any person or persons to whose~~  
5           ~~safety the defendant is believed to pose a threat, and the~~  
6           ~~nature of the threat.~~

7           ~~(4) Any statements made by, or attributed to the~~  
8           ~~defendant, together with the circumstances surrounding~~  
9           ~~them.~~

10          ~~(5) The age and physical condition of the defendant.~~

11          ~~(6) The age and physical condition of any victim or~~  
12          ~~complaining witness.~~

13          ~~(7) Whether the defendant is known to possess or have~~  
14          ~~access to any weapon or weapons.~~

15          ~~(8) Whether, at the time of the current offense or any~~  
16          ~~other offense or arrest, the defendant was on probation,~~  
17          ~~parole, aftercare release, mandatory supervised release or~~  
18          ~~other release from custody pending trial, sentencing,~~  
19          ~~appeal or completion of sentence for an offense under~~  
20          ~~federal or state law.~~

21          ~~(9) Any other factors, including those listed in~~  
22          ~~Section 110-5 of this Article deemed by the court to have a~~  
23          ~~reasonable bearing upon the defendant's propensity or~~  
24          ~~reputation for violent, abusive, or assaultive behavior,~~  
25          ~~or lack of such behavior.~~

26          ~~(h) Detention order. The court shall, in any order for~~

1 ~~detention:~~

2 ~~(1) make a written finding summarizing the court's~~  
3 ~~reasons for concluding that the defendant should be denied~~  
4 ~~pretrial release, including why less restrictive~~  
5 ~~conditions would not avoid a real and present threat to~~  
6 ~~the safety of any person or persons or the community,~~  
7 ~~based on the specific articulable facts of the case, or~~  
8 ~~prevent the defendant's willful flight from prosecution;~~

9 ~~(2) direct that the defendant be committed to the~~  
10 ~~custody of the sheriff for confinement in the county jail~~  
11 ~~pending trial;~~

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

16 ~~(4) direct that the sheriff deliver the defendant as~~  
17 ~~required for appearances in connection with court~~  
18 ~~proceedings.~~

19 ~~(i) Detention. If the court enters an order for the~~  
20 ~~detention of the defendant pursuant to subsection (c) of this~~  
21 ~~Section, the defendant shall be brought to trial on the~~  
22 ~~offense for which he is detained within 90 days after the date~~  
23 ~~on which the order for detention was entered. If the defendant~~  
24 ~~is not brought to trial within the 90-day period required by~~  
25 ~~the preceding sentence, he shall not be denied pretrial~~  
26 ~~release. In computing the 90 day period, the court shall omit~~

1 ~~any period of delay resulting from a continuance granted at~~  
2 ~~the request of the defendant and any period of delay resulting~~  
3 ~~from a continuance granted at the request of the State with~~  
4 ~~good cause shown pursuant to Section 103-5.~~

5 ~~(i-5) At each subsequent appearance of the defendant~~  
6 ~~before the court, the judge must find that continued detention~~  
7 ~~is necessary to avoid a real and present threat to the safety~~  
8 ~~of any person or persons or the community, based on the~~  
9 ~~specific articulable facts of the case, or to prevent the~~  
10 ~~defendant's willful flight from prosecution.~~

11 ~~(j) Rights of the defendant. The defendant shall be~~  
12 ~~entitled to appeal any order entered under this Section~~  
13 ~~denying his or her pretrial release.~~

14 ~~(k) Appeal. The State may appeal any order entered under~~  
15 ~~this Section denying any motion for denial of pretrial~~  
16 ~~release.~~

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

21 ~~(m) Interest of victims.~~

22 ~~(1) Crime victims shall be given notice by the State's~~  
23 ~~Attorney's office of this hearing as required in paragraph (1)~~  
24 ~~of subsection (b) of Section 4.5 of the Rights of Crime Victims~~  
25 ~~and Witnesses Act and shall be informed of their opportunity~~  
26 ~~at this hearing to obtain a protective order.~~



1       ~~(2) If the defendant is denied pretrial release, the court~~  
2       ~~may impose a no contact provision with the victim or other~~  
3       ~~interested party that shall be enforced while the defendant~~  
4       ~~remains in custody.~~

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

6           (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

7           Sec. 110-6.2. Post-conviction detention.

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

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

19           (1) the person is not likely to flee or pose a danger  
20       to the safety of any other person or the community if  
21       released on bond pending appeal; and

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

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

1 (725 ILCS 5/110-6.4)

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

18 For the purpose of this Section, "risk-assessment tool"  
19 means an empirically validated, evidence-based screening  
20 instrument that demonstrates reduced instances of a  
21 defendant's failure to appear for further court proceedings or  
22 prevents future criminal activity.

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

1 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

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

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

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

10 (2) Submit himself or herself to the orders and  
11 process of the court;

12 (3) (Blank);

13 (3.1) Not depart this State without leave of the  
14 court;

15 (4) Not violate any criminal statute of any  
16 jurisdiction;

17 (5) At a time and place designated by the court,  
18 surrender all firearms in his or her possession to a law  
19 enforcement officer designated by the court to take  
20 custody of and impound the firearms and physically  
21 surrender his or her Firearm Owner's Identification Card  
22 to the clerk of the circuit court when the offense the  
23 person has been charged with is a forcible felony,  
24 stalking, aggravated stalking, domestic battery, any  
25 violation of the Illinois Controlled Substances Act, the  
26 Methamphetamine Control and Community Protection Act, or

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

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

23 Psychological evaluations ordered pursuant to this Section  
24 shall be completed promptly and made available to the State,  
25 the defendant, and the court. As a further condition of bail  
26 ~~pretrial release~~ under these circumstances, the court shall

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

18 (b) The court may impose other conditions, such as the  
19 following, if the court finds that such conditions are  
20 reasonably necessary to assure the defendant's appearance in  
21 court, protect the public from the defendant, or prevent the  
22 defendant's unlawful interference with the orderly  
23 administration of justice:

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

26 (2) Refrain from possessing a firearm or other

1 dangerous weapon;

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

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

6 (5) Refrain from engaging in certain activities or  
7 indulging in intoxicating liquors or in certain drugs;

8 (6) Undergo treatment for drug addiction or  
9 alcoholism;

10 (7) Undergo medical or psychiatric treatment;

11 (8) Work or pursue a course of study or vocational  
12 training;

13 (9) Attend or reside in a facility designated by the  
14 court;

15 (10) Support his or her dependents;

16 (11) If a minor resides with his or her parents or in a  
17 foster home, attend school, attend a non-residential  
18 program for youths, and contribute to his or her own  
19 support at home or in a foster home;

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

21 (13) Remain in the custody of such designated person  
22 or organization agreeing to supervise his release. Such  
23 third party custodian shall be responsible for notifying  
24 the court if the defendant fails to observe the conditions  
25 of release which the custodian has agreed to monitor, and  
26 shall be subject to contempt of court for failure so to

1 notify the court;

2 (14) Be placed under direct supervision of the  
3 Pretrial Services Agency, Probation Department or Court  
4 Services Department in a pretrial bond home supervision  
5 capacity with or without the use of an approved electronic  
6 monitoring device subject to Article 8A of Chapter V of  
7 the Unified Code of Corrections;

8 (14.1) The court shall impose upon a defendant who is  
9 charged with any alcohol, cannabis, methamphetamine, or  
10 controlled substance violation and is placed under direct  
11 supervision of the Pretrial Services Agency, Probation  
12 Department or Court Services Department in a pretrial bond  
13 home supervision capacity with the use of an approved  
14 monitoring device, as a condition of such bail bond, a fee  
15 that represents costs incidental to the electronic  
16 monitoring for each day of such bail supervision ordered  
17 by the court, unless after determining the inability of  
18 the defendant to pay the fee, the court assesses a lesser  
19 fee or no fee as the case may be. The fee shall be  
20 collected by the clerk of the circuit court, except as  
21 provided in an administrative order of the Chief Judge of  
22 the circuit court. The clerk of the circuit court shall  
23 pay all monies collected from this fee to the county  
24 treasurer for deposit in the substance abuse services fund  
25 under Section 5-1086.1 of the Counties Code, except as  
26 provided in an administrative order of the Chief Judge of

1       the circuit court.

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

12           The Chief Judge of the circuit court may suspend any  
13 additional charges or fees for late payment, interest, or  
14 damage to any device;

15           (14.2) The court shall impose upon all defendants,  
16 including those defendants subject to paragraph (14.1)  
17 above, placed under direct supervision of the Pretrial  
18 Services Agency, Probation Department or Court Services  
19 Department in a pretrial bond home supervision capacity  
20 with the use of an approved monitoring device, as a  
21 condition of such bail bond, a fee which shall represent  
22 costs incidental to such electronic monitoring for each  
23 day of such bail supervision ordered by the court, unless  
24 after determining the inability of the defendant to pay  
25 the fee, the court assesses a lesser fee or no fee as the  
26 case may be. The fee shall be collected by the clerk of the



1 circuit court, except as provided in an administrative  
2 order of the Chief Judge of the circuit court. The clerk of  
3 the circuit court shall pay all monies collected from this  
4 fee to the county treasurer who shall use the monies  
5 collected to defray the costs of corrections. The county  
6 treasurer shall deposit the fee collected in the county  
7 working cash fund under Section 6-27001 or Section 6-29002  
8 of the Counties Code, as the case may be, except as  
9 provided in an administrative order of the Chief Judge of  
10 the circuit court.

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

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

24 (14.3) The Chief Judge of the Judicial Circuit may  
25 establish reasonable fees to be paid by a person receiving  
26 pretrial services while under supervision of a pretrial

1 services agency, probation department, or court services  
2 department. Reasonable fees may be charged for pretrial  
3 services including, but not limited to, pretrial  
4 supervision, diversion programs, electronic monitoring,  
5 victim impact services, drug and alcohol testing, DNA  
6 testing, GPS electronic monitoring, assessments and  
7 evaluations related to domestic violence and other  
8 victims, and victim mediation services. The person  
9 receiving pretrial services may be ordered to pay all  
10 costs incidental to pretrial services in accordance with  
11 his or her ability to pay those costs;

12 (14.4) For persons charged with violating Section  
13 11-501 of the Illinois Vehicle Code, refrain from  
14 operating a motor vehicle not equipped with an ignition  
15 interlock device, as defined in Section 1-129.1 of the  
16 Illinois Vehicle Code, pursuant to the rules promulgated  
17 by the Secretary of State for the installation of ignition  
18 interlock devices. Under this condition the court may  
19 allow a defendant who is not self-employed to operate a  
20 vehicle owned by the defendant's employer that is not  
21 equipped with an ignition interlock device in the course  
22 and scope of the defendant's employment;

23 (15) Comply with the terms and conditions of an order  
24 of protection issued by the court under the Illinois  
25 Domestic Violence Act of 1986 or an order of protection  
26 issued by the court of another state, tribe, or United

1 States territory;

2 (16) Under Section 110-6.5-1 comply with the  
3 conditions of the drug testing program; and

4 (17) Such other reasonable conditions as the court may  
5 impose.

6 ~~(b) Additional conditions of release shall be set only~~  
7 ~~when it is determined that they are necessary to ensure the~~  
8 ~~defendant's appearance in court, ensure the defendant does not~~  
9 ~~commit any criminal offense, ensure the defendant complies~~  
10 ~~with all conditions of pretrial release, prevent the~~  
11 ~~defendant's unlawful interference with the orderly~~  
12 ~~administration of justice, or ensure compliance with the rules~~  
13 ~~and procedures of problem solving courts. However, conditions~~  
14 ~~shall include the least restrictive means and be~~  
15 ~~individualized. Conditions shall not mandate rehabilitative~~  
16 ~~services unless directly tied to the risk of pretrial~~  
17 ~~misconduct. Conditions of supervision shall not include~~  
18 ~~punitive measures such as community service work or~~  
19 ~~restitution. Conditions may include the following:~~

20 ~~(0.05) Not depart this State without leave of the~~  
21 ~~court;~~

22 ~~(1) Report to or appear in person before such person~~  
23 ~~or agency as the court may direct;~~

24 ~~(2) Refrain from possessing a firearm or other~~  
25 ~~dangerous weapon;~~

26 ~~(3) Refrain from approaching or communicating with~~

1 ~~particular persons or classes of persons;~~

2 ~~(4) Refrain from going to certain described geographic~~  
3 ~~areas or premises;~~

4 ~~(5) Be placed under direct supervision of the Pretrial~~  
5 ~~Services Agency, Probation Department or Court Services~~  
6 ~~Department in a pretrial home supervision capacity with or~~  
7 ~~without the use of an approved electronic monitoring~~  
8 ~~device subject to Article 8A of Chapter V of the Unified~~  
9 ~~Code of Corrections;~~

10 ~~(6) For persons charged with violating Section 11-501~~  
11 ~~of the Illinois Vehicle Code, refrain from operating a~~  
12 ~~motor vehicle not equipped with an ignition interlock~~  
13 ~~device, as defined in Section 1-129.1 of the Illinois~~  
14 ~~Vehicle Code, pursuant to the rules promulgated by the~~  
15 ~~Secretary of State for the installation of ignition~~  
16 ~~interlock devices. Under this condition the court may~~  
17 ~~allow a defendant who is not self employed to operate a~~  
18 ~~vehicle owned by the defendant's employer that is not~~  
19 ~~equipped with an ignition interlock device in the course~~  
20 ~~and scope of the defendant's employment;~~

21 ~~(7) Comply with the terms and conditions of an order~~  
22 ~~of protection issued by the court under the Illinois~~  
23 ~~Domestic Violence Act of 1986 or an order of protection~~  
24 ~~issued by the court of another state, tribe, or United~~  
25 ~~States territory;~~

26 ~~(8) Sign a written admonishment requiring that he or~~

1 ~~she comply with the provisions of Section 110-12 regarding~~  
2 ~~any change in his or her address. The defendant's address~~  
3 ~~shall at all times remain a matter of record with the clerk~~  
4 ~~of the court; and~~

5 ~~(9) Such other reasonable conditions as the court may~~  
6 ~~impose, so long as these conditions are the least~~  
7 ~~restrictive means to achieve the goals listed in~~  
8 ~~subsection (b), are individualized, and are in accordance~~  
9 ~~with national best practices as detailed in the Pretrial~~  
10 ~~Supervision Standards of the Supreme Court.~~

11 ~~The defendant shall receive verbal and written~~  
12 ~~notification of conditions of pretrial release and future~~  
13 ~~court dates, including the date, time, and location of court.~~

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

24 1. Vacate the household.

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

1           3. Refrain from contact or communication with the  
2 child victim, except as ordered by the court.

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

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

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

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

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

1 in subsections (a) and (b) hereof:

2 (1) Duly prosecute his appeal;

3 (2) Appear at such time and place as the court may  
4 direct;

5 (3) Not depart this State without leave of the court;

6 (4) Comply with such other reasonable conditions as  
7 the court may impose; and

8 (5) If the judgment is affirmed or the cause reversed  
9 and remanded for a new trial, forthwith surrender to the  
10 officer from whose custody he was bailed ~~released~~.

11 (g) Upon a finding of guilty for any felony offense, the  
12 defendant shall physically surrender, at a time and place  
13 designated by the court, any and all firearms in his or her  
14 possession and his or her Firearm Owner's Identification Card  
15 as a condition of remaining on bond ~~being released~~ pending  
16 sentencing.

17 (h) In the event the defendant is unable to post bond, the  
18 court may impose a no contact provision with the victim or  
19 other interested party that shall be enforced while the  
20 defendant remains in custody.

21 (Source: P.A. 101-138, eff. 1-1-20; 101-652, eff. 1-1-23;  
22 102-1104, eff. 1-1-23.)

23 (725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

24 Sec. 110-11. Bail ~~Pretrial release~~ on a new trial. If the  
25 judgment of conviction is reversed and the cause remanded for

1 a new trial the trial court may order that the bail ~~conditions~~  
2 ~~of pretrial release~~ stand pending such trial, or reduce or  
3 increase bail ~~modify the conditions of pretrial release.~~

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

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

6 Sec. 110-12. Notice of change of address. A defendant who  
7 has been admitted to bail ~~pretrial release~~ shall file a  
8 written notice with the clerk of the court before which the  
9 proceeding is pending of any change in his or her address  
10 within 24 hours after such change, except that a defendant who  
11 has been admitted to bail ~~pretrial release~~ for a forcible  
12 felony as defined in Section 2-8 of the Criminal Code of 2012  
13 shall file a written notice with the clerk of the court before  
14 which the proceeding is pending and the clerk shall  
15 immediately deliver a time stamped copy of the written notice  
16 to the State's Attorney ~~prosecutor~~ charged with the  
17 prosecution within 24 hours prior to such change. The address  
18 of a defendant who has been admitted to bail ~~pretrial release~~  
19 shall at all times remain a matter of public record with the  
20 clerk of the court.

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

22 (725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

23 Sec. 111-2. Commencement of prosecutions.

24 (a) All prosecutions of felonies shall be by information



1 or by indictment. No prosecution may be pursued by information  
2 unless a preliminary hearing has been held or waived in  
3 accordance with Section 109-3 and at that hearing probable  
4 cause to believe the defendant committed an offense was found,  
5 and the provisions of Section 109-3.1 of this Code have been  
6 complied with.

7 (b) All other prosecutions may be by indictment,  
8 information or complaint.

9 (c) Upon the filing of an information or indictment in  
10 open court charging the defendant with the commission of a sex  
11 offense defined in any Section of Article 11 of the Criminal  
12 Code of 1961 or the Criminal Code of 2012, and a minor as  
13 defined in Section 1-3 of the Juvenile Court Act of 1987 is  
14 alleged to be the victim of the commission of the acts of the  
15 defendant in the commission of such offense, the court may  
16 appoint a guardian ad litem for the minor as provided in  
17 Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile Court Act of  
18 1987.

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

24 (e) When the offense is bailable ~~eligible for pretrial~~  
25 ~~release~~, the judge shall endorse on the warrant the amount of  
26 bail ~~conditions of pretrial release~~ required by the order of

1 the court, and if the court orders the process returnable  
2 forthwith, the warrant shall require that the accused be  
3 arrested and brought immediately into court.

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

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

13 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

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

15 (a) When violation is crime. A violation of any protective  
16 order, whether issued in a civil, quasi-criminal proceeding or  
17 by a military judge, shall be enforced by a criminal court  
18 when:

19 (1) The respondent commits the crime of violation of a  
20 domestic violence order of protection pursuant to Section  
21 12-3.4 or 12-30 of the Criminal Code of 1961 or the  
22 Criminal Code of 2012, by having knowingly violated:

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

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

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

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

16          (2) The respondent commits the crime of child  
17          abduction pursuant to Section 10-5 of the Criminal Code of  
18          1961 or the Criminal Code of 2012, by having knowingly  
19          violated:

20               (i) remedies described in paragraph (5), (6), or  
21               (8) of subsection (b) of Section 112A-14 of this Code,  
22               or

23               (ii) a remedy, which is substantially similar to  
24               the remedies authorized under paragraph (1), (5), (6),  
25               or (8) of subsection (b) of Section 214 of the Illinois  
26               Domestic Violence Act of 1986, in a valid domestic

1 violence order of protection, which is authorized  
2 under the laws of another state, tribe, or United  
3 States territory.

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

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

18 (b) When violation is contempt of court. A violation of  
19 any valid protective order, whether issued in a civil or  
20 criminal proceeding or by a military judge, may be enforced  
21 through civil or criminal contempt procedures, as appropriate,  
22 by any court with jurisdiction, regardless where the act or  
23 acts which violated the protective order were committed, to  
24 the extent consistent with the venue provisions of this  
25 Article. Nothing in this Article shall preclude any Illinois  
26 court from enforcing any valid protective order issued in

1 another state. Illinois courts may enforce protective orders  
2 through both criminal prosecution and contempt proceedings,  
3 unless the action which is second in time is barred by  
4 collateral estoppel or the constitutional prohibition against  
5 double jeopardy.

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

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

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

1 Marriage Act.

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

6 (1) (Blank).

7 (2) (Blank).

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

10 (4) By other means demonstrating actual knowledge of  
11 the contents of the order.

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

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

17 (2) Any finding or order entered in a conjoined  
18 criminal proceeding.

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

26 (f) Circumstances. The court, when determining whether or

1 not a violation of a protective order has occurred, shall not  
2 require physical manifestations of abuse on the person of the  
3 victim.

4 (g) Penalties.

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

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

17 (3) To the extent permitted by law, the court is  
18 encouraged to:

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

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

1 (iii) impose a minimum penalty of 48 hours  
2 imprisonment for respondent's second or subsequent  
3 violation of a protective order  
4 unless the court explicitly finds that an increased  
5 penalty or that period of imprisonment would be manifestly  
6 unjust.

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

10 (i) to increase, revoke, or modify the bail bond  
11 ~~conditions of pretrial release~~ on an underlying  
12 criminal charge pursuant to Section 110-6 of this  
13 Code;

14 (ii) to revoke or modify an order of probation,  
15 conditional discharge, or supervision, pursuant to  
16 Section 5-6-4 of the Unified Code of Corrections;

17 (iii) to revoke or modify a sentence of periodic  
18 imprisonment, pursuant to Section 5-7-2 of the Unified  
19 Code of Corrections.

20 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21;  
21 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 103-407, eff.  
22 7-28-23.)

23 (725 ILCS 5/113-3.1) (from Ch. 38, par. 113-3.1)  
24 Sec. 113-3.1. Payment for Court-Appointed Counsel.

25 (a) Whenever under either Section 113-3 of this Code or



1 Rule 607 of the Illinois Supreme Court the court appoints  
2 counsel to represent a defendant, the court may order the  
3 defendant to pay to the Clerk of the Circuit Court a reasonable  
4 sum to reimburse either the county or the State for such  
5 representation. In a hearing to determine the amount of the  
6 payment, the court shall consider the affidavit prepared by  
7 the defendant under Section 113-3 of this Code and any other  
8 information pertaining to the defendant's financial  
9 circumstances which may be submitted by the parties. Such  
10 hearing shall be conducted on the court's own motion or on  
11 motion of the prosecutor ~~State's Attorney~~ at any time after  
12 the appointment of counsel but no later than 90 days after the  
13 entry of a final order disposing of the case at the trial  
14 level.

15 (b) Any sum ordered paid under this Section may not exceed  
16 \$500 for a defendant charged with a misdemeanor, \$5,000 for a  
17 defendant charged with a felony, or \$2,500 for a defendant who  
18 is appealing a conviction of any class offense.

19 (c) The method of any payment required under this Section  
20 shall be as specified by the Court. The court may order that  
21 payments be made on a monthly basis during the term of  
22 representation; however, the sum deposited as money bond shall  
23 not be used to satisfy this court order. ~~Any sum deposited as~~  
24 ~~money bond with the Clerk of the Circuit Court under Section~~  
25 ~~110-7 of this Code may be used in the court's discretion in~~  
26 ~~whole or in part to comply with any payment order entered in~~

1 ~~accordance with paragraph (a) of this Section. The court may~~  
2 ~~give special consideration to the interests of relatives or~~  
3 ~~other third parties who may have posted a money bond on the~~  
4 ~~behalf of the defendant to secure his release.~~ At any time  
5 prior to full payment of any payment order the court on its own  
6 motion or the motion of any party may reduce, increase, or  
7 suspend the ordered payment, or modify the method of payment,  
8 as the interest of fairness may require. No increase,  
9 suspension, or reduction may be ordered without a hearing and  
10 notice to all parties.

11 (d) The Supreme Court or the circuit courts may provide by  
12 rule for procedures for the enforcement of orders entered  
13 under this Section. Such rules may provide for the assessment  
14 of all costs, including attorneys' fees which are required for  
15 the enforcement of orders entered under this Section when the  
16 court in an enforcement proceeding has first found that the  
17 defendant has willfully refused to pay. The Clerk of the  
18 Circuit Court shall keep records and make reports to the court  
19 concerning funds paid under this Section in whatever manner  
20 the court directs.

21 (e) Whenever an order is entered under this Section for  
22 the reimbursement of the State due to the appointment of the  
23 State Appellate Defender as counsel on appeal, the order shall  
24 provide that the Clerk of the Circuit Court shall retain all  
25 funds paid pursuant to such order until the full amount of the  
26 sum ordered to be paid by the defendant has been paid. When no

1 balance remains due on such order, the Clerk of the Circuit  
2 Court shall inform the court of this fact and the court shall  
3 promptly order the Clerk of the Circuit Court to pay to the  
4 State Treasurer all of the sum paid.

5 (f) The Clerk of the Circuit Court shall retain all funds  
6 under this Section paid for the reimbursement of the county,  
7 and shall inform the court when no balance remains due on an  
8 order entered hereunder. The Clerk of the Circuit Court shall  
9 make payments of funds collected under this Section to the  
10 County Treasurer in whatever manner and at whatever point as  
11 the court may direct, including payments made on a monthly  
12 basis during the term of representation.

13 (g) A defendant who fails to obey any order of court  
14 entered under this Section may be punished for contempt of  
15 court. Any arrearage in payments may be reduced to judgment in  
16 the court's discretion and collected by any means authorized  
17 for the collection of money judgments under the law of this  
18 State.

19 (Source: P.A. 102-1104, eff. 1-1-23.)

20 (725 ILCS 5/114-1) (from Ch. 38, par. 114-1)

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

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

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

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

5           (3) The defendant has received immunity from  
6 prosecution for the offense charged.

7           (4) The indictment was returned by a Grand Jury which  
8 was improperly selected and which results in substantial  
9 injustice to the defendant.

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

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

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

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

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

19          (10) The defendant is misnamed in the charge and the  
20 misnomer results in substantial injustice to the  
21 defendant.

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

24          (b) The court shall require any motion to dismiss to be  
25 filed within a reasonable time after the defendant has been  
26 arraigned. Any motion not filed within such time or an

1 extension thereof shall not be considered by the court and the  
2 grounds therefor, except as to subsections (a)(6) and (a)(8)  
3 of this Section, are waived.

4 (c) If the motion presents only an issue of law the court  
5 shall determine it without the necessity of further pleadings.  
6 If the motion alleges facts not of record in the case the State  
7 shall file an answer admitting or denying each of the factual  
8 allegations of the motion.

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

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

18 (d-6) When a defendant seeks dismissal of the charge upon  
19 the grounds set forth in subsection (a)(2) of this Section,  
20 the prosecution shall have the burden of proving, by a  
21 preponderance of the evidence, that the prosecution of the  
22 offense is not barred by Sections 3-3 through 3-8 of the  
23 Criminal Code of 2012.

24 (e) Dismissal of the charge upon the grounds set forth in  
25 subsections (a)(4) through (a)(11) of this Section shall not  
26 prevent the return of a new indictment or the filing of a new

1 charge, and upon such dismissal the court may order that the  
2 defendant be held in custody or, if the defendant had been  
3 previously released on bail ~~pretrial release~~, that the bail  
4 ~~pretrial release~~ be continued for a specified time pending the  
5 return of a new indictment or the filing of a new charge.

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

11 (Source: P.A. 100-434, eff. 1-1-18; 101-652, eff. 1-1-23.)

12 (725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

13 Sec. 115-4.1. Absence of defendant.

14 (a) When a defendant after arrest and an initial court  
15 appearance for a non-capital felony or a misdemeanor, fails to  
16 appear for trial, at the request of the State and after the  
17 State has affirmatively proven through substantial evidence  
18 that the defendant is willfully avoiding trial, the court may  
19 commence trial in the absence of the defendant. Absence of a  
20 defendant as specified in this Section shall not be a bar to  
21 indictment of a defendant, return of information against a  
22 defendant, or arraignment of a defendant for the charge for  
23 which bail ~~pretrial release~~ has been granted. If a defendant  
24 fails to appear at arraignment, the court may enter a plea of  
25 "not guilty" on his behalf. If a defendant absents himself

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

1 be required when the defendant was not personally present in  
2 open court at the time when the case was set for trial.

3 (b) The absence of a defendant from a trial conducted  
4 pursuant to this Section does not operate as a bar to  
5 concluding the trial, to a judgment of conviction resulting  
6 therefrom, or to a final disposition of the trial in favor of  
7 the defendant.

8 (c) Upon a verdict of not guilty, the court shall enter  
9 judgment for the defendant. Upon a verdict of guilty, the  
10 court shall set a date for the hearing of post-trial motions  
11 and shall hear such motion in the absence of the defendant. If  
12 post-trial motions are denied, the court shall proceed to  
13 conduct a sentencing hearing and to impose a sentence upon the  
14 defendant.

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

18 (e) When a defendant who in his absence has been either  
19 convicted or sentenced or both convicted and sentenced appears  
20 before the court, he must be granted a new trial or new  
21 sentencing hearing if the defendant can establish that his  
22 failure to appear in court was both without his fault and due  
23 to circumstances beyond his control. A hearing with notice to  
24 the State's Attorney on the defendant's request for a new  
25 trial or a new sentencing hearing must be held before any such  
26 request may be granted. At any such hearing both the defendant



1 and the State may present evidence.

2 (f) If the court grants only the defendant's request for a  
3 new sentencing hearing, then a new sentencing hearing shall be  
4 held in accordance with the provisions of the Unified Code of  
5 Corrections. At any such hearing, both the defendant and the  
6 State may offer evidence of the defendant's conduct during his  
7 period of absence from the court. The court may impose any  
8 sentence authorized by the Unified Code of Corrections and is  
9 not in any way limited or restricted by any sentence  
10 previously imposed.

11 (g) A defendant whose motion under paragraph (e) for a new  
12 trial or new sentencing hearing has been denied may file a  
13 notice of appeal therefrom. Such notice may also include a  
14 request for review of the judgment and sentence not vacated by  
15 the trial court.

16 (Source: P.A. 101-652, eff. 1-1-23.)

17 (725 ILCS 5/122-6) (from Ch. 38, par. 122-6)

18 Sec. 122-6. Disposition in trial court. The court may  
19 receive proof by affidavits, depositions, oral testimony, or  
20 other evidence. In its discretion the court may order the  
21 petitioner brought before the court for the hearing. If the  
22 court finds in favor of the petitioner, it shall enter an  
23 appropriate order with respect to the judgment or sentence in  
24 the former proceedings and such supplementary orders as to  
25 rearraignment, retrial, custody, bail, ~~conditions of pretrial~~

1 ~~release~~ or discharge as may be necessary and proper.

2 (Source: P.A. 101-652, eff. 1-1-23.)

3 (725 ILCS 5/102-10.5 rep.)

4 (725 ILCS 5/102-14.5 rep.)

5 (725 ILCS 5/110-6.6 rep.)

6 (725 ILCS 5/110-7.5 rep.)

7 (725 ILCS 5/110-1.5 rep.)

8 Section 255. The Code of Criminal Procedure of 1963 is  
9 amended by repealing Sections 102-10.5, 102-14.5, 110-1.5  
10 110-6.6, and 110-7.5.

11 Section 260. The Code of Criminal Procedure of 1963 is  
12 amended by changing Sections 103-2 and 108-8 as follows:

13 (725 ILCS 5/103-2) (from Ch. 38, par. 103-2)

14 Sec. 103-2. Treatment while in custody.

15 (a) On being taken into custody every person shall have  
16 the right to remain silent.

17 (b) No unlawful means of any kind shall be used to obtain a  
18 statement, admission or confession from any person in custody.

19 (c) Persons in custody shall be treated humanely and  
20 provided with proper food, shelter and, if required, medical  
21 treatment ~~without unreasonable delay if the need for the~~  
22 ~~treatment is apparent.~~

23 (Source: P.A. 101-652, eff. 7-1-21.)

1 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

2 Sec. 108-8. Use of force in execution of search warrant.

3 (a) All necessary and reasonable force may be used to  
4 effect an entry into any building or property or part thereof  
5 to execute a search warrant.

6 (b) The court issuing a warrant may authorize the officer  
7 executing the warrant to make entry without first knocking and  
8 announcing his or her office if it finds, based upon a showing  
9 of specific facts, the existence of the following exigent  
10 circumstances:

11 (1) That the officer reasonably believes that if  
12 notice were given a weapon would be used:

13 (i) against the officer executing the search  
14 warrant; or

15 (ii) against another person.

16 (2) That if notice were given there is an imminent  
17 "danger" that evidence will be destroyed.

18 ~~(c) Prior to the issuing of a warrant under subsection~~  
19 ~~(b), the officer must attest that:~~

20 ~~(1) prior to entering the location described in the~~  
21 ~~search warrant, a supervising officer will ensure that~~  
22 ~~each participating member is assigned a body worn camera~~  
23 ~~and is following policies and procedures in accordance~~  
24 ~~with Section 10-20 of the Law Enforcement Officer Worn~~  
25 ~~Body Camera Act; provided that the law enforcement agency~~

1 ~~has implemented body worn camera in accordance with~~  
2 ~~Section 10-15 of the Law Enforcement Officer Worn Body~~  
3 ~~Camera Act. If a law enforcement agency or each~~  
4 ~~participating member of a multi-jurisdictional team has~~  
5 ~~not implemented a body camera in accordance with Section~~  
6 ~~10-15 of the Law Enforcement Officer Worn Body Camera Act,~~  
7 ~~the officer must attest that the interaction authorized by~~  
8 ~~the warrant is otherwise recorded;~~

9 ~~(2) The supervising officer verified the subject~~  
10 ~~address listed on the warrant for accuracy and planned for~~  
11 ~~children or other vulnerable people on-site; and~~

12 ~~(3) if an officer becomes aware the search warrant was~~  
13 ~~executed at an address, unit, or apartment different from~~  
14 ~~the location listed on the search warrant, that member~~  
15 ~~will immediately notify a supervisor who will ensure an~~  
16 ~~internal investigation or formal inquiry ensues.~~

17 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21.)

18 Section 265. The Code of Criminal Procedure of 1963 is  
19 amended by adding Sections 103-3.1, 110-4.1, 110-6.3-1,  
20 110-6.5-1, 110-7.1, 110-8.1, 110-9.1, 110-13.1, 110-14.1,  
21 110-15.1, 110-16.1, 110-17.1, and 110-18.1 and Article 110B as  
22 follows:

23 (725 ILCS 5/103-3.1 new)

24 Sec. 103-3.1. Right to communicate with attorney and

1 family; transfers.

2 (a) Persons who are arrested shall have the right to  
3 communicate with an attorney of their choice and a member of  
4 their family by making a reasonable number of telephone calls  
5 or in any other reasonable manner. Such communication shall be  
6 permitted within a reasonable time after arrival at the first  
7 place of custody.

8 (b) In the event the accused is transferred to a new place  
9 of custody his right to communicate with an attorney and a  
10 member of his family is renewed.

11 (725 ILCS 5/110-4.1 new)

12 Sec. 110-4.1. Bailable offenses.

13 (a) All persons shall be bailable before conviction,  
14 except the following offenses where the proof is evident or  
15 the presumption great that the defendant is guilty of the  
16 offense: capital offenses; offenses for which a sentence of  
17 life imprisonment may be imposed as a consequence of  
18 conviction; felony offenses for which a sentence of  
19 imprisonment, without conditional and revocable release, shall  
20 be imposed by law as a consequence of conviction, where the  
21 court after a hearing, determines that the release of the  
22 defendant would pose a real and present threat to the physical  
23 safety of any person or persons; stalking or aggravated  
24 stalking, where the court, after a hearing, determines that  
25 the release of the defendant would pose a real and present

1 threat to the physical safety of the alleged victim of the  
2 offense and denial of bail is necessary to prevent fulfillment  
3 of the threat upon which the charge is based; or unlawful use  
4 of weapons in violation of item (4) of subsection (a) of  
5 Section 24-1 of the Criminal Code of 1961 or the Criminal Code  
6 of 2012 when that offense occurred in a school or in any  
7 conveyance owned, leased, or contracted by a school to  
8 transport students to or from school or a school-related  
9 activity, or on any public way within 1,000 feet of real  
10 property comprising any school, where the court, after a  
11 hearing, determines that the release of the defendant would  
12 pose a real and present threat to the physical safety of any  
13 person and denial of bail is necessary to prevent fulfillment  
14 of that threat; or making a terrorist threat in violation of  
15 Section 29D-20 of the Criminal Code of 1961 or the Criminal  
16 Code of 2012 or an attempt to commit the offense of making a  
17 terrorist threat, where the court, after a hearing, determines  
18 that the release of the defendant would pose a real and present  
19 threat to the physical safety of any person and denial of bail  
20 is necessary to prevent fulfillment of that threat.

21 (b) A person seeking release on bail who is charged with a  
22 capital offense or an offense for which a sentence of life  
23 imprisonment may be imposed shall not be bailable until a  
24 hearing is held wherein such person has the burden of  
25 demonstrating that the proof of his guilt is not evident and  
26 the presumption is not great.

1       (c) Where it is alleged that bail should be denied to a  
2 person upon the grounds that the person presents a real and  
3 present threat to the physical safety of any person or  
4 persons, the burden of proof of such allegations shall be upon  
5 the State.

6       (d) When it is alleged that bail should be denied to a  
7 person charged with stalking or aggravated stalking upon the  
8 grounds set forth in Section 110-6.3-1 of this Code, the  
9 burden of proof of those allegations shall be upon the State.

10       (725 ILCS 5/110-6.3-1 new)

11       Sec. 110-6.3-1. Denial of bail in stalking and aggravated  
12 stalking offenses.

13       (a) Upon verified petition by the State, the court shall  
14 hold a hearing to determine whether bail should be denied to a  
15 defendant who is charged with stalking or aggravated stalking,  
16 when it is alleged that the defendant's admission to bail  
17 poses a real and present threat to the physical safety of the  
18 alleged victim of the offense, and denial of release on bail or  
19 personal recognizance is necessary to prevent fulfillment of  
20 the threat upon which the charge is based.

21       (1) A petition may be filed without prior notice to  
22 the defendant at the first appearance before a judge, or  
23 within 21 calendar days, except as provided in Section  
24 110-6, after arrest and release of the defendant upon  
25 reasonable notice to defendant; provided that while the

1 petition is pending before the court, the defendant if  
2 previously released shall not be detained.

3 (2) The hearing shall be held immediately upon the  
4 defendant's appearance before the court, unless for good  
5 cause shown the defendant or the State seeks a  
6 continuance. A continuance on motion of the defendant may  
7 not exceed 5 calendar days, and the defendant may be held  
8 in custody during the continuance. A continuance on the  
9 motion of the State may not exceed 3 calendar days;  
10 however, the defendant may be held in custody during the  
11 continuance under this provision if the defendant has been  
12 previously found to have violated an order of protection  
13 or has been previously convicted of, or granted court  
14 supervision for, any of the offenses set forth in Sections  
15 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-2,  
16 12-3.05, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-7.3, 12-7.4,  
17 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code  
18 of 1961 or the Criminal Code of 2012, against the same  
19 person as the alleged victim of the stalking or aggravated  
20 stalking offense.

21 (b) The court may deny bail to the defendant when, after  
22 the hearing, it is determined that:

23 (1) the proof is evident or the presumption great that  
24 the defendant has committed the offense of stalking or  
25 aggravated stalking; and

26 (2) the defendant poses a real and present threat to



1 the physical safety of the alleged victim of the offense;  
2 and

3 (3) the denial of release on bail or personal  
4 recognizance is necessary to prevent fulfillment of the  
5 threat upon which the charge is based; and

6 (4) the court finds that no condition or combination  
7 of conditions set forth in subsection (b) of Section  
8 110-10 of this Code, including mental health treatment at  
9 a community mental health center, hospital, or facility of  
10 the Department of Human Services, can reasonably assure  
11 the physical safety of the alleged victim of the offense.

12 (c) Conduct of the hearings.

13 (1) The hearing on the defendant's culpability and  
14 threat to the alleged victim of the offense shall be  
15 conducted in accordance with the following provisions:

16 (A) Information used by the court in its findings  
17 or stated in or offered at the hearing may be by way of  
18 proffer based upon reliable information offered by the  
19 State or by defendant. Defendant has the right to be  
20 represented by counsel, and if he is indigent, to have  
21 counsel appointed for him. Defendant shall have the  
22 opportunity to testify, to present witnesses in his  
23 own behalf, and to cross-examine witnesses if any are  
24 called by the State. The defendant has the right to  
25 present witnesses in his favor. When the ends of  
26 justice so require, the court may exercise its

1 discretion and compel the appearance of a complaining  
2 witness. The court shall state on the record reasons  
3 for granting a defense request to compel the presence  
4 of a complaining witness. Cross-examination of a  
5 complaining witness at the pretrial detention hearing  
6 for the purpose of impeaching the witness' credibility  
7 is insufficient reason to compel the presence of the  
8 witness. In deciding whether to compel the appearance  
9 of a complaining witness, the court shall be  
10 considerate of the emotional and physical well-being  
11 of the witness. The pretrial detention hearing is not  
12 to be used for the purposes of discovery, and the post  
13 arraignment rules of discovery do not apply. The State  
14 shall tender to the defendant, prior to the hearing,  
15 copies of defendant's criminal history, if any, if  
16 available, and any written or recorded statements and  
17 the substance of any oral statements made by any  
18 person, if relied upon by the State. The rules  
19 concerning the admissibility of evidence in criminal  
20 trials do not apply to the presentation and  
21 consideration of information at the hearing. At the  
22 trial concerning the offense for which the hearing was  
23 conducted neither the finding of the court nor any  
24 transcript or other record of the hearing shall be  
25 admissible in the State's case in chief, but shall be  
26 admissible for impeachment, or as provided in Section

1 115-10.1 of this Code, or in a perjury proceeding.

2 (B) A motion by the defendant to suppress evidence  
3 or to suppress a confession shall not be entertained.  
4 Evidence that proof may have been obtained as the  
5 result of an unlawful search and seizure or through  
6 improper interrogation is not relevant to this state  
7 of the prosecution.

8 (2) The facts relied upon by the court to support a  
9 finding that:

10 (A) the defendant poses a real and present threat  
11 to the physical safety of the alleged victim of the  
12 offense; and

13 (B) the denial of release on bail or personal  
14 recognizance is necessary to prevent fulfillment of  
15 the threat upon which the charge is based;

16 shall be supported by clear and convincing evidence  
17 presented by the State.

18 (d) Factors to be considered in making a determination of  
19 the threat to the alleged victim of the offense. The court may,  
20 in determining whether the defendant poses, at the time of the  
21 hearing, a real and present threat to the physical safety of  
22 the alleged victim of the offense, consider but shall not be  
23 limited to evidence or testimony concerning:

24 (1) The nature and circumstances of the offense  
25 charged;

26 (2) The history and characteristics of the defendant

1 including:

2 (A) Any evidence of the defendant's prior criminal  
3 history indicative of violent, abusive or assaultive  
4 behavior, or lack of that behavior. The evidence may  
5 include testimony or documents received in juvenile  
6 proceedings, criminal, quasi-criminal, civil  
7 commitment, domestic relations or other proceedings;

8 (B) Any evidence of the defendant's psychological,  
9 psychiatric or other similar social history that tends  
10 to indicate a violent, abusive, or assaultive nature,  
11 or lack of any such history.

12 (3) The nature of the threat which is the basis of the  
13 charge against the defendant;

14 (4) Any statements made by, or attributed to the  
15 defendant, together with the circumstances surrounding  
16 them;

17 (5) The age and physical condition of any person  
18 assaulted by the defendant;

19 (6) Whether the defendant is known to possess or have  
20 access to any weapon or weapons;

21 (7) Whether, at the time of the current offense or any  
22 other offense or arrest, the defendant was on probation,  
23 parole, aftercare release, mandatory supervised release or  
24 other release from custody pending trial, sentencing,  
25 appeal or completion of sentence for an offense under  
26 federal or state law;

1           (8) Any other factors, including those listed in  
2           Section 110-5 of this Code, deemed by the court to have a  
3           reasonable bearing upon the defendant's propensity or  
4           reputation for violent, abusive or assaultive behavior, or  
5           lack of that behavior.

6           (e) The court shall, in any order denying bail to a person  
7           charged with stalking or aggravated stalking:

8           (1) briefly summarize the evidence of the defendant's  
9           culpability and its reasons for concluding that the  
10           defendant should be held without bail;

11           (2) direct that the defendant be committed to the  
12           custody of the sheriff for confinement in the county jail  
13           pending trial;

14           (3) direct that the defendant be given a reasonable  
15           opportunity for private consultation with counsel, and for  
16           communication with others of his choice by visitation,  
17           mail and telephone; and

18           (4) direct that the sheriff deliver the defendant as  
19           required for appearances in connection with court  
20           proceedings.

21           (f) If the court enters an order for the detention of the  
22           defendant under subsection (e) of this Section, the defendant  
23           shall be brought to trial on the offense for which he is  
24           detained within 90 days after the date on which the order for  
25           detention was entered. If the defendant is not brought to  
26           trial within the 90 day period required by this subsection

1 (f), he shall not be held longer without bail. In computing the  
2 90 day period, the court shall omit any period of delay  
3 resulting from a continuance granted at the request of the  
4 defendant. The court shall immediately notify the alleged  
5 victim of the offense that the defendant has been admitted to  
6 bail under this subsection.

7 (g) Any person shall be entitled to appeal any order  
8 entered under this Section denying bail to the defendant.

9 (h) The State may appeal any order entered under this  
10 Section denying any motion for denial of bail.

11 (i) Nothing in this Section shall be construed as  
12 modifying or limiting in any way the defendant's presumption  
13 of innocence in further criminal proceedings.

14 (725 ILCS 5/110-6.5-1 new)

15 Sec. 110-6.5-1. Drug testing program.

16 (a) The Chief Judge of the circuit may establish a drug  
17 testing program as provided by this Section in any county in  
18 the circuit if the county board has approved the establishment  
19 of the program and the county probation department or pretrial  
20 services agency has consented to administer it. The drug  
21 testing program shall be conducted under the following  
22 provisions:

23 (a-1) The court, in the case of a defendant charged with a  
24 felony offense or any offense involving the possession or  
25 delivery of cannabis or a controlled substance, shall:

1           (1) not consider the release of the defendant on his  
2           or her own recognizance, unless the defendant consents to  
3           periodic drug testing during the period of release on his  
4           or her own recognizance, in accordance with this Section;

5           (2) consider the consent of the defendant to periodic  
6           drug testing during the period of release on bail in  
7           accordance with this Section as a favorable factor for the  
8           defendant in determining the amount of bail, the  
9           conditions of release or in considering the defendant's  
10          motion to reduce the amount of bail.

11          (b) The drug testing shall be conducted by the pretrial  
12          services agency or under the direction of the probation  
13          department when a pretrial services agency does not exist in  
14          accordance with this Section.

15          (c) A defendant who consents to periodic drug testing as  
16          set forth in this Section shall sign an agreement with the  
17          court that, during the period of release, the defendant shall  
18          refrain from using illegal drugs and that the defendant will  
19          comply with the conditions of the testing program. The  
20          agreement shall be on a form prescribed by the court and shall  
21          be executed at the time of the bail hearing. This agreement  
22          shall be made a specific condition of bail.

23          (d) The drug testing program shall be conducted as  
24          follows:

25               (1) The testing shall be done by urinalysis for the  
26               detection of phencyclidine, heroin, cocaine, methadone and

1       amphetamines.

2           (2) The collection of samples shall be performed under  
3       reasonable and sanitary conditions.

4           (3) Samples shall be collected and tested with due  
5       regard for the privacy of the individual being tested and  
6       in a manner reasonably calculated to prevent substitutions  
7       or interference with the collection or testing of reliable  
8       samples.

9           (4) Sample collection shall be documented, and the  
10       documentation procedures shall include:

11           (i) Labeling of samples so as to reasonably  
12       preclude the probability of erroneous identification  
13       of test results; and

14           (ii) An opportunity for the defendant to provide  
15       information on the identification of prescription or  
16       nonprescription drugs used in connection with a  
17       medical condition.

18           (5) Sample collection, storage, and transportation to  
19       the place of testing shall be performed so as to  
20       reasonably preclude the probability of sample  
21       contamination or adulteration.

22           (6) Sample testing shall conform to scientifically  
23       accepted analytical methods and procedures. Testing shall  
24       include verification or confirmation of any positive test  
25       result by a reliable analytical method before the result  
26       of any test may be used as a basis for any action by the



1 court.

2 (e) The initial sample shall be collected before the  
3 defendant's release on bail. Thereafter, the defendant shall  
4 report to the pretrial services agency or probation department  
5 as required by the agency or department. The pretrial services  
6 agency or probation department shall immediately notify the  
7 court of any defendant who fails to report for testing.

8 (f) After the initial test, a subsequent confirmed  
9 positive test result indicative of continued drug use shall  
10 result in the following:

11 (1) Upon the first confirmed positive test result, the  
12 pretrial services agency or probation department, shall  
13 place the defendant on a more frequent testing schedule  
14 and shall warn the defendant of the consequences of  
15 continued drug use.

16 (2) A second confirmed positive test result shall be  
17 grounds for a hearing before the judge who authorized the  
18 release of the defendant in accordance with the provisions  
19 of subsection (g) of this Section.

20 (g) The court shall, upon motion of the State or upon its  
21 own motion, conduct a hearing in connection with any defendant  
22 who fails to appear for testing, fails to cooperate with the  
23 persons conducting the testing program, attempts to submit a  
24 sample not his or her own or has had a confirmed positive test  
25 result indicative of continued drug use for the second or  
26 subsequent time after the initial test. The hearing shall be

1 conducted in accordance with the procedures of Section 110-6.

2 Upon a finding by the court that the State has established  
3 by clear and convincing evidence that the defendant has  
4 violated the drug testing conditions of bail, the court may  
5 consider any of the following sanctions:

6 (1) increase the amount of the defendant's bail or  
7 conditions of release;

8 (2) impose a jail sentence of up to 5 days;

9 (3) revoke the defendant's bail; or

10 (4) enter such other orders which are within the power  
11 of the court as deemed appropriate.

12 (h) The results of any drug testing conducted under this  
13 Section shall not be admissible on the issue of the  
14 defendant's guilt in connection with any criminal charge.

15 (i) The court may require that the defendant pay for the  
16 cost of drug testing.

17 (725 ILCS 5/110-7.1 new)

18 Sec. 110-7.1. Deposit of bail security.

19 (a) The person for whom bail has been set shall execute the  
20 bail bond and deposit with the clerk of the court before which  
21 the proceeding is pending a sum of money equal to 10% of the  
22 bail, but in no event shall such deposit be less than \$25. The  
23 clerk of the court shall provide a space on each form for a  
24 person other than the accused who has provided the money for  
25 the posting of bail to so indicate and a space signed by an

1 accused who has executed the bail bond indicating whether a  
2 person other than the accused has provided the money for the  
3 posting of bail. The form shall also include a written notice  
4 to such person who has provided the defendant with the money  
5 for the posting of bail indicating that the bail may be used to  
6 pay costs, attorney's fees, fines, or other purposes  
7 authorized by the court and if the defendant fails to comply  
8 with the conditions of the bail bond, the court shall enter an  
9 order declaring the bail to be forfeited. The written notice  
10 must be: (1) distinguishable from the surrounding text; (2) in  
11 bold type or underscored; and (3) in a type size at least 2  
12 points larger than the surrounding type. When a person for  
13 whom bail has been set is charged with an offense under the  
14 Illinois Controlled Substances Act or the Methamphetamine  
15 Control and Community Protection Act which is a Class X  
16 felony, or making a terrorist threat in violation of Section  
17 29D-20 of the Criminal Code of 1961 or the Criminal Code of  
18 2012 or an attempt to commit the offense of making a terrorist  
19 threat, the court may require the defendant to deposit a sum  
20 equal to 100% of the bail. Where any person is charged with a  
21 forcible felony while free on bail and is the subject of  
22 proceedings under Section 109-3 of this Code the judge  
23 conducting the preliminary examination may also conduct a  
24 hearing upon the application of the State pursuant to the  
25 provisions of Section 110-6 of this Code to increase or revoke  
26 the bail for that person's prior alleged offense.

1       (b) Upon depositing this sum and any bond fee authorized  
2 by law, the person shall be released from custody subject to  
3 the conditions of the bail bond.

4       (c) Once bail has been given and a charge is pending or is  
5 thereafter filed in or transferred to a court of competent  
6 jurisdiction the latter court shall continue the original bail  
7 in that court subject to the provisions of Section 110-6 of  
8 this Code.

9       (d) After conviction the court may order that the original  
10 bail stand as bail pending appeal or deny, increase or reduce  
11 bail subject to the provisions of Section 110-6.2.

12       (e) After the entry of an order by the trial court allowing  
13 or denying bail pending appeal either party may apply to the  
14 reviewing court having jurisdiction or to a justice thereof  
15 sitting in vacation for an order increasing or decreasing the  
16 amount of bail or allowing or denying bail pending appeal  
17 subject to the provisions of Section 110-6.2.

18       (f) When the conditions of the bail bond have been  
19 performed and the accused has been discharged from all  
20 obligations in the cause the clerk of the court shall return to  
21 the accused or to the defendant's designee by an assignment  
22 executed at the time the bail amount is deposited, unless the  
23 court orders otherwise, 90% of the sum which had been  
24 deposited and shall retain as bail bond costs 10% of the amount  
25 deposited. However, in no event shall the amount retained by  
26 the clerk as bail bond costs be less than \$5. Notwithstanding

1 the foregoing, in counties with a population of 3,000,000 or  
2 more, in no event shall the amount retained by the clerk as  
3 bail bond costs exceed \$100. Bail bond deposited by or on  
4 behalf of a defendant in one case may be used, in the court's  
5 discretion, to satisfy financial obligations of that same  
6 defendant incurred in a different case due to a fine, court  
7 costs, restitution or fees of the defendant's attorney of  
8 record. In counties with a population of 3,000,000 or more,  
9 the court shall not order bail bond deposited by or on behalf  
10 of a defendant in one case to be used to satisfy financial  
11 obligations of that same defendant in a different case until  
12 the bail bond is first used to satisfy court costs and  
13 attorney's fees in the case in which the bail bond has been  
14 deposited and any other unpaid child support obligations are  
15 satisfied. In counties with a population of less than  
16 3,000,000, the court shall not order bail bond deposited by or  
17 on behalf of a defendant in one case to be used to satisfy  
18 financial obligations of that same defendant in a different  
19 case until the bail bond is first used to satisfy court costs  
20 in the case in which the bail bond has been deposited.

21 At the request of the defendant the court may order such  
22 90% of defendant's bail deposit, or whatever amount is  
23 repayable to defendant from such deposit, to be paid to  
24 defendant's attorney of record.

25 (g) If the accused does not comply with the conditions of  
26 the bail bond the court having jurisdiction shall enter an

1 order declaring the bail to be forfeited. Notice of such order  
2 of forfeiture shall be mailed forthwith to the accused at his  
3 last known address. If the accused does not appear and  
4 surrender to the court having jurisdiction within 30 days from  
5 the date of the forfeiture or within such period satisfy the  
6 court that appearance and surrender by the accused is  
7 impossible and without his fault the court shall enter  
8 judgment for the State if the charge for which the bond was  
9 given was a felony or misdemeanor, or if the charge was  
10 quasi-criminal or traffic, judgment for the political  
11 subdivision of the State which prosecuted the case, against  
12 the accused for the amount of the bail and costs of the court  
13 proceedings; however, in counties with a population of less  
14 than 3,000,000, instead of the court entering a judgment for  
15 the full amount of the bond the court may, in its discretion,  
16 enter judgment for the cash deposit on the bond, less costs,  
17 retain the deposit for further disposition or, if a cash bond  
18 was posted for failure to appear in a matter involving  
19 enforcement of child support or maintenance, the amount of the  
20 cash deposit on the bond, less outstanding costs, may be  
21 awarded to the person or entity to whom the child support or  
22 maintenance is due. The deposit made in accordance with  
23 paragraph (a) shall be applied to the payment of costs. If  
24 judgment is entered and any amount of such deposit remains  
25 after the payment of costs it shall be applied to payment of  
26 the judgment and transferred to the treasury of the municipal

1 corporation wherein the bond was taken if the offense was a  
2 violation of any penal ordinance of a political subdivision of  
3 this State, or to the treasury of the county wherein the bond  
4 was taken if the offense was a violation of any penal statute  
5 of this State. The balance of the judgment may be enforced and  
6 collected in the same manner as a judgment entered in a civil  
7 action.

8 (h) After a judgment for a fine and court costs or either  
9 is entered in the prosecution of a cause in which a deposit had  
10 been made in accordance with paragraph (a) the balance of such  
11 deposit, after deduction of bail bond costs, shall be applied  
12 to the payment of the judgment.

13 (i) When a court appearance is required for an alleged  
14 violation of the Criminal Code of 1961, the Criminal Code of  
15 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish  
16 and Aquatic Life Code, the Child Passenger Protection Act, or  
17 a comparable offense of a unit of local government as  
18 specified in Supreme Court Rule 551, and if the accused does  
19 not appear in court on the date set for appearance or any date  
20 to which the case may be continued and the court issues an  
21 arrest warrant for the accused, based upon his or her failure  
22 to appear when having so previously been ordered to appear by  
23 the court, the accused upon his or her admission to bail shall  
24 be assessed by the court a fee of \$75. Payment of the fee shall  
25 be a condition of release unless otherwise ordered by the  
26 court. The fee shall be in addition to any bail that the

1 accused is required to deposit for the offense for which the  
2 accused has been charged and may not be used for the payment of  
3 court costs or fines assessed for the offense. The clerk of the  
4 court shall remit \$70 of the fee assessed to the arresting  
5 agency who brings the offender in on the arrest warrant. If the  
6 Department of State Police is the arresting agency, \$70 of the  
7 fee assessed shall be remitted by the clerk of the court to the  
8 State Treasurer within one month after receipt for deposit  
9 into the State Police Operations Assistance Fund. The clerk of  
10 the court shall remit \$5 of the fee assessed to the Circuit  
11 Court Clerk Operation and Administrative Fund as provided in  
12 Section 27.3d of the Clerks of Courts Act.

13 (725 ILCS 5/110-8.1 new)

14 Sec. 110-8.1. Cash, stocks, bonds and real estate as  
15 security for bail.

16 (a) In lieu of the bail deposit provided for in Section  
17 110-7.1 of this Code any person for whom bail has been set may  
18 execute the bail bond with or without sureties which bond may  
19 be secured:

20 (1) By a deposit, with the clerk of the court, of an amount  
21 equal to the required bail, of cash, or stocks and bonds in  
22 which trustees are authorized to invest trust funds under the  
23 laws of this State; or

24 (2) By real estate situated in this State with  
25 unencumbered equity not exempt owned by the accused or



1 sureties worth double the amount of bail set in the bond.

2 (b) If the bail bond is secured by stocks and bonds the  
3 accused or sureties shall file with the bond a sworn schedule  
4 which shall be approved by the court and shall contain:

5 (1) A list of the stocks and bonds deposited  
6 describing each in sufficient detail that it may be  
7 identified;

8 (2) The market value of each stock and bond;

9 (3) The total market value of the stocks and bonds  
10 listed;

11 (4) A statement that the affiant is the sole owner of  
12 the stocks and bonds listed and they are not exempt from  
13 the enforcement of a judgment thereon;

14 (5) A statement that such stocks and bonds have 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 such stocks and bonds are  
19 security for the appearance of the accused in accordance  
20 with the conditions of the bail bond.

21 (c) If the bail bond is secured by real estate the accused  
22 or sureties shall file with the bond a sworn schedule which  
23 shall contain:

24 (1) A legal description of the real estate;

25 (2) A description of any and all encumbrances on the  
26 real estate including the amount of each and the holder

1       thereof;

2           (3) The market value of the unencumbered equity owned  
3       by the affiant;

4           (4) A statement that the affiant is the sole owner of  
5       such unencumbered equity and that it is not exempt from  
6       the enforcement of a judgment thereon;

7           (5) A statement that the real estate has not  
8       previously been used or accepted as bail in this State  
9       during the 12 months preceding the date of the bail bond;  
10       and

11           (6) A statement that the real estate is security for  
12       the appearance of the accused in accordance with the  
13       conditions of the bail bond.

14           (d) The sworn schedule shall constitute a material part of  
15       the bail bond. The affiant commits perjury if in the sworn  
16       schedule he makes a false statement which he does not believe  
17       to be true. He shall be prosecuted and punished accordingly,  
18       or, he may be punished for contempt.

19           (e) A certified copy of the bail bond and schedule of real  
20       estate shall be filed immediately in the office of the  
21       registrar of titles or recorder of the county in which the real  
22       estate is situated and the State shall have a lien on such real  
23       estate from the time such copies are filed in the office of the  
24       registrar of titles or recorder. The registrar of titles or  
25       recorder shall enter, index and record (or register as the  
26       case may be) such bail bonds and schedules without requiring

1 any advance fee, which fee shall be taxed as costs in the  
2 proceeding and paid out of such costs when collected.

3 (f) When the conditions of the bail bond have been  
4 performed and the accused has been discharged from his  
5 obligations in the cause, the clerk of the court shall return  
6 to him or his sureties the deposit of any cash, stocks or  
7 bonds. If the bail bond has been secured by real estate the  
8 clerk of the court shall forthwith notify in writing the  
9 registrar of titles or recorder and the lien of the bail bond  
10 on the real estate shall be discharged.

11 (g) If the accused does not comply with the conditions of  
12 the bail bond the court having jurisdiction shall enter an  
13 order declaring the bail to be forfeited. Notice of such order  
14 of forfeiture shall be mailed forthwith by the clerk of the  
15 court to the accused and his sureties at their last known  
16 address. If the accused does not appear and surrender to the  
17 court having jurisdiction within 30 days from the date of the  
18 forfeiture or within such period satisfy the court that  
19 appearance and surrender by the accused is impossible and  
20 without his fault the court shall enter judgment for the State  
21 against the accused and his sureties for the amount of the bail  
22 and costs of the proceedings; however, in counties with a  
23 population of less than 3,000,000, if the defendant has posted  
24 a cash bond, instead of the court entering a judgment for the  
25 full amount of the bond the court may, in its discretion, enter  
26 judgment for the cash deposit on the bond, less costs, retain

1 the deposit for further disposition or, if a cash bond was  
2 posted for failure to appear in a matter involving enforcement  
3 of child support or maintenance, the amount of the cash  
4 deposit on the bond, less outstanding costs, may be awarded to  
5 the person or entity to whom the child support or maintenance  
6 is due.

7 (h) When judgment is entered in favor of the State on any  
8 bail bond given for a felony or misdemeanor, or judgment for a  
9 political subdivision of the state on any bail bond given for a  
10 quasi-criminal or traffic offense, the State's Attorney or  
11 political subdivision's attorney shall forthwith obtain a  
12 certified copy of the judgment and deliver same to the sheriff  
13 to be enforced by levy on the stocks or bonds deposited with  
14 the clerk of the court and the real estate described in the  
15 bail bond schedule. Any cash forfeited under subsection (g) of  
16 this Section shall be used to satisfy the judgment and costs  
17 and, without necessity of levy, ordered paid into the treasury  
18 of the municipal corporation wherein the bail bond was taken  
19 if the offense was a violation of any penal ordinance of a  
20 political subdivision of this State, or into the treasury of  
21 the county wherein the bail bond was taken if the offense was a  
22 violation of any penal statute of this State, or to the person  
23 or entity to whom child support or maintenance is owed if the  
24 bond was taken for failure to appear in a matter involving  
25 child support or maintenance. The stocks, bonds and real  
26 estate shall be sold in the same manner as in sales for the

1 enforcement of a judgment in civil actions and the proceeds of  
2 such sale shall be used to satisfy all court costs, prior  
3 encumbrances, if any, and from the balance a sufficient amount  
4 to satisfy the judgment shall be paid into the treasury of the  
5 municipal corporation wherein the bail bond was taken if the  
6 offense was a violation of any penal ordinance of a political  
7 subdivision of this State, or into the treasury of the county  
8 wherein the bail bond was taken if the offense was a violation  
9 of any penal statute of this State. The balance shall be  
10 returned to the owner. The real estate so sold may be redeemed  
11 in the same manner as real estate may be redeemed after  
12 judicial sales or sales for the enforcement of judgments in  
13 civil actions.

14 (i) No stocks, bonds or real estate may be used or accepted  
15 as bail bond security in this State more than once in any 12  
16 month period.

17 (725 ILCS 5/110-9.1 new)

18 Sec. 110-9.1. Taking of bail by peace officer. When bail  
19 has been set by a judicial officer for a particular offense or  
20 offender any sheriff or other peace officer may take bail in  
21 accordance with the provisions of Section 110-7.1 or 110-8.1  
22 of this Code and release the offender to appear in accordance  
23 with the conditions of the bail bond, the Notice to Appear or  
24 the Summons. The officer shall give a receipt to the offender  
25 for the bail so taken and within a reasonable time deposit such

1 bail with the clerk of the court having jurisdiction of the  
2 offense. A sheriff or other peace officer taking bail in  
3 accordance with the provisions of Section 110-7.1 or 110-8.1  
4 of this Code shall accept payments made in the form of  
5 currency, and may accept other forms of payment as the sheriff  
6 shall by rule authorize. For purposes of this Section,  
7 "currency" has the meaning provided in subsection (a) of  
8 Section 3 of the Currency Reporting Act.

9 (725 ILCS 5/110-13.1 new)

10 Sec. 110-13.1. Persons prohibited from furnishing bail  
11 security. No attorney at law practicing in this State and no  
12 official authorized to admit another to bail or to accept bail  
13 shall furnish any part of any security for bail in any criminal  
14 action or any proceeding nor shall any such person act as  
15 surety for any accused admitted to bail.

16 (725 ILCS 5/110-14.1 new)

17 Sec. 110-14.1. Credit for incarceration on bailable  
18 offense; credit against monetary bail for certain offenses.

19 (a) Any person incarcerated on a bailable offense who does  
20 not supply bail and against whom a fine is levied on conviction  
21 of the offense shall be allowed a credit of \$30 for each day so  
22 incarcerated upon application of the defendant. However, in no  
23 case shall the amount so allowed or credited exceed the amount  
24 of the fine.

1       (b) Subsection (a) does not apply to a person incarcerated  
2       for sexual assault as defined in paragraph (1) of subsection  
3       (a) of Section 5-9-1.7 of the Unified Code of Corrections.

4       (c) A person subject to bail on a Category B offense,  
5       before January 1, 2023, shall have \$30 deducted from his or her  
6       10% cash bond amount every day the person is incarcerated. The  
7       sheriff shall calculate and apply this \$30 per day reduction  
8       and send notice to the circuit clerk if a defendant's 10% cash  
9       bond amount is reduced to \$0, at which point the defendant  
10       shall be released upon his or her own recognizance.

11       (d) The court may deny the incarceration credit in  
12       subsection (c) of this Section if the person has failed to  
13       appear as required before the court and is incarcerated based  
14       on a warrant for failure to appear on the same original  
15       criminal offense.

16               (725 ILCS 5/110-15.1 new)

17       Sec. 110-15.1. Applicability of provisions for giving and  
18       taking bail. The provisions of Sections 110-7.1 and 110-8.1 of  
19       this Code are exclusive of other provisions of law for the  
20       giving, taking, or enforcement of bail. In all cases where a  
21       person is admitted to bail the provisions of Sections 110-7.1  
22       and 110-8.1 of this Code shall be applicable.

23       However, the Supreme Court may, by rule or order,  
24       prescribe a uniform schedule of amounts of bail in all but  
25       felony offenses. The uniform schedule shall not require a

1 person cited for violating the Illinois Vehicle Code or a  
2 similar provision of a local ordinance for which a violation  
3 is a petty offense as defined by Section 5-1-17 of the Unified  
4 Code of Corrections, excluding business offenses as defined by  
5 Section 5-1-2 of the Unified Code of Corrections or a  
6 violation of Section 15-111 or subsection (d) of Section 3-401  
7 of the Illinois Vehicle Code, to post bond to secure bail for  
8 his or her release. Such uniform schedule may provide that the  
9 cash deposit provisions of Section 110-7.1 shall not apply to  
10 bail amounts established for alleged violations punishable by  
11 fine alone, and the schedule may further provide that in  
12 specified traffic cases a valid Illinois chauffeur's or  
13 operator's license must be deposited, in addition to 10% of  
14 the amount of the bail specified in the schedule.

15 (725 ILCS 5/110-16.1 new)

16 Sec. 110-16.1. Bail bond-forfeiture in same case or  
17 absents self during trial-not bailable. If a person admitted  
18 to bail on a felony charge forfeits his bond and fails to  
19 appear in court during the 30 days immediately after such  
20 forfeiture, on being taken into custody thereafter he shall  
21 not be bailable in the case in question, unless the court finds  
22 that his absence was not for the purpose of obstructing  
23 justice or avoiding prosecution.

24 (725 ILCS 5/110-17.1 new)



1       Sec. 110-17.1. Unclaimed bail deposits. Any sum of money  
2       deposited by any person to secure his or her release from  
3       custody which remains unclaimed by the person entitled to its  
4       return for 3 years after the conditions of the bail bond have  
5       been performed and the accused has been discharged from all  
6       obligations in the cause shall be presumed to be abandoned and  
7       subject to disposition under the Revised Uniform Unclaimed  
8       Property Act.

9           (725 ILCS 5/110-18.1 new)

10       Sec. 110-18.1. Reimbursement. The sheriff of each county  
11       shall certify to the treasurer of each county the number of  
12       days that persons had been detained in the custody of the  
13       sheriff without a bond being set as a result of an order  
14       entered pursuant to Section 110-6.1 of this Code. The county  
15       treasurer shall, no later than January 1, annually certify to  
16       the Supreme Court the number of days that persons had been  
17       detained without bond during the twelve-month period ending  
18       November 30. The Supreme Court shall reimburse, from funds  
19       appropriated to it by the General Assembly for such purposes,  
20       the treasurer of each county an amount of money for deposit in  
21       the county general revenue fund at a rate of \$50 per day for  
22       each day that persons were detained in custody without bail as  
23       a result of an order entered pursuant to Section 110-6.1 of  
24       this Code.

1 (725 ILCS 5/Art. 110B heading new)

2 ARTICLE 110B. PEACE BONDS

3 (725 ILCS 5/110B-5 new)

4 Sec. 110B-5. Courts as conservators of the peace. All  
5 courts are conservators of the peace, shall cause to be kept  
6 all laws made for the preservation of the peace, and may  
7 require persons to give security to keep the peace or for their  
8 good behavior, or both, as provided by this Article.

9 (725 ILCS 5/110B-10 new)

10 Sec. 110B-10. Complaints. When complaint is made to a  
11 judge that a person has threatened or is about to commit an  
12 offense against the person or property of another, the court  
13 shall examine on oath the complaint, and any witness who may be  
14 produced, and reduce the complaint to writing, and cause it to  
15 be subscribed and sworn to by the complainant.

16 The complaint may be issued electronically or  
17 electromagnetically by use of a facsimile transmission  
18 machine, and that complaint has the same validity as a written  
19 complaint.

20 (725 ILCS 5/110B-15 new)

21 Sec. 110B-15. Warrants. If the court is satisfied that  
22 there is danger that an offense will be committed, the court  
23 shall issue a warrant requiring the proper officer to whom it

1 is directed forthwith to apprehend the person complained of  
2 and bring him or her before the court having jurisdiction in  
3 the premises.

4 The warrant may be issued electronically or  
5 electromagnetically by use of a facsimile transmission  
6 machine, and that warrant has the same validity as a written  
7 warrant.

8 (725 ILCS 5/110B-20 new)

9 Sec. 110B-20. Hearing. When the person complained of is  
10 brought before the court if the charge is controverted, the  
11 testimony produced on behalf of the plaintiff and defendant  
12 shall be heard.

13 (725 ILCS 5/110B-25 new)

14 Sec. 110B-25. Malicious prosecution; costs. If it appears  
15 that there is no just reason to fear the commission of the  
16 offense, the defendant shall be discharged. If the court is of  
17 the opinion that the prosecution was commenced maliciously  
18 without probable cause, the court may enter judgment against  
19 the complainant for the costs of the prosecution.

20 (725 ILCS 5/110B-30 new)

21 Sec. 110B-30. Recognizance. If there is just reason to  
22 fear the commission of an offense, the defendant shall be  
23 required to give a recognizance, with sufficient security, in

1 the sum as the court may direct, to keep the peace towards all  
2 people of this State, and especially towards the person  
3 against whom or whose property there is reason to fear the  
4 offense may be committed, for such time, not exceeding 12  
5 months, as the court may order. But he or she shall not be  
6 bound over to the next court unless he or she is also charged  
7 with some other offense for which he or she ought to be held to  
8 answer at the court.

9 (725 ILCS 5/110B-35 new)

10 Sec. 110B-35. Refusal to give recognizance. If the person  
11 so ordered to recognize complies with the order, he or she  
12 shall be discharged; but if he or she refuses or neglects, the  
13 court shall commit him or her to jail during the period for  
14 which he or she was required to give security, or until he or  
15 she so recognizes, stating in the warrant the cause of  
16 commitment, with the sum and time for which the security was  
17 required.

18 (725 ILCS 5/110B-40 new)

19 Sec. 110B-40. Costs of prosecution. When a person is  
20 required to give security to keep the peace, or for his or her  
21 good behavior, the court may further order that the costs of  
22 the prosecution, or any part of the costs, shall be paid by  
23 that person, who shall stand committed until the costs are  
24 paid or he or she is otherwise legally discharged.

1 (725 ILCS 5/110B-45 new)

2 Sec. 110B-45. Discharge upon giving recognizance. A person  
3 committed for not finding sureties, or refusing to recognize  
4 as required by the court, may be discharged on giving the  
5 security as was required.

6 (725 ILCS 5/110B-50 new)

7 Sec. 110B-50. Filing of recognizance; breach of condition.  
8 Every recognizance taken in accordance with the foregoing  
9 provisions shall be filed of record by the clerk and upon a  
10 breach of the condition the same shall be prosecuted by the  
11 State's Attorney.

12 (725 ILCS 5/110B-55 new)

13 Sec. 110B-55. Conviction not needed. In proceeding upon a  
14 recognizance it is not necessary to show a conviction of the  
15 defendant of an offense against the person or property of  
16 another.

17 (725 ILCS 5/110B-60 new)

18 Sec. 110B-60. Threat made in court. A person who, in the  
19 presence of a court, commits or threatens to commit an offense  
20 against the person or property of another, may be ordered,  
21 without process, to enter into a recognizance to keep the  
22 peace for a period not exceeding 12 months, and in case of

1 refusal be committed as in other cases.

2 (725 ILCS 5/110B-65 new)

3 Sec. 110B-65. Remitting recognizance. When, upon an action  
4 brought upon a recognizance, the penalty for the action is  
5 adjudged forfeited, the court may, on the petition of a  
6 defendant, remit the portion of it as the circumstances of the  
7 case render just and reasonable.

8 (725 ILCS 5/110B-70 new)

9 Sec. 110B-70. Surrender of principal. The sureties of a  
10 person bound to keep the peace may, at any time, surrender  
11 their principal to the sheriff of the county in which the  
12 principal was bound, under the same rules and regulations  
13 governing the surrender of the principal in other criminal  
14 cases.

15 (725 ILCS 5/110B-75 new)

16 Sec. 110B-75. New recognizance. The person so surrendered  
17 may recognize anew, with sufficient sureties, before a court,  
18 for the residue of the time, and shall thereupon be  
19 discharged.

20 (725 ILCS 5/110B-80 new)

21 Sec. 110B-80. Amended complaint. No proceeding to prevent  
22 a breach of the peace shall be dismissed on account of any

1 informality or insufficiency in the complaint, or any process  
2 or proceeding, but the complaint may be amended, by order of  
3 the court, to conform to the facts in the case.

4 Section 270. The Firearm Seizure Act is amended by  
5 changing Section 4 as follows:

6 (725 ILCS 165/4) (from Ch. 38, par. 161-4)

7 Sec. 4. In lieu of requiring the surrender of any firearm,  
8 the court may require the defendant to give a recognizance as  
9 provided in Article 110B ~~110A~~ of the Code of Criminal  
10 Procedure of 1963.

11 (Source: P.A. 96-328, eff. 8-11-09.)

12 Section 275. The Rights of Crime Victims and Witnesses Act  
13 is amended by changing Sections 3, 4 and 4.5 as follows:

14 (725 ILCS 120/3) (from Ch. 38, par. 1403)

15 Sec. 3. The terms used in this Act shall have the following  
16 meanings:

17 (a) "Crime victim" or "victim" means: (1) any natural  
18 person determined by the prosecutor or the court to have  
19 suffered direct physical or psychological harm as a result of  
20 a violent crime perpetrated or attempted against that person  
21 or direct physical or psychological harm as a result of (i) a  
22 violation of Section 11-501 of the Illinois Vehicle Code or

1 similar provision of a local ordinance or (ii) a violation of  
2 Section 9-3 of the Criminal Code of 1961 or the Criminal Code  
3 of 2012; (2) in the case of a crime victim who is under 18  
4 years of age or an adult victim who is incompetent or  
5 incapacitated, both parents, legal guardians, foster parents,  
6 or a single adult representative; (3) in the case of an adult  
7 deceased victim, 2 representatives who may be the spouse,  
8 parent, child or sibling of the victim, or the representative  
9 of the victim's estate; and (4) an immediate family member of a  
10 victim under clause (1) of this paragraph (a) chosen by the  
11 victim. If the victim is 18 years of age or over, the victim  
12 may choose any person to be the victim's representative. In no  
13 event shall the defendant or any person who aided and abetted  
14 in the commission of the crime be considered a victim, a crime  
15 victim, or a representative of the victim.

16 A board, agency, or other governmental entity making  
17 decisions regarding an offender's release, sentence reduction,  
18 or clemency can determine additional persons are victims for  
19 the purpose of its proceedings.

20 (a-3) "Advocate" means a person whose communications with  
21 the victim are privileged under Section 8-802.1 or 8-802.2 of  
22 the Code of Civil Procedure, or Section 227 of the Illinois  
23 Domestic Violence Act of 1986.

24 (a-5) "Confer" means to consult together, share  
25 information, compare opinions and carry on a discussion or  
26 deliberation.



1 (a-7) "Sentence" includes, but is not limited to, the  
2 imposition of sentence, a request for a reduction in sentence,  
3 parole, mandatory supervised release, aftercare release, early  
4 release, inpatient treatment, outpatient treatment,  
5 conditional release after a finding that the defendant is not  
6 guilty by reason of insanity, clemency, or a proposal that  
7 would reduce the defendant's sentence or result in the  
8 defendant's release. "Early release" refers to a discretionary  
9 release.

10 (a-9) "Sentencing" includes, but is not limited to, the  
11 imposition of sentence and a request for a reduction in  
12 sentence, parole, mandatory supervised release, aftercare  
13 release, early release, consideration of inpatient treatment  
14 or outpatient treatment, or conditional release after a  
15 finding that the defendant is not guilty by reason of  
16 insanity.

17 (a-10) "Status hearing" means a hearing designed to  
18 provide information to the court, at which no motion of a  
19 substantive nature and no constitutional or statutory right of  
20 a crime victim is implicated or at issue.

21 (b) "Witness" means: any person who personally observed  
22 the commission of a crime and who will testify on behalf of the  
23 State of Illinois; or a person who will be called by the  
24 prosecution to give testimony establishing a necessary nexus  
25 between the offender and the violent crime.

26 (c) "Violent crime" means: (1) any felony in which force

1 or threat of force was used against the victim; (2) any offense  
2 involving sexual exploitation, sexual conduct, or sexual  
3 penetration; (3) a violation of Section 11-20.1, 11-20.1B,  
4 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012; (4) domestic battery or stalking; (5)  
6 violation of an order of protection, a civil no contact order,  
7 or a stalking no contact order; (6) any misdemeanor which  
8 results in death or great bodily harm to the victim; or (7) any  
9 violation of Section 9-3 of the Criminal Code of 1961 or the  
10 Criminal Code of 2012, or Section 11-501 of the Illinois  
11 Vehicle Code, or a similar provision of a local ordinance, if  
12 the violation resulted in personal injury or death. "Violent  
13 crime" includes any action committed by a juvenile that would  
14 be a violent crime if committed by an adult. For the purposes  
15 of this paragraph, "personal injury" shall include any Type A  
16 injury as indicated on the traffic crash report completed by a  
17 law enforcement officer that requires immediate professional  
18 attention in either a doctor's office or medical facility. A  
19 type A injury shall include severely bleeding wounds,  
20 distorted extremities, and injuries that require the injured  
21 party to be carried from the scene.

22 (d) (Blank).

23 (e) "Court proceedings" includes, but is not limited to,  
24 the preliminary hearing, any post-arraignment hearing the  
25 effect of which may be the release of the defendant from  
26 custody or to alter the conditions of bond, change of plea

1 hearing, the trial, any pretrial or post-trial hearing,  
2 sentencing, any oral argument or hearing before an Illinois  
3 appellate court, any hearing under the Mental Health and  
4 Developmental Disabilities Code or Section 5-2-4 of the  
5 Unified Code of Corrections after a finding that the defendant  
6 is not guilty by reason of insanity, including a hearing for  
7 conditional release, any hearing related to a modification of  
8 sentence, probation revocation hearing, aftercare release or  
9 parole hearings, post-conviction relief proceedings, habeas  
10 corpus proceedings and clemency proceedings related to the  
11 defendant's conviction or sentence. For purposes of the  
12 victim's right to be present, "court proceedings" does not  
13 include (1) hearings under Section 109-1 of the Code of  
14 Criminal Procedure of 1963, (2) grand jury proceedings, ~~(2)~~  
15 ~~(3)~~ status hearings, or ~~(3)~~ (4) the issuance of an order or  
16 decision of an Illinois court that dismisses a charge,  
17 reverses a conviction, reduces a sentence, or releases an  
18 offender under a court rule.

19 (f) "Concerned citizen" includes relatives of the victim,  
20 friends of the victim, witnesses to the crime, or any other  
21 person associated with the victim or prisoner.

22 (g) "Victim's attorney" means an attorney retained by the  
23 victim for the purposes of asserting the victim's  
24 constitutional and statutory rights. An attorney retained by  
25 the victim means an attorney who is hired to represent the  
26 victim at the victim's expense or an attorney who has agreed to

1 provide pro bono representation. Nothing in this statute  
2 creates a right to counsel at public expense for a victim.

3 (h) "Support person" means a person chosen by a victim to  
4 be present at court proceedings.

5 (Source: P.A. 102-982, eff. 7-1-23; 102-1104, eff. 1-1-23.)

6 (725 ILCS 120/4) (from Ch. 38, par. 1404)

7 Sec. 4. Rights of crime victims.

8 (a) Crime victims shall have the following rights:

9 (1) The right to be treated with fairness and respect  
10 for their dignity and privacy and to be free from  
11 harassment, intimidation, and abuse throughout the  
12 criminal justice process.

13 (1.5) The right to notice and to a hearing before a  
14 court ruling on a request for access to any of the victim's  
15 records, information, or communications which are  
16 privileged or confidential by law.

17 (2) The right to timely notification of all court  
18 proceedings.

19 (3) The right to communicate with the prosecution.

20 (4) The right to be heard at any post-arraignment  
21 court proceeding in which a right of the victim is at issue  
22 and any court proceeding involving a post-arraignment  
23 release decision, plea, or sentencing.

24 (5) The right to be notified of the conviction, the  
25 sentence, the imprisonment and the release of the accused.

1           (6) The right to the timely disposition of the case  
2 following the arrest of the accused.

3           (7) The right to be reasonably protected from the  
4 accused through the criminal justice process.

5           (7.5) The right to have the safety of the victim and  
6 the victim's family considered in denying or fixing the  
7 amount of bail, determining whether to release the  
8 defendant, and setting conditions of release after arrest  
9 and conviction.

10          (8) The right to be present at the trial and all other  
11 court proceedings on the same basis as the accused, unless  
12 the victim is to testify and the court determines that the  
13 victim's testimony would be materially affected if the  
14 victim hears other testimony at the trial.

15          (9) The right to have present at all court  
16 proceedings, including proceedings under the Juvenile  
17 Court Act of 1987, subject to the rules of evidence, an  
18 advocate and other support person of the victim's choice.

19          (10) The right to restitution.

20          (b) Any law enforcement agency that investigates an  
21 offense committed in this State shall provide a crime victim  
22 with a written statement and explanation of the rights of  
23 crime victims under this amendatory Act of the 99th General  
24 Assembly within 48 hours of law enforcement's initial contact  
25 with a victim. The statement shall include information about  
26 crime victim compensation, including how to contact the Office

1 of the Illinois Attorney General to file a claim, and  
2 appropriate referrals to local and State programs that provide  
3 victim services. The content of the statement shall be  
4 provided to law enforcement by the Attorney General. Law  
5 enforcement shall also provide a crime victim with a sign-off  
6 sheet that the victim shall sign and date as an  
7 acknowledgement that he or she has been furnished with  
8 information and an explanation of the rights of crime victims  
9 and compensation set forth in this Act.

10 (b-5) Upon the request of the victim, the law enforcement  
11 agency having jurisdiction shall provide a free copy of the  
12 police report concerning the victim's incident, as soon as  
13 practicable, but in no event later than 5 business days from  
14 the request.

15 (c) The Clerk of the Circuit Court shall post the rights of  
16 crime victims set forth in Article I, Section 8.1(a) of the  
17 Illinois Constitution and subsection (a) of this Section  
18 within 3 feet of the door to any courtroom where criminal  
19 proceedings are conducted. The clerk may also post the rights  
20 in other locations in the courthouse.

21 (d) At any point, the victim has the right to retain a  
22 victim's attorney who may be present during all stages of any  
23 interview, investigation, or other interaction with  
24 representatives of the criminal justice system. Treatment of  
25 the victim should not be affected or altered in any way as a  
26 result of the victim's decision to exercise this right.

1 (Source: P.A. 100-1087, eff. 1-1-19; 101-652, eff. 1-1-23.)

2 (725 ILCS 120/4.5)

3 Sec. 4.5. Procedures to implement the rights of crime  
4 victims. To afford crime victims their rights, law  
5 enforcement, prosecutors, judges, and corrections will provide  
6 information, as appropriate, of the following procedures:

7 (a) At the request of the crime victim, law enforcement  
8 authorities investigating the case shall provide notice of the  
9 status of the investigation, except where the State's Attorney  
10 determines that disclosure of such information would  
11 unreasonably interfere with the investigation, until such time  
12 as the alleged assailant is apprehended or the investigation  
13 is closed.

14 (a-5) When law enforcement authorities reopen a closed  
15 case to resume investigating, they shall provide notice of the  
16 reopening of the case, except where the State's Attorney  
17 determines that disclosure of such information would  
18 unreasonably interfere with the investigation.

19 (b) The office of the State's Attorney:

20 (1) shall provide notice of the filing of an  
21 information, the return of an indictment, or the filing of  
22 a petition to adjudicate a minor as a delinquent for a  
23 violent crime;

24 (2) shall provide timely notice of the date, time, and  
25 place of court proceedings; of any change in the date,

1 time, and place of court proceedings; and of any  
2 cancellation of court proceedings. Notice shall be  
3 provided in sufficient time, wherever possible, for the  
4 victim to make arrangements to attend or to prevent an  
5 unnecessary appearance at court proceedings;

6 (3) or victim advocate personnel shall provide  
7 information of social services and financial assistance  
8 available for victims of crime, including information of  
9 how to apply for these services and assistance;

10 (3.5) or victim advocate personnel shall provide  
11 information about available victim services, including  
12 referrals to programs, counselors, and agencies that  
13 assist a victim to deal with trauma, loss, and grief;

14 (4) shall assist in having any stolen or other  
15 personal property held by law enforcement authorities for  
16 evidentiary or other purposes returned as expeditiously as  
17 possible, pursuant to the procedures set out in Section  
18 115-9 of the Code of Criminal Procedure of 1963;

19 (5) or victim advocate personnel shall provide  
20 appropriate employer intercession services to ensure that  
21 employers of victims will cooperate with the criminal  
22 justice system in order to minimize an employee's loss of  
23 pay and other benefits resulting from court appearances;

24 (6) shall provide, whenever possible, a secure waiting  
25 area during court proceedings that does not require  
26 victims to be in close proximity to defendants or



1 juveniles accused of a violent crime, and their families  
2 and friends;

3 (7) shall provide notice to the crime victim of the  
4 right to have a translator present at all court  
5 proceedings and, in compliance with the federal Americans  
6 with Disabilities Act of 1990, the right to communications  
7 access through a sign language interpreter or by other  
8 means;

9 (8) (blank);

10 (8.5) shall inform the victim of the right to be  
11 present at all court proceedings, unless the victim is to  
12 testify and the court determines that the victim's  
13 testimony would be materially affected if the victim hears  
14 other testimony at trial;

15 (9) shall inform the victim of the right to have  
16 present at all court proceedings, subject to the rules of  
17 evidence and confidentiality, an advocate and other  
18 support person of the victim's choice;

19 (9.3) shall inform the victim of the right to retain  
20 an attorney, at the victim's own expense, who, upon  
21 written notice filed with the clerk of the court and  
22 State's Attorney, is to receive copies of all notices,  
23 motions, and court orders filed thereafter in the case, in  
24 the same manner as if the victim were a named party in the  
25 case;

26 (9.5) shall inform the victim of (A) the victim's

1 right under Section 6 of this Act to make a statement at  
2 the sentencing hearing; (B) the right of the victim's  
3 spouse, guardian, parent, grandparent, and other immediate  
4 family and household members under Section 6 of this Act  
5 to present a statement at sentencing; and (C) if a  
6 presentence report is to be prepared, the right of the  
7 victim's spouse, guardian, parent, grandparent, and other  
8 immediate family and household members to submit  
9 information to the preparer of the presentence report  
10 about the effect the offense has had on the victim and the  
11 person;

12 (10) at the sentencing shall make a good faith attempt  
13 to explain the minimum amount of time during which the  
14 defendant may actually be physically imprisoned. The  
15 Office of the State's Attorney shall further notify the  
16 crime victim of the right to request from the Prisoner  
17 Review Board or Department of Juvenile Justice information  
18 concerning the release of the defendant;

19 (11) shall request restitution at sentencing and as  
20 part of a plea agreement if the victim requests  
21 restitution;

22 (12) shall, upon the court entering a verdict of not  
23 guilty by reason of insanity, inform the victim of the  
24 notification services available from the Department of  
25 Human Services, including the statewide telephone number,  
26 under subparagraph (d) (2) of this Section;

1           (13) shall provide notice within a reasonable time  
2 after receipt of notice from the custodian, of the release  
3 of the defendant on ~~pretrial release~~ bail or personal  
4 recognizance or the release from detention of a minor who  
5 has been detained;

6           (14) shall explain in nontechnical language the  
7 details of any plea or verdict of a defendant, or any  
8 adjudication of a juvenile as a delinquent;

9           (15) shall make all reasonable efforts to consult with  
10 the crime victim before the Office of the State's Attorney  
11 makes an offer of a plea bargain to the defendant or enters  
12 into negotiations with the defendant concerning a possible  
13 plea agreement, and shall consider the written statement,  
14 if prepared prior to entering into a plea agreement. The  
15 right to consult with the prosecutor does not include the  
16 right to veto a plea agreement or to insist the case go to  
17 trial. If the State's Attorney has not consulted with the  
18 victim prior to making an offer or entering into plea  
19 negotiations with the defendant, the Office of the State's  
20 Attorney shall notify the victim of the offer or the  
21 negotiations within 2 business days and confer with the  
22 victim;

23           (16) shall provide notice of the ultimate disposition  
24 of the cases arising from an indictment or an information,  
25 or a petition to have a juvenile adjudicated as a  
26 delinquent for a violent crime;

1           (17) shall provide notice of any appeal taken by the  
2 defendant and information on how to contact the  
3 appropriate agency handling the appeal, and how to request  
4 notice of any hearing, oral argument, or decision of an  
5 appellate court;

6           (18) shall provide timely notice of any request for  
7 post-conviction review filed by the defendant under  
8 Article 122 of the Code of Criminal Procedure of 1963, and  
9 of the date, time and place of any hearing concerning the  
10 petition. Whenever possible, notice of the hearing shall  
11 be given within 48 hours of the court's scheduling of the  
12 hearing;

13           (19) shall forward a copy of any statement presented  
14 under Section 6 to the Prisoner Review Board or Department  
15 of Juvenile Justice to be considered in making a  
16 determination under Section 3-2.5-85 or subsection (b) of  
17 Section 3-3-8 of the Unified Code of Corrections;

18           (20) shall, within a reasonable time, offer to meet  
19 with the crime victim regarding the decision of the  
20 State's Attorney not to charge an offense, and shall meet  
21 with the victim, if the victim agrees. The victim has a  
22 right to have an attorney, advocate, and other support  
23 person of the victim's choice attend this meeting with the  
24 victim; and

25           (21) shall give the crime victim timely notice of any  
26 decision not to pursue charges and consider the safety of

1 the victim when deciding how to give such notice.

2 (c) The court shall ensure that the rights of the victim  
3 are afforded.

4 (c-5) The following procedures shall be followed to afford  
5 victims the rights guaranteed by Article I, Section 8.1 of the  
6 Illinois Constitution:

7 (1) Written notice. A victim may complete a written  
8 notice of intent to assert rights on a form prepared by the  
9 Office of the Attorney General and provided to the victim  
10 by the State's Attorney. The victim may at any time  
11 provide a revised written notice to the State's Attorney.  
12 The State's Attorney shall file the written notice with  
13 the court. At the beginning of any court proceeding in  
14 which the right of a victim may be at issue, the court and  
15 prosecutor shall review the written notice to determine  
16 whether the victim has asserted the right that may be at  
17 issue.

18 (2) Victim's retained attorney. A victim's attorney  
19 shall file an entry of appearance limited to assertion of  
20 the victim's rights. Upon the filing of the entry of  
21 appearance and service on the State's Attorney and the  
22 defendant, the attorney is to receive copies of all  
23 notices, motions and court orders filed thereafter in the  
24 case.

25 (3) Standing. The victim has standing to assert the  
26 rights enumerated in subsection (a) of Article I, Section

1 8.1 of the Illinois Constitution and the statutory rights  
2 under Section 4 of this Act in any court exercising  
3 jurisdiction over the criminal case. The prosecuting  
4 attorney, a victim, or the victim's retained attorney may  
5 assert the victim's rights. The defendant in the criminal  
6 case has no standing to assert a right of the victim in any  
7 court proceeding, including on appeal.

8 (4) Assertion of and enforcement of rights.

9 (A) The prosecuting attorney shall assert a  
10 victim's right or request enforcement of a right by  
11 filing a motion or by orally asserting the right or  
12 requesting enforcement in open court in the criminal  
13 case outside the presence of the jury. The prosecuting  
14 attorney shall consult with the victim and the  
15 victim's attorney regarding the assertion or  
16 enforcement of a right. If the prosecuting attorney  
17 decides not to assert or enforce a victim's right, the  
18 prosecuting attorney shall notify the victim or the  
19 victim's attorney in sufficient time to allow the  
20 victim or the victim's attorney to assert the right or  
21 to seek enforcement of a right.

22 (B) If the prosecuting attorney elects not to  
23 assert a victim's right or to seek enforcement of a  
24 right, the victim or the victim's attorney may assert  
25 the victim's right or request enforcement of a right  
26 by filing a motion or by orally asserting the right or

1            requesting enforcement in open court in the criminal  
2            case outside the presence of the jury.

3            (C) If the prosecuting attorney asserts a victim's  
4            right or seeks enforcement of a right, unless the  
5            prosecuting attorney objects or the trial court does  
6            not allow it, the victim or the victim's attorney may  
7            be heard regarding the prosecuting attorney's motion  
8            or may file a simultaneous motion to assert or request  
9            enforcement of the victim's right. If the victim or  
10           the victim's attorney was not allowed to be heard at  
11           the hearing regarding the prosecuting attorney's  
12           motion, and the court denies the prosecuting  
13           attorney's assertion of the right or denies the  
14           request for enforcement of a right, the victim or  
15           victim's attorney may file a motion to assert the  
16           victim's right or to request enforcement of the right  
17           within 10 days of the court's ruling. The motion need  
18           not demonstrate the grounds for a motion for  
19           reconsideration. The court shall rule on the merits of  
20           the motion.

21           (D) The court shall take up and decide any motion  
22           or request asserting or seeking enforcement of a  
23           victim's right without delay, unless a specific time  
24           period is specified by law or court rule. The reasons  
25           for any decision denying the motion or request shall  
26           be clearly stated on the record.

1 (E) No later than January 1, 2023, the Office of  
2 the Attorney General shall:

3 (i) designate an administrative authority  
4 within the Office of the Attorney General to  
5 receive and investigate complaints relating to the  
6 provision or violation of the rights of a crime  
7 victim as described in Article I, Section 8.1 of  
8 the Illinois Constitution and in this Act;

9 (ii) create and administer a course of  
10 training for employees and offices of the State of  
11 Illinois that fail to comply with provisions of  
12 Illinois law pertaining to the treatment of crime  
13 victims as described in Article I, Section 8.1 of  
14 the Illinois Constitution and in this Act as  
15 required by the court under Section 5 of this Act;  
16 and

17 (iii) have the authority to make  
18 recommendations to employees and offices of the  
19 State of Illinois to respond more effectively to  
20 the needs of crime victims, including regarding  
21 the violation of the rights of a crime victim.

22 (F) Crime victims' rights may also be asserted by  
23 filing a complaint for mandamus, injunctive, or  
24 declaratory relief in the jurisdiction in which the  
25 victim's right is being violated or where the crime is  
26 being prosecuted. For complaints or motions filed by



1 or on behalf of the victim, the clerk of court shall  
2 waive filing fees that would otherwise be owed by the  
3 victim for any court filing with the purpose of  
4 enforcing crime victims' rights. If the court denies  
5 the relief sought by the victim, the reasons for the  
6 denial shall be clearly stated on the record in the  
7 transcript of the proceedings, in a written opinion,  
8 or in the docket entry, and the victim may appeal the  
9 circuit court's decision to the appellate court. The  
10 court shall issue prompt rulings regarding victims'  
11 rights. Proceedings seeking to enforce victims' rights  
12 shall not be stayed or subject to unreasonable delay  
13 via continuances.

14 (5) Violation of rights and remedies.

15 (A) If the court determines that a victim's right  
16 has been violated, the court shall determine the  
17 appropriate remedy for the violation of the victim's  
18 right by hearing from the victim and the parties,  
19 considering all factors relevant to the issue, and  
20 then awarding appropriate relief to the victim.

21 (A-5) Consideration of an issue of a substantive  
22 nature or an issue that implicates the constitutional  
23 or statutory right of a victim at a court proceeding  
24 labeled as a status hearing shall constitute a per se  
25 violation of a victim's right.

26 (B) The appropriate remedy shall include only

1 actions necessary to provide the victim the right to  
2 which the victim was entitled. Remedies may include,  
3 but are not limited to: injunctive relief requiring  
4 the victim's right to be afforded; declaratory  
5 judgment recognizing or clarifying the victim's  
6 rights; a writ of mandamus; and may include reopening  
7 previously held proceedings; however, in no event  
8 shall the court vacate a conviction. Any remedy shall  
9 be tailored to provide the victim an appropriate  
10 remedy without violating any constitutional right of  
11 the defendant. In no event shall the appropriate  
12 remedy to the victim be a new trial or damages.

13 The court shall impose a mandatory training course  
14 provided by the Attorney General for the employee under  
15 item (ii) of subparagraph (E) of paragraph (4), which must  
16 be successfully completed within 6 months of the entry of  
17 the court order.

18 This paragraph (5) takes effect January 2, 2023.

19 (6) Right to be heard. Whenever a victim has the right  
20 to be heard, the court shall allow the victim to exercise  
21 the right in any reasonable manner the victim chooses.

22 (7) Right to attend trial. A party must file a written  
23 motion to exclude a victim from trial at least 60 days  
24 prior to the date set for trial. The motion must state with  
25 specificity the reason exclusion is necessary to protect a  
26 constitutional right of the party, and must contain an

1 offer of proof. The court shall rule on the motion within  
2 30 days. If the motion is granted, the court shall set  
3 forth on the record the facts that support its finding  
4 that the victim's testimony will be materially affected if  
5 the victim hears other testimony at trial.

6 (8) Right to have advocate and support person present  
7 at court proceedings.

8 (A) A party who intends to call an advocate as a  
9 witness at trial must seek permission of the court  
10 before the subpoena is issued. The party must file a  
11 written motion at least 90 days before trial that sets  
12 forth specifically the issues on which the advocate's  
13 testimony is sought and an offer of proof regarding  
14 (i) the content of the anticipated testimony of the  
15 advocate; and (ii) the relevance, admissibility, and  
16 materiality of the anticipated testimony. The court  
17 shall consider the motion and make findings within 30  
18 days of the filing of the motion. If the court finds by  
19 a preponderance of the evidence that: (i) the  
20 anticipated testimony is not protected by an absolute  
21 privilege; and (ii) the anticipated testimony contains  
22 relevant, admissible, and material evidence that is  
23 not available through other witnesses or evidence, the  
24 court shall issue a subpoena requiring the advocate to  
25 appear to testify at an in camera hearing. The  
26 prosecuting attorney and the victim shall have 15 days

1 to seek appellate review before the advocate is  
2 required to testify at an ex parte in camera  
3 proceeding.

4 The prosecuting attorney, the victim, and the  
5 advocate's attorney shall be allowed to be present at  
6 the ex parte in camera proceeding. If, after  
7 conducting the ex parte in camera hearing, the court  
8 determines that due process requires any testimony  
9 regarding confidential or privileged information or  
10 communications, the court shall provide to the  
11 prosecuting attorney, the victim, and the advocate's  
12 attorney a written memorandum on the substance of the  
13 advocate's testimony. The prosecuting attorney, the  
14 victim, and the advocate's attorney shall have 15 days  
15 to seek appellate review before a subpoena may be  
16 issued for the advocate to testify at trial. The  
17 presence of the prosecuting attorney at the ex parte  
18 in camera proceeding does not make the substance of  
19 the advocate's testimony that the court has ruled  
20 inadmissible subject to discovery.

21 (B) If a victim has asserted the right to have a  
22 support person present at the court proceedings, the  
23 victim shall provide the name of the person the victim  
24 has chosen to be the victim's support person to the  
25 prosecuting attorney, within 60 days of trial. The  
26 prosecuting attorney shall provide the name to the

1 defendant. If the defendant intends to call the  
2 support person as a witness at trial, the defendant  
3 must seek permission of the court before a subpoena is  
4 issued. The defendant must file a written motion at  
5 least 45 days prior to trial that sets forth  
6 specifically the issues on which the support person  
7 will testify and an offer of proof regarding: (i) the  
8 content of the anticipated testimony of the support  
9 person; and (ii) the relevance, admissibility, and  
10 materiality of the anticipated testimony.

11 If the prosecuting attorney intends to call the  
12 support person as a witness during the State's  
13 case-in-chief, the prosecuting attorney shall inform  
14 the court of this intent in the response to the  
15 defendant's written motion. The victim may choose a  
16 different person to be the victim's support person.  
17 The court may allow the defendant to inquire about  
18 matters outside the scope of the direct examination  
19 during cross-examination. If the court allows the  
20 defendant to do so, the support person shall be  
21 allowed to remain in the courtroom after the support  
22 person has testified. A defendant who fails to  
23 question the support person about matters outside the  
24 scope of direct examination during the State's  
25 case-in-chief waives the right to challenge the  
26 presence of the support person on appeal. The court

1 shall allow the support person to testify if called as  
2 a witness in the defendant's case-in-chief or the  
3 State's rebuttal.

4 If the court does not allow the defendant to  
5 inquire about matters outside the scope of the direct  
6 examination, the support person shall be allowed to  
7 remain in the courtroom after the support person has  
8 been called by the defendant or the defendant has  
9 rested. The court shall allow the support person to  
10 testify in the State's rebuttal.

11 If the prosecuting attorney does not intend to  
12 call the support person in the State's case-in-chief,  
13 the court shall verify with the support person whether  
14 the support person, if called as a witness, would  
15 testify as set forth in the offer of proof. If the  
16 court finds that the support person would testify as  
17 set forth in the offer of proof, the court shall rule  
18 on the relevance, materiality, and admissibility of  
19 the anticipated testimony. If the court rules the  
20 anticipated testimony is admissible, the court shall  
21 issue the subpoena. The support person may remain in  
22 the courtroom after the support person testifies and  
23 shall be allowed to testify in rebuttal.

24 If the court excludes the victim's support person  
25 during the State's case-in-chief, the victim shall be  
26 allowed to choose another support person to be present

1 in court.

2 If the victim fails to designate a support person  
3 within 60 days of trial and the defendant has  
4 subpoenaed the support person to testify at trial, the  
5 court may exclude the support person from the trial  
6 until the support person testifies. If the court  
7 excludes the support person the victim may choose  
8 another person as a support person.

9 (9) Right to notice and hearing before disclosure of  
10 confidential or privileged information or records.

11 (A) A defendant who seeks to subpoena testimony or  
12 records of or concerning the victim that are  
13 confidential or privileged by law must seek permission  
14 of the court before the subpoena is issued. The  
15 defendant must file a written motion and an offer of  
16 proof regarding the relevance, admissibility and  
17 materiality of the testimony or records. If the court  
18 finds by a preponderance of the evidence that:

19 (i) the testimony or records are not protected  
20 by an absolute privilege and

21 (ii) the testimony or records contain  
22 relevant, admissible, and material evidence that  
23 is not available through other witnesses or  
24 evidence, the court shall issue a subpoena  
25 requiring the witness to appear in camera or a  
26 sealed copy of the records be delivered to the

1 court to be reviewed in camera. If, after  
2 conducting an in camera review of the witness  
3 statement or records, the court determines that  
4 due process requires disclosure of any potential  
5 testimony or any portion of the records, the court  
6 shall provide copies of the records that it  
7 intends to disclose to the prosecuting attorney  
8 and the victim. The prosecuting attorney and the  
9 victim shall have 30 days to seek appellate review  
10 before the records are disclosed to the defendant,  
11 used in any court proceeding, or disclosed to  
12 anyone or in any way that would subject the  
13 testimony or records to public review. The  
14 disclosure of copies of any portion of the  
15 testimony or records to the prosecuting attorney  
16 under this Section does not make the records  
17 subject to discovery or required to be provided to  
18 the defendant.

19 (B) A prosecuting attorney who seeks to subpoena  
20 information or records concerning the victim that are  
21 confidential or privileged by law must first request  
22 the written consent of the crime victim. If the victim  
23 does not provide such written consent, including where  
24 necessary the appropriate signed document required for  
25 waiving privilege, the prosecuting attorney must serve  
26 the subpoena at least 21 days prior to the date a



1 response or appearance is required to allow the  
2 subject of the subpoena time to file a motion to quash  
3 or request a hearing. The prosecuting attorney must  
4 also send a written notice to the victim at least 21  
5 days prior to the response date to allow the victim to  
6 file a motion or request a hearing. The notice to the  
7 victim shall inform the victim (i) that a subpoena has  
8 been issued for confidential information or records  
9 concerning the victim, (ii) that the victim has the  
10 right to request a hearing prior to the response date  
11 of the subpoena, and (iii) how to request the hearing.  
12 The notice to the victim shall also include a copy of  
13 the subpoena. If requested, a hearing regarding the  
14 subpoena shall occur before information or records are  
15 provided to the prosecuting attorney.

16 (10) Right to notice of court proceedings. If the  
17 victim is not present at a court proceeding in which a  
18 right of the victim is at issue, the court shall ask the  
19 prosecuting attorney whether the victim was notified of  
20 the time, place, and purpose of the court proceeding and  
21 that the victim had a right to be heard at the court  
22 proceeding. If the court determines that timely notice was  
23 not given or that the victim was not adequately informed  
24 of the nature of the court proceeding, the court shall not  
25 rule on any substantive issues, accept a plea, or impose a  
26 sentence and shall continue the hearing for the time

1 necessary to notify the victim of the time, place and  
2 nature of the court proceeding. The time between court  
3 proceedings shall not be attributable to the State under  
4 Section 103-5 of the Code of Criminal Procedure of 1963.

5 (11) Right to timely disposition of the case. A victim  
6 has the right to timely disposition of the case so as to  
7 minimize the stress, cost, and inconvenience resulting  
8 from the victim's involvement in the case. Before ruling  
9 on a motion to continue trial or other court proceeding,  
10 the court shall inquire into the circumstances for the  
11 request for the delay and, if the victim has provided  
12 written notice of the assertion of the right to a timely  
13 disposition, and whether the victim objects to the delay.  
14 If the victim objects, the prosecutor shall inform the  
15 court of the victim's objections. If the prosecutor has  
16 not conferred with the victim about the continuance, the  
17 prosecutor shall inform the court of the attempts to  
18 confer. If the court finds the attempts of the prosecutor  
19 to confer with the victim were inadequate to protect the  
20 victim's right to be heard, the court shall give the  
21 prosecutor at least 3 but not more than 5 business days to  
22 confer with the victim. In ruling on a motion to continue,  
23 the court shall consider the reasons for the requested  
24 continuance, the number and length of continuances that  
25 have been granted, the victim's objections and procedures  
26 to avoid further delays. If a continuance is granted over

1 the victim's objection, the court shall specify on the  
2 record the reasons for the continuance and the procedures  
3 that have been or will be taken to avoid further delays.

4 (12) Right to Restitution.

5 (A) If the victim has asserted the right to  
6 restitution and the amount of restitution is known at  
7 the time of sentencing, the court shall enter the  
8 judgment of restitution at the time of sentencing.

9 (B) If the victim has asserted the right to  
10 restitution and the amount of restitution is not known  
11 at the time of sentencing, the prosecutor shall,  
12 within 5 days after sentencing, notify the victim what  
13 information and documentation related to restitution  
14 is needed and that the information and documentation  
15 must be provided to the prosecutor within 45 days  
16 after sentencing. Failure to timely provide  
17 information and documentation related to restitution  
18 shall be deemed a waiver of the right to restitution.  
19 The prosecutor shall file and serve within 60 days  
20 after sentencing a proposed judgment for restitution  
21 and a notice that includes information concerning the  
22 identity of any victims or other persons seeking  
23 restitution, whether any victim or other person  
24 expressly declines restitution, the nature and amount  
25 of any damages together with any supporting  
26 documentation, a restitution amount recommendation,

1 and the names of any co-defendants and their case  
2 numbers. Within 30 days after receipt of the proposed  
3 judgment for restitution, the defendant shall file any  
4 objection to the proposed judgment, a statement of  
5 grounds for the objection, and a financial statement.  
6 If the defendant does not file an objection, the court  
7 may enter the judgment for restitution without further  
8 proceedings. If the defendant files an objection and  
9 either party requests a hearing, the court shall  
10 schedule a hearing.

11 (13) Access to presentence reports.

12 (A) The victim may request a copy of the  
13 presentence report prepared under the Unified Code of  
14 Corrections from the State's Attorney. The State's  
15 Attorney shall redact the following information before  
16 providing a copy of the report:

17 (i) the defendant's mental history and  
18 condition;

19 (ii) any evaluation prepared under subsection  
20 (b) or (b-5) of Section 5-3-2; and

21 (iii) the name, address, phone number, and  
22 other personal information about any other victim.

23 (B) The State's Attorney or the defendant may  
24 request the court redact other information in the  
25 report that may endanger the safety of any person.

26 (C) The State's Attorney may orally disclose to

1 the victim any of the information that has been  
2 redacted if there is a reasonable likelihood that the  
3 information will be stated in court at the sentencing.

4 (D) The State's Attorney must advise the victim  
5 that the victim must maintain the confidentiality of  
6 the report and other information. Any dissemination of  
7 the report or information that was not stated at a  
8 court proceeding constitutes indirect criminal  
9 contempt of court.

10 (14) Appellate relief. If the trial court denies the  
11 relief requested, the victim, the victim's attorney, or  
12 the prosecuting attorney may file an appeal within 30 days  
13 of the trial court's ruling. The trial or appellate court  
14 may stay the court proceedings if the court finds that a  
15 stay would not violate a constitutional right of the  
16 defendant. If the appellate court denies the relief  
17 sought, the reasons for the denial shall be clearly stated  
18 in a written opinion. In any appeal in a criminal case, the  
19 State may assert as error the court's denial of any crime  
20 victim's right in the proceeding to which the appeal  
21 relates.

22 (15) Limitation on appellate relief. In no case shall  
23 an appellate court provide a new trial to remedy the  
24 violation of a victim's right.

25 (16) The right to be reasonably protected from the  
26 accused throughout the criminal justice process and the

1 right to have the safety of the victim and the victim's  
2 family considered in denying or fixing the amount of bail,  
3 determining whether to release the defendant, and setting  
4 conditions of release after arrest and conviction. A  
5 victim of domestic violence, a sexual offense, or stalking  
6 may request the entry of a protective order under Article  
7 112A of the Code of Criminal Procedure of 1963.

8 (d) Procedures after the imposition of sentence.

9 (1) The Prisoner Review Board shall inform a victim or  
10 any other concerned citizen, upon written request, of the  
11 prisoner's release on parole, mandatory supervised  
12 release, electronic detention, work release, international  
13 transfer or exchange, or by the custodian, other than the  
14 Department of Juvenile Justice, of the discharge of any  
15 individual who was adjudicated a delinquent for a crime  
16 from State custody and by the sheriff of the appropriate  
17 county of any such person's final discharge from county  
18 custody. The Prisoner Review Board, upon written request,  
19 shall provide to a victim or any other concerned citizen a  
20 recent photograph of any person convicted of a felony,  
21 upon his or her release from custody. The Prisoner Review  
22 Board, upon written request, shall inform a victim or any  
23 other concerned citizen when feasible at least 7 days  
24 prior to the prisoner's release on furlough of the times  
25 and dates of such furlough. Upon written request by the  
26 victim or any other concerned citizen, the State's

1 Attorney shall notify the person once of the times and  
2 dates of release of a prisoner sentenced to periodic  
3 imprisonment. Notification shall be based on the most  
4 recent information as to the victim's or other concerned  
5 citizen's residence or other location available to the  
6 notifying authority.

7 (2) When the defendant has been committed to the  
8 Department of Human Services pursuant to Section 5-2-4 or  
9 any other provision of the Unified Code of Corrections,  
10 the victim may request to be notified by the releasing  
11 authority of the approval by the court of an on-grounds  
12 pass, a supervised off-grounds pass, an unsupervised  
13 off-grounds pass, or conditional release; the release on  
14 an off-grounds pass; the return from an off-grounds pass;  
15 transfer to another facility; conditional release; escape;  
16 death; or final discharge from State custody. The  
17 Department of Human Services shall establish and maintain  
18 a statewide telephone number to be used by victims to make  
19 notification requests under these provisions and shall  
20 publicize this telephone number on its website and to the  
21 State's Attorney of each county.

22 (3) In the event of an escape from State custody, the  
23 Department of Corrections or the Department of Juvenile  
24 Justice immediately shall notify the Prisoner Review Board  
25 of the escape and the Prisoner Review Board shall notify  
26 the victim. The notification shall be based upon the most

1 recent information as to the victim's residence or other  
2 location available to the Board. When no such information  
3 is available, the Board shall make all reasonable efforts  
4 to obtain the information and make the notification. When  
5 the escapee is apprehended, the Department of Corrections  
6 or the Department of Juvenile Justice immediately shall  
7 notify the Prisoner Review Board and the Board shall  
8 notify the victim.

9 (4) The victim of the crime for which the prisoner has  
10 been sentenced has the right to register with the Prisoner  
11 Review Board's victim registry. Victims registered with  
12 the Board shall receive reasonable written notice not less  
13 than 30 days prior to the parole hearing or target  
14 aftercare release date. The victim has the right to submit  
15 a victim statement for consideration by the Prisoner  
16 Review Board or the Department of Juvenile Justice in  
17 writing, on film, videotape, or other electronic means, or  
18 in the form of a recording prior to the parole hearing or  
19 target aftercare release date, or in person at the parole  
20 hearing or aftercare release protest hearing, or by  
21 calling the toll-free number established in subsection (f)  
22 of this Section. The victim shall be notified within 7  
23 days after the prisoner has been granted parole or  
24 aftercare release and shall be informed of the right to  
25 inspect the registry of parole decisions, established  
26 under subsection (g) of Section 3-3-5 of the Unified Code



1 of Corrections. The provisions of this paragraph (4) are  
2 subject to the Open Parole Hearings Act. Victim statements  
3 provided to the Board shall be confidential and  
4 privileged, including any statements received prior to  
5 January 1, 2020 (the effective date of Public Act  
6 101-288), except if the statement was an oral statement  
7 made by the victim at a hearing open to the public.

8 (4-1) The crime victim has the right to submit a  
9 victim statement for consideration by the Prisoner Review  
10 Board or the Department of Juvenile Justice prior to or at  
11 a hearing to determine the conditions of mandatory  
12 supervised release of a person sentenced to a determinate  
13 sentence or at a hearing on revocation of mandatory  
14 supervised release of a person sentenced to a determinate  
15 sentence. A victim statement may be submitted in writing,  
16 on film, videotape, or other electronic means, or in the  
17 form of a recording, or orally at a hearing, or by calling  
18 the toll-free number established in subsection (f) of this  
19 Section. Victim statements provided to the Board shall be  
20 confidential and privileged, including any statements  
21 received prior to January 1, 2020 (the effective date of  
22 Public Act 101-288), except if the statement was an oral  
23 statement made by the victim at a hearing open to the  
24 public.

25 (4-2) The crime victim has the right to submit a  
26 victim statement to the Prisoner Review Board for

1 consideration at an executive clemency hearing as provided  
2 in Section 3-3-13 of the Unified Code of Corrections. A  
3 victim statement may be submitted in writing, on film,  
4 videotape, or other electronic means, or in the form of a  
5 recording prior to a hearing, or orally at a hearing, or by  
6 calling the toll-free number established in subsection (f)  
7 of this Section. Victim statements provided to the Board  
8 shall be confidential and privileged, including any  
9 statements received prior to January 1, 2020 (the  
10 effective date of Public Act 101-288), except if the  
11 statement was an oral statement made by the victim at a  
12 hearing open to the public.

13 (5) If a statement is presented under Section 6, the  
14 Prisoner Review Board or Department of Juvenile Justice  
15 shall inform the victim of any order of discharge pursuant  
16 to Section 3-2.5-85 or 3-3-8 of the Unified Code of  
17 Corrections.

18 (6) At the written or oral request of the victim of the  
19 crime for which the prisoner was sentenced or the State's  
20 Attorney of the county where the person seeking parole or  
21 aftercare release was prosecuted, the Prisoner Review  
22 Board or Department of Juvenile Justice shall notify the  
23 victim and the State's Attorney of the county where the  
24 person seeking parole or aftercare release was prosecuted  
25 of the death of the prisoner if the prisoner died while on  
26 parole or aftercare release or mandatory supervised

1 release.

2 (7) When a defendant who has been committed to the  
3 Department of Corrections, the Department of Juvenile  
4 Justice, or the Department of Human Services is released  
5 or discharged and subsequently committed to the Department  
6 of Human Services as a sexually violent person and the  
7 victim had requested to be notified by the releasing  
8 authority of the defendant's discharge, conditional  
9 release, death, or escape from State custody, the  
10 releasing authority shall provide to the Department of  
11 Human Services such information that would allow the  
12 Department of Human Services to contact the victim.

13 (8) When a defendant has been convicted of a sex  
14 offense as defined in Section 2 of the Sex Offender  
15 Registration Act and has been sentenced to the Department  
16 of Corrections or the Department of Juvenile Justice, the  
17 Prisoner Review Board or the Department of Juvenile  
18 Justice shall notify the victim of the sex offense of the  
19 prisoner's eligibility for release on parole, aftercare  
20 release, mandatory supervised release, electronic  
21 detention, work release, international transfer or  
22 exchange, or by the custodian of the discharge of any  
23 individual who was adjudicated a delinquent for a sex  
24 offense from State custody and by the sheriff of the  
25 appropriate county of any such person's final discharge  
26 from county custody. The notification shall be made to the

1 victim at least 30 days, whenever possible, before release  
2 of the sex offender.

3 (e) The officials named in this Section may satisfy some  
4 or all of their obligations to provide notices and other  
5 information through participation in a statewide victim and  
6 witness notification system established by the Attorney  
7 General under Section 8.5 of this Act.

8 (f) The Prisoner Review Board shall establish a toll-free  
9 number that may be accessed by the crime victim to present a  
10 victim statement to the Board in accordance with paragraphs  
11 (4), (4-1), and (4-2) of subsection (d).

12 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;  
13 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.  
14 8-20-21; 102-813, eff. 5-13-22.)

15 Section 280. The Pretrial Services Act is amended by  
16 changing Sections 7, 11, 19, 20, 22, and 34 as follows:

17 (725 ILCS 185/7) (from Ch. 38, par. 307)

18 Sec. 7. Pretrial services agencies shall perform the  
19 following duties for the circuit court:

20 (a) Interview and assemble verified information and data  
21 concerning the community ties, employment, residency, criminal  
22 record, and social background of arrested persons who are to  
23 be, or have been, presented in court for first appearance on  
24 felony charges, to assist the court in determining the

1 appropriate terms and conditions of bail ~~pretrial release~~;

2 (b) Submit written reports of those investigations to the  
3 court along with such findings and recommendations, if any, as  
4 may be necessary to assess ~~appropriate conditions which shall~~  
5 ~~be imposed to protect against the risks of nonappearance and~~  
6 ~~commission of new offenses or other interference with the~~  
7 ~~orderly administration of justice before trial~~;:

8 (1) the need for financial security to assure the  
9 defendant's appearance at later proceedings; and

10 (2) appropriate conditions which shall be imposed to  
11 protect against the risks of nonappearance and commission of  
12 new offenses or other interference with the orderly  
13 administration of justice before trial;

14 (c) Supervise compliance with bail ~~pretrial release~~  
15 conditions, and promptly report violations of those conditions  
16 to the court and prosecutor to ~~ensure~~ assure effective  
17 enforcement;

18 (d) Cooperate with the court and all other criminal  
19 justice agencies in the development of programs to minimize  
20 unnecessary pretrial detention and protect the public against  
21 breaches of bail ~~pretrial release~~ conditions; and

22 (e) Monitor the local operations of the bail ~~pretrial~~  
23 ~~release~~ system and maintain accurate and comprehensive records  
24 of program activities.

25 (Source: P.A. 102-1104, eff. 1-1-23.)

1 (725 ILCS 185/11) (from Ch. 38, par. 311)

2 Sec. 11. No person shall be interviewed by a pretrial  
3 services agency unless he or she has first been apprised of the  
4 identity and purpose of the interviewer, the scope of the  
5 interview, the right to secure legal advice, and the right to  
6 refuse cooperation. Inquiry of the defendant shall carefully  
7 exclude questions concerning the details of the current  
8 charge. Statements made by the defendant during the interview,  
9 or evidence derived therefrom, are admissible in evidence only  
10 when the court is considering the imposition of pretrial or  
11 posttrial conditions to bail or recognizance ~~of release,~~  
12 ~~denial of pretrial release,~~ or when considering the  
13 modification of a prior release order.

14 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 12-6-22.)

15 (725 ILCS 185/19) (from Ch. 38, par. 319)

16 Sec. 19. Written reports under Section 17 shall set forth  
17 all factual findings on which any recommendation and  
18 conclusions contained therein are based together with the  
19 source of each fact, and shall contain information and data  
20 relevant to ~~appropriate conditions imposed to protect against~~  
21 ~~the risk of nonappearance and commission of new offenses or~~  
22 ~~other interference with the orderly administration of justice~~  
23 ~~before trial.~~ the following issues:

24 (a) The need for financial security to assure the  
25 defendant's appearance for later court proceedings; and

1           (b) Appropriate conditions imposed to protect against the  
2           risk of nonappearance and commission of new offenses or other  
3           interference with the orderly administration of justice before  
4           trial.

5           (Source: P.A. 102-1104, eff. 1-1-23.)

6           (725 ILCS 185/20) (from Ch. 38, par. 320)

7           Sec. 20. In preparing and presenting its written reports  
8           under Sections 17 and 19, pretrial services agencies shall in  
9           appropriate cases include specific recommendations for the  
10          setting, increase, or decrease ~~the conditions of bail pretrial~~  
11          ~~release~~; the release of the interviewee on his own  
12          recognizance in sums certain; and the imposition of pretrial  
13          conditions to bail ~~of pretrial release~~ or recognizance  
14          designed to minimize the risks of nonappearance, the  
15          commission of new offenses while awaiting trial, and other  
16          potential interference with the orderly administration of  
17          justice. In establishing objective internal criteria of any  
18          such recommendation policies, the agency may utilize so-called  
19          "point scales" for evaluating the aforementioned risks, but no  
20          interviewee shall be considered as ineligible for particular  
21          agency recommendations by sole reference to such procedures.

22          (Source: P.A. 101-652, eff. 1-1-23.)

23          (725 ILCS 185/22) (from Ch. 38, par. 322)

24          Sec. 22. If so ordered by the court, the pretrial services

1 agency shall prepare and submit for the court's approval and  
2 signature a uniform release order on the uniform form  
3 established by the Supreme Court in all cases where an  
4 interviewee may be released from custody under conditions  
5 contained in an agency report. Such conditions shall become  
6 part of the conditions of the bail bond ~~pretrial release~~. A  
7 copy of the uniform release order shall be provided to the  
8 defendant and defendant's attorney of record, and the  
9 prosecutor.

10 (Source: P.A. 101-652, eff. 1-1-23.)

11 (725 ILCS 185/34)

12 Sec. 34. Probation and court services departments  
13 considered pretrial services agencies. For the purposes of  
14 administering the provisions of Public Act 95-773, known as  
15 the Cindy Bischof Law, all probation and court services  
16 departments are to be considered pretrial services agencies  
17 under this Act and under the bail bond ~~pretrial release~~  
18 provisions of the Code of Criminal Procedure of 1963.

19 (Source: P.A. 101-652, eff. 1-1-23.)

20 Section 285. The Quasi-criminal and Misdemeanor Bail Act  
21 is amended by changing the title of the Act and Sections 0.01,  
22 1, 2, 3, and 5 as follows:

23 (725 ILCS 195/Act title)



1           An Act to authorize designated officers to let persons  
2 charged with quasi-criminal offenses and misdemeanors to  
3 ~~pretrial release~~ bail and to accept and receipt for fines on  
4 pleas of guilty in minor offenses, in accordance with  
5 schedules established by rule of court.

6           (725 ILCS 195/0.01) (from Ch. 16, par. 80)

7           Sec. 0.01. Short title. This Act may be cited as the  
8 Quasi-criminal and Misdemeanor Bail ~~Pretrial Release~~ Act.

9           (Source: P.A. 101-652, eff. 1-1-23.)

10           (725 ILCS 195/1) (from Ch. 16, par. 81)

11           Sec. 1. Whenever in any circuit there shall be in force a  
12 rule or order of the Supreme Court establishing a uniform  
13 schedule ~~form~~ prescribing the amounts of bail ~~conditions of~~  
14 ~~pretrial release~~ for specified conservation cases, traffic  
15 cases, quasi-criminal offenses and misdemeanors, any general  
16 superintendent, chief, captain, lieutenant, or sergeant of  
17 police, or other police officer, the sheriff, the circuit  
18 clerk, and any deputy sheriff or deputy circuit clerk  
19 designated by the Circuit Court for the purpose, are  
20 authorized to let to bail ~~pretrial release~~ any person charged  
21 with a quasi-criminal offense or misdemeanor and to accept and  
22 receipt for bonds or cash bail in accordance with regulations  
23 established by rule or order of the Supreme Court. Unless  
24 otherwise provided by Supreme Court Rule, no such bail may be

1 posted or accepted in any place other than a police station,  
2 sheriff's office or jail, or other county, municipal or other  
3 building housing governmental units, or a division  
4 headquarters building of the Illinois State Police. Bonds and  
5 cash so received shall be delivered to the office of the  
6 circuit clerk or that of his designated deputy as provided by  
7 regulation. Such cash and securities so received shall be  
8 delivered to the office of such clerk or deputy clerk within at  
9 least 48 hours of receipt or within the time set for the  
10 accused's appearance in court whichever is earliest.

11 In all cases where a person is admitted to bail under a  
12 uniform schedule prescribing the amount of bail for specified  
13 conservation cases, traffic cases, quasi-criminal offenses and  
14 misdemeanors the provisions of Section 110-15.1 of the Code of  
15 Criminal Procedure of 1963 shall be applicable.

16 (Source: P.A. 101-652, eff. 1-1-23.)

17 (725 ILCS 195/2) (from Ch. 16, par. 82)

18 Sec. 2. The conditions of the bail bond or deposit of cash  
19 bail ~~pretrial release~~ shall be that the accused will appear to  
20 answer the charge in court at a time and place specified in the  
21 bond ~~pretrial release form~~ and thereafter as ordered by the  
22 court until discharged on final order of the court and to  
23 submit himself to the orders and process of the court. The  
24 accused shall be furnished with an official receipt on a form  
25 prescribed by rule of court for any cash or other security

1 deposited, and shall receive a copy of the bond ~~pretrial~~  
2 ~~release form~~ specifying the time and place of his court  
3 appearance.

4 Upon performance of the conditions of the bond ~~pretrial~~  
5 ~~release,~~ the bond ~~pretrial release form~~ shall be null and void  
6 any cash bail or other security shall be returned to the  
7 accused and any cash bail or other security shall be returned  
8 to the accused ~~the accused shall be released from the~~  
9 ~~conditions of pretrial release.~~

10 (Source: P.A. 101-652, eff. 1-1-23.)

11 (725 ILCS 195/3) (from Ch. 16, par. 83)

12 Sec. 3. In lieu of making bond or depositing cash bail as  
13 provided in this Act or the deposit of other security  
14 authorized by law ~~complying with the conditions of pretrial~~  
15 ~~release,~~ any accused person has the right to be brought  
16 without unnecessary delay before the nearest or most  
17 accessible judge of the circuit to be dealt with according to  
18 law.

19 (Source: P.A. 101-652, eff. 1-1-23.)

20 (725 ILCS 195/5) (from Ch. 16, par. 85)

21 Sec. 5. Any person authorized to accept bail ~~pretrial~~  
22 ~~release~~ or pleas of guilty by this Act who violates any  
23 provision of this Act is guilty of a Class B misdemeanor.

24 (Source: P.A. 101-652, eff. 1-1-23.)

1 Section 290. The Unified Code of Corrections is amended by  
2 changing Sections 5-3-2, 5-5-3.2, 5-6-4, 5-6-4.1, 5-8A-7, and  
3 8-2-1 as follows:

4 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

5 Sec. 5-3-2. Presentence report.

6 (a) In felony cases, the presentence report shall set  
7 forth:

8 (1) the defendant's history of delinquency or  
9 criminality, physical and mental history and condition,  
10 family situation and background, economic status,  
11 education, occupation and personal habits;

12 (2) information about special resources within the  
13 community which might be available to assist the  
14 defendant's rehabilitation, including treatment centers,  
15 residential facilities, vocational training services,  
16 correctional manpower programs, employment opportunities,  
17 special educational programs, alcohol and drug abuse  
18 programming, psychiatric and marriage counseling, and  
19 other programs and facilities which could aid the  
20 defendant's successful reintegration into society;

21 (3) the effect the offense committed has had upon the  
22 victim or victims thereof, and any compensatory benefit  
23 that various sentencing alternatives would confer on such  
24 victim or victims;

1           (3.5) information provided by the victim's spouse,  
2           guardian, parent, grandparent, and other immediate family  
3           and household members about the effect the offense  
4           committed has had on the victim and on the person  
5           providing the information; if the victim's spouse,  
6           guardian, parent, grandparent, or other immediate family  
7           or household member has provided a written statement, the  
8           statement shall be attached to the report;

9           (4) information concerning the defendant's status  
10          since arrest, including his record if released on his own  
11          recognizance, or the defendant's achievement record if  
12          released on a conditional pre-trial supervision program;

13          (5) when appropriate, a plan, based upon the personal,  
14          economic and social adjustment needs of the defendant,  
15          utilizing public and private community resources as an  
16          alternative to institutional sentencing;

17          (6) any other matters that the investigatory officer  
18          deems relevant or the court directs to be included;

19          (7) information concerning the defendant's eligibility  
20          for a sentence to a county impact incarceration program  
21          under Section 5-8-1.2 of this Code; and

22          (8) information concerning the defendant's eligibility  
23          for a sentence to an impact incarceration program  
24          administered by the Department under Section 5-8-1.1.

25          (b) The investigation shall include a physical and mental  
26          examination of the defendant when so ordered by the court. If

1 the court determines that such an examination should be made,  
2 it shall issue an order that the defendant submit to  
3 examination at such time and place as designated by the court  
4 and that such examination be conducted by a physician,  
5 psychologist or psychiatrist designated by the court. Such an  
6 examination may be conducted in a court clinic if so ordered by  
7 the court. The cost of such examination shall be paid by the  
8 county in which the trial is held.

9 (b-5) In cases involving felony sex offenses in which the  
10 offender is being considered for probation only or any felony  
11 offense that is sexually motivated as defined in the Sex  
12 Offender Management Board Act in which the offender is being  
13 considered for probation only, the investigation shall include  
14 a sex offender evaluation by an evaluator approved by the  
15 Board and conducted in conformance with the standards  
16 developed under the Sex Offender Management Board Act. In  
17 cases in which the offender is being considered for any  
18 mandatory prison sentence, the investigation shall not include  
19 a sex offender evaluation.

20 (c) In misdemeanor, business offense or petty offense  
21 cases, except as specified in subsection (d) of this Section,  
22 when a presentence report has been ordered by the court, such  
23 presentence report shall contain information on the  
24 defendant's history of delinquency or criminality and shall  
25 further contain only those matters listed in any of paragraphs  
26 (1) through (6) of subsection (a) or in subsection (b) of this

1 Section as are specified by the court in its order for the  
2 report.

3 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or  
4 12-30 of the Criminal Code of 1961 or the Criminal Code of  
5 2012, the presentence report shall set forth information about  
6 alcohol, drug abuse, psychiatric, and marriage counseling or  
7 other treatment programs and facilities, information on the  
8 defendant's history of delinquency or criminality, and shall  
9 contain those additional matters listed in any of paragraphs  
10 (1) through (6) of subsection (a) or in subsection (b) of this  
11 Section as are specified by the court.

12 (e) Nothing in this Section shall cause the defendant to  
13 be held without ~~pretrial release~~ bail or to have his ~~pretrial~~  
14 ~~release~~ bail revoked for the purpose of preparing the  
15 presentence report or making an examination.

16 (Source: P.A. 101-105, eff. 1-1-20; 101-652, eff. 1-1-23;  
17 102-558, eff. 8-20-21.)

18 (730 ILCS 5/5-5-3.2)

19 Sec. 5-5-3.2. Factors in aggravation and extended-term  
20 sentencing.

21 (a) The following factors shall be accorded weight in  
22 favor of imposing a term of imprisonment or may be considered  
23 by the court as reasons to impose a more severe sentence under  
24 Section 5-8-1 or Article 4.5 of Chapter V:

25 (1) the defendant's conduct caused or threatened

1 serious harm;

2 (2) the defendant received compensation for committing  
3 the offense;

4 (3) the defendant has a history of prior delinquency  
5 or criminal activity;

6 (4) the defendant, by the duties of his office or by  
7 his position, was obliged to prevent the particular  
8 offense committed or to bring the offenders committing it  
9 to justice;

10 (5) the defendant held public office at the time of  
11 the offense, and the offense related to the conduct of  
12 that office;

13 (6) the defendant utilized his professional reputation  
14 or position in the community to commit the offense, or to  
15 afford him an easier means of committing it;

16 (7) the sentence is necessary to deter others from  
17 committing the same crime;

18 (8) the defendant committed the offense against a  
19 person 60 years of age or older or such person's property;

20 (9) the defendant committed the offense against a  
21 person who has a physical disability or such person's  
22 property;

23 (10) by reason of another individual's actual or  
24 perceived race, color, creed, religion, ancestry, gender,  
25 sexual orientation, physical or mental disability, or  
26 national origin, the defendant committed the offense



1       against (i) the person or property of that individual;  
2       (ii) the person or property of a person who has an  
3       association with, is married to, or has a friendship with  
4       the other individual; or (iii) the person or property of a  
5       relative (by blood or marriage) of a person described in  
6       clause (i) or (ii). For the purposes of this Section,  
7       "sexual orientation" has the meaning ascribed to it in  
8       paragraph (O-1) of Section 1-103 of the Illinois Human  
9       Rights Act;

10       (11) the offense took place in a place of worship or on  
11       the grounds of a place of worship, immediately prior to,  
12       during or immediately following worship services. For  
13       purposes of this subparagraph, "place of worship" shall  
14       mean any church, synagogue or other building, structure or  
15       place used primarily for religious worship;

16       (12) the defendant was convicted of a felony committed  
17       while he was released on bail ~~on pretrial release~~ or his  
18       own recognizance pending trial for a prior felony and was  
19       convicted of such prior felony, or the defendant was  
20       convicted of a felony committed while he was serving a  
21       period of probation, conditional discharge, or mandatory  
22       supervised release under subsection (d) of Section 5-8-1  
23       for a prior felony;

24       (13) the defendant committed or attempted to commit a  
25       felony while he was wearing a bulletproof vest. For the  
26       purposes of this paragraph (13), a bulletproof vest is any

1 device which is designed for the purpose of protecting the  
2 wearer from bullets, shot or other lethal projectiles;

3 (14) the defendant held a position of trust or  
4 supervision such as, but not limited to, family member as  
5 defined in Section 11-0.1 of the Criminal Code of 2012,  
6 teacher, scout leader, baby sitter, or day care worker, in  
7 relation to a victim under 18 years of age, and the  
8 defendant committed an offense in violation of Section  
9 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
10 11-14.4 except for an offense that involves keeping a  
11 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
12 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
13 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
14 of 2012 against that victim;

15 (15) the defendant committed an offense related to the  
16 activities of an organized gang. For the purposes of this  
17 factor, "organized gang" has the meaning ascribed to it in  
18 Section 10 of the Streetgang Terrorism Omnibus Prevention  
19 Act;

20 (16) the defendant committed an offense in violation  
21 of one of the following Sections while in a school,  
22 regardless of the time of day or time of year; on any  
23 conveyance owned, leased, or contracted by a school to  
24 transport students to or from school or a school related  
25 activity; on the real property of a school; or on a public  
26 way within 1,000 feet of the real property comprising any

1 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,  
2 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,  
3 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,  
4 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,  
5 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except  
6 for subdivision (a)(4) or (g)(1), of the Criminal Code of  
7 1961 or the Criminal Code of 2012;

8 (16.5) the defendant committed an offense in violation  
9 of one of the following Sections while in a day care  
10 center, regardless of the time of day or time of year; on  
11 the real property of a day care center, regardless of the  
12 time of day or time of year; or on a public way within  
13 1,000 feet of the real property comprising any day care  
14 center, regardless of the time of day or time of year:  
15 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
16 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
17 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
18 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
19 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
20 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
21 Criminal Code of 2012;

22 (17) the defendant committed the offense by reason of  
23 any person's activity as a community policing volunteer or  
24 to prevent any person from engaging in activity as a  
25 community policing volunteer. For the purpose of this  
26 Section, "community policing volunteer" has the meaning

1 ascribed to it in Section 2-3.5 of the Criminal Code of  
2 2012;

3 (18) the defendant committed the offense in a nursing  
4 home or on the real property comprising a nursing home.  
5 For the purposes of this paragraph (18), "nursing home"  
6 means a skilled nursing or intermediate long term care  
7 facility that is subject to license by the Illinois  
8 Department of Public Health under the Nursing Home Care  
9 Act, the Specialized Mental Health Rehabilitation Act of  
10 2013, the ID/DD Community Care Act, or the MC/DD Act;

11 (19) the defendant was a federally licensed firearm  
12 dealer and was previously convicted of a violation of  
13 subsection (a) of Section 3 of the Firearm Owners  
14 Identification Card Act and has now committed either a  
15 felony violation of the Firearm Owners Identification Card  
16 Act or an act of armed violence while armed with a firearm;

17 (20) the defendant (i) committed the offense of  
18 reckless homicide under Section 9-3 of the Criminal Code  
19 of 1961 or the Criminal Code of 2012 or the offense of  
20 driving under the influence of alcohol, other drug or  
21 drugs, intoxicating compound or compounds or any  
22 combination thereof under Section 11-501 of the Illinois  
23 Vehicle Code or a similar provision of a local ordinance  
24 and (ii) was operating a motor vehicle in excess of 20  
25 miles per hour over the posted speed limit as provided in  
26 Article VI of Chapter 11 of the Illinois Vehicle Code;

1           (21) the defendant (i) committed the offense of  
2 reckless driving or aggravated reckless driving under  
3 Section 11-503 of the Illinois Vehicle Code and (ii) was  
4 operating a motor vehicle in excess of 20 miles per hour  
5 over the posted speed limit as provided in Article VI of  
6 Chapter 11 of the Illinois Vehicle Code;

7           (22) the defendant committed the offense against a  
8 person that the defendant knew, or reasonably should have  
9 known, was a member of the Armed Forces of the United  
10 States serving on active duty. For purposes of this clause  
11 (22), the term "Armed Forces" means any of the Armed  
12 Forces of the United States, including a member of any  
13 reserve component thereof or National Guard unit called to  
14 active duty;

15           (23) the defendant committed the offense against a  
16 person who was elderly or infirm or who was a person with a  
17 disability by taking advantage of a family or fiduciary  
18 relationship with the elderly or infirm person or person  
19 with a disability;

20           (24) the defendant committed any offense under Section  
21 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
22 of 2012 and possessed 100 or more images;

23           (25) the defendant committed the offense while the  
24 defendant or the victim was in a train, bus, or other  
25 vehicle used for public transportation;

26           (26) the defendant committed the offense of child

1 pornography or aggravated child pornography, specifically  
2 including paragraph (1), (2), (3), (4), (5), or (7) of  
3 subsection (a) of Section 11-20.1 of the Criminal Code of  
4 1961 or the Criminal Code of 2012 where a child engaged in,  
5 solicited for, depicted in, or posed in any act of sexual  
6 penetration or bound, fettered, or subject to sadistic,  
7 masochistic, or sadomasochistic abuse in a sexual context  
8 and specifically including paragraph (1), (2), (3), (4),  
9 (5), or (7) of subsection (a) of Section 11-20.1B or  
10 Section 11-20.3 of the Criminal Code of 1961 where a child  
11 engaged in, solicited for, depicted in, or posed in any  
12 act of sexual penetration or bound, fettered, or subject  
13 to sadistic, masochistic, or sadomasochistic abuse in a  
14 sexual context;

15 (27) the defendant committed the offense of first  
16 degree murder, assault, aggravated assault, battery,  
17 aggravated battery, robbery, armed robbery, or aggravated  
18 robbery against a person who was a veteran and the  
19 defendant knew, or reasonably should have known, that the  
20 person was a veteran performing duties as a representative  
21 of a veterans' organization. For the purposes of this  
22 paragraph (27), "veteran" means an Illinois resident who  
23 has served as a member of the United States Armed Forces, a  
24 member of the Illinois National Guard, or a member of the  
25 United States Reserve Forces; and "veterans' organization"  
26 means an organization comprised of members of which

1 substantially all are individuals who are veterans or  
2 spouses, widows, or widowers of veterans, the primary  
3 purpose of which is to promote the welfare of its members  
4 and to provide assistance to the general public in such a  
5 way as to confer a public benefit;

6 (28) the defendant committed the offense of assault,  
7 aggravated assault, battery, aggravated battery, robbery,  
8 armed robbery, or aggravated robbery against a person that  
9 the defendant knew or reasonably should have known was a  
10 letter carrier or postal worker while that person was  
11 performing his or her duties delivering mail for the  
12 United States Postal Service;

13 (29) the defendant committed the offense of criminal  
14 sexual assault, aggravated criminal sexual assault,  
15 criminal sexual abuse, or aggravated criminal sexual abuse  
16 against a victim with an intellectual disability, and the  
17 defendant holds a position of trust, authority, or  
18 supervision in relation to the victim;

19 (30) the defendant committed the offense of promoting  
20 juvenile prostitution, patronizing a prostitute, or  
21 patronizing a minor engaged in prostitution and at the  
22 time of the commission of the offense knew that the  
23 prostitute or minor engaged in prostitution was in the  
24 custody or guardianship of the Department of Children and  
25 Family Services;

26 (31) the defendant (i) committed the offense of

1 driving while under the influence of alcohol, other drug  
2 or drugs, intoxicating compound or compounds or any  
3 combination thereof in violation of Section 11-501 of the  
4 Illinois Vehicle Code or a similar provision of a local  
5 ordinance and (ii) the defendant during the commission of  
6 the offense was driving his or her vehicle upon a roadway  
7 designated for one-way traffic in the opposite direction  
8 of the direction indicated by official traffic control  
9 devices;

10 (32) the defendant committed the offense of reckless  
11 homicide while committing a violation of Section 11-907 of  
12 the Illinois Vehicle Code;

13 (33) the defendant was found guilty of an  
14 administrative infraction related to an act or acts of  
15 public indecency or sexual misconduct in the penal  
16 institution. In this paragraph (33), "penal institution"  
17 has the same meaning as in Section 2-14 of the Criminal  
18 Code of 2012; or

19 (34) the defendant committed the offense of leaving  
20 the scene of a crash in violation of subsection (b) of  
21 Section 11-401 of the Illinois Vehicle Code and the crash  
22 resulted in the death of a person and at the time of the  
23 offense, the defendant was: (i) driving under the  
24 influence of alcohol, other drug or drugs, intoxicating  
25 compound or compounds or any combination thereof as  
26 defined by Section 11-501 of the Illinois Vehicle Code; or



1 (ii) operating the motor vehicle while using an electronic  
2 communication device as defined in Section 12-610.2 of the  
3 Illinois Vehicle Code.

4 For the purposes of this Section:

5 "School" is defined as a public or private elementary or  
6 secondary school, community college, college, or university.

7 "Day care center" means a public or private State  
8 certified and licensed day care center as defined in Section  
9 2.09 of the Child Care Act of 1969 that displays a sign in  
10 plain view stating that the property is a day care center.

11 "Intellectual disability" means significantly subaverage  
12 intellectual functioning which exists concurrently with  
13 impairment in adaptive behavior.

14 "Public transportation" means the transportation or  
15 conveyance of persons by means available to the general  
16 public, and includes paratransit services.

17 "Traffic control devices" means all signs, signals,  
18 markings, and devices that conform to the Illinois Manual on  
19 Uniform Traffic Control Devices, placed or erected by  
20 authority of a public body or official having jurisdiction,  
21 for the purpose of regulating, warning, or guiding traffic.

22 (b) The following factors, related to all felonies, may be  
23 considered by the court as reasons to impose an extended term  
24 sentence under Section 5-8-2 upon any offender:

25 (1) When a defendant is convicted of any felony, after  
26 having been previously convicted in Illinois or any other

1 jurisdiction of the same or similar class felony or  
2 greater class felony, when such conviction has occurred  
3 within 10 years after the previous conviction, excluding  
4 time spent in custody, and such charges are separately  
5 brought and tried and arise out of different series of  
6 acts; or

7 (2) When a defendant is convicted of any felony and  
8 the court finds that the offense was accompanied by  
9 exceptionally brutal or heinous behavior indicative of  
10 wanton cruelty; or

11 (3) When a defendant is convicted of any felony  
12 committed against:

13 (i) a person under 12 years of age at the time of  
14 the offense or such person's property;

15 (ii) a person 60 years of age or older at the time  
16 of the offense or such person's property; or

17 (iii) a person who had a physical disability at  
18 the time of the offense or such person's property; or

19 (4) When a defendant is convicted of any felony and  
20 the offense involved any of the following types of  
21 specific misconduct committed as part of a ceremony, rite,  
22 initiation, observance, performance, practice or activity  
23 of any actual or ostensible religious, fraternal, or  
24 social group:

25 (i) the brutalizing or torturing of humans or  
26 animals;

1           (ii) the theft of human corpses;  
2           (iii) the kidnapping of humans;  
3           (iv) the desecration of any cemetery, religious,  
4           fraternal, business, governmental, educational, or  
5           other building or property; or

6           (v) ritualized abuse of a child; or

7           (5) When a defendant is convicted of a felony other  
8           than conspiracy and the court finds that the felony was  
9           committed under an agreement with 2 or more other persons  
10          to commit that offense and the defendant, with respect to  
11          the other individuals, occupied a position of organizer,  
12          supervisor, financier, or any other position of management  
13          or leadership, and the court further finds that the felony  
14          committed was related to or in furtherance of the criminal  
15          activities of an organized gang or was motivated by the  
16          defendant's leadership in an organized gang; or

17          (6) When a defendant is convicted of an offense  
18          committed while using a firearm with a laser sight  
19          attached to it. For purposes of this paragraph, "laser  
20          sight" has the meaning ascribed to it in Section 26-7 of  
21          the Criminal Code of 2012; or

22          (7) When a defendant who was at least 17 years of age  
23          at the time of the commission of the offense is convicted  
24          of a felony and has been previously adjudicated a  
25          delinquent minor under the Juvenile Court Act of 1987 for  
26          an act that if committed by an adult would be a Class X or

1 Class 1 felony when the conviction has occurred within 10  
2 years after the previous adjudication, excluding time  
3 spent in custody; or

4 (8) When a defendant commits any felony and the  
5 defendant used, possessed, exercised control over, or  
6 otherwise directed an animal to assault a law enforcement  
7 officer engaged in the execution of his or her official  
8 duties or in furtherance of the criminal activities of an  
9 organized gang in which the defendant is engaged; or

10 (9) When a defendant commits any felony and the  
11 defendant knowingly video or audio records the offense  
12 with the intent to disseminate the recording.

13 (c) The following factors may be considered by the court  
14 as reasons to impose an extended term sentence under Section  
15 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed  
16 offenses:

17 (1) When a defendant is convicted of first degree  
18 murder, after having been previously convicted in Illinois  
19 of any offense listed under paragraph (c)(2) of Section  
20 5-5-3 (730 ILCS 5/5-5-3), when that conviction has  
21 occurred within 10 years after the previous conviction,  
22 excluding time spent in custody, and the charges are  
23 separately brought and tried and arise out of different  
24 series of acts.

25 (1.5) When a defendant is convicted of first degree  
26 murder, after having been previously convicted of domestic

1 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
2 (720 ILCS 5/12-3.3) committed on the same victim or after  
3 having been previously convicted of violation of an order  
4 of protection (720 ILCS 5/12-30) in which the same victim  
5 was the protected person.

6 (2) When a defendant is convicted of voluntary  
7 manslaughter, second degree murder, involuntary  
8 manslaughter, or reckless homicide in which the defendant  
9 has been convicted of causing the death of more than one  
10 individual.

11 (3) When a defendant is convicted of aggravated  
12 criminal sexual assault or criminal sexual assault, when  
13 there is a finding that aggravated criminal sexual assault  
14 or criminal sexual assault was also committed on the same  
15 victim by one or more other individuals, and the defendant  
16 voluntarily participated in the crime with the knowledge  
17 of the participation of the others in the crime, and the  
18 commission of the crime was part of a single course of  
19 conduct during which there was no substantial change in  
20 the nature of the criminal objective.

21 (4) If the victim was under 18 years of age at the time  
22 of the commission of the offense, when a defendant is  
23 convicted of aggravated criminal sexual assault or  
24 predatory criminal sexual assault of a child under  
25 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
26 of Section 12-14.1 of the Criminal Code of 1961 or the

1 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

2 (5) When a defendant is convicted of a felony  
3 violation of Section 24-1 of the Criminal Code of 1961 or  
4 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
5 finding that the defendant is a member of an organized  
6 gang.

7 (6) When a defendant was convicted of unlawful use of  
8 weapons under Section 24-1 of the Criminal Code of 1961 or  
9 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
10 a weapon that is not readily distinguishable as one of the  
11 weapons enumerated in Section 24-1 of the Criminal Code of  
12 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

13 (7) When a defendant is convicted of an offense  
14 involving the illegal manufacture of a controlled  
15 substance under Section 401 of the Illinois Controlled  
16 Substances Act (720 ILCS 570/401), the illegal manufacture  
17 of methamphetamine under Section 25 of the Methamphetamine  
18 Control and Community Protection Act (720 ILCS 646/25), or  
19 the illegal possession of explosives and an emergency  
20 response officer in the performance of his or her duties  
21 is killed or injured at the scene of the offense while  
22 responding to the emergency caused by the commission of  
23 the offense. In this paragraph, "emergency" means a  
24 situation in which a person's life, health, or safety is  
25 in jeopardy; and "emergency response officer" means a  
26 peace officer, community policing volunteer, fireman,

1 emergency medical technician-ambulance, emergency medical  
2 technician-intermediate, emergency medical  
3 technician-paramedic, ambulance driver, other medical  
4 assistance or first aid personnel, or hospital emergency  
5 room personnel.

6 (8) When the defendant is convicted of attempted mob  
7 action, solicitation to commit mob action, or conspiracy  
8 to commit mob action under Section 8-1, 8-2, or 8-4 of the  
9 Criminal Code of 2012, where the criminal object is a  
10 violation of Section 25-1 of the Criminal Code of 2012,  
11 and an electronic communication is used in the commission  
12 of the offense. For the purposes of this paragraph (8),  
13 "electronic communication" shall have the meaning provided  
14 in Section 26.5-0.1 of the Criminal Code of 2012.

15 (d) For the purposes of this Section, "organized gang" has  
16 the meaning ascribed to it in Section 10 of the Illinois  
17 Streetgang Terrorism Omnibus Prevention Act.

18 (e) The court may impose an extended term sentence under  
19 Article 4.5 of Chapter V upon an offender who has been  
20 convicted of a felony violation of Section 11-1.20, 11-1.30,  
21 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
22 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
23 when the victim of the offense is under 18 years of age at the  
24 time of the commission of the offense and, during the  
25 commission of the offense, the victim was under the influence  
26 of alcohol, regardless of whether or not the alcohol was

1 supplied by the offender; and the offender, at the time of the  
2 commission of the offense, knew or should have known that the  
3 victim had consumed alcohol.

4 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;  
5 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.  
6 8-20-21; 102-982, eff. 7-1-23.)

7 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

8 Sec. 5-6-4. Violation, modification or revocation of  
9 probation, of conditional discharge or supervision or of a  
10 sentence of county impact incarceration - hearing.

11 (a) Except in cases where conditional discharge or  
12 supervision was imposed for a petty offense as defined in  
13 Section 5-1-17, when a petition is filed charging a violation  
14 of a condition, the court may:

15 (1) in the case of probation violations, order the  
16 issuance of a notice to the offender to be present by the  
17 County Probation Department or such other agency  
18 designated by the court to handle probation matters; and  
19 in the case of conditional discharge or supervision  
20 violations, such notice to the offender shall be issued by  
21 the Circuit Court Clerk; and in the case of a violation of  
22 a sentence of county impact incarceration, such notice  
23 shall be issued by the Sheriff;

24 (2) order a summons to the offender to be present for  
25 hearing; or



1           (3) order a warrant for the offender's arrest where  
2           there is danger of his fleeing the jurisdiction or causing  
3           serious harm to others or when the offender fails to  
4           answer a summons or notice from the clerk of the court or  
5           Sheriff.

6           Personal service of the petition for violation of  
7           probation or the issuance of such warrant, summons or notice  
8           shall toll the period of probation, conditional discharge,  
9           supervision, or sentence of county impact incarceration until  
10          the final determination of the charge, and the term of  
11          probation, conditional discharge, supervision, or sentence of  
12          county impact incarceration shall not run until the hearing  
13          and disposition of the petition for violation.

14          (b) The court shall conduct a hearing of the alleged  
15          violation. The court shall admit the offender to bail ~~pretrial~~  
16          ~~release~~ pending the hearing unless the alleged violation is  
17          itself a criminal offense in which case the offender shall be  
18          admitted to bail ~~pretrial release~~ on such terms as are  
19          provided in the Code of Criminal Procedure of 1963, as  
20          amended. In any case where an offender remains incarcerated  
21          only as a result of his alleged violation of the court's  
22          earlier order of probation, supervision, conditional  
23          discharge, or county impact incarceration such hearing shall  
24          be held within 14 days of the onset of said incarceration,  
25          unless the alleged violation is the commission of another  
26          offense by the offender during the period of probation,

1 supervision or conditional discharge in which case such  
2 hearing shall be held within the time limits described in  
3 Section 103-5 of the Code of Criminal Procedure of 1963, as  
4 amended.

5 (c) The State has the burden of going forward with the  
6 evidence and proving the violation by the preponderance of the  
7 evidence. The evidence shall be presented in open court with  
8 the right of confrontation, cross-examination, and  
9 representation by counsel.

10 (d) Probation, conditional discharge, periodic  
11 imprisonment and supervision shall not be revoked for failure  
12 to comply with conditions of a sentence or supervision, which  
13 imposes financial obligations upon the offender unless such  
14 failure is due to his willful refusal to pay.

15 (e) If the court finds that the offender has violated a  
16 condition at any time prior to the expiration or termination  
17 of the period, it may continue him on the existing sentence,  
18 with or without modifying or enlarging the conditions, or may  
19 impose any other sentence that was available under Article 4.5  
20 of Chapter V of this Code or Section 11-501 of the Illinois  
21 Vehicle Code at the time of initial sentencing. If the court  
22 finds that the person has failed to successfully complete his  
23 or her sentence to a county impact incarceration program, the  
24 court may impose any other sentence that was available under  
25 Article 4.5 of Chapter V of this Code or Section 11-501 of the  
26 Illinois Vehicle Code at the time of initial sentencing,

1     except for a sentence of probation or conditional discharge.  
2     If the court finds that the offender has violated paragraph  
3     (8.6) of subsection (a) of Section 5-6-3, the court shall  
4     revoke the probation of the offender. If the court finds that  
5     the offender has violated subsection (o) of Section 5-6-3.1,  
6     the court shall revoke the supervision of the offender.

7           (f) The conditions of probation, of conditional discharge,  
8     of supervision, or of a sentence of county impact  
9     incarceration may be modified by the court on motion of the  
10    supervising agency or on its own motion or at the request of  
11    the offender after notice and a hearing.

12          (g) A judgment revoking supervision, probation,  
13    conditional discharge, or a sentence of county impact  
14    incarceration is a final appealable order.

15          (h) Resentencing after revocation of probation,  
16    conditional discharge, supervision, or a sentence of county  
17    impact incarceration shall be under Article 4. The term on  
18    probation, conditional discharge or supervision shall not be  
19    credited by the court against a sentence of imprisonment or  
20    periodic imprisonment unless the court orders otherwise. The  
21    amount of credit to be applied against a sentence of  
22    imprisonment or periodic imprisonment when the defendant  
23    served a term or partial term of periodic imprisonment shall  
24    be calculated upon the basis of the actual days spent in  
25    confinement rather than the duration of the term.

26          (i) Instead of filing a violation of probation,

1 conditional discharge, supervision, or a sentence of county  
2 impact incarceration, an agent or employee of the supervising  
3 agency with the concurrence of his or her supervisor may serve  
4 on the defendant a Notice of Intermediate Sanctions. The  
5 Notice shall contain the technical violation or violations  
6 involved, the date or dates of the violation or violations,  
7 and the intermediate sanctions to be imposed. Upon receipt of  
8 the Notice, the defendant shall immediately accept or reject  
9 the intermediate sanctions. If the sanctions are accepted,  
10 they shall be imposed immediately. If the intermediate  
11 sanctions are rejected or the defendant does not respond to  
12 the Notice, a violation of probation, conditional discharge,  
13 supervision, or a sentence of county impact incarceration  
14 shall be immediately filed with the court. The State's  
15 Attorney and the sentencing court shall be notified of the  
16 Notice of Sanctions. Upon successful completion of the  
17 intermediate sanctions, a court may not revoke probation,  
18 conditional discharge, supervision, or a sentence of county  
19 impact incarceration or impose additional sanctions for the  
20 same violation. A notice of intermediate sanctions may not be  
21 issued for any violation of probation, conditional discharge,  
22 supervision, or a sentence of county impact incarceration  
23 which could warrant an additional, separate felony charge. The  
24 intermediate sanctions shall include a term of home detention  
25 as provided in Article 8A of Chapter V of this Code for  
26 multiple or repeat violations of the terms and conditions of a

1 sentence of probation, conditional discharge, or supervision.

2 (j) When an offender is re-sentenced after revocation of  
3 probation that was imposed in combination with a sentence of  
4 imprisonment for the same offense, the aggregate of the  
5 sentences may not exceed the maximum term authorized under  
6 Article 4.5 of Chapter V.

7 (k) (1) On and after the effective date of this amendatory  
8 Act of the 101st General Assembly, this subsection (k) shall  
9 apply to arrest warrants in Cook County only. An arrest  
10 warrant issued under paragraph (3) of subsection (a) when the  
11 underlying conviction is for the offense of theft, retail  
12 theft, or possession of a controlled substance shall remain  
13 active for a period not to exceed 10 years from the date the  
14 warrant was issued unless a motion to extend the warrant is  
15 filed by the office of the State's Attorney or by, or on behalf  
16 of, the agency supervising the wanted person. A motion to  
17 extend the warrant shall be filed within one year before the  
18 warrant expiration date and notice shall be provided to the  
19 office of the sheriff.

20 (2) If a motion to extend a warrant issued under paragraph  
21 (3) of subsection (a) is not filed, the warrant shall be  
22 quashed and recalled as a matter of law under paragraph (1) of  
23 this subsection (k) and the wanted person's period of  
24 probation, conditional discharge, or supervision shall  
25 terminate unsatisfactorily as a matter of law.

26 (Source: P.A. 101-406, eff. 1-1-20; 101-652, eff. 1-1-23.)

1 (730 ILCS 5/5-6-4.1) (from Ch. 38, par. 1005-6-4.1)

2 Sec. 5-6-4.1. Violation, modification or revocation of  
3 conditional discharge or supervision - hearing.)

4 (a) In cases where a defendant was placed upon supervision  
5 or conditional discharge for the commission of a petty  
6 offense, upon the oral or written motion of the State, or on  
7 the court's own motion, which charges that a violation of a  
8 condition of that conditional discharge or supervision has  
9 occurred, the court may:

10 (1) conduct a hearing instanter if the offender is  
11 present in court;

12 (2) order the issuance by the court clerk of a notice  
13 to the offender to be present for a hearing for violation;

14 (3) order summons to the offender to be present; or

15 (4) order a warrant for the offender's arrest.

16 The oral motion, if the defendant is present, or the  
17 issuance of such warrant, summons or notice shall toll the  
18 period of conditional discharge or supervision until the final  
19 determination of the charge, and the term of conditional  
20 discharge or supervision shall not run until the hearing and  
21 disposition of the petition for violation.

22 (b) The Court shall admit the offender to bail ~~pretrial~~  
23 ~~release~~ pending the hearing.

24 (c) The State has the burden of going forward with the  
25 evidence and proving the violation by the preponderance of the

1 evidence. The evidence shall be presented in open court with  
2 the right of confrontation, cross-examination, and  
3 representation by counsel.

4 (d) Conditional discharge or supervision shall not be  
5 revoked for failure to comply with the conditions of the  
6 discharge or supervision which imposed financial obligations  
7 upon the offender unless such failure is due to his wilful  
8 refusal to pay.

9 (e) If the court finds that the offender has violated a  
10 condition at any time prior to the expiration or termination  
11 of the period, it may continue him on the existing sentence or  
12 supervision with or without modifying or enlarging the  
13 conditions, or may impose any other sentence that was  
14 available under Article 4.5 of Chapter V of this Code or  
15 Section 11-501 of the Illinois Vehicle Code at the time of  
16 initial sentencing.

17 (f) The conditions of conditional discharge and of  
18 supervision may be modified by the court on motion of the  
19 probation officer or on its own motion or at the request of the  
20 offender after notice to the defendant and a hearing.

21 (g) A judgment revoking supervision is a final appealable  
22 order.

23 (h) Resentencing after revocation of conditional discharge  
24 or of supervision shall be under Article 4. Time served on  
25 conditional discharge or supervision shall be credited by the  
26 court against a sentence of imprisonment or periodic

1 imprisonment unless the court orders otherwise.

2 (Source: P.A. 101-652, eff. 1-1-23.)

3 (730 ILCS 5/5-8A-7)

4 Sec. 5-8A-7. Domestic violence surveillance program. If  
5 the Prisoner Review Board, Department of Corrections,  
6 Department of Juvenile Justice, or court (the supervising  
7 authority) orders electronic surveillance as a condition of  
8 parole, aftercare release, mandatory supervised release, early  
9 release, probation, or conditional discharge for a violation  
10 of an order of protection or as a condition of bail ~~pretrial~~  
11 ~~release~~ for a person charged with a violation of an order of  
12 protection, the supervising authority shall use the best  
13 available global positioning technology to track domestic  
14 violence offenders. Best available technology must have  
15 real-time and interactive capabilities that facilitate the  
16 following objectives: (1) immediate notification to the  
17 supervising authority of a breach of a court ordered exclusion  
18 zone; (2) notification of the breach to the offender; and (3)  
19 communication between the supervising authority, law  
20 enforcement, and the victim, regarding the breach. The  
21 supervising authority may also require that the electronic  
22 surveillance ordered under this Section monitor the  
23 consumption of alcohol or drugs.

24 (Source: P.A. 100-201, eff. 8-18-17; 101-652, eff. 1-1-23.)



1 (730 ILCS 5/8-2-1) (from Ch. 38, par. 1008-2-1)

2 Sec. 8-2-1. Saving clause. The repeal of Acts or parts of  
3 Acts enumerated in Section 8-5-1 does not: (1) affect any  
4 offense committed, act done, prosecution pending, penalty,  
5 punishment or forfeiture incurred, or rights, powers or  
6 remedies accrued under any law in effect immediately prior to  
7 the effective date of this Code; (2) impair, avoid, or affect  
8 any grant or conveyance made or right acquired or cause of  
9 action then existing under any such repealed Act or amendment  
10 thereto; (3) affect or impair the validity of any bail or other  
11 bond ~~pretrial release~~ or other obligation issued or sold and  
12 constituting a valid obligation of the issuing authority  
13 immediately prior to the effective date of this Code; (4) the  
14 validity of any contract; or (5) the validity of any tax levied  
15 under any law in effect prior to the effective date of this  
16 Code. The repeal of any validating Act or part thereof shall  
17 not avoid the effect of the validation. No Act repealed by  
18 Section 8-5-1 shall repeal any Act or part thereof which  
19 embraces the same or a similar subject matter as the Act  
20 repealed.

21 (Source: P.A. 101-652, eff. 1-1-23.)

22 Section 295. The Unified Code of Corrections is amended by  
23 changing Sections 3-6-3, 5-4-1, 5-4.5-95, 5-4.5-100, 5-8-1,  
24 5-8-4, 5-8-6, 5-8A-2, 5-8A-4, and 5-8A-4.1 as follows:

1 (730 ILCS 5/3-6-3)

2 Sec. 3-6-3. Rules and regulations for sentence credit.

3 (a) (1) The Department of Corrections shall prescribe rules  
4 and regulations for awarding and revoking sentence credit for  
5 persons committed to the Department of Corrections and the  
6 Department of Juvenile Justice shall prescribe rules and  
7 regulations for awarding and revoking sentence credit for  
8 persons committed to the Department of Juvenile Justice under  
9 Section 5-8-6 of the Unified Code of Corrections, which shall  
10 be subject to review by the Prisoner Review Board.

11 (1.5) As otherwise provided by law, sentence credit may be  
12 awarded for the following:

13 (A) successful completion of programming while in  
14 custody of the Department of Corrections or the Department  
15 of Juvenile Justice or while in custody prior to  
16 sentencing;

17 (B) compliance with the rules and regulations of the  
18 Department; or

19 (C) service to the institution, service to a  
20 community, or service to the State.

21 (2) 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 offenses listed in clause (i),  
24 (ii), or (iii) of this paragraph (2) committed on or after June  
25 19, 1998 or with respect to the offense listed in clause (iv)  
26 of this paragraph (2) committed on or after June 23, 2005 (the

1 effective date of Public Act 94-71) or with respect to offense  
2 listed in clause (vi) committed on or after June 1, 2008 (the  
3 effective date of Public Act 95-625) or with respect to the  
4 offense of being an armed habitual criminal committed on or  
5 after August 2, 2005 (the effective date of Public Act 94-398)  
6 or with respect to the offenses listed in clause (v) of this  
7 paragraph (2) committed on or after August 13, 2007 (the  
8 effective date of Public Act 95-134) or with respect to the  
9 offense of aggravated domestic battery committed on or after  
10 July 23, 2010 (the effective date of Public Act 96-1224) or  
11 with respect to the offense of attempt to commit terrorism  
12 committed on or after January 1, 2013 (the effective date of  
13 Public Act 97-990), the following:

14 (i) that a prisoner who is serving a term of  
15 imprisonment for first degree murder or for the offense of  
16 terrorism shall receive no sentence credit and shall serve  
17 the entire sentence imposed by the court;

18 (ii) that a prisoner serving a sentence for attempt to  
19 commit terrorism, attempt to commit first degree murder,  
20 solicitation of murder, solicitation of murder for hire,  
21 intentional homicide of an unborn child, predatory  
22 criminal sexual assault of a child, aggravated criminal  
23 sexual assault, criminal sexual assault, aggravated  
24 kidnapping, aggravated battery with a firearm as described  
25 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),  
26 or (e) (4) of Section 12-3.05, heinous battery as described

1 in Section 12-4.1 or subdivision (a)(2) of Section  
2 12-3.05, being an armed habitual criminal, aggravated  
3 battery of a senior citizen as described in Section 12-4.6  
4 or subdivision (a)(4) of Section 12-3.05, or aggravated  
5 battery of a child as described in Section 12-4.3 or  
6 subdivision (b)(1) of Section 12-3.05 shall receive no  
7 more than 4.5 days of sentence credit for each month of his  
8 or her sentence of imprisonment;

9 (iii) that a prisoner serving a sentence for home  
10 invasion, armed robbery, aggravated vehicular hijacking,  
11 aggravated discharge of a firearm, or armed violence with  
12 a category I weapon or category II weapon, when the court  
13 has made and entered a finding, pursuant to subsection  
14 (c-1) of Section 5-4-1 of this Code, that the conduct  
15 leading to conviction for the enumerated offense resulted  
16 in great bodily harm to a victim, shall receive no more  
17 than 4.5 days of sentence credit for each month of his or  
18 her sentence of imprisonment;

19 (iv) that a prisoner serving a sentence for aggravated  
20 discharge of a firearm, whether or not the conduct leading  
21 to conviction for the offense resulted in great bodily  
22 harm to the victim, shall receive no more than 4.5 days of  
23 sentence credit for each month of his or her sentence of  
24 imprisonment;

25 (v) that a person serving a sentence for gunrunning,  
26 narcotics racketeering, controlled substance trafficking,

1 methamphetamine trafficking, drug-induced homicide,  
2 aggravated methamphetamine-related child endangerment,  
3 money laundering pursuant to clause (c) (4) or (5) of  
4 Section 29B-1 of the Criminal Code of 1961 or the Criminal  
5 Code of 2012, or a Class X felony conviction for delivery  
6 of a controlled substance, possession of a controlled  
7 substance with intent to manufacture or deliver,  
8 calculated criminal drug conspiracy, criminal drug  
9 conspiracy, street gang criminal drug conspiracy,  
10 participation in methamphetamine manufacturing,  
11 aggravated participation in methamphetamine  
12 manufacturing, delivery of methamphetamine, possession  
13 with intent to deliver methamphetamine, aggravated  
14 delivery of methamphetamine, aggravated possession with  
15 intent to deliver methamphetamine, methamphetamine  
16 conspiracy when the substance containing the controlled  
17 substance or methamphetamine is 100 grams or more shall  
18 receive no more than 7.5 days sentence credit for each  
19 month of his or her sentence of imprisonment;

20 (vi) that a prisoner serving a sentence for a second  
21 or subsequent offense of luring a minor shall receive no  
22 more than 4.5 days of sentence credit for each month of his  
23 or her sentence of imprisonment; and

24 (vii) that a prisoner serving a sentence for  
25 aggravated domestic battery shall receive no more than 4.5  
26 days of sentence credit for each month of his or her

1 sentence of imprisonment.

2 (2.1) For all offenses, other than those enumerated in  
3 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
4 June 19, 1998 or subdivision (a)(2)(iv) committed on or after  
5 June 23, 2005 (the effective date of Public Act 94-71) or  
6 subdivision (a)(2)(v) committed on or after August 13, 2007  
7 (the effective date of Public Act 95-134) or subdivision  
8 (a)(2)(vi) committed on or after June 1, 2008 (the effective  
9 date of Public Act 95-625) or subdivision (a)(2)(vii)  
10 committed on or after July 23, 2010 (the effective date of  
11 Public Act 96-1224), and other than the offense of aggravated  
12 driving under the influence of alcohol, other drug or drugs,  
13 or intoxicating compound or compounds, or any combination  
14 thereof as defined in subparagraph (F) of paragraph (1) of  
15 subsection (d) of Section 11-501 of the Illinois Vehicle Code,  
16 and other than the offense of aggravated driving under the  
17 influence of alcohol, other drug or drugs, or intoxicating  
18 compound or compounds, or any combination thereof as defined  
19 in subparagraph (C) of paragraph (1) of subsection (d) of  
20 Section 11-501 of the Illinois Vehicle Code committed on or  
21 after January 1, 2011 (the effective date of Public Act  
22 96-1230), the rules and regulations shall provide that a  
23 prisoner who is serving a term of imprisonment shall receive  
24 one day of sentence credit for each day of his or her sentence  
25 of imprisonment or recommitment under Section 3-3-9. Each day  
26 of sentence credit shall reduce by one day the prisoner's

1 period of imprisonment or recommitment under Section 3-3-9.

2 (2.2) A prisoner serving a term of natural life  
3 imprisonment shall receive no sentence credit.

4 (2.3) Except as provided in paragraph (4.7) of this  
5 subsection (a), the rules and regulations on sentence credit  
6 shall provide that a prisoner who is serving a sentence for  
7 aggravated driving under the influence of alcohol, other drug  
8 or drugs, or intoxicating compound or compounds, or any  
9 combination thereof as defined in subparagraph (F) of  
10 paragraph (1) of subsection (d) of Section 11-501 of the  
11 Illinois Vehicle Code, shall receive no more than 4.5 days of  
12 sentence credit for each month of his or her sentence of  
13 imprisonment.

14 (2.4) Except as provided in paragraph (4.7) of this  
15 subsection (a), the rules and regulations on sentence credit  
16 shall provide with respect to the offenses of aggravated  
17 battery with a machine gun or a firearm equipped with any  
18 device or attachment designed or used for silencing the report  
19 of a firearm or aggravated discharge of a machine gun or a  
20 firearm equipped with any device or attachment designed or  
21 used for silencing the report of a firearm, committed on or  
22 after July 15, 1999 (the effective date of Public Act 91-121),  
23 that a prisoner serving a sentence for any of these offenses  
24 shall receive no more than 4.5 days of sentence credit for each  
25 month of his or her sentence of imprisonment.

26 (2.5) Except as provided in paragraph (4.7) of this

1 subsection (a), the rules and regulations on sentence credit  
2 shall provide that a prisoner who is serving a sentence for  
3 aggravated arson committed on or after July 27, 2001 (the  
4 effective date of Public Act 92-176) shall receive no more  
5 than 4.5 days of sentence credit for each month of his or her  
6 sentence of imprisonment.

7 (2.6) 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 driving under the influence of alcohol, other drug  
11 or drugs, or intoxicating compound or compounds or any  
12 combination thereof as defined in subparagraph (C) of  
13 paragraph (1) of subsection (d) of Section 11-501 of the  
14 Illinois Vehicle Code committed on or after January 1, 2011  
15 (the effective date of Public Act 96-1230) shall receive no  
16 more than 4.5 days of sentence credit for each month of his or  
17 her sentence of imprisonment.

18 (3) In addition to the sentence credits earned under  
19 paragraphs (2.1), (4), (4.1), ~~(4.2)~~, and (4.7) of this  
20 subsection (a), the rules and ~~regulations shall also provide~~  
21 ~~that the Director of Corrections or the Director of Juvenile~~  
22 ~~Justice may award up to 180 days of earned sentence credit for~~  
23 ~~prisoners serving a sentence of incarceration of less than 5~~  
24 ~~years, and up to 365 days of earned sentence credit for~~  
25 ~~prisoners serving a sentence of 5 years or longer. The~~  
26 ~~Director may grant this credit for good conduct in specific~~



1 instances as the ~~either~~ Director deems proper ~~for eligible~~  
2 ~~persons in the custody of each Director's respective~~  
3 ~~Department~~. The good conduct may include, but is not limited  
4 to, compliance with the rules and regulations of the  
5 Department, service to the Department, service to a community,  
6 or service to the State.

7 Eligible inmates for an award of earned sentence credit  
8 under this paragraph (3) may be selected to receive the credit  
9 at the ~~either~~ Director's or his or her designee's sole  
10 discretion. Eligibility for the additional earned sentence  
11 credit under this paragraph (3) shall ~~may~~ be based on, but is  
12 not limited to, ~~participation in programming offered by the~~  
13 ~~Department as appropriate for the prisoner based on~~ the  
14 results of any available risk/needs assessment or other  
15 relevant assessments or evaluations administered by the  
16 Department using a validated instrument, the circumstances of  
17 the crime, any ~~demonstrated commitment to rehabilitation by a~~  
18 prisoner with a history of conviction for a forcible felony  
19 enumerated in Section 2-8 of the Criminal Code of 2012, the  
20 inmate's behavior and ~~improvements in~~ disciplinary history  
21 while incarcerated, and the inmate's commitment to  
22 rehabilitation, including participation in programming offered  
23 by the Department.

24 The Director of Corrections or the Director of Juvenile  
25 Justice shall not award sentence credit under this paragraph  
26 (3) to an inmate unless the inmate has served a minimum of 60

1 days of the sentence, including time served in a county jail;  
2 except nothing in this paragraph shall be construed to permit  
3 either Director to extend an inmate's sentence beyond that  
4 which was imposed by the court. Prior to awarding credit under  
5 this paragraph (3), each Director shall make a written  
6 determination that the inmate:

7 (A) is eligible for the earned sentence credit;

8 (B) has served a minimum of 60 days, or as close to 60  
9 days as the sentence will allow;

10 (B-1) has received a risk/needs assessment or other  
11 relevant evaluation or assessment administered by the  
12 Department using a validated instrument; and

13 (C) has met the eligibility criteria established by  
14 rule for earned sentence credit.

15 The Director of Corrections or the Director of Juvenile  
16 Justice shall determine the form and content of the written  
17 determination required in this subsection.

18 (3.5) The Department shall provide annual written reports  
19 to the Governor and the General Assembly on the award of earned  
20 sentence credit no later than February 1 of each year. The  
21 Department must publish both reports on its website within 48  
22 hours of transmitting the reports to the Governor and the  
23 General Assembly. The reports must include:

24 (A) the number of inmates awarded earned sentence  
25 credit;

26 (B) the average amount of earned sentence credit

1 awarded;

2 (C) the holding offenses of inmates awarded earned  
3 sentence credit; and

4 (D) the number of earned sentence credit revocations.

5 (4) (A) Except as provided in paragraph (4.7) of this  
6 subsection (a), the rules and regulations shall also provide  
7 that the sentence credit accumulated and retained under  
8 paragraph (2.1) of subsection (a) of this Section by any  
9 inmate during specific periods of time in which such inmate  
10 ~~any prisoner who~~ is engaged full-time in substance abuse  
11 programs, correctional industry assignments, educational  
12 programs, ~~work-release programs or activities in accordance~~  
13 ~~with Article 13 of Chapter III of this Code,~~ behavior  
14 modification programs, life skills courses, or re-entry  
15 planning provided by the Department under this paragraph (4)  
16 and satisfactorily completes the assigned program as  
17 determined by the standards of the Department, shall receive  
18 be multiplied by a factor of 1.25 for program participation  
19 before August 11, 1993 and 1.50 for program participation on  
20 or after that date ~~one day of sentence credit for each day in~~  
21 ~~which that prisoner is engaged in the activities described in~~  
22 ~~this paragraph.~~ The rules and regulations shall also provide  
23 that sentence credit, subject to the same offense limits and  
24 multiplier provided in this paragraph, may be provided to an  
25 inmate who was held in pre-trial detention prior to his or her  
26 current commitment to the Department of Corrections and

1 successfully completed a full-time, 60-day or longer substance  
2 abuse program, educational program, behavior modification  
3 program, life skills course, or re-entry planning provided by  
4 the county department of corrections or county jail.  
5 Calculation of this county program credit shall be done at  
6 sentencing as provided in Section 5-4.5-100 of this Code and  
7 shall be included in the sentencing order. However, no inmate  
8 shall be eligible for the additional sentence credit under  
9 this paragraph (4) or (4.1) of this subsection (a) while  
10 assigned to a boot camp or electronic detention ~~The rules and~~  
11 ~~regulations shall also provide that sentence credit may be~~  
12 ~~provided to an inmate who is in compliance with programming~~  
13 ~~requirements in an adult transition center.~~

14 (B) The Department shall award sentence credit under this  
15 paragraph (4) accumulated prior to January 1, 2020 (the  
16 effective date of Public Act 101-440) in an amount specified  
17 in subparagraph (C) of this paragraph (4) to an inmate serving  
18 a sentence for an offense committed prior to June 19, 1998, if  
19 the Department determines that the inmate is entitled to this  
20 sentence credit, based upon:

21 (i) documentation provided by the Department that the  
22 inmate engaged in any full-time substance abuse programs,  
23 correctional industry assignments, educational programs,  
24 behavior modification programs, life skills courses, or  
25 re-entry planning provided by the Department under this  
26 paragraph (4) and satisfactorily completed the assigned

1 program as determined by the standards of the Department  
2 during the inmate's current term of incarceration; or

3 (ii) the inmate's own testimony in the form of an  
4 affidavit or documentation, or a third party's  
5 documentation or testimony in the form of an affidavit  
6 that the inmate likely engaged in any full-time substance  
7 abuse programs, correctional industry assignments,  
8 educational programs, behavior modification programs, life  
9 skills courses, or re-entry planning provided by the  
10 Department under paragraph (4) and satisfactorily  
11 completed the assigned program as determined by the  
12 standards of the Department during the inmate's current  
13 term of incarceration.

14 (C) If the inmate can provide documentation that he or she  
15 is entitled to sentence credit under subparagraph (B) in  
16 excess of 45 days of participation in those programs, the  
17 inmate shall receive 90 days of sentence credit. If the inmate  
18 cannot provide documentation of more than 45 days of  
19 participation in those programs, the inmate shall receive 45  
20 days of sentence credit. In the event of a disagreement  
21 between the Department and the inmate as to the amount of  
22 credit accumulated under subparagraph (B), if the Department  
23 provides documented proof of a lesser amount of days of  
24 participation in those programs, that proof shall control. If  
25 the Department provides no documentary proof, the inmate's  
26 proof as set forth in clause (ii) of subparagraph (B) shall

1 control as to the amount of sentence credit provided.

2 (D) If the inmate has been convicted of a sex offense as  
3 defined in Section 2 of the Sex Offender Registration Act,  
4 sentencing credits under subparagraph (B) of this paragraph  
5 (4) shall be awarded by the Department only if the conditions  
6 set forth in paragraph (4.6) of subsection (a) are satisfied.  
7 No inmate serving a term of natural life imprisonment shall  
8 receive sentence credit under subparagraph (B) of this  
9 paragraph (4).

10 (E) The rules and regulations shall provide for the  
11 recalculation of program credits awarded pursuant to this  
12 paragraph (4) prior to July 1, 2021 (the effective date of  
13 Public Act 101-652) at the rate set for such credits on and  
14 after July 1, 2021.

15 Educational, vocational, substance abuse, behavior  
16 modification programs, life skills courses, re-entry planning,  
17 and correctional industry programs under which sentence credit  
18 may be earned under this paragraph (4) and paragraph (4.1) of  
19 this subsection (a) shall be evaluated by the Department on  
20 the basis of documented standards. The Department shall report  
21 the results of these evaluations to the Governor and the  
22 General Assembly by September 30th of each year. The reports  
23 shall include data relating to the recidivism rate among  
24 program participants.

25 Availability of these programs shall be subject to the  
26 limits of fiscal resources appropriated by the General

1 Assembly for these purposes. Eligible inmates who are denied  
2 immediate admission shall be placed on a waiting list under  
3 criteria established by the Department. ~~The rules and~~  
4 ~~regulations shall provide that a prisoner who has been placed~~  
5 ~~on a waiting list but is transferred for non disciplinary~~  
6 ~~reasons before beginning a program shall receive priority~~  
7 ~~placement on the waitlist for appropriate programs at the new~~  
8 ~~facility.~~ The inability of any inmate to become engaged in any  
9 such programs by reason of insufficient program resources or  
10 for any other reason established under the rules and  
11 regulations of the Department shall not be deemed a cause of  
12 action under which the Department or any employee or agent of  
13 the Department shall be liable for damages to the inmate. ~~The~~  
14 ~~rules and regulations shall provide that a prisoner who begins~~  
15 ~~an educational, vocational, substance abuse, work release~~  
16 ~~programs or activities in accordance with Article 13 of~~  
17 ~~Chapter III of this Code, behavior modification program, life~~  
18 ~~skills course, re entry planning, or correctional industry~~  
19 ~~programs but is unable to complete the program due to illness,~~  
20 ~~disability, transfer, lockdown, or another reason outside of~~  
21 ~~the prisoner's control shall receive prorated sentence credits~~  
22 ~~for the days in which the prisoner did participate.~~

23 (4.1) Except as provided in paragraph (4.7) of this  
24 subsection (a), the rules and regulations shall also provide  
25 that an additional 90 days of sentence credit shall be awarded  
26 to any prisoner who passes high school equivalency testing

1 while the prisoner is committed to the Department of  
2 Corrections. The sentence credit awarded under this paragraph  
3 (4.1) shall be in addition to, and shall not affect, the award  
4 of sentence credit under any other paragraph of this Section,  
5 but shall also be pursuant to the guidelines and restrictions  
6 set forth in paragraph (4) of subsection (a) of this Section.  
7 The sentence credit provided for in this paragraph shall be  
8 available only to those prisoners who have not previously  
9 earned a high school diploma or a State of Illinois High School  
10 Diploma. If, after an award of the high school equivalency  
11 testing sentence credit has been made, the Department  
12 determines that the prisoner was not eligible, then the award  
13 shall be revoked. The Department may also award 90 days of  
14 sentence credit to any committed person who passed high school  
15 equivalency testing while he or she was held in pre-trial  
16 detention prior to the current commitment to the Department of  
17 Corrections. ~~Except as provided in paragraph (4.7) of this~~  
18 ~~subsection (a), the rules and regulations shall provide that~~  
19 ~~an additional 120 days of sentence credit shall be awarded to~~  
20 ~~any prisoner who obtains an associate degree while the~~  
21 ~~prisoner is committed to the Department of Corrections,~~  
22 ~~regardless of the date that the associate degree was obtained,~~  
23 ~~including if prior to July 1, 2021 (the effective date of~~  
24 ~~Public Act 101-652). The sentence credit awarded under this~~  
25 ~~paragraph (4.1) shall be in addition to, and shall not affect,~~  
26 ~~the award of sentence credit under any other paragraph of this~~



1 ~~Section, but shall also be under the guidelines and~~  
2 ~~restrictions set forth in paragraph (4) of subsection (a) of~~  
3 ~~this Section. The sentence credit provided for in this~~  
4 ~~paragraph (4.1) shall be available only to those prisoners who~~  
5 ~~have not previously earned an associate degree prior to the~~  
6 ~~current commitment to the Department of Corrections. If, after~~  
7 ~~an award of the associate degree sentence credit has been made~~  
8 ~~and the Department determines that the prisoner was not~~  
9 ~~eligible, then the award shall be revoked. The Department may~~  
10 ~~also award 120 days of sentence credit to any committed person~~  
11 ~~who earned an associate degree while he or she was held in~~  
12 ~~pre-trial detention prior to the current commitment to the~~  
13 ~~Department of Corrections.~~

14 Except as provided in paragraph (4.7) of this subsection  
15 (a), the rules and regulations shall provide that an  
16 additional 180 days of sentence credit shall be awarded to any  
17 prisoner who obtains a bachelor's degree while the prisoner is  
18 committed to the Department of Corrections. The sentence  
19 credit awarded under this paragraph (4.1) shall be in addition  
20 to, and shall not affect, the award of sentence credit under  
21 any other paragraph of this Section, but shall also be under  
22 the guidelines and restrictions set forth in paragraph (4) of  
23 this subsection (a). The sentence credit provided for in this  
24 paragraph shall be available only to those prisoners who have  
25 not earned a bachelor's degree prior to the current commitment  
26 to the Department of Corrections. If, after an award of the

1 bachelor's degree sentence credit has been made, the  
2 Department determines that the prisoner was not eligible, then  
3 the award shall be revoked. The Department may also award 180  
4 days of sentence credit to any committed person who earned a  
5 bachelor's degree while he or she was held in pre-trial  
6 detention prior to the current commitment to the Department of  
7 Corrections.

8 Except as provided in paragraph (4.7) of this subsection  
9 (a), the rules and regulations shall provide that an  
10 additional 180 days of sentence credit shall be awarded to any  
11 prisoner who obtains a master's or professional degree while  
12 the prisoner is committed to the Department of Corrections.  
13 The sentence credit awarded under this paragraph (4.1) shall  
14 be in addition to, and shall not affect, the award of sentence  
15 credit under any other paragraph of this Section, but shall  
16 also be under the guidelines and restrictions set forth in  
17 paragraph (4) of this subsection (a). The sentence credit  
18 provided for in this paragraph shall be available only to  
19 those prisoners who have not previously earned a master's or  
20 professional degree prior to the current commitment to the  
21 Department of Corrections. If, after an award of the master's  
22 or professional degree sentence credit has been made, the  
23 Department determines that the prisoner was not eligible, then  
24 the award shall be revoked. The Department may also award 180  
25 days of sentence credit to any committed person who earned a  
26 master's or professional degree while he or she was held in

1 pre-trial detention prior to the current commitment to the  
2 Department of Corrections.

3 ~~(4.2) (A) The rules and regulations shall also provide that~~  
4 ~~any prisoner engaged in self-improvement programs, volunteer~~  
5 ~~work, or work assignments that are not otherwise eligible~~  
6 ~~activities under paragraph (4), shall receive up to 0.5 days~~  
7 ~~of sentence credit for each day in which the prisoner is~~  
8 ~~engaged in activities described in this paragraph.~~

9 ~~(B) The rules and regulations shall provide for the award~~  
10 ~~of sentence credit under this paragraph (4.2) for qualifying~~  
11 ~~days of engagement in eligible activities occurring prior to~~  
12 ~~July 1, 2021 (the effective date of Public Act 101-652).~~

13 (4.5) The rules and regulations on sentence credit shall  
14 also provide that when the court's sentencing order recommends  
15 a prisoner for substance abuse treatment and the crime was  
16 committed on or after September 1, 2003 (the effective date of  
17 Public Act 93-354), the prisoner shall receive no sentence  
18 credit awarded under clause (3) of this subsection (a) unless  
19 he or she participates in and completes a substance abuse  
20 treatment program. The Director of Corrections may waive the  
21 requirement to participate in or complete a substance abuse  
22 treatment program in specific instances if the prisoner is not  
23 a good candidate for a substance abuse treatment program for  
24 medical, programming, or operational reasons. Availability of  
25 substance abuse treatment shall be subject to the limits of  
26 fiscal resources appropriated by the General Assembly for

1 these purposes. If treatment is not available and the  
2 requirement to participate and complete the treatment has not  
3 been waived by the Director, the prisoner shall be placed on a  
4 waiting list under criteria established by the Department. The  
5 Director may allow a prisoner placed on a waiting list to  
6 participate in and complete a substance abuse education class  
7 or attend substance abuse self-help meetings in lieu of a  
8 substance abuse treatment program. A prisoner on a waiting  
9 list who is not placed in a substance abuse program prior to  
10 release may be eligible for a waiver and receive sentence  
11 credit under clause (3) of this subsection (a) at the  
12 discretion of the Director.

13 (4.6) The rules and regulations on sentence credit shall  
14 also provide that a prisoner who has been convicted of a sex  
15 offense as defined in Section 2 of the Sex Offender  
16 Registration Act shall receive no sentence credit unless he or  
17 she either has successfully completed or is participating in  
18 sex offender treatment as defined by the Sex Offender  
19 Management Board. However, prisoners who are waiting to  
20 receive treatment, but who are unable to do so due solely to  
21 the lack of resources on the part of the Department, may, at  
22 either Director's sole discretion, be awarded sentence credit  
23 at a rate as the Director shall determine.

24 (4.7) On or after January 1, 2018 (the effective date of  
25 Public Act 100-3), sentence credit under paragraph (3), (4),  
26 or (4.1) of this subsection (a) may be awarded to a prisoner

1 who is serving a sentence for an offense described in  
2 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned  
3 on or after January 1, 2018 (the effective date of Public Act  
4 100-3); provided, the award of the credits under this  
5 paragraph (4.7) shall not reduce the sentence of the prisoner  
6 to less than the following amounts:

7 (i) 85% of his or her sentence if the prisoner is  
8 required to serve 85% of his or her sentence; or

9 (ii) 60% of his or her sentence if the prisoner is  
10 required to serve 75% of his or her sentence, except if the  
11 prisoner is serving a sentence for gunrunning his or her  
12 sentence shall not be reduced to less than 75%.

13 (iii) 100% of his or her sentence if the prisoner is  
14 required to serve 100% of his or her sentence.

15 (5) Whenever the Department is to release any inmate  
16 earlier than it otherwise would because of a grant of earned  
17 sentence credit under paragraph (3) of subsection (a) of this  
18 Section given at any time during the term, the Department  
19 shall give reasonable notice of the impending release not less  
20 than 14 days prior to the date of the release to the State's  
21 Attorney of the county where the prosecution of the inmate  
22 took place, and if applicable, the State's Attorney of the  
23 county into which the inmate will be released. The Department  
24 must also make identification information and a recent photo  
25 of the inmate being released accessible on the Internet by  
26 means of a hyperlink labeled "Community Notification of Inmate

1 Early Release" on the Department's World Wide Web homepage.  
2 The identification information shall include the inmate's:  
3 name, any known alias, date of birth, physical  
4 characteristics, commitment offense, and county where  
5 conviction was imposed. The identification information shall  
6 be placed on the website within 3 days of the inmate's release  
7 and the information may not be removed until either:  
8 completion of the first year of mandatory supervised release  
9 or return of the inmate to custody of the Department.

10 (b) Whenever a person is or has been committed under  
11 several convictions, with separate sentences, the sentences  
12 shall be construed under Section 5-8-4 in granting and  
13 forfeiting of sentence credit.

14 (c) ~~(1)~~ The Department shall prescribe rules and  
15 regulations for revoking sentence credit, including revoking  
16 sentence credit awarded under paragraph (3) of subsection (a)  
17 of this Section. ~~The Department shall prescribe rules and~~  
18 ~~regulations establishing and requiring the use of a sanctions~~  
19 ~~matrix for revoking sentence credit.~~ The Department shall  
20 prescribe rules and regulations for suspending or reducing the  
21 rate of accumulation of sentence credit for specific rule  
22 violations, during imprisonment. These rules and regulations  
23 shall provide that no inmate may be penalized more than one  
24 year of sentence credit for any one infraction.

25 ~~(2)~~ When the Department seeks to revoke, suspend, or  
26 reduce the rate of accumulation of any sentence credits for an

1 alleged infraction of its rules, it shall bring charges  
2 therefor against the prisoner sought to be so deprived of  
3 sentence credits before the Prisoner Review Board as provided  
4 in subparagraph (a) (4) of Section 3-3-2 of this Code, if the  
5 amount of credit at issue exceeds 30 days, ~~whether from one~~  
6 ~~infraction or cumulatively from multiple infractions arising~~  
7 ~~out of a single event,~~ or when, during any 12-month period, the  
8 cumulative amount of credit revoked exceeds 30 days except  
9 where the infraction is committed or discovered within 60 days  
10 of scheduled release. In those cases, the Department of  
11 Corrections may revoke up to 30 days of sentence credit. The  
12 Board may subsequently approve the revocation of additional  
13 sentence credit, if the Department seeks to revoke sentence  
14 credit in excess of 30 days. However, the Board shall not be  
15 empowered to review the Department's decision with respect to  
16 the loss of 30 days of sentence credit within any calendar year  
17 for any prisoner or to increase any penalty beyond the length  
18 requested by the Department.

19 ~~(3)~~ The Director of Corrections ~~or the Director of~~  
20 ~~Juvenile Justice,~~ in appropriate cases, may restore up to 30  
21 days of sentence credits which have been revoked, suspended,  
22 or reduced. Any restoration of sentence credits in excess of  
23 30 days shall be subject to review by the Prisoner Review  
24 Board. However, the Board may not restore sentence credit in  
25 excess of the amount requested by the Director ~~The Department~~  
26 ~~shall prescribe rules and regulations governing the~~

1 ~~restoration of sentence credits. These rules and regulations~~  
2 ~~shall provide for the automatic restoration of sentence~~  
3 ~~credits following a period in which the prisoner maintains a~~  
4 ~~record without a disciplinary violation.~~

5 Nothing contained in this Section shall prohibit the  
6 Prisoner Review Board from ordering, pursuant to Section  
7 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
8 sentence imposed by the court that was not served due to the  
9 accumulation of sentence credit.

10 (d) If a lawsuit is filed by a prisoner in an Illinois or  
11 federal court against the State, the Department of  
12 Corrections, or the Prisoner Review Board, or against any of  
13 their officers or employees, and the court makes a specific  
14 finding that a pleading, motion, or other paper filed by the  
15 prisoner is frivolous, the Department of Corrections shall  
16 conduct a hearing to revoke up to 180 days of sentence credit  
17 by bringing charges against the prisoner sought to be deprived  
18 of the sentence credits before the Prisoner Review Board as  
19 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.  
20 If the prisoner has not accumulated 180 days of sentence  
21 credit at the time of the finding, then the Prisoner Review  
22 Board may revoke all sentence credit accumulated by the  
23 prisoner.

24 For purposes of this subsection (d):

25 (1) "Frivolous" means that a pleading, motion, or  
26 other filing which purports to be a legal document filed



1 by a prisoner in his or her lawsuit meets any or all of the  
2 following criteria:

3 (A) it lacks an arguable basis either in law or in  
4 fact;

5 (B) it is being presented for any improper  
6 purpose, such as to harass or to cause unnecessary  
7 delay or needless increase in the cost of litigation;

8 (C) the claims, defenses, and other legal  
9 contentions therein are not warranted by existing law  
10 or by a nonfrivolous argument for the extension,  
11 modification, or reversal of existing law or the  
12 establishment of new law;

13 (D) the allegations and other factual contentions  
14 do not have evidentiary support or, if specifically so  
15 identified, are not likely to have evidentiary support  
16 after a reasonable opportunity for further  
17 investigation or discovery; or

18 (E) the denials of factual contentions are not  
19 warranted on the evidence, or if specifically so  
20 identified, are not reasonably based on a lack of  
21 information or belief.

22 (2) "Lawsuit" means a motion pursuant to Section 116-3  
23 of the Code of Criminal Procedure of 1963, a habeas corpus  
24 action under Article X of the Code of Civil Procedure or  
25 under federal law (28 U.S.C. 2254), a petition for claim  
26 under the Court of Claims Act, an action under the federal

1 Civil Rights Act (42 U.S.C. 1983), or a second or  
2 subsequent petition for post-conviction relief under  
3 Article 122 of the Code of Criminal Procedure of 1963  
4 whether filed with or without leave of court or a second or  
5 subsequent petition for relief from judgment under Section  
6 2-1401 of the Code of Civil Procedure.

7 (e) Nothing in Public Act 90-592 or 90-593 affects the  
8 validity of Public Act 89-404.

9 (f) Whenever the Department is to release any inmate who  
10 has been convicted of a violation of an order of protection  
11 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or  
12 the Criminal Code of 2012, earlier than it otherwise would  
13 because of a grant of sentence credit, the Department, as a  
14 condition of release, shall require that the person, upon  
15 release, be placed under electronic surveillance as provided  
16 in Section 5-8A-7 of this Code.

17 (Source: P.A. 102-28, eff. 6-25-21; 102-558, eff. 8-20-21;  
18 102-784, eff. 5-13-22; 102-1100, eff. 1-1-23; 103-51, eff.  
19 1-1-24; 103-154, eff. 6-30-23; 103-330, eff. 1-1-24; revised  
20 9-18-23.)

21 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

22 Sec. 5-4-1. Sentencing hearing.

23 (a) After a determination of guilt, a hearing shall be  
24 held to impose the sentence. However, prior to the imposition  
25 of sentence on an individual being sentenced for an offense

1 based upon a charge for a violation of Section 11-501 of the  
2 Illinois Vehicle Code or a similar provision of a local  
3 ordinance, the individual must undergo a professional  
4 evaluation to determine if an alcohol or other drug abuse  
5 problem exists and the extent of such a problem. Programs  
6 conducting these evaluations shall be licensed by the  
7 Department of Human Services. However, if the individual is  
8 not a resident of Illinois, the court may, in its discretion,  
9 accept an evaluation from a program in the state of such  
10 individual's residence. The court shall make a specific  
11 finding about whether the defendant is eligible for  
12 participation in a Department impact incarceration program as  
13 provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an  
14 explanation as to why a sentence to impact incarceration is  
15 not an appropriate sentence. The court may in its sentencing  
16 order recommend a defendant for placement in a Department of  
17 Corrections substance abuse treatment program as provided in  
18 paragraph (a) of subsection (1) of Section 3-2-2 conditioned  
19 upon the defendant being accepted in a program by the  
20 Department of Corrections. At the hearing the court shall:

21 (1) consider the evidence, if any, received upon the  
22 trial;

23 (2) consider any presentence reports;

24 (3) consider the financial impact of incarceration  
25 based on the financial impact statement filed with the  
26 clerk of the court by the Department of Corrections;

1           (4) consider evidence and information offered by the  
2 parties in aggravation and mitigation;

3           (4.5) consider substance abuse treatment, eligibility  
4 screening, and an assessment, if any, of the defendant by  
5 an agent designated by the State of Illinois to provide  
6 assessment services for the Illinois courts;

7           (5) hear arguments as to sentencing alternatives;

8           (6) afford the defendant the opportunity to make a  
9 statement in his own behalf;

10          (7) afford the victim of a violent crime or a  
11 violation of Section 11-501 of the Illinois Vehicle Code,  
12 or a similar provision of a local ordinance, the  
13 opportunity to present an oral or written statement, as  
14 guaranteed by Article I, Section 8.1 of the Illinois  
15 Constitution and provided in Section 6 of the Rights of  
16 Crime Victims and Witnesses Act. The court shall allow a  
17 victim to make an oral statement if the victim is present  
18 in the courtroom and requests to make an oral or written  
19 statement. An oral or written statement includes the  
20 victim or a representative of the victim reading the  
21 written statement. The court may allow persons impacted by  
22 the crime who are not victims under subsection (a) of  
23 Section 3 of the Rights of Crime Victims and Witnesses Act  
24 to present an oral or written statement. A victim and any  
25 person making an oral statement shall not be put under  
26 oath or subject to cross-examination. All statements

1 offered under this paragraph (7) shall become part of the  
2 record of the court. In this paragraph (7), "victim of a  
3 violent crime" means a person who is a victim of a violent  
4 crime for which the defendant has been convicted after a  
5 bench or jury trial or a person who is the victim of a  
6 violent crime with which the defendant was charged and the  
7 defendant has been convicted under a plea agreement of a  
8 crime that is not a violent crime as defined in subsection  
9 (c) of 3 of the Rights of Crime Victims and Witnesses Act;

10 (7.5) afford a qualified person affected by: (i) a  
11 violation of Section 405, 405.1, 405.2, or 407 of the  
12 Illinois Controlled Substances Act or a violation of  
13 Section 55 or Section 65 of the Methamphetamine Control  
14 and Community Protection Act; or (ii) a Class 4 felony  
15 violation of Section 11-14, 11-14.3 except as described in  
16 subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18,  
17 11-18.1, or 11-19 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012, committed by the defendant the  
19 opportunity to make a statement concerning the impact on  
20 the qualified person and to offer evidence in aggravation  
21 or mitigation; provided that the statement and evidence  
22 offered in aggravation or mitigation shall first be  
23 prepared in writing in conjunction with the State's  
24 Attorney before it may be presented orally at the hearing.  
25 Sworn testimony offered by the qualified person is subject  
26 to the defendant's right to cross-examine. All statements

1 and evidence offered under this paragraph (7.5) shall  
2 become part of the record of the court. In this paragraph  
3 (7.5), "qualified person" means any person who: (i) lived  
4 or worked within the territorial jurisdiction where the  
5 offense took place when the offense took place; or (ii) is  
6 familiar with various public places within the territorial  
7 jurisdiction where the offense took place when the offense  
8 took place. "Qualified person" includes any peace officer  
9 or any member of any duly organized State, county, or  
10 municipal peace officer unit assigned to the territorial  
11 jurisdiction where the offense took place when the offense  
12 took place;

13 (8) in cases of reckless homicide afford the victim's  
14 spouse, guardians, parents or other immediate family  
15 members an opportunity to make oral statements;

16 (9) in cases involving a felony sex offense as defined  
17 under the Sex Offender Management Board Act, consider the  
18 results of the sex offender evaluation conducted pursuant  
19 to Section 5-3-2 of this Act; and

20 (10) make a finding of whether a motor vehicle was  
21 used in the commission of the offense for which the  
22 defendant is being sentenced.

23 (b) All sentences shall be imposed by the judge based upon  
24 his independent assessment of the elements specified above and  
25 any agreement as to sentence reached by the parties. The judge  
26 who presided at the trial or the judge who accepted the plea of

1 guilty shall impose the sentence unless he is no longer  
2 sitting as a judge in that court. Where the judge does not  
3 impose sentence at the same time on all defendants who are  
4 convicted as a result of being involved in the same offense,  
5 the defendant or the State's Attorney may advise the  
6 sentencing court of the disposition of any other defendants  
7 who have been sentenced.

8 (b-1) In imposing a sentence of imprisonment or periodic  
9 imprisonment for a Class 3 or Class 4 felony for which a  
10 sentence of probation or conditional discharge is an available  
11 sentence, if the defendant has no prior sentence of probation  
12 or conditional discharge and no prior conviction for a violent  
13 crime, the defendant shall not be sentenced to imprisonment  
14 before review and consideration of a presentence report and  
15 determination and explanation of why the particular evidence,  
16 information, factor in aggravation, factual finding, or other  
17 reasons support a sentencing determination that one or more of  
18 the factors under subsection (a) of Section 5-6-1 of this Code  
19 apply and that probation or conditional discharge is not an  
20 appropriate sentence.

21 (c) In imposing a sentence for a violent crime or for an  
22 offense of operating or being in physical control of a vehicle  
23 while under the influence of alcohol, any other drug or any  
24 combination thereof, or a similar provision of a local  
25 ordinance, when such offense resulted in the personal injury  
26 to someone other than the defendant, the trial judge shall

1 specify on the record the particular evidence, information,  
2 factors in mitigation and aggravation or other reasons that  
3 led to his sentencing determination. The full verbatim record  
4 of the sentencing hearing shall be filed with the clerk of the  
5 court and shall be a public record.

6 (c-1) In imposing a sentence for the offense of aggravated  
7 kidnapping for ransom, home invasion, armed robbery,  
8 aggravated vehicular hijacking, aggravated discharge of a  
9 firearm, or armed violence with a category I weapon or  
10 category II weapon, the trial judge shall make a finding as to  
11 whether the conduct leading to conviction for the offense  
12 resulted in great bodily harm to a victim, and shall enter that  
13 finding and the basis for that finding in the record.

14 (c-1.5) (Blank). ~~Notwithstanding any other provision of~~  
15 ~~law to the contrary, in imposing a sentence for an offense that~~  
16 ~~requires a mandatory minimum sentence of imprisonment, the~~  
17 ~~court may instead sentence the offender to probation,~~  
18 ~~conditional discharge, or a lesser term of imprisonment if~~  
19 ~~it deems appropriate if: (1) the offense involves the use or~~  
20 ~~possession of drugs, retail theft, or driving on a revoked~~  
21 ~~license due to unpaid financial obligations; (2) the court~~  
22 ~~finds that the defendant does not pose a risk to public safety;~~  
23 ~~and (3) the interest of justice requires imposing a term of~~  
24 ~~probation, conditional discharge, or a lesser term of~~  
25 ~~imprisonment. The court must state on the record its reasons~~  
26 ~~for imposing probation, conditional discharge, or a lesser~~



1 ~~term of imprisonment.~~

2 (c-2) If the defendant is sentenced to prison, other than  
3 when a sentence of natural life imprisonment is imposed, at  
4 the time the sentence is imposed the judge shall state on the  
5 record in open court the approximate period of time the  
6 defendant will serve in custody according to the then current  
7 statutory rules and regulations for sentence credit found in  
8 Section 3-6-3 and other related provisions of this Code. This  
9 statement is intended solely to inform the public, has no  
10 legal effect on the defendant's actual release, and may not be  
11 relied on by the defendant on appeal.

12 The judge's statement, to be given after pronouncing the  
13 sentence, other than when the sentence is imposed for one of  
14 the offenses enumerated in paragraph (a)(4) of Section 3-6-3,  
15 shall include the following:

16 "The purpose of this statement is to inform the public of  
17 the actual period of time this defendant is likely to spend in  
18 prison as a result of this sentence. The actual period of  
19 prison time served is determined by the statutes of Illinois  
20 as applied to this sentence by the Illinois Department of  
21 Corrections and the Illinois Prisoner Review Board. In this  
22 case, assuming the defendant receives all of his or her  
23 sentence credit, the period of estimated actual custody is ...  
24 years and ... months, less up to 180 days additional earned  
25 sentence credit. If the defendant, because of his or her own  
26 misconduct or failure to comply with the institutional

1 regulations, does not receive those credits, the actual time  
2 served in prison will be longer. The defendant may also  
3 receive an additional one-half day sentence credit for each  
4 day of participation in vocational, industry, substance abuse,  
5 and educational programs as provided for by Illinois statute."

6 When the sentence is imposed for one of the offenses  
7 enumerated in paragraph (a)(2) of Section 3-6-3, other than  
8 first degree murder, and the offense was committed on or after  
9 June 19, 1998, and when the sentence is imposed for reckless  
10 homicide as defined in subsection (e) of Section 9-3 of the  
11 Criminal Code of 1961 or the Criminal Code of 2012 if the  
12 offense was committed on or after January 1, 1999, and when the  
13 sentence is imposed for aggravated driving under the influence  
14 of alcohol, other drug or drugs, or intoxicating compound or  
15 compounds, or any combination thereof as defined in  
16 subparagraph (F) of paragraph (1) of subsection (d) of Section  
17 11-501 of the Illinois Vehicle Code, and when the sentence is  
18 imposed for aggravated arson if the offense was committed on  
19 or after July 27, 2001 (the effective date of Public Act  
20 92-176), and when the sentence is imposed for aggravated  
21 driving under the influence of alcohol, other drug or drugs,  
22 or intoxicating compound or compounds, or any combination  
23 thereof as defined in subparagraph (C) of paragraph (1) of  
24 subsection (d) of Section 11-501 of the Illinois Vehicle Code  
25 committed on or after January 1, 2011 (the effective date of  
26 Public Act 96-1230), the judge's statement, to be given after

1 pronouncing the sentence, shall include the following:

2 "The purpose of this statement is to inform the public of  
3 the actual period of time this defendant is likely to spend in  
4 prison as a result of this sentence. The actual period of  
5 prison time served is determined by the statutes of Illinois  
6 as applied to this sentence by the Illinois Department of  
7 Corrections and the Illinois Prisoner Review Board. In this  
8 case, the defendant is entitled to no more than 4 1/2 days of  
9 sentence credit for each month of his or her sentence of  
10 imprisonment. Therefore, this defendant will serve at least  
11 85% of his or her sentence. Assuming the defendant receives 4  
12 1/2 days credit for each month of his or her sentence, the  
13 period of estimated actual custody is ... years and ...  
14 months. If the defendant, because of his or her own misconduct  
15 or failure to comply with the institutional regulations  
16 receives lesser credit, the actual time served in prison will  
17 be longer."

18 When a sentence of imprisonment is imposed for first  
19 degree murder and the offense was committed on or after June  
20 19, 1998, the judge's statement, to be given after pronouncing  
21 the sentence, shall include the following:

22 "The purpose of this statement is to inform the public of  
23 the actual period of time this defendant is likely to spend in  
24 prison as a result of this sentence. The actual period of  
25 prison time served is determined by the statutes of Illinois  
26 as applied to this sentence by the Illinois Department of

1 Corrections and the Illinois Prisoner Review Board. In this  
2 case, the defendant is not entitled to sentence credit.  
3 Therefore, this defendant will serve 100% of his or her  
4 sentence."

5 When the sentencing order recommends placement in a  
6 substance abuse program for any offense that results in  
7 incarceration in a Department of Corrections facility and the  
8 crime was committed on or after September 1, 2003 (the  
9 effective date of Public Act 93-354), the judge's statement,  
10 in addition to any other judge's statement required under this  
11 Section, to be given after pronouncing the sentence, shall  
12 include the following:

13 "The purpose of this statement is to inform the public of  
14 the actual period of time this defendant is likely to spend in  
15 prison as a result of this sentence. The actual period of  
16 prison time served is determined by the statutes of Illinois  
17 as applied to this sentence by the Illinois Department of  
18 Corrections and the Illinois Prisoner Review Board. In this  
19 case, the defendant shall receive no earned sentence credit  
20 under clause (3) of subsection (a) of Section 3-6-3 until he or  
21 she participates in and completes a substance abuse treatment  
22 program or receives a waiver from the Director of Corrections  
23 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

24 (c-4) Before the sentencing hearing and as part of the  
25 presentence investigation under Section 5-3-1, the court shall  
26 inquire of the defendant whether the defendant is currently

1 serving in or is a veteran of the Armed Forces of the United  
2 States. If the defendant is currently serving in the Armed  
3 Forces of the United States or is a veteran of the Armed Forces  
4 of the United States and has been diagnosed as having a mental  
5 illness by a qualified psychiatrist or clinical psychologist  
6 or physician, the court may:

7 (1) order that the officer preparing the presentence  
8 report consult with the United States Department of  
9 Veterans Affairs, Illinois Department of Veterans'  
10 Affairs, or another agency or person with suitable  
11 knowledge or experience for the purpose of providing the  
12 court with information regarding treatment options  
13 available to the defendant, including federal, State, and  
14 local programming; and

15 (2) consider the treatment recommendations of any  
16 diagnosing or treating mental health professionals  
17 together with the treatment options available to the  
18 defendant in imposing sentence.

19 For the purposes of this subsection (c-4), "qualified  
20 psychiatrist" means a reputable physician licensed in Illinois  
21 to practice medicine in all its branches, who has specialized  
22 in the diagnosis and treatment of mental and nervous disorders  
23 for a period of not less than 5 years.

24 (c-6) In imposing a sentence, the trial judge shall  
25 specify, on the record, the particular evidence and other  
26 reasons which led to his or her determination that a motor

1 vehicle was used in the commission of the offense.

2 (c-7) (Blank). ~~In imposing a sentence for a Class 3 or 4~~  
3 ~~felony, other than a violent crime as defined in Section 3 of~~  
4 ~~the Rights of Crime Victims and Witnesses Act, the court shall~~  
5 ~~determine and indicate in the sentencing order whether the~~  
6 ~~defendant has 4 or more or fewer than 4 months remaining on his~~  
7 ~~or her sentence accounting for time served.~~

8 (d) When the defendant is committed to the Department of  
9 Corrections, the State's Attorney shall and counsel for the  
10 defendant may file a statement with the clerk of the court to  
11 be transmitted to the department, agency or institution to  
12 which the defendant is committed to furnish such department,  
13 agency or institution with the facts and circumstances of the  
14 offense for which the person was committed together with all  
15 other factual information accessible to them in regard to the  
16 person prior to his commitment relative to his habits,  
17 associates, disposition and reputation and any other facts and  
18 circumstances which may aid such department, agency or  
19 institution during its custody of such person. The clerk shall  
20 within 10 days after receiving any such statements transmit a  
21 copy to such department, agency or institution and a copy to  
22 the other party, provided, however, that this shall not be  
23 cause for delay in conveying the person to the department,  
24 agency or institution to which he has been committed.

25 (e) The clerk of the court shall transmit to the  
26 department, agency or institution, if any, to which the

1 defendant is committed, the following:

2 (1) the sentence imposed;

3 (2) any statement by the court of the basis for  
4 imposing the sentence;

5 (3) any presentence reports;

6 (3.3) the person's last known complete street address  
7 prior to incarceration or legal residence, the person's  
8 race, whether the person is of Hispanic or Latino origin,  
9 and whether the person is 18 years of age or older;

10 (3.5) any sex offender evaluations;

11 (3.6) any substance abuse treatment eligibility  
12 screening and assessment of the defendant by an agent  
13 designated by the State of Illinois to provide assessment  
14 services for the Illinois courts;

15 (4) the number of days, if any, which the defendant  
16 has been in custody and for which he is entitled to credit  
17 against the sentence, which information shall be provided  
18 to the clerk by the sheriff;

19 (4.1) any finding of great bodily harm made by the  
20 court with respect to an offense enumerated in subsection  
21 (c-1);

22 (5) all statements filed under subsection (d) of this  
23 Section;

24 (6) any medical or mental health records or summaries  
25 of the defendant;

26 (7) the municipality where the arrest of the offender

1 or the commission of the offense has occurred, where such  
2 municipality has a population of more than 25,000 persons;

3 (8) all statements made and evidence offered under  
4 paragraph (7) of subsection (a) of this Section; and

5 (9) all additional matters which the court directs the  
6 clerk to transmit.

7 (f) In cases in which the court finds that a motor vehicle  
8 was used in the commission of the offense for which the  
9 defendant is being sentenced, the clerk of the court shall,  
10 within 5 days thereafter, forward a report of such conviction  
11 to the Secretary of State.

12 (Source: P.A. 102-813, eff. 5-13-22; 103-18, eff. 1-1-24;  
13 103-51, eff. 1-1-24; revised 7-31-23.)

14 (730 ILCS 5/5-4.5-95)

15 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

16 (a) HABITUAL CRIMINALS.

17 (1) Every person who has been twice convicted in any  
18 state or federal court of an offense that contains the  
19 same elements as an offense now (the date of the offense  
20 committed after the 2 prior convictions) classified in  
21 Illinois as a Class X felony, criminal sexual assault,  
22 aggravated kidnapping, or first degree murder, and who is  
23 thereafter convicted of a Class X felony, criminal sexual  
24 assault, or first degree murder, committed after the 2  
25 prior convictions, shall be adjudged an habitual criminal.



1           (2) The 2 prior convictions need not have been for the  
2 same offense.

3           (3) Any convictions that result from or are connected  
4 with the same transaction, or result from offenses  
5 committed at the same time, shall be counted for the  
6 purposes of this Section as one conviction.

7           (4) This Section does not apply unless each of the  
8 following requirements are satisfied:

9           (A) The third offense was committed after July 3,  
10 1980.

11           (B) The third offense was committed within 20  
12 years of the date that judgment was entered on the  
13 first conviction; provided, however, that time spent  
14 in custody shall not be counted.

15           (C) The third offense was committed after  
16 conviction on the second offense.

17           (D) The second offense was committed after  
18 conviction on the first offense.

19           (E) (Blank). ~~The first offense was committed when~~  
20 ~~the person was 21 years of age or older.~~

21           (5) Anyone who, having attained the age of 18 at the  
22 time of the third offense, is adjudged an habitual  
23 criminal shall be sentenced to a term of natural life  
24 imprisonment.

25           (6) A prior conviction shall not be alleged in the  
26 indictment, and no evidence or other disclosure of that

1 conviction shall be presented to the court or the jury  
2 during the trial of an offense set forth in this Section  
3 unless otherwise permitted by the issues properly raised  
4 in that trial. After a plea or verdict or finding of guilty  
5 and before sentence is imposed, the prosecutor may file  
6 with the court a verified written statement signed by the  
7 State's Attorney concerning any former conviction of an  
8 offense set forth in this Section rendered against the  
9 defendant. The court shall then cause the defendant to be  
10 brought before it; shall inform the defendant of the  
11 allegations of the statement so filed, and of his or her  
12 right to a hearing before the court on the issue of that  
13 former conviction and of his or her right to counsel at  
14 that hearing; and unless the defendant admits such  
15 conviction, shall hear and determine the issue, and shall  
16 make a written finding thereon. If a sentence has  
17 previously been imposed, the court may vacate that  
18 sentence and impose a new sentence in accordance with this  
19 Section.

20 (7) A duly authenticated copy of the record of any  
21 alleged former conviction of an offense set forth in this  
22 Section shall be prima facie evidence of that former  
23 conviction; and a duly authenticated copy of the record of  
24 the defendant's final release or discharge from probation  
25 granted, or from sentence and parole supervision (if any)  
26 imposed pursuant to that former conviction, shall be prima

1 facie evidence of that release or discharge.

2 (8) Any claim that a previous conviction offered by  
3 the prosecution is not a former conviction of an offense  
4 set forth in this Section because of the existence of any  
5 exceptions described in this Section, is waived unless  
6 duly raised at the hearing on that conviction, or unless  
7 the prosecution's proof shows the existence of the  
8 exceptions described in this Section.

9 (9) If the person so convicted shows to the  
10 satisfaction of the court before whom that conviction was  
11 had that he or she was released from imprisonment, upon  
12 either of the sentences upon a pardon granted for the  
13 reason that he or she was innocent, that conviction and  
14 sentence shall not be considered under this Section.

15 (b) When a defendant, over the age of 21 years, is  
16 convicted of a Class 1 or Class 2 ~~forcible~~ felony, except for  
17 an offense listed in subsection (c-5) of this Section, after  
18 having twice been convicted in any state or federal court of an  
19 offense that contains the same elements as an offense now (the  
20 date the Class 1 or Class 2 ~~forcible~~ felony was committed)  
21 classified in Illinois as a Class 2 or greater Class ~~forcible~~  
22 felony, except for an offense listed in subsection (c-5) of  
23 this Section, and those charges are separately brought and  
24 tried and arise out of different series of acts, that  
25 defendant shall be sentenced as a Class X offender. This  
26 subsection does not apply unless:

1 (1) the first ~~forcible~~ felony was committed after  
2 February 1, 1978 (the effective date of Public Act  
3 80-1099);

4 (2) the second ~~forcible~~ felony was committed after  
5 conviction on the first;

6 (3) the third ~~forcible~~ felony was committed after  
7 conviction on the second; and

8 (4) (blank). ~~the first offense was committed when the~~  
9 ~~person was 21 years of age or older.~~

10 (c) (Blank).

11 (c-5) Subsection (b) of this Section does not apply to  
12 Class 1 or Class 2 felony convictions for a violation of  
13 Section 16-1 of the Criminal Code of 2012.

14 A person sentenced as a Class X offender under this  
15 subsection (b) is not eligible to apply for treatment as a  
16 condition of probation as provided by Section 40-10 of the  
17 Substance Use Disorder Act (20 ILCS 301/40-10).

18 (Source: P.A. 100-3, eff. 1-1-18; 100-759, eff. 1-1-19;  
19 101-652, eff. 7-1-21.)

20 (730 ILCS 5/5-4.5-100)

21 Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

22 (a) COMMENCEMENT. A sentence of imprisonment shall  
23 commence on the date on which the offender is received by the  
24 Department or the institution at which the sentence is to be  
25 served.

1 (b) CREDIT; TIME IN CUSTODY; SAME CHARGE. Except as set  
2 forth in subsection (e), the offender shall be given credit on  
3 the determinate sentence or maximum term and the minimum  
4 period of imprisonment for the number of days spent in custody  
5 as a result of the offense for which the sentence was imposed.  
6 The Department shall calculate the credit at the rate  
7 specified in Section 3-6-3 ~~(730 ILCS 5/3-6-3)~~. Except when  
8 prohibited by subsection (d-5), the ~~The~~ trial court shall give  
9 credit to the defendant for time spent in home detention on the  
10 same sentencing terms as incarceration as provided in Section  
11 5-8A-3 ~~(730 ILCS 5/5-8A-3)~~. ~~Home detention for purposes of~~  
12 ~~credit includes restrictions on liberty such as curfews~~  
13 ~~restricting movement for 12 hours or more per day and~~  
14 ~~electronic monitoring that restricts travel or movement.~~  
15 ~~Electronic monitoring is not required for home detention to be~~  
16 ~~considered custodial for purposes of sentencing credit.~~ The  
17 trial court may give credit to the defendant for the number of  
18 days spent confined for psychiatric or substance abuse  
19 treatment prior to judgment, if the court finds that the  
20 detention or confinement was custodial.

21 (c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender  
22 arrested on one charge and prosecuted on another charge for  
23 conduct that occurred prior to his or her arrest shall be given  
24 credit on the determinate sentence or maximum term and the  
25 minimum term of imprisonment for time spent in custody under  
26 the former charge not credited against another sentence.

1 (c-5) CREDIT; PROGRAMMING. The trial court shall give the  
2 defendant credit for successfully completing county  
3 programming while in custody prior to imposition of sentence  
4 at the rate specified in Section 3-6-3 ~~(730 ILCS 5/3-6-3)~~. For  
5 the purposes of this subsection, "custody" includes time spent  
6 in home detention.

7 (d) (Blank).

8 (d-5) NO CREDIT; SOME HOME DETENTION. An offender  
9 sentenced to a term of imprisonment for an offense listed in  
10 paragraph (2) of subsection (c) of Section 5-5-3 or in  
11 paragraph (3) of subsection (c-1) of Section 11-501 of the  
12 Illinois Vehicle Code shall not receive credit for time spent  
13 in home detention prior to judgment.

14 (e) NO CREDIT; REVOCATION OF PAROLE, MANDATORY SUPERVISED  
15 RELEASE, OR PROBATION. An offender charged with the commission  
16 of an offense committed while on parole, mandatory supervised  
17 release, or probation shall not be given credit for time spent  
18 in custody under subsection (b) for that offense for any time  
19 spent in custody as a result of a revocation of parole,  
20 mandatory supervised release, or probation where such  
21 revocation is based on a sentence imposed for a previous  
22 conviction, regardless of the facts upon which the revocation  
23 of parole, mandatory supervised release, or probation is  
24 based, unless both the State and the defendant agree that the  
25 time served for a violation of mandatory supervised release,  
26 parole, or probation shall be credited towards the sentence

1 for the current offense.

2 (Source: P.A. 101-652, eff. 7-1-21.)

3 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

4 Sec. 5-8-1. Natural life imprisonment; enhancements for  
5 use of a firearm; mandatory supervised release terms.

6 (a) Except as otherwise provided in the statute defining  
7 the offense or in Article 4.5 of Chapter V, a sentence of  
8 imprisonment for a felony shall be a determinate sentence set  
9 by the court under this Section, subject to Section 5-4.5-115  
10 of this Code, according to the following limitations:

11 (1) for first degree murder,

12 (a) (blank),

13 (b) if a trier of fact finds beyond a reasonable  
14 doubt that the murder was accompanied by exceptionally  
15 brutal or heinous behavior indicative of wanton  
16 cruelty or, except as set forth in subsection  
17 (a) (1) (c) of this Section, that any of the aggravating  
18 factors listed in subparagraph (b-5) are present, the  
19 court may sentence the defendant, subject to Section  
20 5-4.5-105, to a term of natural life imprisonment, or

21 (b-5) A defendant who at the time of the  
22 commission of the offense has attained the age of 18 or  
23 more and who has been found guilty of first degree  
24 murder may be sentenced to a term of natural life  
25 imprisonment if:

1 (1) the murdered individual was an inmate at  
2 an institution or facility of the Department of  
3 Corrections, or any similar local correctional  
4 agency and was killed on the grounds thereof, or  
5 the murdered individual was otherwise present in  
6 such institution or facility with the knowledge  
7 and approval of the chief administrative officer  
8 thereof;

9 (2) the murdered individual was killed as a  
10 result of the hijacking of an airplane, train,  
11 ship, bus, or other public conveyance;

12 (3) the defendant committed the murder  
13 pursuant to a contract, agreement, or  
14 understanding by which he or she was to receive  
15 money or anything of value in return for  
16 committing the murder or procured another to  
17 commit the murder for money or anything of value;

18 (4) the murdered individual was killed in the  
19 course of another felony if:

20 (A) the murdered individual:

21 (i) was actually killed by the  
22 defendant, or

23 (ii) received physical injuries  
24 personally inflicted by the defendant  
25 substantially contemporaneously with  
26 physical injuries caused by one or more



1 persons for whose conduct the defendant is  
2 legally accountable under Section 5-2 of  
3 this Code, and the physical injuries  
4 inflicted by either the defendant or the  
5 other person or persons for whose conduct  
6 he is legally accountable caused the death  
7 of the murdered individual; and (B) in  
8 performing the acts which caused the death  
9 of the murdered individual or which  
10 resulted in physical injuries personally  
11 inflicted by the defendant on the murdered  
12 individual under the circumstances of  
13 subdivision (ii) of clause (A) of this  
14 clause (4), the defendant acted with the  
15 intent to kill the murdered individual or  
16 with the knowledge that his or her acts  
17 created a strong probability of death or  
18 great bodily harm to the murdered  
19 individual or another; and

20 (B) in performing the acts which caused  
21 the death of the murdered individual or which  
22 resulted in physical injuries personally  
23 inflicted by the defendant on the murdered  
24 individual under the circumstances of  
25 subdivision (ii) of clause (A) of this clause  
26 (4), the defendant acted with the intent to

1 kill the murdered individual or with the  
2 knowledge that his or her acts created a  
3 strong probability of death or great bodily  
4 harm to the murdered individual or another;  
5 and

6 (C) the other felony was an inherently  
7 violent crime or the attempt to commit an  
8 inherently violent crime. In this clause (C),  
9 "inherently violent crime" includes, but is  
10 not limited to, armed robbery, robbery,  
11 predatory criminal sexual assault of a child,  
12 aggravated criminal sexual assault, aggravated  
13 kidnapping, aggravated vehicular hijacking,  
14 aggravated arson, aggravated stalking,  
15 residential burglary, and home invasion;

16 (5) the defendant committed the murder with  
17 intent to prevent the murdered individual from  
18 testifying or participating in any criminal  
19 investigation or prosecution or giving material  
20 assistance to the State in any investigation or  
21 prosecution, either against the defendant or  
22 another; or the defendant committed the murder  
23 because the murdered individual was a witness in  
24 any prosecution or gave material assistance to the  
25 State in any investigation or prosecution, either  
26 against the defendant or another; for purposes of

1 this clause (5), "participating in any criminal  
2 investigation or prosecution" is intended to  
3 include those appearing in the proceedings in any  
4 capacity such as trial judges, prosecutors,  
5 defense attorneys, investigators, witnesses, or  
6 jurors;

7 (6) the defendant, while committing an offense  
8 punishable under Section 401, 401.1, 401.2, 405,  
9 405.2, 407 or 407.1 or subsection (b) of Section  
10 404 of the Illinois Controlled Substances Act, or  
11 while engaged in a conspiracy or solicitation to  
12 commit such offense, intentionally killed an  
13 individual or counseled, commanded, induced,  
14 procured or caused the intentional killing of the  
15 murdered individual;

16 (7) the defendant was incarcerated in an  
17 institution or facility of the Department of  
18 Corrections at the time of the murder, and while  
19 committing an offense punishable as a felony under  
20 Illinois law, or while engaged in a conspiracy or  
21 solicitation to commit such offense, intentionally  
22 killed an individual or counseled, commanded,  
23 induced, procured or caused the intentional  
24 killing of the murdered individual;

25 (8) the murder was committed in a cold,  
26 calculated and premeditated manner pursuant to a

1           preconceived plan, scheme or design to take a  
2           human life by unlawful means, and the conduct of  
3           the defendant created a reasonable expectation  
4           that the death of a human being would result  
5           therefrom;

6           (9) the defendant was a principal  
7           administrator, organizer, or leader of a  
8           calculated criminal drug conspiracy consisting of  
9           a hierarchical position of authority superior to  
10          that of all other members of the conspiracy, and  
11          the defendant counseled, commanded, induced,  
12          procured, or caused the intentional killing of the  
13          murdered person;

14          (10) the murder was intentional and involved  
15          the infliction of torture. For the purpose of this  
16          clause (10), torture means the infliction of or  
17          subjection to extreme physical pain, motivated by  
18          an intent to increase or prolong the pain,  
19          suffering or agony of the victim;

20          (11) the murder was committed as a result of  
21          the intentional discharge of a firearm by the  
22          defendant from a motor vehicle and the victim was  
23          not present within the motor vehicle;

24          (12) the murdered individual was a person with  
25          a disability and the defendant knew or should have  
26          known that the murdered individual was a person

1 with a disability. For purposes of this clause  
2 (12), "person with a disability" means a person  
3 who suffers from a permanent physical or mental  
4 impairment resulting from disease, an injury, a  
5 functional disorder, or a congenital condition  
6 that renders the person incapable of adequately  
7 providing for his or her own health or personal  
8 care;

9 (13) the murdered individual was subject to an  
10 order of protection and the murder was committed  
11 by a person against whom the same order of  
12 protection was issued under the Illinois Domestic  
13 Violence Act of 1986;

14 (14) the murdered individual was known by the  
15 defendant to be a teacher or other person employed  
16 in any school and the teacher or other employee is  
17 upon the grounds of a school or grounds adjacent  
18 to a school, or is in any part of a building used  
19 for school purposes;

20 (15) the murder was committed by the defendant  
21 in connection with or as a result of the offense of  
22 terrorism as defined in Section 29D-14.9 of this  
23 Code;

24 (16) the murdered individual was a member of a  
25 congregation engaged in prayer or other religious  
26 activities at a church, synagogue, mosque, or

1 other building, structure, or place used for  
2 religious worship; or

3 (17)(i) the murdered individual was a  
4 physician, physician assistant, psychologist,  
5 nurse, or advanced practice registered nurse;

6 (ii) the defendant knew or should have known  
7 that the murdered individual was a physician,  
8 physician assistant, psychologist, nurse, or  
9 advanced practice registered nurse; and

10 (iii) the murdered individual was killed in  
11 the course of acting in his or her capacity as a  
12 physician, physician assistant, psychologist,  
13 nurse, or advanced practice registered nurse, or  
14 to prevent him or her from acting in that  
15 capacity, or in retaliation for his or her acting  
16 in that capacity.

17 (c) the court shall sentence the defendant to a  
18 term of natural life imprisonment if the defendant, at  
19 the time of the commission of the murder, had attained  
20 the age of 18, and:

21 (i) has previously been convicted of first  
22 degree murder under any state or federal law, or

23 (ii) is found guilty of murdering more than  
24 one victim, or

25 (iii) is found guilty of murdering a peace  
26 officer, fireman, or emergency management worker

1 when the peace officer, fireman, or emergency  
2 management worker was killed in the course of  
3 performing his official duties, or to prevent the  
4 peace officer or fireman from performing his  
5 official duties, or in retaliation for the peace  
6 officer, fireman, or emergency management worker  
7 from performing his official duties, and the  
8 defendant knew or should have known that the  
9 murdered individual was a peace officer, fireman,  
10 or emergency management worker, or

11 (iv) is found guilty of murdering an employee  
12 of an institution or facility of the Department of  
13 Corrections, or any similar local correctional  
14 agency, when the employee was killed in the course  
15 of performing his official duties, or to prevent  
16 the employee from performing his official duties,  
17 or in retaliation for the employee performing his  
18 official duties, or

19 (v) is found guilty of murdering an emergency  
20 medical technician - ambulance, emergency medical  
21 technician - intermediate, emergency medical  
22 technician - paramedic, ambulance driver or other  
23 medical assistance or first aid person while  
24 employed by a municipality or other governmental  
25 unit when the person was killed in the course of  
26 performing official duties or to prevent the

1 person from performing official duties or in  
2 retaliation for performing official duties and the  
3 defendant knew or should have known that the  
4 murdered individual was an emergency medical  
5 technician - ambulance, emergency medical  
6 technician - intermediate, emergency medical  
7 technician - paramedic, ambulance driver, or other  
8 medical assistant or first aid personnel, or

9 (vi) (blank), or

10 (vii) is found guilty of first degree murder  
11 and the murder was committed by reason of any  
12 person's activity as a community policing  
13 volunteer or to prevent any person from engaging  
14 in activity as a community policing volunteer. For  
15 the purpose of this Section, "community policing  
16 volunteer" has the meaning ascribed to it in  
17 Section 2-3.5 of the Criminal Code of 2012.

18 For purposes of clause (v), "emergency medical  
19 technician - ambulance", "emergency medical technician  
20 - intermediate", "emergency medical technician -  
21 paramedic", have the meanings ascribed to them in the  
22 Emergency Medical Services (EMS) Systems Act.

23 (d) (i) if the person committed the offense while  
24 armed with a firearm, 15 years shall be added to  
25 the term of imprisonment imposed by the court;

26 (ii) if, during the commission of the offense, the



1 person personally discharged a firearm, 20 years shall  
2 be added to the term of imprisonment imposed by the  
3 court;

4 (iii) if, during the commission of the offense,  
5 the person personally discharged a firearm that  
6 proximately caused great bodily harm, permanent  
7 disability, permanent disfigurement, or death to  
8 another person, 25 years or up to a term of natural  
9 life shall be added to the term of imprisonment  
10 imposed by the court.

11 (2) (blank);

12 (2.5) for a person who has attained the age of 18 years  
13 at the time of the commission of the offense and who is  
14 convicted under the circumstances described in subdivision  
15 (b)(1)(B) of Section 11-1.20 or paragraph (3) of  
16 subsection (b) of Section 12-13, subdivision (d)(2) of  
17 Section 11-1.30 or paragraph (2) of subsection (d) of  
18 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or  
19 paragraph (1.2) of subsection (b) of Section 12-14.1,  
20 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of  
21 subsection (b) of Section 12-14.1 of the Criminal Code of  
22 1961 or the Criminal Code of 2012, the sentence shall be a  
23 term of natural life imprisonment.

24 (b) (Blank).

25 (c) (Blank).

26 (d) Subject to earlier termination under Section 3-3-8,

1 the parole or mandatory supervised release term shall be  
2 written as part of the sentencing order and shall be as  
3 follows:

4 (1) for first degree murder or a Class X felony except  
5 for the offenses of predatory criminal sexual assault of a  
6 child, aggravated criminal sexual assault, and criminal  
7 sexual assault and except for the offense of aggravated  
8 child pornography under Section 11-20.1B, 11-20.3, or  
9 11-20.1 with sentencing under subsection (c-5) of Section  
10 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
11 of 2012, if committed on or after January 1, 2009, 3 years;

12 (2) for a Class 1 felony or a Class 2 felony except for  
13 the offense of criminal sexual assault and except for the  
14 offenses of manufacture and dissemination of child  
15 pornography under clauses (a)(1) and (a)(2) of Section  
16 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
17 of 2012, if committed on or after January 1, 2009, 2 years;

18 (3) for a Class 3 felony or a Class 4 felony, 1 year;

19 (4) for defendants who commit the offense of predatory  
20 criminal sexual assault of a child, aggravated criminal  
21 sexual assault, or criminal sexual assault, on or after  
22 December 13, 2005 (the effective date of Public Act  
23 94-715), or who commit the offense of aggravated child  
24 pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
25 with sentencing under subsection (c-5) of Section 11-20.1  
26 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 manufacture of child pornography, or dissemination of  
2 child pornography after January 1, 2009, the term of  
3 mandatory supervised release shall range from a minimum of  
4 3 years to a maximum of the natural life of the defendant;

5 (5) if the victim is under 18 years of age, for a  
6 second or subsequent offense of aggravated criminal sexual  
7 abuse or felony criminal sexual abuse, 4 years, at least  
8 the first 2 years of which the defendant shall serve in an  
9 electronic monitoring or home detention program under  
10 Article 8A of Chapter V of this Code;

11 (6) for a felony domestic battery, aggravated domestic  
12 battery, stalking, aggravated stalking, and a felony  
13 violation of an order of protection, 4 years.

14 ~~Subject to earlier termination under Section 3-3-8, the parole~~  
15 ~~or mandatory supervised release term shall be written as part~~  
16 ~~of the sentencing order and shall be as follows:~~

17 ~~(1) for first degree murder or for the offenses of~~  
18 ~~predatory criminal sexual assault of a child, aggravated~~  
19 ~~criminal sexual assault, and criminal sexual assault if~~  
20 ~~committed on or before December 12, 2005, 3 years;~~

21 ~~(1.5) except as provided in paragraph (7) of this~~  
22 ~~subsection (d), for a Class X felony except for the~~  
23 ~~offenses of predatory criminal sexual assault of a child,~~  
24 ~~aggravated criminal sexual assault, and criminal sexual~~  
25 ~~assault if committed on or after December 13, 2005 (the~~  
26 ~~effective date of Public Act 94-715) and except for the~~

1 ~~offense of aggravated child pornography under Section~~  
2 ~~11-20.1B, 11-20.3, or 11-20.1 with sentencing under~~  
3 ~~subsection (c-5) of Section 11-20.1 of the Criminal Code~~  
4 ~~of 1961 or the Criminal Code of 2012, if committed on or~~  
5 ~~after January 1, 2009, 18 months;~~

6 ~~(2) except as provided in paragraph (7) of this~~  
7 ~~subsection (d), for a Class 1 felony or a Class 2 felony~~  
8 ~~except for the offense of criminal sexual assault if~~  
9 ~~committed on or after December 13, 2005 (the effective~~  
10 ~~date of Public Act 94-715) and except for the offenses of~~  
11 ~~manufacture and dissemination of child pornography under~~  
12 ~~clauses (a)(1) and (a)(2) of Section 11-20.1 of the~~  
13 ~~Criminal Code of 1961 or the Criminal Code of 2012, if~~  
14 ~~committed on or after January 1, 2009, 12 months;~~

15 ~~(3) except as provided in paragraph (4), (6), or (7)~~  
16 ~~of this subsection (d), for a Class 3 felony or a Class 4~~  
17 ~~felony, 6 months; no later than 45 days after the onset of~~  
18 ~~the term of mandatory supervised release, the Prisoner~~  
19 ~~Review Board shall conduct a discretionary discharge~~  
20 ~~review pursuant to the provisions of Section 3-3-8, which~~  
21 ~~shall include the results of a standardized risk and needs~~  
22 ~~assessment tool administered by the Department of~~  
23 ~~Corrections; the changes to this paragraph (3) made by~~  
24 ~~this amendatory Act of the 102nd General Assembly apply to~~  
25 ~~all individuals released on mandatory supervised release~~  
26 ~~on or after the effective date of this amendatory Act of~~

1 ~~the 102nd General Assembly, including those individuals~~  
2 ~~whose sentences were imposed prior to the effective date~~  
3 ~~of this amendatory Act of the 102nd General Assembly;~~

4 ~~(4) for defendants who commit the offense of predatory~~  
5 ~~criminal sexual assault of a child, aggravated criminal~~  
6 ~~sexual assault, or criminal sexual assault, on or after~~  
7 ~~December 13, 2005 (the effective date of Public Act~~  
8 ~~94 715), or who commit the offense of aggravated child~~  
9 ~~pornography under Section 11 20.1B, 11 20.3, or 11 20.1~~  
10 ~~with sentencing under subsection (c 5) of Section 11 20.1~~  
11 ~~of the Criminal Code of 1961 or the Criminal Code of 2012,~~  
12 ~~manufacture of child pornography, or dissemination of~~  
13 ~~child pornography after January 1, 2009, the term of~~  
14 ~~mandatory supervised release shall range from a minimum of~~  
15 ~~3 years to a maximum of the natural life of the defendant;~~

16 ~~(5) if the victim is under 18 years of age, for a~~  
17 ~~second or subsequent offense of aggravated criminal sexual~~  
18 ~~abuse or felony criminal sexual abuse, 4 years, at least~~  
19 ~~the first 2 years of which the defendant shall serve in an~~  
20 ~~electronic monitoring or home detention program under~~  
21 ~~Article 8A of Chapter V of this Code;~~

22 ~~(6) for a felony domestic battery, aggravated domestic~~  
23 ~~battery, stalking, aggravated stalking, and a felony~~  
24 ~~violation of an order of protection, 4 years;~~

25 ~~(7) for any felony described in paragraph (a) (2) (ii),~~  
26 ~~(a) (2) (iii), (a) (2) (iv), (a) (2) (vi), (a) (2.1), (a) (2.3),~~

1 ~~(a) (2.4), (a) (2.5), or (a) (2.6) of Article 5, Section~~  
2 ~~3-6-3 of the Unified Code of Corrections requiring an~~  
3 ~~inmate to serve a minimum of 85% of their court-imposed~~  
4 ~~sentence, except for the offenses of predatory criminal~~  
5 ~~sexual assault of a child, aggravated criminal sexual~~  
6 ~~assault, and criminal sexual assault if committed on or~~  
7 ~~after December 13, 2005 (the effective date of Public Act~~  
8 ~~94-715) and except for the offense of aggravated child~~  
9 ~~pornography under Section 11-20.1B, 11-20.3, or 11-20.1~~  
10 ~~with sentencing under subsection (c 5) of Section 11-20.1~~  
11 ~~of the Criminal Code of 1961 or the Criminal Code of 2012,~~  
12 ~~if committed on or after January 1, 2009 and except as~~  
13 ~~provided in paragraph (4) or paragraph (6) of this~~  
14 ~~subsection (d), the term of mandatory supervised release~~  
15 ~~shall be as follows:~~

16 ~~(A) Class X felony, 3 years;~~

17 ~~(B) Class 1 or Class 2 felonies, 2 years;~~

18 ~~(C) Class 3 or Class 4 felonies, 1 year.~~

19 (e) (Blank).

20 (f) (Blank).

21 (g) Notwithstanding any other provisions of this Act and  
22 of Public Act 101-652: (i) the provisions of paragraph (3) of  
23 subsection (d) are effective on July 1, 2022 and shall apply to  
24 all individuals convicted on or after the effective date of  
25 paragraph (3) of subsection (d); and (ii) the provisions of  
26 paragraphs (1.5) and (2) of subsection (d) are effective on

1 July 1, 2021 and shall apply to all individuals convicted on or  
2 after the effective date of paragraphs (1.5) and (2) of  
3 subsection (d).

4 (Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21;  
5 102-694, eff. 1-7-22; 102-1104, eff. 12-6-22; 103-51, eff.  
6 1-1-24.)

7 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

8 Sec. 5-8-4. Concurrent and consecutive terms of  
9 imprisonment.

10 (a) Concurrent terms; multiple or additional sentences.  
11 When an Illinois court (i) imposes multiple sentences of  
12 imprisonment on a defendant at the same time or (ii) imposes a  
13 sentence of imprisonment on a defendant who is already subject  
14 to a sentence of imprisonment imposed by an Illinois court, a  
15 court of another state, or a federal court, then the sentences  
16 shall run concurrently unless otherwise determined by the  
17 Illinois court under this Section.

18 (b) Concurrent terms; misdemeanor and felony. A defendant  
19 serving a sentence for a misdemeanor who is convicted of a  
20 felony and sentenced to imprisonment shall be transferred to  
21 the Department of Corrections, and the misdemeanor sentence  
22 shall be merged in and run concurrently with the felony  
23 sentence.

24 (c) Consecutive terms; permissive. The court may impose  
25 consecutive sentences in any of the following circumstances:

1           (1) If, having regard to the nature and circumstances  
2 of the offense and the history and character of the  
3 defendant, it is the opinion of the court that consecutive  
4 sentences are required to protect the public from further  
5 criminal conduct by the defendant, the basis for which the  
6 court shall set forth in the record.

7           (2) If one of the offenses for which a defendant was  
8 convicted was a violation of Section 32-5.2 (aggravated  
9 false personation of a peace officer) of the Criminal Code  
10 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision  
11 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of  
12 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the  
13 offense was committed in attempting or committing a  
14 forcible felony.

15           ~~(3) If a person charged with a felony commits a~~  
16 ~~separate felony while on pretrial release or in pretrial~~  
17 ~~detention in a county jail facility or county detention~~  
18 ~~facility, then the sentences imposed upon conviction of~~  
19 ~~these felonies may be served consecutively regardless of~~  
20 ~~the order in which the judgments of conviction are~~  
21 ~~entered.~~

22           ~~(4) If a person commits a battery against a county~~  
23 ~~correctional officer or sheriff's employee while serving a~~  
24 ~~sentence or in pretrial detention in a county jail~~  
25 ~~facility, then the sentence imposed upon conviction of the~~  
26 ~~battery may be served consecutively with the sentence~~



1 ~~imposed upon conviction of the earlier misdemeanor or~~  
2 ~~felony, regardless of the order in which the judgments of~~  
3 ~~conviction are entered.~~

4 ~~(5) If a person admitted to pretrial release following~~  
5 ~~conviction of a felony commits a separate felony while~~  
6 ~~released pretrial or if a person detained in a county jail~~  
7 ~~facility or county detention facility following conviction~~  
8 ~~of a felony commits a separate felony while in detention,~~  
9 ~~then any sentence following conviction of the separate~~  
10 ~~felony may be consecutive to that of the original sentence~~  
11 ~~for which the defendant was released pretrial or detained.~~

12 ~~(6) If a person is found to be in possession of an item~~  
13 ~~of contraband, as defined in Section 31A-0.1 of the~~  
14 ~~Criminal Code of 2012, while serving a sentence in a~~  
15 ~~county jail or while in pretrial detention in a county~~  
16 ~~jail, the sentence imposed upon conviction for the offense~~  
17 ~~of possessing contraband in a penal institution may be~~  
18 ~~served consecutively to the sentence imposed for the~~  
19 ~~offense for which the person is serving a sentence in the~~  
20 ~~county jail or while in pretrial detention, regardless of~~  
21 ~~the order in which the judgments of conviction are~~  
22 ~~entered.~~

23 ~~(7) If a person is sentenced for a violation of a~~  
24 ~~condition of pretrial release under Section 32-10 of the~~  
25 ~~Criminal Code of 1961 or the Criminal Code of 2012, any~~  
26 ~~sentence imposed for that violation may be served~~

1 ~~consecutive to the sentence imposed for the charge for~~  
2 ~~which pretrial release had been granted and with respect~~  
3 ~~to which the defendant has been convicted.~~

4 (d) Consecutive terms; mandatory. The court shall impose  
5 consecutive sentences in each of the following circumstances:

6 (1) One of the offenses for which the defendant was  
7 convicted was first degree murder or a Class X or Class 1  
8 felony and the defendant inflicted severe bodily injury.

9 (2) The defendant was convicted of a violation of  
10 Section 11-1.20 or 12-13 (criminal sexual assault),  
11 11-1.30 or 12-14 (aggravated criminal sexual assault), or  
12 11-1.40 or 12-14.1 (predatory criminal sexual assault of a  
13 child) of the Criminal Code of 1961 or the Criminal Code of  
14 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,  
15 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or  
16 5/12-14.1).

17 (2.5) The defendant was convicted of a violation of  
18 paragraph (1), (2), (3), (4), (5), or (7) of subsection  
19 (a) of Section 11-20.1 (child pornography) or of paragraph  
20 (1), (2), (3), (4), (5), or (7) of subsection (a) of  
21 Section 11-20.1B or 11-20.3 (aggravated child pornography)  
22 of the Criminal Code of 1961 or the Criminal Code of 2012;  
23 or the defendant was convicted of a violation of paragraph  
24 (6) of subsection (a) of Section 11-20.1 (child  
25 pornography) or of paragraph (6) of subsection (a) of  
26 Section 11-20.1B or 11-20.3 (aggravated child pornography)

1 of the Criminal Code of 1961 or the Criminal Code of 2012,  
2 when the child depicted is under the age of 13.

3 (3) The defendant was convicted of armed violence  
4 based upon the predicate offense of any of the following:  
5 solicitation of murder, solicitation of murder for hire,  
6 heinous battery as described in Section 12-4.1 or  
7 subdivision (a)(2) of Section 12-3.05, aggravated battery  
8 of a senior citizen as described in Section 12-4.6 or  
9 subdivision (a)(4) of Section 12-3.05, criminal sexual  
10 assault, a violation of subsection (g) of Section 5 of the  
11 Cannabis Control Act (720 ILCS 550/5), cannabis  
12 trafficking, a violation of subsection (a) of Section 401  
13 of the Illinois Controlled Substances Act (720 ILCS  
14 570/401), controlled substance trafficking involving a  
15 Class X felony amount of controlled substance under  
16 Section 401 of the Illinois Controlled Substances Act (720  
17 ILCS 570/401), a violation of the Methamphetamine Control  
18 and Community Protection Act (720 ILCS 646/), calculated  
19 criminal drug conspiracy, or streetgang criminal drug  
20 conspiracy.

21 (4) The defendant was convicted of the offense of  
22 leaving the scene of a motor vehicle crash involving death  
23 or personal injuries under Section 11-401 of the Illinois  
24 Vehicle Code (625 ILCS 5/11-401) and either: (A)  
25 aggravated driving under the influence of alcohol, other  
26 drug or drugs, or intoxicating compound or compounds, or

1 any combination thereof under Section 11-501 of the  
2 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless  
3 homicide under Section 9-3 of the Criminal Code of 1961 or  
4 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an  
5 offense described in item (A) and an offense described in  
6 item (B).

7 (5) The defendant was convicted of a violation of  
8 Section 9-3.1 or Section 9-3.4 (concealment of homicidal  
9 death) or Section 12-20.5 (dismembering a human body) of  
10 the Criminal Code of 1961 or the Criminal Code of 2012 (720  
11 ILCS 5/9-3.1 or 5/12-20.5).

12 (5.5) The defendant was convicted of a violation of  
13 Section 24-3.7 (use of a stolen firearm in the commission  
14 of an offense) of the Criminal Code of 1961 or the Criminal  
15 Code of 2012.

16 (6) If the defendant was in the custody of the  
17 Department of Corrections at the time of the commission of  
18 the offense, the sentence shall be served consecutive to  
19 the sentence under which the defendant is held by the  
20 Department of Corrections. If, however, the defendant is  
21 sentenced to punishment by death, the sentence shall be  
22 executed at such time as the court may fix without regard  
23 to the sentence under which the defendant may be held by  
24 the Department.

25 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)  
26 for escape or attempted escape shall be served consecutive

1 to the terms under which the offender is held by the  
2 Department of Corrections.

3 (8) (Blank).

4 (8.1) If a person charged with a felony commits a  
5 separate felony while on bond or in pretrial detention in  
6 a county jail facility or county detention facility, then  
7 the sentences imposed upon conviction of these felonies  
8 shall be served consecutively regardless of the order in  
9 which the judgments of conviction are entered.

10 (8.5) (Blank).

11 (8.6) If a person commits a battery against a county  
12 correctional officer or sheriff's employee while serving a  
13 sentence or in pretrial detention in a county jail  
14 facility, then the sentence imposed upon conviction of the  
15 battery shall be served consecutively with the sentence  
16 imposed upon conviction of the earlier misdemeanor or  
17 felony, regardless of the order in which the judgments of  
18 conviction are entered.

19 (9) (Blank).

20 (9.1) If a person admitted to bail following  
21 conviction of a felony commits a separate felony while  
22 free on bond or if a person detained in a county jail  
23 facility or county detention facility following conviction  
24 of a felony commits a separate felony while in detention,  
25 then any sentence following conviction of the separate  
26 felony shall be consecutive to that of the original

1 sentence for which the defendant was on bond or detained.

2 (10) (Blank).

3 (10.1) If a person is found to be in possession of an  
4 item of contraband, as defined in Section 31A-0.1 of the  
5 Criminal Code of 2012, while serving a sentence in a  
6 county jail or while in pre-trial detention in a county  
7 jail, the sentence imposed upon conviction for the offense  
8 of possessing contraband in a penal institution shall be  
9 served consecutively to the sentence imposed for the  
10 offense in which the person is serving sentence in the  
11 county jail or serving pretrial detention, regardless of  
12 the order in which the judgments of conviction are  
13 entered.

14 (11) (Blank).

15 (11.1) If a person is sentenced for a violation of  
16 bail bond under Section 32-10 of the Criminal Code of 1961  
17 or the Criminal Code of 2012, any sentence imposed for  
18 that violation shall be served consecutive to the sentence  
19 imposed for the charge for which bail had been granted and  
20 with respect to which the defendant has been convicted.

21 (e) Consecutive terms; subsequent non-Illinois term. If an  
22 Illinois court has imposed a sentence of imprisonment on a  
23 defendant and the defendant is subsequently sentenced to a  
24 term of imprisonment by a court of another state or a federal  
25 court, then the Illinois sentence shall run consecutively to  
26 the sentence imposed by the court of the other state or the

1 federal court. That same Illinois court, however, may order  
2 that the Illinois sentence run concurrently with the sentence  
3 imposed by the court of the other state or the federal court,  
4 but only if the defendant applies to that same Illinois court  
5 within 30 days after the sentence imposed by the court of the  
6 other state or the federal court is finalized.

7 (f) Consecutive terms; aggregate maximums and minimums.  
8 The aggregate maximum and aggregate minimum of consecutive  
9 sentences shall be determined as follows:

10 (1) For sentences imposed under law in effect prior to  
11 February 1, 1978, the aggregate maximum of consecutive  
12 sentences shall not exceed the maximum term authorized  
13 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of  
14 Chapter V for the 2 most serious felonies involved. The  
15 aggregate minimum period of consecutive sentences shall  
16 not exceed the highest minimum term authorized under  
17 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter  
18 V for the 2 most serious felonies involved. When sentenced  
19 only for misdemeanors, a defendant shall not be  
20 consecutively sentenced to more than the maximum for one  
21 Class A misdemeanor.

22 (2) For sentences imposed under the law in effect on  
23 or after February 1, 1978, the aggregate of consecutive  
24 sentences for offenses that were committed as part of a  
25 single course of conduct during which there was no  
26 substantial change in the nature of the criminal objective

1 shall not exceed the sum of the maximum terms authorized  
2 under Article 4.5 of Chapter V for the 2 most serious  
3 felonies involved, but no such limitation shall apply for  
4 offenses that were not committed as part of a single  
5 course of conduct during which there was no substantial  
6 change in the nature of the criminal objective. When  
7 sentenced only for misdemeanors, a defendant shall not be  
8 consecutively sentenced to more than the maximum for one  
9 Class A misdemeanor.

10 (g) Consecutive terms; manner served. In determining the  
11 manner in which consecutive sentences of imprisonment, one or  
12 more of which is for a felony, will be served, the Department  
13 of Corrections shall treat the defendant as though he or she  
14 had been committed for a single term subject to each of the  
15 following:

16 (1) The maximum period of a term of imprisonment shall  
17 consist of the aggregate of the maximums of the imposed  
18 indeterminate terms, if any, plus the aggregate of the  
19 imposed determinate sentences for felonies, plus the  
20 aggregate of the imposed determinate sentences for  
21 misdemeanors, subject to subsection (f) of this Section.

22 (2) The parole or mandatory supervised release term  
23 shall be as provided in paragraph (e) of Section 5-4.5-50  
24 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
25 involved.

26 (3) The minimum period of imprisonment shall be the



1 aggregate of the minimum and determinate periods of  
2 imprisonment imposed by the court, subject to subsection  
3 (f) of this Section.

4 (4) The defendant shall be awarded credit against the  
5 aggregate maximum term and the aggregate minimum term of  
6 imprisonment for all time served in an institution since  
7 the commission of the offense or offenses and as a  
8 consequence thereof at the rate specified in Section 3-6-3  
9 (730 ILCS 5/3-6-3).

10 (h) Notwithstanding any other provisions of this Section,  
11 all sentences imposed by an Illinois court under this Code  
12 shall run concurrent to any and all sentences imposed under  
13 the Juvenile Court Act of 1987.

14 (Source: P.A. 102-350, eff. 8-13-21; 102-982, eff. 7-1-23;  
15 102-1104, eff. 12-6-22.)

16 (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

17 Sec. 5-8-6. Place of confinement.

18 (a) Offenders ~~Except as otherwise provided in this~~  
19 ~~subsection (a), offenders~~ sentenced to a term of imprisonment  
20 for a felony shall be committed to the penitentiary system of  
21 the Department of Corrections. However, such sentence shall  
22 not limit the powers of the Department of Children and Family  
23 Services in relation to any child under the age of one year in  
24 the sole custody of a person so sentenced, nor in relation to  
25 any child delivered by a female so sentenced while she is so

1 confined as a consequence of such sentence. A ~~Except as~~  
2 ~~otherwise provided in this subsection (a),~~ a person sentenced  
3 for a felony may be assigned by the Department of Corrections  
4 to any of its institutions, facilities or programs. ~~An~~  
5 ~~offender sentenced to a term of imprisonment for a Class 3 or 4~~  
6 ~~felony, other than a violent crime as defined in Section 3 of~~  
7 ~~the Rights of Crime Victims and Witnesses Act, in which the~~  
8 ~~sentencing order indicates that the offender has less than 4~~  
9 ~~months remaining on his or her sentence accounting for time~~  
10 ~~served may not be confined in the penitentiary system of the~~  
11 ~~Department of Corrections but may be assigned to electronic~~  
12 ~~home detention under Article 8A of this Chapter V, an adult~~  
13 ~~transition center, or another facility or program within the~~  
14 ~~Department of Corrections.~~

15 (b) Offenders sentenced to a term of imprisonment for less  
16 than one year shall be committed to the custody of the sheriff.  
17 A person committed to the Department of Corrections, prior to  
18 July 14, 1983, for less than one year may be assigned by the  
19 Department to any of its institutions, facilities or programs.

20 (c) All offenders under 18 years of age when sentenced to  
21 imprisonment shall be committed to the Department of Juvenile  
22 Justice and the court in its order of commitment shall set a  
23 definite term. The provisions of Section 3-3-3 shall be a part  
24 of such commitment as fully as though written in the order of  
25 commitment. The place of confinement for sentences imposed  
26 before the effective date of this amendatory Act of the 99th

1 General Assembly are not affected or abated by this amendatory  
2 Act of the 99th General Assembly.

3 (d) No defendant shall be committed to the Department of  
4 Corrections for the recovery of a fine or costs.

5 (e) When a court sentences a defendant to a term of  
6 imprisonment concurrent with a previous and unexpired sentence  
7 of imprisonment imposed by any district court of the United  
8 States, it may commit the offender to the custody of the  
9 Attorney General of the United States. The Attorney General of  
10 the United States, or the authorized representative of the  
11 Attorney General of the United States, shall be furnished with  
12 the warrant of commitment from the court imposing sentence,  
13 which warrant of commitment shall provide that, when the  
14 offender is released from federal confinement, whether by  
15 parole or by termination of sentence, the offender shall be  
16 transferred by the Sheriff of the committing county to the  
17 Department of Corrections. The court shall cause the  
18 Department to be notified of such sentence at the time of  
19 commitment and to be provided with copies of all records  
20 regarding the sentence.

21 (Source: P.A. 101-652, eff. 7-1-21.)

22 (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

23 Sec. 5-8A-2. Definitions. As used in this Article:

24 (A) "Approved electronic monitoring device" means a device  
25 approved by the supervising authority which is primarily

1 intended to record or transmit information as to the  
2 defendant's presence or nonpresence in the home, consumption  
3 of alcohol, consumption of drugs, location as determined  
4 through GPS, cellular triangulation, Wi-Fi, or other  
5 electronic means.

6 An approved electronic monitoring device may record or  
7 transmit: oral or wire communications or an auditory sound;  
8 visual images; or information regarding the offender's  
9 activities while inside the offender's home. These devices are  
10 subject to the required consent as set forth in Section 5-8A-5  
11 of this Article.

12 An approved electronic monitoring device may be used to  
13 record a conversation between the participant and the  
14 monitoring device, or the participant and the person  
15 supervising the participant solely for the purpose of  
16 identification and not for the purpose of eavesdropping or  
17 conducting any other illegally intrusive monitoring.

18 (A-10) "Department" means the Department of Corrections or  
19 the Department of Juvenile Justice.

20 (A-20) "Electronic monitoring" means the monitoring of an  
21 inmate, person, or offender with an electronic device both  
22 within and outside of their home under the terms and  
23 conditions established by the supervising authority.

24 (B) "Excluded offenses" means first degree murder, escape,  
25 predatory criminal sexual assault of a child, aggravated  
26 criminal sexual assault, criminal sexual assault, aggravated

1 battery with a firearm as described in Section 12-4.2 or  
2 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of Section  
3 12-3.05, bringing or possessing a firearm, ammunition or  
4 explosive in a penal institution, any "Super-X" drug offense  
5 or calculated criminal drug conspiracy or streetgang criminal  
6 drug conspiracy, or any predecessor or successor offenses with  
7 the same or substantially the same elements, or any inchoate  
8 offenses relating to the foregoing offenses.

9 (B-10) "GPS" means a device or system which utilizes the  
10 Global Positioning Satellite system for determining the  
11 location of a person, inmate or offender.

12 (C) "Home detention" means the confinement of a person  
13 convicted or charged with an offense to his or her place of  
14 residence under the terms and conditions established by the  
15 supervising authority. ~~Confinement need not be 24 hours per~~  
16 ~~day to qualify as home detention, and significant restrictions~~  
17 ~~on liberty such as 7pm to 7am curfews shall qualify. Home~~  
18 ~~confinement may or may not be accompanied by electronic~~  
19 ~~monitoring, and electronic monitoring is not required for~~  
20 ~~purposes of sentencing credit.~~

21 (D) "Participant" means an inmate or offender placed into  
22 an electronic monitoring program.

23 (E) "Supervising authority" means the Department of  
24 Corrections, the Department of Juvenile Justice, probation  
25 department, ~~a Chief Judge's office, pretrial services division~~  
26 ~~or department,~~ sheriff, superintendent of municipal house of

1 corrections or any other officer or agency charged with  
2 authorizing and supervising electronic monitoring and home  
3 detention.

4 (F) "Super-X drug offense" means a violation of Section  
5 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D);  
6 Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B),  
7 (C), or (D) of the Illinois Controlled Substances Act.

8 (G) "Wi-Fi" or "WiFi" means a device or system which  
9 utilizes a wireless local area network for determining the  
10 location of a person, inmate or offender.

11 (Source: P.A. 101-652, eff. 7-1-21.)

12 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

13 Sec. 5-8A-4. Program description. The supervising  
14 authority may promulgate rules that prescribe reasonable  
15 guidelines under which an electronic monitoring and home  
16 detention program shall operate. When using electronic  
17 monitoring for home detention these rules shall ~~may~~ include,  
18 but not be limited to, the following:

19 (A) The participant ~~may be instructed to~~ shall remain  
20 within the interior premises or within the property  
21 boundaries of his or her residence at all times during the  
22 hours designated by the supervising authority. Such  
23 instances of approved absences from the home ~~shall~~ may  
24 include, but are not limited to, the following:

25 (1) working or employment approved by the court or

1 traveling to or from approved employment;

2 (2) unemployed and seeking employment approved for  
3 the participant by the court;

4 (3) undergoing medical, psychiatric, mental health  
5 treatment, counseling, or other treatment programs  
6 approved for the participant by the court;

7 (4) attending an educational institution or a  
8 program approved for the participant by the court;

9 (5) attending a regularly scheduled religious  
10 service at a place of worship;

11 (6) participating in community work release or  
12 community service programs approved for the  
13 participant by the supervising authority; ~~or~~

14 (7) for another compelling reason consistent with  
15 the public interest, as approved by the supervising  
16 authority; or.

17 ~~(8) purchasing groceries, food, or other basic  
18 necessities.~~

19 ~~(A 1) At a minimum, any person ordered to pretrial  
20 home confinement with or without electronic monitoring  
21 must be provided with movement spread out over no fewer  
22 than two days per week, to participate in basic activities  
23 such as those listed in paragraph (A). In this subdivision  
24 (A-1), "days" means a reasonable time period during a  
25 calendar day, as outlined by the court in the order  
26 placing the person on home confinement.~~

1 (B) The participant shall admit any person or agent  
2 designated by the supervising authority into his or her  
3 residence at any time for purposes of verifying the  
4 participant's compliance with the conditions of his or her  
5 detention.

6 (C) The participant shall make the necessary  
7 arrangements to allow for any person or agent designated  
8 by the supervising authority to visit the participant's  
9 place of education or employment at any time, based upon  
10 the approval of the educational institution employer or  
11 both, for the purpose of verifying the participant's  
12 compliance with the conditions of his or her detention.

13 (D) The participant shall acknowledge and participate  
14 with the approved electronic monitoring device as  
15 designated by the supervising authority at any time for  
16 the purpose of verifying the participant's compliance with  
17 the conditions of his or her detention.

18 (E) The participant shall maintain the following:

19 (1) ~~access to~~ a working telephone in the  
20 participant's home;

21 (2) a monitoring device in the participant's home,  
22 or on the participant's person, or both; and

23 (3) a monitoring device in the participant's home  
24 and on the participant's person in the absence of a  
25 telephone.

26 (F) The participant shall obtain approval from the



1 supervising authority before the participant changes  
2 residence or the schedule described in subsection (A) of  
3 this Section. ~~Such approval shall not be unreasonably~~  
4 ~~withheld.~~

5 (G) The participant shall not commit another crime  
6 during the period of home detention ordered by the Court.

7 (H) Notice to the participant that violation of the  
8 order for home detention may subject the participant to  
9 prosecution for the crime of escape as described in  
10 Section 5-8A-4.1.

11 (I) The participant shall abide by other conditions as  
12 set by the supervising authority.

13 (J) This Section takes effect January 1, 2022.

14 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;  
15 102-687, eff. 12-17-21; 102-1104, eff. 12-6-22.)

16 (730 ILCS 5/5-8A-4.1)

17 Sec. 5-8A-4.1. Escape; failure to comply with a condition  
18 of the electronic monitoring or home detention program.

19 (a) A person charged with or convicted of a felony, or  
20 charged with or adjudicated delinquent for an act which, if  
21 committed by an adult, would constitute a felony,  
22 conditionally released from the supervising authority through  
23 an electronic monitoring or home detention program, who  
24 knowingly ~~escapes or leaves from the geographic boundaries of~~  
25 ~~an electronic monitoring or home detention program with the~~

1 ~~intent to evade prosecution~~ violates a condition of the  
2 electronic monitoring or home detention program is guilty of a  
3 Class 3 felony.

4 (b) A person charged with or convicted of a misdemeanor,  
5 or charged with or adjudicated delinquent for an act which, if  
6 committed by an adult, would constitute a misdemeanor,  
7 conditionally released from the supervising authority through  
8 an electronic monitoring or home detention program, who  
9 knowingly ~~escapes or leaves from the geographic boundaries of~~  
10 ~~an electronic monitoring or home detention program with the~~  
11 ~~intent to evade prosecution~~ violates a condition of the  
12 electronic monitoring or home detention program is guilty of a  
13 Class B misdemeanor.

14 (c) A person who violates this Section while armed with a  
15 dangerous weapon is guilty of a Class 1 felony.

16 (Source: P.A. 101-652, eff. 7-1-21; 102-1104, eff. 12-6-22.)

17 (730 ILCS 5/5-6-3.8 rep.)

18 (730 ILCS 5/5-8A-4.15 rep.)

19 Section 300. The Unified Code of Corrections is amended by  
20 repealing Sections 5-6-3.8 and 5-8A-4.15.

21 Section 280. The Probation and Probation Officers Act is  
22 amended by changing Section 18 as follows:

23 (730 ILCS 110/18)

1           Sec. 18. Probation and court services departments  
2 considered pretrial services agencies. For the purposes of  
3 administering the provisions of Public Act 95-773, known as  
4 the Cindy Bischof Law, all probation and court services  
5 departments are to be considered pretrial services agencies  
6 under the Pretrial Services Act and under the bail bond  
7 ~~pretrial release~~ provisions of the Code of Criminal Procedure  
8 of 1963.

9           (Source: P.A. 101-652, eff. 1-1-23.)

10           Section 305. The County Jail Act is amended by changing  
11 Section 5 as follows:

12           (730 ILCS 125/5) (from Ch. 75, par. 105)

13           Sec. 5. Costs of maintaining prisoners.

14           (a) Except as provided in subsections (b) and (c), all  
15 costs of maintaining persons committed for violations of  
16 Illinois law, shall be the responsibility of the county.  
17 Except as provided in subsection (b), all costs of maintaining  
18 persons committed under any ordinance or resolution of a unit  
19 of local government, including medical costs, is the  
20 responsibility of the unit of local government enacting the  
21 ordinance or resolution, and arresting the person.

22           (b) If a person who is serving a term of mandatory  
23 supervised release for a felony is incarcerated in a county  
24 jail, the Illinois Department of Corrections shall pay the

1 county in which that jail is located one-half of the cost of  
2 incarceration, as calculated by the Governor's Office of  
3 Management and Budget and the county's chief financial  
4 officer, for each day that the person remains in the county  
5 jail after notice of the incarceration is given to the  
6 Illinois Department of Corrections by the county, provided  
7 that (i) the Illinois Department of Corrections has issued a  
8 warrant for an alleged violation of mandatory supervised  
9 release by the person; (ii) if the person is incarcerated on a  
10 new charge, unrelated to the offense for which he or she is on  
11 mandatory supervised release, there has been a court hearing  
12 at which bail has ~~the conditions of pretrial release have~~ been  
13 set on the new charge; (iii) the county has notified the  
14 Illinois Department of Corrections that the person is  
15 incarcerated in the county jail, which notice shall not be  
16 given until the bail hearing has concluded, if the person is  
17 incarcerated on a new charge; and (iv) the person remains  
18 incarcerated in the county jail for more than 48 hours after  
19 the notice has been given to the Department of Corrections by  
20 the county. Calculation of the per diem cost shall be agreed  
21 upon prior to the passage of the annual State budget.

22 (c) If a person who is serving a term of mandatory  
23 supervised release is incarcerated in a county jail, following  
24 an arrest on a warrant issued by the Illinois Department of  
25 Corrections, solely for violation of a condition of mandatory  
26 supervised release and not on any new charges for a new

1 offense, then the Illinois Department of Corrections shall pay  
2 the medical costs incurred by the county in securing treatment  
3 for that person, for any injury or condition other than one  
4 arising out of or in conjunction with the arrest of the person  
5 or resulting from the conduct of county personnel, while he or  
6 she remains in the county jail on the warrant issued by the  
7 Illinois Department of Corrections.

8 (Source: P.A. 101-652, eff. 1-1-23.)

9 Section 310. The County Jail Good Behavior Allowance Act  
10 is amended by changing Section 3 as follows:

11 (730 ILCS 130/3) (from Ch. 75, par. 32)

12 Sec. 3. The good behavior of any person who commences a  
13 sentence of confinement in a county jail for a fixed term of  
14 imprisonment after January 1, 1987 shall entitle such person  
15 to a good behavior allowance, except that: (1) a person who  
16 inflicted physical harm upon another person in committing the  
17 offense for which he is confined shall receive no good  
18 behavior allowance; and (2) a person sentenced for an offense  
19 for which the law provides a mandatory minimum sentence shall  
20 not receive any portion of a good behavior allowance that  
21 would reduce the sentence below the mandatory minimum; and (3)  
22 a person sentenced to a county impact incarceration program;  
23 and (4) a person who is convicted of criminal sexual assault  
24 under subdivision (a)(3) of Section 11-1.20 or paragraph

1 (a) (3) of Section 12-13 of the Criminal Code of 1961 or the  
2 Criminal Code of 2012, criminal sexual abuse, or aggravated  
3 criminal sexual abuse shall receive no good behavior  
4 allowance. The good behavior allowance provided for in this  
5 Section shall not apply to individuals sentenced for a felony  
6 to probation or conditional discharge where a condition of  
7 such probation or conditional discharge is that the individual  
8 serve a sentence of periodic imprisonment or to individuals  
9 sentenced under an order of court for civil contempt.

10 Such good behavior allowance shall be cumulative and  
11 awarded as provided in this Section.

12 The good behavior allowance rate shall be cumulative and  
13 awarded on the following basis:

14 The prisoner shall receive one day of good behavior  
15 allowance for each day of service of sentence in the county  
16 jail, and one day of good behavior allowance for each day of  
17 incarceration in the county jail before sentencing for the  
18 offense that he or she is currently serving sentence but was  
19 unable to post bail ~~comply with the conditions of pretrial~~  
20 ~~release~~ before sentencing, except that a prisoner serving a  
21 sentence of periodic imprisonment under Section 5-7-1 of the  
22 Unified Code of Corrections shall only be eligible to receive  
23 good behavior allowance if authorized by the sentencing judge.  
24 Each day of good behavior allowance shall reduce by one day the  
25 prisoner's period of incarceration set by the court. For the  
26 purpose of calculating a prisoner's good behavior allowance, a

1 fractional part of a day shall not be calculated as a day of  
2 service of sentence in the county jail unless the fractional  
3 part of the day is over 12 hours in which case a whole day  
4 shall be credited on the good behavior allowance.

5 If consecutive sentences are served and the time served  
6 amounts to a total of one year or more, the good behavior  
7 allowance shall be calculated on a continuous basis throughout  
8 the entire time served beginning on the first date of sentence  
9 or incarceration, as the case may be.

10 (Source: P.A. 101-652, eff. 1-1-23.)

11 Section 315. The Veterans and Servicemembers Court  
12 Treatment Act is amended by changing Section 20 as follows:

13 (730 ILCS 167/20)

14 Sec. 20. Eligibility. Veterans and servicemembers are  
15 eligible for veterans and servicemembers courts, provided the  
16 following:

17 (a) A defendant may be admitted into a veterans and  
18 servicemembers court program only upon the consent of the  
19 defendant and with the approval of the court. A defendant  
20 agrees to be admitted when a written consent to  
21 participate is provided to the court in open court and the  
22 defendant acknowledges understanding of its contents.

23 (a-5) Each veterans and servicemembers court shall  
24 have a target population defined in its written policies

1 and procedures. The policies and procedures shall define  
2 that court's eligibility and exclusionary criteria.

3 (b) A defendant shall be excluded from a veterans and  
4 servicemembers court program if any of one of the  
5 following applies:

6 (1) The crime is a crime of violence as set forth  
7 in paragraph (3) of this subsection (b).

8 (2) The defendant does not demonstrate a  
9 willingness to participate in a treatment program.

10 (3) The defendant has been convicted of a crime of  
11 violence within the past 5 years excluding  
12 incarceration time, parole, and periods of mandatory  
13 supervised release. As used in this paragraph, "crime  
14 of violence" means: first degree murder, second degree  
15 murder, predatory criminal sexual assault of a child,  
16 aggravated criminal sexual assault, criminal sexual  
17 assault, armed robbery, aggravated arson, arson,  
18 aggravated kidnapping and kidnapping, aggravated  
19 battery resulting in great bodily harm or permanent  
20 disability, aggravated domestic battery resulting in  
21 great bodily harm or permanent disability, aggravated  
22 criminal sexual abuse by a person in a position of  
23 trust or authority over a child, stalking, aggravated  
24 stalking, home invasion, aggravated vehicular  
25 hijacking, or any offense involving the discharge of a  
26 firearm.



1           (4) The defendant is charged with a violation of  
2           subparagraph (F) of paragraph (1) of subsection (d) of  
3           Section 11-501 of the Illinois Vehicle Code in which  
4           an individual is charged with aggravated driving under  
5           the influence that resulted in the death of another  
6           person or when the violation was a proximate cause of  
7           the death, unless, pursuant to subparagraph (G) of  
8           paragraph (1) of subsection (d) of Section 11-501 of  
9           the Illinois Vehicle Code, the court determines that  
10          extraordinary circumstances exist and require  
11          probation.

12           (4.1) The crime for which the defendant has been  
13          convicted is non-probationable.

14           (5) (Blank).

15           (6) (Blank).

16           (c) Notwithstanding subsection (a), the defendant may  
17          be admitted into a veterans and servicemembers court  
18          program only upon the agreement of the prosecutor if the  
19          defendant is charged with a Class 2 or greater felony  
20          violation of:

21           (1) Section 401, 401.1, 405, or 405.2 of the  
22          Illinois Controlled Substances Act;

23           (2) Section 5, 5.1, or 5.2 of the Cannabis Control  
24          Act; or

25           (3) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56,  
26          or 65 of the Methamphetamine Control and Community

1           Protection Act.

2           (Source: P.A. 102-1041, eff. 6-2-22; 103-154, eff. 6-30-23.)

3           Section 320. The Mental Health Court Treatment Act is  
4 amended by changing Section 20 as follows:

5           (730 ILCS 168/20)

6           Sec. 20. Eligibility.

7           (a) A defendant may be admitted into a mental health court  
8 program only upon the consent of the defendant and with the  
9 approval of the court. A defendant agrees to be admitted when a  
10 written consent to participate is provided to the court in  
11 open court and the defendant acknowledges understanding its  
12 contents.

13           (a-5) Each mental health court shall have a target  
14 population defined in its written policies and procedures. The  
15 policies and procedures shall define that court's eligibility  
16 and exclusionary criteria.

17           (b) A defendant shall be excluded from a mental health  
18 court program if any one of the following applies:

19           (1) The crime is a crime of violence as set forth in  
20 paragraph (3) of this subsection (b).

21           (2) The defendant does not demonstrate a willingness  
22 to participate in a treatment program.

23           (3) The defendant has been convicted of a crime of  
24 violence within the past 5 years excluding incarceration

1 time, parole, and periods of mandatory supervised release.  
2 As used in this paragraph (3), "crime of violence" means:  
3 first degree murder, second degree murder, predatory  
4 criminal sexual assault of a child, aggravated criminal  
5 sexual assault, criminal sexual assault, armed robbery,  
6 aggravated arson, arson, aggravated kidnapping,  
7 kidnapping, aggravated battery resulting in great bodily  
8 harm or permanent disability, aggravated domestic battery  
9 resulting in great bodily harm or permanent disability,  
10 aggravated criminal sexual abuse by a person in a position  
11 of trust or authority over a child, stalking, aggravated  
12 stalking, home invasion, aggravated vehicular hijacking,  
13 or any offense involving the discharge of a firearm.

14 (4) The defendant is charged with a violation of  
15 subparagraph (F) of paragraph (1) of subsection (d) of  
16 Section 11-501 of the Illinois Vehicle Code in which an  
17 individual is charged with aggravated driving under the  
18 influence that resulted in the death of another person or  
19 when the violation was a proximate cause of the death,  
20 unless, pursuant to subparagraph (G) of paragraph (1) of  
21 subsection (d) of Section 11-501 of the Illinois Vehicle  
22 Code, the court determines that extraordinary  
23 circumstances exist and require probation.

24 (5) The crime for which the defendant has been  
25 convicted is non-probationable. ~~(Blank).~~

26 (6) (Blank).

1 (c) Notwithstanding subsection (a), the defendant may be  
2 admitted into a mental health court program only upon the  
3 agreement of the prosecutor if the defendant is charged with a  
4 Class 2 or greater felony violation of:

5 (1) Section 401, 401.1, 405, or 405.2 of the Illinois  
6 Controlled Substances Act;

7 (2) Section 5, 5.1, or 5.2 of the Cannabis Control  
8 Act; or

9 (3) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56, or  
10 65 of the Methamphetamine Control and Community Protection  
11 Act.

12 (Source: P.A. 101-652, eff. 7-1-21; 102-1041, eff. 6-2-22.)

13 Section 325. The Code of Civil Procedure is amended by  
14 changing Sections 10-106, 10-125, 10-127, 10-135, 10-136, and  
15 21-103 as follows:

16 (735 ILCS 5/10-106) (from Ch. 110, par. 10-106)

17 Sec. 10-106. Grant of relief - Penalty. Unless it shall  
18 appear from the complaint itself, or from the documents  
19 thereto annexed, that the party can neither be discharged,  
20 admitted to bail ~~pretrial release~~ nor otherwise relieved, the  
21 court shall forthwith award relief by habeas corpus. Any judge  
22 empowered to grant relief by habeas corpus who shall corruptly  
23 refuse to grant the relief when legally applied for in a case  
24 where it may lawfully be granted, or who shall for the purpose

1 of oppression unreasonably delay the granting of such relief  
2 shall, for every such offense, forfeit to the prisoner or  
3 party affected a sum not exceeding \$1,000.

4 (Source: P.A. 101-652, eff. 1-1-23.)

5 (735 ILCS 5/10-125) (from Ch. 110, par. 10-125)

6 Sec. 10-125. New commitment. In all cases where the  
7 imprisonment is for a criminal, or supposed criminal matter,  
8 if it appears to the court that there is sufficient legal cause  
9 for the commitment of the prisoner, although such commitment  
10 may have been informally made, or without due authority, or  
11 the process may have been executed by a person not duly  
12 authorized, the court shall make a new commitment in proper  
13 form, and direct it to the proper officer, or admit the party  
14 to bail ~~pretrial release~~ if the case is bailable ~~eligible for~~  
15 ~~pretrial release~~. The court shall also, when necessary, take  
16 the recognizance of all material witnesses against the  
17 prisoner, as in other cases. The recognizances shall be in the  
18 form provided by law, and returned as other recognizances. If  
19 any judge shall neglect or refuse to bind any such prisoner or  
20 witness by recognizance, or to return a recognizance when  
21 taken as hereinabove stated, he or she shall be guilty of a  
22 Class A misdemeanor in office, and be proceeded against  
23 accordingly.

24 (Source: P.A. 101-652, eff. 1-1-23.)

1 (735 ILCS 5/10-127) (from Ch. 110, par. 10-127)

2 Sec. 10-127. Grant of habeas corpus. It is not lawful for  
3 any court, on a second order of habeas corpus obtained by such  
4 prisoner, to discharge the prisoner, if he or she is clearly  
5 and specifically charged in the warrant of commitment with a  
6 criminal offense; but the court shall, on the return of such  
7 second order, have power only to admit such prisoner to bail  
8 ~~pretrial release~~ where the offense is bailable ~~eligible for~~  
9 ~~pretrial release~~ by law, or remand him or her to prison where  
10 the offense is not bailable ~~eligible for pretrial release~~, or  
11 being bailable ~~eligible for pretrial release~~, where such  
12 prisoner fails to give the bail required ~~comply with the terms~~  
13 ~~of pretrial release~~.

14 (Source: P.A. 101-652, eff. 1-1-23.)

15 (735 ILCS 5/10-135) (from Ch. 110, par. 10-135)

16 Sec. 10-135. Habeas corpus to testify. The several courts  
17 having authority to grant relief by habeas corpus, may enter  
18 orders, when necessary, to bring before them any prisoner to  
19 testify, or to be surrendered in discharge of bail ~~pretrial~~  
20 ~~release~~, or for trial upon any criminal charge lawfully  
21 pending in the same court or to testify in a criminal  
22 proceeding in another state as provided for by Section 2 of the  
23 "Uniform Act to secure the attendance of witnesses from within  
24 or without a state in criminal proceedings", approved July 23,  
25 1959, as heretofore or hereafter amended; and the order may be

1 directed to any county in the State, and there be served and  
2 returned by any officer to whom it is directed.

3 (Source: P.A. 101-652, eff. 1-1-23.)

4 (735 ILCS 5/10-136) (from Ch. 110, par. 10-136)

5 Sec. 10-136. Prisoner remanded or punished. After a  
6 prisoner has given his or her testimony, or been surrendered,  
7 or his or her bail ~~pretrial release~~ discharged, or he or she  
8 has been tried for the crime with which he or she is charged,  
9 he or she shall be returned to the jail or other place of  
10 confinement from which he or she was taken for that purpose. If  
11 such prisoner is convicted of a crime punishable with death or  
12 imprisonment in the penitentiary, he or she may be punished  
13 accordingly; but in any case where the prisoner has been taken  
14 from the penitentiary, and his or her punishment is by  
15 imprisonment, the time of such imprisonment shall not commence  
16 to run until the expiration of the time of service under any  
17 former sentence.

18 (Source: P.A. 101-652, eff. 1-1-23.)

19 (735 ILCS 5/21-103)

20 Sec. 21-103. Notice by publication.

21 (a) Previous notice shall be given of the intended  
22 application by publishing a notice thereof in some newspaper  
23 published in the municipality in which the person resides if  
24 the municipality is in a county with a population under

1 2,000,000, or if the person does not reside in a municipality  
2 in a county with a population under 2,000,000, or if no  
3 newspaper is published in the municipality or if the person  
4 resides in a county with a population of 2,000,000 or more,  
5 then in some newspaper published in the county where the  
6 person resides, or if no newspaper is published in that  
7 county, then in some convenient newspaper published in this  
8 State. The notice shall be inserted for 3 consecutive weeks  
9 after filing, the first insertion to be at least 6 weeks before  
10 the return day upon which the petition is to be heard, and  
11 shall be signed by the petitioner or, in case of a minor, the  
12 minor's parent or guardian, and shall set forth the return day  
13 of court on which the petition is to be heard and the name  
14 sought to be assumed.

15 (b) The publication requirement of subsection (a) shall  
16 not be required in any application for a change of name  
17 involving a minor if, before making judgment under this  
18 Article, reasonable notice and opportunity to be heard is  
19 given to any parent whose parental rights have not been  
20 previously terminated and to any person who has physical  
21 custody of the child. If any of these persons are outside this  
22 State, notice and opportunity to be heard shall be given under  
23 Section 21-104.

24 (b-3) The publication requirement of subsection (a) shall  
25 not be required in any application for a change of name  
26 involving a person who has received a judgment of ~~for~~



1 dissolution of marriage or declaration of invalidity of  
2 marriage and wishes to change his or her name to resume the use  
3 of his or her former or maiden name.

4 (b-5) The court may issue an order directing that the  
5 notice and publication requirement be waived for a change of  
6 name involving a person who files with the court a statement,  
7 verified under oath as provided under Section 1-109 of this  
8 Code, that the person believes that publishing notice of the  
9 name change would be a hardship, including, but not limited  
10 to, a negative impact on the person's health or safety.

11 (b-6) In a case where waiver of the notice and publication  
12 requirement is sought, the petition for waiver is presumed  
13 granted and heard at the same hearing as the petition for name  
14 change. The court retains discretion to determine whether a  
15 hardship is shown and may order the petitioner to publish  
16 thereafter.

17 (c) The Director of the Illinois State Police or his or her  
18 designee may apply to the circuit court for an order directing  
19 that the notice and publication requirements of this Section  
20 be waived if the Director or his or her designee certifies that  
21 the name change being sought is intended to protect a witness  
22 during and following a criminal investigation or proceeding.

23 (c-1) The court may also enter a written order waiving the  
24 publication requirement of subsection (a) if:

25 (i) the petitioner is 18 years of age or older; and

26 (ii) concurrent with the petition, the petitioner

1 files with the court a statement, verified under oath as  
2 provided under Section 1-109 of this Code, attesting that  
3 the petitioner is or has been a person protected under the  
4 Illinois Domestic Violence Act of 1986, the Stalking No  
5 Contact Order Act, the Civil No Contact Order Act, Article  
6 112A of the Code of Criminal Procedure of 1963, a  
7 condition of bail ~~pretrial release~~ under subsections (b)  
8 through (d) of Section 110-10 of the Code of Criminal  
9 Procedure of 1963, or a similar provision of a law in  
10 another state or jurisdiction.

11 The petitioner may attach to the statement any supporting  
12 documents, including relevant court orders.

13 (c-2) If the petitioner files a statement attesting that  
14 disclosure of the petitioner's address would put the  
15 petitioner or any member of the petitioner's family or  
16 household at risk or reveal the confidential address of a  
17 shelter for domestic violence victims, that address may be  
18 omitted from all documents filed with the court, and the  
19 petitioner may designate an alternative address for service.

20 (c-3) Court administrators may allow domestic abuse  
21 advocates, rape crisis advocates, and victim advocates to  
22 assist petitioners in the preparation of name changes under  
23 subsection (c-1).

24 (c-4) If the publication requirements of subsection (a)  
25 have been waived, the circuit court shall enter an order  
26 impounding the case.

1 (d) The maximum rate charged for publication of a notice  
2 under this Section may not exceed the lowest classified rate  
3 paid by commercial users for comparable space in the newspaper  
4 in which the notice appears and shall include all cash  
5 discounts, multiple insertion discounts, and similar benefits  
6 extended to the newspaper's regular customers.

7 (Source: P.A. 101-81, eff. 7-12-19; 101-203, eff. 1-1-20;  
8 101-652, eff. 1-1-23; 102-538, eff. 8-20-21; 102-813, eff.  
9 5-13-22; 102-1133, eff. 1-1-24; revised 3-6-23.)

10 Section 330. The Civil No Contact Order Act is amended by  
11 changing Section 220 as follows:

12 (740 ILCS 22/220)

13 Sec. 220. Enforcement of a civil no contact order.

14 (a) Nothing in this Act shall preclude any Illinois court  
15 from enforcing a valid protective order issued in another  
16 state or by a military judge.

17 (b) Illinois courts may enforce civil no contact orders  
18 through both criminal proceedings and civil contempt  
19 proceedings, unless the action which is second in time is  
20 barred by collateral estoppel or the constitutional  
21 prohibition against double jeopardy.

22 (b-1) The court shall not hold a school district or  
23 private or non-public school or any of its employees in civil  
24 or criminal contempt unless the school district or private or

1 non-public school has been allowed to intervene.

2 (b-2) The court may hold the parents, guardian, or legal  
3 custodian of a minor respondent in civil or criminal contempt  
4 for a violation of any provision of any order entered under  
5 this Act for conduct of the minor respondent in violation of  
6 this Act if the parents, guardian, or legal custodian  
7 directed, encouraged, or assisted the respondent minor in such  
8 conduct.

9 (c) Criminal prosecution. A violation of any civil no  
10 contact order, whether issued in a civil or criminal  
11 proceeding or by a military judge, shall be enforced by a  
12 criminal court when the respondent commits the crime of  
13 violation of a civil no contact order pursuant to Section 219  
14 by having knowingly violated:

15 (1) remedies described in Section 213 and included in  
16 a civil no contact order; or

17 (2) a provision of an order, which is substantially  
18 similar to provisions of Section 213, in a valid civil no  
19 contact order which is authorized under the laws of  
20 another state, tribe, or United States territory.

21 Prosecution for a violation of a civil no contact order  
22 shall not bar a concurrent prosecution for any other crime,  
23 including any crime that may have been committed at the time of  
24 the violation of the civil no contact order.

25 (d) Contempt of court. A violation of any valid Illinois  
26 civil no contact order, whether issued in a civil or criminal

1 proceeding, may be enforced through civil or criminal contempt  
2 procedures, as appropriate, by any court with jurisdiction,  
3 regardless of where the act or acts which violated the civil no  
4 contact order were committed, to the extent consistent with  
5 the venue provisions of this Act.

6 (1) In a contempt proceeding where the petition for a  
7 rule to show cause or petition for adjudication of  
8 criminal contempt sets forth facts evidencing an immediate  
9 danger that the respondent will flee the jurisdiction or  
10 inflict physical abuse on the petitioner or minor children  
11 or on dependent adults in the petitioner's care, the court  
12 may order the attachment of the respondent without prior  
13 service of the petition for a rule to show cause, the rule  
14 to show cause, the petition for adjudication of criminal  
15 contempt or the adjudication of criminal contempt. Bond  
16 ~~Conditions of release~~ shall be set unless specifically  
17 denied in writing.

18 (2) A petition for a rule to show cause or a petition  
19 for adjudication of criminal contempt for violation of a  
20 civil no contact order shall be treated as an expedited  
21 proceeding.

22 (e) Actual knowledge. A civil no contact order may be  
23 enforced pursuant to this Section if the respondent violates  
24 the order after the respondent has actual knowledge of its  
25 contents as shown through one of the following means:

26 (1) by service, delivery, or notice under Section 208;

1 (2) by notice under Section 218;

2 (3) by service of a civil no contact order under  
3 Section 218; or

4 (4) by other means demonstrating actual knowledge of  
5 the contents of the order.

6 (f) The enforcement of a civil no contact order in civil or  
7 criminal court shall not be affected by either of the  
8 following:

9 (1) the existence of a separate, correlative order,  
10 entered under Section 202; or

11 (2) any finding or order entered in a conjoined  
12 criminal proceeding.

13 (g) Circumstances. The court, when determining whether or  
14 not a violation of a civil no contact order has occurred, shall  
15 not require physical manifestations of abuse on the person of  
16 the victim.

17 (h) Penalties.

18 (1) Except as provided in paragraph (3) of this  
19 subsection, where the court finds the commission of a  
20 crime or contempt of court under subsection (a) or (b) of  
21 this Section, the penalty shall be the penalty that  
22 generally applies in such criminal or contempt  
23 proceedings, and may include one or more of the following:  
24 incarceration, payment of restitution, a fine, payment of  
25 attorneys' fees and costs, or community service.

26 (2) The court shall hear and take into account

1 evidence of any factors in aggravation or mitigation  
2 before deciding an appropriate penalty under paragraph (1)  
3 of this subsection.

4 (3) To the extent permitted by law, the court is  
5 encouraged to:

6 (i) increase the penalty for the knowing violation  
7 of any civil no contact order over any penalty  
8 previously imposed by any court for respondent's  
9 violation of any civil no contact order or penal  
10 statute involving petitioner as victim and respondent  
11 as defendant;

12 (ii) impose a minimum penalty of 24 hours  
13 imprisonment for respondent's first violation of any  
14 civil no contact order; and

15 (iii) impose a minimum penalty of 48 hours  
16 imprisonment for respondent's second or subsequent  
17 violation of a civil no contact order unless the court  
18 explicitly finds that an increased penalty or that  
19 period of imprisonment would be manifestly unjust.

20 (4) In addition to any other penalties imposed for a  
21 violation of a civil no contact order, a criminal court  
22 may consider evidence of any previous violations of a  
23 civil no contact order:

24 (i) to increase, revoke or modify the bail bond  
25 ~~conditions of pretrial release~~ on an underlying  
26 criminal charge pursuant to Section 110-6 of the Code

1 of Criminal Procedure of 1963;

2 (ii) to revoke or modify an order of probation,  
3 conditional discharge or supervision, pursuant to  
4 Section 5-6-4 of the Unified Code of Corrections; or

5 (iii) to revoke or modify a sentence of periodic  
6 imprisonment, pursuant to Section 5-7-2 of the Unified  
7 Code of Corrections.

8 (Source: P.A. 103-407, eff. 7-28-23.)

9 Section 335. The Illinois Domestic Violence Act of 1986 is  
10 amended by changing Sections 223 and 301 as follows:

11 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

12 Sec. 223. Enforcement of orders of protection.

13 (a) When violation is crime. A violation of any order of  
14 protection, whether issued in a civil or criminal proceeding  
15 or by a military judge, shall be enforced by a criminal court  
16 when:

17 (1) The respondent commits the crime of violation of  
18 an order of protection pursuant to Section 12-3.4 or 12-30  
19 of the Criminal Code of 1961 or the Criminal Code of 2012,  
20 by having knowingly violated:

21 (i) remedies described in paragraphs (1), (2),  
22 (3), (14), or (14.5) of subsection (b) of Section 214  
23 of this Act; or

24 (ii) a remedy, which is substantially similar to



1 the remedies authorized under paragraphs (1), (2),  
2 (3), (14), and (14.5) of subsection (b) of Section 214  
3 of this Act, in a valid order of protection which is  
4 authorized under the laws of another state, tribe, or  
5 United States territory; or

6 (iii) any other remedy when the act constitutes a  
7 crime against the protected parties as defined by the  
8 Criminal Code of 1961 or the Criminal Code of 2012.

9 Prosecution for a violation of an order of protection  
10 shall not bar concurrent prosecution for any other crime,  
11 including any crime that may have been committed at the  
12 time of the violation of the order of protection; or

13 (2) The respondent commits the crime of child  
14 abduction pursuant to Section 10-5 of the Criminal Code of  
15 1961 or the Criminal Code of 2012, by having knowingly  
16 violated:

17 (i) remedies described in paragraphs (5), (6) or  
18 (8) of subsection (b) of Section 214 of this Act; or

19 (ii) a remedy, which is substantially similar to  
20 the remedies authorized under paragraphs (5), (6), or  
21 (8) of subsection (b) of Section 214 of this Act, in a  
22 valid order of protection which is authorized under  
23 the laws of another state, tribe, or United States  
24 territory.

25 (b) When violation is contempt of court. A violation of  
26 any valid Illinois order of protection, whether issued in a

1 civil or criminal proceeding or by a military judge, may be  
2 enforced through civil or criminal contempt procedures, as  
3 appropriate, by any court with jurisdiction, regardless where  
4 the act or acts which violated the order of protection were  
5 committed, to the extent consistent with the venue provisions  
6 of this Act. Nothing in this Act shall preclude any Illinois  
7 court from enforcing any valid order of protection issued in  
8 another state. Illinois courts may enforce orders of  
9 protection through both criminal prosecution and contempt  
10 proceedings, unless the action which is second in time is  
11 barred by collateral estoppel or the constitutional  
12 prohibition against double jeopardy.

13 (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 ~~Conditions of release~~ shall be set unless specifically  
22 denied in writing.

23 (2) A petition for a rule to show cause for violation  
24 of an order of protection shall be treated as an expedited  
25 proceeding.

26 (b-1) The court shall not hold a school district or

1 private or non-public school or any of its employees in civil  
2 or criminal contempt unless the school district or private or  
3 non-public school has been allowed to intervene.

4 (b-2) The court may hold the parents, guardian, or legal  
5 custodian of a minor respondent in civil or criminal contempt  
6 for a violation of any provision of any order entered under  
7 this Act for conduct of the minor respondent in violation of  
8 this Act if the parents, guardian, or legal custodian  
9 directed, encouraged, or assisted the respondent minor in such  
10 conduct.

11 (c) Violation of custody or support orders or temporary or  
12 final judgments allocating parental responsibilities. A  
13 violation of remedies described in paragraphs (5), (6), (8),  
14 or (9) of subsection (b) of Section 214 of this Act may be  
15 enforced by any remedy provided by Section 607.5 of the  
16 Illinois Marriage and Dissolution of Marriage Act. The court  
17 may enforce any order for support issued under paragraph (12)  
18 of subsection (b) of Section 214 in the manner provided for  
19 under Parts V and VII of the Illinois Marriage and Dissolution  
20 of Marriage Act.

21 (d) Actual knowledge. An order of protection may be  
22 enforced pursuant to this Section if the respondent violates  
23 the order after the respondent has actual knowledge of its  
24 contents as shown through one of the following means:

25 (1) By service, delivery, or notice under Section 210.

26 (2) By notice under Section 210.1 or 211.

1           (3) By service of an order of protection under Section  
2           222.

3           (4) By other means demonstrating actual knowledge of  
4           the contents of the order.

5           (e) The enforcement of an order of protection in civil or  
6           criminal court shall not be affected by either of the  
7           following:

8           (1) The existence of a separate, correlative order,  
9           entered under Section 215.

10          (2) Any finding or order entered in a conjoined  
11          criminal proceeding.

12          (f) Circumstances. The court, when determining whether or  
13          not a violation of an order of protection has occurred, shall  
14          not require physical manifestations of abuse on the person of  
15          the victim.

16          (g) Penalties.

17          (1) Except as provided in paragraph (3) of this  
18          subsection, where the court finds the commission of a  
19          crime or contempt of court under subsections (a) or (b) of  
20          this Section, the penalty shall be the penalty that  
21          generally applies in such criminal or contempt  
22          proceedings, and may include one or more of the following:  
23          incarceration, payment of restitution, a fine, payment of  
24          attorneys' fees and costs, or community service.

25          (2) The court shall hear and take into account  
26          evidence of any factors in aggravation or mitigation

1 before deciding an appropriate penalty under paragraph (1)  
2 of this subsection.

3 (3) To the extent permitted by law, the court is  
4 encouraged to:

5 (i) increase the penalty for the knowing violation  
6 of any order of protection over any penalty previously  
7 imposed by any court for respondent's violation of any  
8 order of protection or penal statute involving  
9 petitioner as victim and respondent as defendant;

10 (ii) impose a minimum penalty of 24 hours  
11 imprisonment for respondent's first violation of any  
12 order of protection; and

13 (iii) impose a minimum penalty of 48 hours  
14 imprisonment for respondent's second or subsequent  
15 violation of an order of protection

16 unless the court explicitly finds that an increased  
17 penalty or that period of imprisonment would be manifestly  
18 unjust.

19 (4) In addition to any other penalties imposed for a  
20 violation of an order of protection, a criminal court may  
21 consider evidence of any violations of an order of  
22 protection:

23 (i) to increase, revoke or modify the bail bond  
24 ~~conditions of pretrial release~~ on an underlying  
25 criminal charge pursuant to Section 110-6 of the Code  
26 of Criminal Procedure of 1963;

1           (ii) to revoke or modify an order of probation,  
2           conditional discharge or supervision, pursuant to  
3           Section 5-6-4 of the Unified Code of Corrections;

4           (iii) to revoke or modify a sentence of periodic  
5           imprisonment, pursuant to Section 5-7-2 of the Unified  
6           Code of Corrections.

7           (5) In addition to any other penalties, the court  
8           shall impose an additional fine of \$20 as authorized by  
9           Section 5-9-1.11 of the Unified Code of Corrections upon  
10          any person convicted of or placed on supervision for a  
11          violation of an order of protection. The additional fine  
12          shall be imposed for each violation of this Section.

13         (Source: P.A. 102-890, eff. 5-19-22; 103-407, eff. 7-28-23.)

14           (750 ILCS 60/301) (from Ch. 40, par. 2313-1)

15           Sec. 301. Arrest without warrant.

16           (a) Any law enforcement officer may make an arrest without  
17          warrant if the officer has probable cause to believe that the  
18          person has committed or is committing any crime, including but  
19          not limited to violation of an order of protection, under  
20          Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the  
21          Criminal Code of 2012, even if the crime was not committed in  
22          the presence of the officer.

23           (b) The law enforcement officer may verify the existence  
24          of an order of protection by telephone or radio communication  
25          with his or her law enforcement agency or by referring to the

1 copy of the order, or order of protection described on a Hope  
2 Card under Section 219.5, provided by the petitioner or  
3 respondent.

4 (c) Any law enforcement officer may make an arrest without  
5 warrant if the officer has reasonable grounds to believe a  
6 defendant at liberty under the provisions of subdivision  
7 (d) (1) or (d) (2) of Section 110-10 of the Code of Criminal  
8 Procedure of 1963 has violated a condition of his or her bail  
9 bond ~~pretrial release~~ or recognizance.

10 (Source: P.A. 101-652, eff. 1-1-23; 102-481, eff. 1-1-22;  
11 102-813, eff. 5-13-22.)

12 Section 340. The Industrial and Linen Supplies Marking Law  
13 is amended by changing Section 11 as follows:

14 (765 ILCS 1045/11) (from Ch. 140, par. 111)

15 Sec. 11. Search warrant. Whenever the registrant, or  
16 officer, or authorized agent of any firm, partnership or  
17 corporation which is a registrant under this Act, takes an  
18 oath before any circuit court, that he has reason to believe  
19 that any supplies are being unlawfully used, sold, or secreted  
20 in any place, the court shall issue a search warrant to any  
21 police officer authorizing such officer to search the premises  
22 wherein it is alleged such articles may be found and take into  
23 custody any person in whose possession the articles are found.  
24 Any person so seized shall be taken without unnecessary delay

1 before the court issuing the search warrant. The court is  
2 empowered to impose bail ~~conditions of pretrial release~~ on any  
3 such person to compel his attendance at any continued hearing.  
4 (Source: P.A. 101-652, eff. 1-1-23.)

5 Section 345. The Illinois Torture Inquiry and Relief  
6 Commission Act is amended by changing Section 50 as follows:

7 (775 ILCS 40/50)

8 Sec. 50. Post-commission judicial review.

9 (a) If the Commission concludes there is sufficient  
10 evidence of torture to merit judicial review, the Chair of the  
11 Commission shall request the Chief Judge of the Circuit Court  
12 of Cook County for assignment to a trial judge for  
13 consideration. The court may receive proof by affidavits,  
14 depositions, oral testimony, or other evidence. In its  
15 discretion the court may order the petitioner brought before  
16 the court for the hearing. Notwithstanding the status of any  
17 other postconviction proceedings relating to the petitioner,  
18 if the court finds in favor of the petitioner, it shall enter  
19 an appropriate order with respect to the judgment or sentence  
20 in the former proceedings and such supplementary orders as to  
21 rearraignment, retrial, custody, bail, ~~pretrial release~~ or  
22 discharge, or for such relief as may be granted under a  
23 petition for a certificate of innocence, as may be necessary  
24 and proper.



1           (b) The State's Attorney, or the State's Attorney's  
2           designee, shall represent the State at the hearing before the  
3           assigned judge.

4           (Source: P.A. 101-652, eff. 1-1-23.)

5           Section 350. The Unemployment Insurance Act is amended by  
6           changing Section 602 as follows:

7           (820 ILCS 405/602) (from Ch. 48, par. 432)

8           Sec. 602. Discharge for misconduct - Felony.

9           A. An individual shall be ineligible for benefits for the  
10          week in which he has been discharged for misconduct connected  
11          with his work and, thereafter, until he has become reemployed  
12          and has had earnings equal to or in excess of his current  
13          weekly benefit amount in each of four calendar weeks which are  
14          either for services in employment, or have been or will be  
15          reported pursuant to the provisions of the Federal Insurance  
16          Contributions Act by each employing unit for which such  
17          services are performed and which submits a statement  
18          certifying to that fact. The requalification requirements of  
19          the preceding sentence shall be deemed to have been satisfied,  
20          as of the date of reinstatement, if, subsequent to his  
21          discharge by an employing unit for misconduct connected with  
22          his work, such individual is reinstated by such employing  
23          unit. For purposes of this subsection, the term "misconduct"  
24          means the deliberate and willful violation of a reasonable

1 rule or policy of the employing unit, governing the  
2 individual's behavior in performance of his work, provided  
3 such violation has harmed the employing unit or other  
4 employees or has been repeated by the individual despite a  
5 warning or other explicit instruction from the employing unit.  
6 The previous definition notwithstanding, "misconduct" shall  
7 include any of the following work-related circumstances:

8 1. Falsification of an employment application, or any  
9 other documentation provided to the employer, to obtain  
10 employment through subterfuge.

11 2. Failure to maintain licenses, registrations, and  
12 certifications reasonably required by the employer, or  
13 those that the individual is required to possess by law,  
14 to perform his or her regular job duties, unless the  
15 failure is not within the control of the individual.

16 3. Knowing, repeated violation of the attendance  
17 policies of the employer that are in compliance with State  
18 and federal law following a written warning for an  
19 attendance violation, unless the individual can  
20 demonstrate that he or she has made a reasonable effort to  
21 remedy the reason or reasons for the violations or that  
22 the reason or reasons for the violations were out of the  
23 individual's control. Attendance policies of the employer  
24 shall be reasonable and provided to the individual in  
25 writing, electronically, or via posting in the workplace.

26 4. Damaging the employer's property through conduct

1 that is grossly negligent.

2 5. Refusal to obey an employer's reasonable and lawful  
3 instruction, unless the refusal is due to the lack of  
4 ability, skills, or training for the individual required  
5 to obey the instruction or the instruction would result in  
6 an unsafe act.

7 6. Consuming alcohol or illegal or non-prescribed  
8 prescription drugs, or using an impairing substance in an  
9 off-label manner, on the employer's premises during  
10 working hours in violation of the employer's policies.

11 7. Reporting to work under the influence of alcohol,  
12 illegal or non-prescribed prescription drugs, or an  
13 impairing substance used in an off-label manner in  
14 violation of the employer's policies, unless the  
15 individual is compelled to report to work by the employer  
16 outside of scheduled and on-call working hours and informs  
17 the employer that he or she is under the influence of  
18 alcohol, illegal or non-prescribed prescription drugs, or  
19 an impairing substance used in an off-label manner in  
20 violation of the employer's policies.

21 8. Grossly negligent conduct endangering the safety of  
22 the individual or co-workers.

23 For purposes of paragraphs 4 and 8, conduct is "grossly  
24 negligent" when the individual is, or reasonably should be,  
25 aware of a substantial risk that the conduct will result in the  
26 harm sought to be prevented and the conduct constitutes a

1 substantial deviation from the standard of care a reasonable  
2 person would exercise in the situation.

3 Nothing in paragraph 6 or 7 prohibits the lawful use of  
4 over-the-counter drug products as defined in Section 206 of  
5 the Illinois Controlled Substances Act, provided that the  
6 medication does not affect the safe performance of the  
7 employee's work duties.

8 B. Notwithstanding any other provision of this Act, no  
9 benefit rights shall accrue to any individual based upon wages  
10 from any employer for service rendered prior to the day upon  
11 which such individual was discharged because of the commission  
12 of a felony in connection with his work, or because of theft in  
13 connection with his work, for which the employer was in no way  
14 responsible; provided, that the employer notified the Director  
15 of such possible ineligibility within the time limits  
16 specified by regulations of the Director, and that the  
17 individual has admitted his commission of the felony or theft  
18 to a representative of the Director, or has signed a written  
19 admission of such act and such written admission has been  
20 presented to a representative of the Director, or such act has  
21 resulted in a conviction or order of supervision by a court of  
22 competent jurisdiction; and provided further, that if by  
23 reason of such act, he is in legal custody, held on bail  
24 ~~pretrial release~~ or is a fugitive from justice, the  
25 determination of his benefit rights shall be held in abeyance  
26 pending the result of any legal proceedings arising therefrom.

1 (Source: P.A. 101-652, eff. 1-1-23.)

2 (730 ILCS 5/3-6-7.1 rep.)

3 (730 ILCS 5/3-6-7.2 rep.)

4 (730 ILCS 5/3-6-7.3 rep.)

5 (730 ILCS 5/3-6-7.4 rep.)

6 Section 355. The Unified Code of Corrections is amended by  
7 repealing Sections 3-6-7.1, 3-6-7.2, 3-6-7.3, and 3-6-7.4.

8 (730 ILCS 125/17.6 rep.)

9 (730 ILCS 125/17.7 rep.)

10 (730 ILCS 125/17.8 rep.)

11 (730 ILCS 125/17.9 rep.)

12 Section 360. The County Jail Act is amended by repealing  
13 Sections 17.6, 17.7, 17.8, and 17.9.

14 Section 365. The Open Meetings Act is amended by changing  
15 Section 2 as follows:

16 (5 ILCS 120/2) (from Ch. 102, par. 42)

17 Sec. 2. Open meetings.

18 (a) Openness required. All meetings of public bodies shall  
19 be open to the public unless excepted in subsection (c) and  
20 closed in accordance with Section 2a.

21 (b) Construction of exceptions. The exceptions contained  
22 in subsection (c) are in derogation of the requirement that

1 public bodies meet in the open, and therefore, the exceptions  
2 are to be strictly construed, extending only to subjects  
3 clearly within their scope. The exceptions authorize but do  
4 not require the holding of a closed meeting to discuss a  
5 subject included within an enumerated exception.

6 (c) Exceptions. A public body may hold closed meetings to  
7 consider the following subjects:

8 (1) The appointment, employment, compensation,  
9 discipline, performance, or dismissal of specific  
10 employees, specific individuals who serve as independent  
11 contractors in a park, recreational, or educational  
12 setting, or specific volunteers of the public body or  
13 legal counsel for the public body, including hearing  
14 testimony on a complaint lodged against an employee, a  
15 specific individual who serves as an independent  
16 contractor in a park, recreational, or educational  
17 setting, or a volunteer of the public body or against  
18 legal counsel for the public body to determine its  
19 validity. However, a meeting to consider an increase in  
20 compensation to a specific employee of a public body that  
21 is subject to the Local Government Wage Increase  
22 Transparency Act may not be closed and shall be open to the  
23 public and posted and held in accordance with this Act.

24 (2) Collective negotiating matters between the public  
25 body and its employees or their representatives, or  
26 deliberations concerning salary schedules for one or more

1 classes of employees.

2 (3) The selection of a person to fill a public office,  
3 as defined in this Act, including a vacancy in a public  
4 office, when the public body is given power to appoint  
5 under law or ordinance, or the discipline, performance or  
6 removal of the occupant of a public office, when the  
7 public body is given power to remove the occupant under  
8 law or ordinance.

9 (4) Evidence or testimony presented in open hearing,  
10 or in closed hearing where specifically authorized by law,  
11 to a quasi-adjudicative body, as defined in this Act,  
12 provided that the body prepares and makes available for  
13 public inspection a written decision setting forth its  
14 determinative reasoning.

15 (4.5) Evidence or testimony presented to a school  
16 board regarding denial of admission to school events or  
17 property pursuant to Section 24-24 of the School Code,  
18 provided that the school board prepares and makes  
19 available for public inspection a written decision setting  
20 forth its determinative reasoning.

21 (5) The purchase or lease of real property for the use  
22 of the public body, including meetings held for the  
23 purpose of discussing whether a particular parcel should  
24 be acquired.

25 (6) The setting of a price for sale or lease of  
26 property owned by the public body.

1           (7) The sale or purchase of securities, investments,  
2           or investment contracts. This exception shall not apply to  
3           the investment of assets or income of funds deposited into  
4           the Illinois Prepaid Tuition Trust Fund.

5           (8) Security procedures, school building safety and  
6           security, and the use of personnel and equipment to  
7           respond to an actual, a threatened, or a reasonably  
8           potential danger to the safety of employees, students,  
9           staff, the public, or public property.

10          (9) Student disciplinary cases.

11          (10) The placement of individual students in special  
12          education programs and other matters relating to  
13          individual students.

14          (11) Litigation, when an action against, affecting or  
15          on behalf of the particular public body has been filed and  
16          is pending before a court or administrative tribunal, or  
17          when the public body finds that an action is probable or  
18          imminent, in which case the basis for the finding shall be  
19          recorded and entered into the minutes of the closed  
20          meeting.

21          (12) The establishment of reserves or settlement of  
22          claims as provided in the Local Governmental and  
23          Governmental Employees Tort Immunity Act, if otherwise the  
24          disposition of a claim or potential claim might be  
25          prejudiced, or the review or discussion of claims, loss or  
26          risk management information, records, data, advice or



1           communications from or with respect to any insurer of the  
2           public body or any intergovernmental risk management  
3           association or self insurance pool of which the public  
4           body is a member.

5           (13) Conciliation of complaints of discrimination in  
6           the sale or rental of housing, when closed meetings are  
7           authorized by the law or ordinance prescribing fair  
8           housing practices and creating a commission or  
9           administrative agency for their enforcement.

10          (14) Informant sources, the hiring or assignment of  
11          undercover personnel or equipment, or ongoing, prior or  
12          future criminal investigations, when discussed by a public  
13          body with criminal investigatory responsibilities.

14          (15) Professional ethics or performance when  
15          considered by an advisory body appointed to advise a  
16          licensing or regulatory agency on matters germane to the  
17          advisory body's field of competence.

18          (16) Self evaluation, practices and procedures or  
19          professional ethics, when meeting with a representative of  
20          a statewide association of which the public body is a  
21          member.

22          (17) The recruitment, credentialing, discipline or  
23          formal peer review of physicians or other health care  
24          professionals, or for the discussion of matters protected  
25          under the federal Patient Safety and Quality Improvement  
26          Act of 2005, and the regulations promulgated thereunder,

1 including 42 C.F.R. Part 3 (73 FR 70732), or the federal  
2 Health Insurance Portability and Accountability Act of  
3 1996, and the regulations promulgated thereunder,  
4 including 45 C.F.R. Parts 160, 162, and 164, by a  
5 hospital, or other institution providing medical care,  
6 that is operated by the public body.

7 (18) Deliberations for decisions of the Prisoner  
8 Review Board.

9 (19) Review or discussion of applications received  
10 under the Experimental Organ Transplantation Procedures  
11 Act.

12 (20) The classification and discussion of matters  
13 classified as confidential or continued confidential by  
14 the State Government Suggestion Award Board.

15 (21) Discussion of minutes of meetings lawfully closed  
16 under this Act, whether for purposes of approval by the  
17 body of the minutes or semi-annual review of the minutes  
18 as mandated by Section 2.06.

19 (22) Deliberations for decisions of the State  
20 Emergency Medical Services Disciplinary Review Board.

21 (23) The operation by a municipality of a municipal  
22 utility or the operation of a municipal power agency or  
23 municipal natural gas agency when the discussion involves  
24 (i) contracts relating to the purchase, sale, or delivery  
25 of electricity or natural gas or (ii) the results or  
26 conclusions of load forecast studies.

1           (24) Meetings of a residential health care facility  
2           resident sexual assault and death review team or the  
3           Executive Council under the Abuse Prevention Review Team  
4           Act.

5           (25) Meetings of an independent team of experts under  
6           Brian's Law.

7           (26) Meetings of a mortality review team appointed  
8           under the Department of Juvenile Justice Mortality Review  
9           Team Act.

10          (27) (Blank).

11          (28) Correspondence and records (i) that may not be  
12          disclosed under Section 11-9 of the Illinois Public Aid  
13          Code or (ii) that pertain to appeals under Section 11-8 of  
14          the Illinois Public Aid Code.

15          (29) Meetings between internal or external auditors  
16          and governmental audit committees, finance committees, and  
17          their equivalents, when the discussion involves internal  
18          control weaknesses, identification of potential fraud risk  
19          areas, known or suspected frauds, and fraud interviews  
20          conducted in accordance with generally accepted auditing  
21          standards of the United States of America.

22          (30) Those meetings or portions of meetings of a  
23          fatality review team or the Illinois Fatality Review Team  
24          Advisory Council during which a review of the death of an  
25          eligible adult in which abuse or neglect is suspected,  
26          alleged, or substantiated is conducted pursuant to Section

1 15 of the Adult Protective Services Act.

2 (31) Meetings and deliberations for decisions of the  
3 Concealed Carry Licensing Review Board under the Firearm  
4 Concealed Carry Act.

5 (32) Meetings between the Regional Transportation  
6 Authority Board and its Service Boards when the discussion  
7 involves review by the Regional Transportation Authority  
8 Board of employment contracts under Section 28d of the  
9 Metropolitan Transit Authority Act and Sections 3A.18 and  
10 3B.26 of the Regional Transportation Authority Act.

11 (33) Those meetings or portions of meetings of the  
12 advisory committee and peer review subcommittee created  
13 under Section 320 of the Illinois Controlled Substances  
14 Act during which specific controlled substance prescriber,  
15 dispenser, or patient information is discussed.

16 (34) Meetings of the Tax Increment Financing Reform  
17 Task Force under Section 2505-800 of the Department of  
18 Revenue Law of the Civil Administrative Code of Illinois.

19 (35) Meetings of the group established to discuss  
20 Medicaid capitation rates under Section 5-30.8 of the  
21 Illinois Public Aid Code.

22 (36) Those deliberations or portions of deliberations  
23 for decisions of the Illinois Gaming Board in which there  
24 is discussed any of the following: (i) personal,  
25 commercial, financial, or other information obtained from  
26 any source that is privileged, proprietary, confidential,

1 or a trade secret; or (ii) information specifically  
2 exempted from the disclosure by federal or State law.

3 (37) (Blank). ~~Deliberations for decisions of the~~  
4 ~~Illinois Law Enforcement Training Standards Board, the~~  
5 ~~Certification Review Panel, and the Illinois State Police~~  
6 ~~Merit Board regarding certification and decertification.~~

7 (38) Meetings of the Ad Hoc Statewide Domestic  
8 Violence Fatality Review Committee of the Illinois  
9 Criminal Justice Information Authority Board that occur in  
10 closed executive session under subsection (d) of Section  
11 35 of the Domestic Violence Fatality Review Act.

12 (39) Meetings of the regional review teams under  
13 subsection (a) of Section 75 of the Domestic Violence  
14 Fatality Review Act.

15 (40) Meetings of the Firearm Owner's Identification  
16 Card Review Board under Section 10 of the Firearm Owners  
17 Identification Card Act.

18 (d) Definitions. For purposes of this Section:

19 "Employee" means a person employed by a public body whose  
20 relationship with the public body constitutes an  
21 employer-employee relationship under the usual common law  
22 rules, and who is not an independent contractor.

23 "Public office" means a position created by or under the  
24 Constitution or laws of this State, the occupant of which is  
25 charged with the exercise of some portion of the sovereign  
26 power of this State. The term "public office" shall include

1 members of the public body, but it shall not include  
2 organizational positions filled by members thereof, whether  
3 established by law or by a public body itself, that exist to  
4 assist the body in the conduct of its business.

5 "Quasi-adjudicative body" means an administrative body  
6 charged by law or ordinance with the responsibility to conduct  
7 hearings, receive evidence or testimony and make  
8 determinations based thereon, but does not include local  
9 electoral boards when such bodies are considering petition  
10 challenges.

11 (e) Final action. No final action may be taken at a closed  
12 meeting. Final action shall be preceded by a public recital of  
13 the nature of the matter being considered and other  
14 information that will inform the public of the business being  
15 conducted.

16 (Source: P.A. 102-237, eff. 1-1-22; 102-520, eff. 8-20-21;  
17 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-311, eff.  
18 7-28-23.)

19 Section 370. The Freedom of Information Act is amended by  
20 changing Sections 7 and 7.5 as follows:

21 (5 ILCS 140/7)

22 Sec. 7. Exemptions.

23 (1) When a request is made to inspect or copy a public  
24 record that contains information that is exempt from

1 disclosure under this Section, but also contains information  
2 that is not exempt from disclosure, the public body may elect  
3 to redact the information that is exempt. The public body  
4 shall make the remaining information available for inspection  
5 and copying. Subject to this requirement, the following shall  
6 be exempt from inspection and copying:

7 (a) Information specifically prohibited from  
8 disclosure by federal or State law or rules and  
9 regulations implementing federal or State law.

10 (b) Private information, unless disclosure is required  
11 by another provision of this Act, a State or federal law,  
12 or a court order.

13 (b-5) Files, documents, and other data or databases  
14 maintained by one or more law enforcement agencies and  
15 specifically designed to provide information to one or  
16 more law enforcement agencies regarding the physical or  
17 mental status of one or more individual subjects.

18 (c) Personal information contained within public  
19 records, the disclosure of which would constitute a  
20 clearly unwarranted invasion of personal privacy, unless  
21 the disclosure is consented to in writing by the  
22 individual subjects of the information. "Unwarranted  
23 invasion of personal privacy" means the disclosure of  
24 information that is highly personal or objectionable to a  
25 reasonable person and in which the subject's right to  
26 privacy outweighs any legitimate public interest in

1           obtaining the information. The disclosure of information  
2           that bears on the public duties of public employees and  
3           officials shall not be considered an invasion of personal  
4           privacy.

5           (d) Records in the possession of any public body  
6           created in the course of administrative enforcement  
7           proceedings, and any law enforcement or correctional  
8           agency for law enforcement purposes, but only to the  
9           extent that disclosure would:

10           (i) interfere with pending or actually and  
11           reasonably contemplated law enforcement proceedings  
12           conducted by any law enforcement or correctional  
13           agency that is the recipient of the request;

14           (ii) interfere with active administrative  
15           enforcement proceedings conducted by the public body  
16           that is the recipient of the request;

17           (iii) create a substantial likelihood that a  
18           person will be deprived of a fair trial or an impartial  
19           hearing;

20           (iv) unavoidably disclose the identity of a  
21           confidential source, confidential information  
22           furnished only by the confidential source, or persons  
23           who file complaints with or provide information to  
24           administrative, investigative, law enforcement, or  
25           penal agencies; except that the identities of  
26           witnesses to traffic crashes, traffic crash reports,



1 and rescue reports shall be provided by agencies of  
2 local government, except when disclosure would  
3 interfere with an active criminal investigation  
4 conducted by the agency that is the recipient of the  
5 request;

6 (v) disclose unique or specialized investigative  
7 techniques other than those generally used and known  
8 or disclose internal documents of correctional  
9 agencies related to detection, observation, or  
10 investigation of incidents of crime or misconduct, and  
11 disclosure would result in demonstrable harm to the  
12 agency or public body that is the recipient of the  
13 request;

14 (vi) endanger the life or physical safety of law  
15 enforcement personnel or any other person; or

16 (vii) obstruct an ongoing criminal investigation  
17 by the agency that is the recipient of the request.

18 (d-5) A law enforcement record created for law  
19 enforcement purposes and contained in a shared electronic  
20 record management system if the law enforcement agency  
21 that is the recipient of the request did not create the  
22 record, did not participate in or have a role in any of the  
23 events which are the subject of the record, and only has  
24 access to the record through the shared electronic record  
25 management system.

26 (d-6) (Blank). ~~Records contained in the Officer~~

1 ~~Professional Conduct Database under Section 9.2 of the~~  
2 ~~Illinois Police Training Act, except to the extent~~  
3 ~~authorized under that Section. This includes the documents~~  
4 ~~supplied to the Illinois Law Enforcement Training~~  
5 ~~Standards Board from the Illinois State Police and~~  
6 ~~Illinois State Police Merit Board.~~

7 (d-7) Information gathered or records created from the  
8 use of automatic license plate readers in connection with  
9 Section 2-130 of the Illinois Vehicle Code.

10 (e) Records that relate to or affect the security of  
11 correctional institutions and detention facilities.

12 (e-5) Records requested by persons committed to the  
13 Department of Corrections, Department of Human Services  
14 Division of Mental Health, or a county jail if those  
15 materials are available in the library of the correctional  
16 institution or facility or jail where the inmate is  
17 confined.

18 (e-6) Records requested by persons committed to the  
19 Department of Corrections, Department of Human Services  
20 Division of Mental Health, or a county jail if those  
21 materials include records from staff members' personnel  
22 files, staff rosters, or other staffing assignment  
23 information.

24 (e-7) Records requested by persons committed to the  
25 Department of Corrections or Department of Human Services  
26 Division of Mental Health if those materials are available

1 through an administrative request to the Department of  
2 Corrections or Department of Human Services Division of  
3 Mental Health.

4 (e-8) Records requested by a person committed to the  
5 Department of Corrections, Department of Human Services  
6 Division of Mental Health, or a county jail, the  
7 disclosure of which would result in the risk of harm to any  
8 person or the risk of an escape from a jail or correctional  
9 institution or facility.

10 (e-9) Records requested by a person in a county jail  
11 or committed to the Department of Corrections or  
12 Department of Human Services Division of Mental Health,  
13 containing personal information pertaining to the person's  
14 victim or the victim's family, including, but not limited  
15 to, a victim's home address, home telephone number, work  
16 or school address, work telephone number, social security  
17 number, or any other identifying information, except as  
18 may be relevant to a requester's current or potential case  
19 or claim.

20 (e-10) Law enforcement records of other persons  
21 requested by a person committed to the Department of  
22 Corrections, Department of Human Services Division of  
23 Mental Health, or a county jail, including, but not  
24 limited to, arrest and booking records, mug shots, and  
25 crime scene photographs, except as these records may be  
26 relevant to the requester's current or potential case or

1 claim.

2 (f) Preliminary drafts, notes, recommendations,  
3 memoranda, and other records in which opinions are  
4 expressed, or policies or actions are formulated, except  
5 that a specific record or relevant portion of a record  
6 shall not be exempt when the record is publicly cited and  
7 identified by the head of the public body. The exemption  
8 provided in this paragraph (f) extends to all those  
9 records of officers and agencies of the General Assembly  
10 that pertain to the preparation of legislative documents.

11 (g) Trade secrets and commercial or financial  
12 information obtained from a person or business where the  
13 trade secrets or commercial or financial information are  
14 furnished under a claim that they are proprietary,  
15 privileged, or confidential, and that disclosure of the  
16 trade secrets or commercial or financial information would  
17 cause competitive harm to the person or business, and only  
18 insofar as the claim directly applies to the records  
19 requested.

20 The information included under this exemption includes  
21 all trade secrets and commercial or financial information  
22 obtained by a public body, including a public pension  
23 fund, from a private equity fund or a privately held  
24 company within the investment portfolio of a private  
25 equity fund as a result of either investing or evaluating  
26 a potential investment of public funds in a private equity

1 fund. The exemption contained in this item does not apply  
2 to the aggregate financial performance information of a  
3 private equity fund, nor to the identity of the fund's  
4 managers or general partners. The exemption contained in  
5 this item does not apply to the identity of a privately  
6 held company within the investment portfolio of a private  
7 equity fund, unless the disclosure of the identity of a  
8 privately held company may cause competitive harm.

9 Nothing contained in this paragraph (g) shall be  
10 construed to prevent a person or business from consenting  
11 to disclosure.

12 (h) Proposals and bids for any contract, grant, or  
13 agreement, including information which if it were  
14 disclosed would frustrate procurement or give an advantage  
15 to any person proposing to enter into a contractor  
16 agreement with the body, until an award or final selection  
17 is made. Information prepared by or for the body in  
18 preparation of a bid solicitation shall be exempt until an  
19 award or final selection is made.

20 (i) Valuable formulae, computer geographic systems,  
21 designs, drawings, and research data obtained or produced  
22 by any public body when disclosure could reasonably be  
23 expected to produce private gain or public loss. The  
24 exemption for "computer geographic systems" provided in  
25 this paragraph (i) does not extend to requests made by  
26 news media as defined in Section 2 of this Act when the

1 requested information is not otherwise exempt and the only  
2 purpose of the request is to access and disseminate  
3 information regarding the health, safety, welfare, or  
4 legal rights of the general public.

5 (j) The following information pertaining to  
6 educational matters:

7 (i) test questions, scoring keys, and other  
8 examination data used to administer an academic  
9 examination;

10 (ii) information received by a primary or  
11 secondary school, college, or university under its  
12 procedures for the evaluation of faculty members by  
13 their academic peers;

14 (iii) information concerning a school or  
15 university's adjudication of student disciplinary  
16 cases, but only to the extent that disclosure would  
17 unavoidably reveal the identity of the student; and

18 (iv) course materials or research materials used  
19 by faculty members.

20 (k) Architects' plans, engineers' technical  
21 submissions, and other construction related technical  
22 documents for projects not constructed or developed in  
23 whole or in part with public funds and the same for  
24 projects constructed or developed with public funds,  
25 including, but not limited to, power generating and  
26 distribution stations and other transmission and

1 distribution facilities, water treatment facilities,  
2 airport facilities, sport stadiums, convention centers,  
3 and all government owned, operated, or occupied buildings,  
4 but only to the extent that disclosure would compromise  
5 security.

6 (l) Minutes of meetings of public bodies closed to the  
7 public as provided in the Open Meetings Act until the  
8 public body makes the minutes available to the public  
9 under Section 2.06 of the Open Meetings Act.

10 (m) Communications between a public body and an  
11 attorney or auditor representing the public body that  
12 would not be subject to discovery in litigation, and  
13 materials prepared or compiled by or for a public body in  
14 anticipation of a criminal, civil, or administrative  
15 proceeding upon the request of an attorney advising the  
16 public body, and materials prepared or compiled with  
17 respect to internal audits of public bodies.

18 (n) Records relating to a public body's adjudication  
19 of employee grievances or disciplinary cases; however,  
20 this exemption shall not extend to the final outcome of  
21 cases in which discipline is imposed.

22 (o) Administrative or technical information associated  
23 with automated data processing operations, including, but  
24 not limited to, software, operating protocols, computer  
25 program abstracts, file layouts, source listings, object  
26 modules, load modules, user guides, documentation

1       pertaining to all logical and physical design of  
2       computerized systems, employee manuals, and any other  
3       information that, if disclosed, would jeopardize the  
4       security of the system or its data or the security of  
5       materials exempt under this Section.

6           (p) Records relating to collective negotiating matters  
7       between public bodies and their employees or  
8       representatives, except that any final contract or  
9       agreement shall be subject to inspection and copying.

10          (q) Test questions, scoring keys, and other  
11       examination data used to determine the qualifications of  
12       an applicant for a license or employment.

13          (r) The records, documents, and information relating  
14       to real estate purchase negotiations until those  
15       negotiations have been completed or otherwise terminated.  
16       With regard to a parcel involved in a pending or actually  
17       and reasonably contemplated eminent domain proceeding  
18       under the Eminent Domain Act, records, documents, and  
19       information relating to that parcel shall be exempt except  
20       as may be allowed under discovery rules adopted by the  
21       Illinois Supreme Court. The records, documents, and  
22       information relating to a real estate sale shall be exempt  
23       until a sale is consummated.

24          (s) Any and all proprietary information and records  
25       related to the operation of an intergovernmental risk  
26       management association or self-insurance pool or jointly



1 self-administered health and accident cooperative or pool.  
2 Insurance or self-insurance (including any  
3 intergovernmental risk management association or  
4 self-insurance pool) claims, loss or risk management  
5 information, records, data, advice, or communications.

6 (t) Information contained in or related to  
7 examination, operating, or condition reports prepared by,  
8 on behalf of, or for the use of a public body responsible  
9 for the regulation or supervision of financial  
10 institutions, insurance companies, or pharmacy benefit  
11 managers, unless disclosure is otherwise required by State  
12 law.

13 (u) Information that would disclose or might lead to  
14 the disclosure of secret or confidential information,  
15 codes, algorithms, programs, or private keys intended to  
16 be used to create electronic signatures under the Uniform  
17 Electronic Transactions Act.

18 (v) Vulnerability assessments, security measures, and  
19 response policies or plans that are designed to identify,  
20 prevent, or respond to potential attacks upon a  
21 community's population or systems, facilities, or  
22 installations, but only to the extent that disclosure  
23 could reasonably be expected to expose the vulnerability  
24 or jeopardize the effectiveness of the measures, policies,  
25 or plans, or the safety of the personnel who implement  
26 them or the public. Information exempt under this item may

1 include such things as details pertaining to the  
2 mobilization or deployment of personnel or equipment, to  
3 the operation of communication systems or protocols, to  
4 cybersecurity vulnerabilities, or to tactical operations.

5 (w) (Blank).

6 (x) Maps and other records regarding the location or  
7 security of generation, transmission, distribution,  
8 storage, gathering, treatment, or switching facilities  
9 owned by a utility, by a power generator, or by the  
10 Illinois Power Agency.

11 (y) Information contained in or related to proposals,  
12 bids, or negotiations related to electric power  
13 procurement under Section 1-75 of the Illinois Power  
14 Agency Act and Section 16-111.5 of the Public Utilities  
15 Act that is determined to be confidential and proprietary  
16 by the Illinois Power Agency or by the Illinois Commerce  
17 Commission.

18 (z) Information about students exempted from  
19 disclosure under Section 10-20.38 or 34-18.29 of the  
20 School Code, and information about undergraduate students  
21 enrolled at an institution of higher education exempted  
22 from disclosure under Section 25 of the Illinois Credit  
23 Card Marketing Act of 2009.

24 (aa) Information the disclosure of which is exempted  
25 under the Viatical Settlements Act of 2009.

26 (bb) Records and information provided to a mortality

1 review team and records maintained by a mortality review  
2 team appointed under the Department of Juvenile Justice  
3 Mortality Review Team Act.

4 (cc) Information regarding interments, entombments, or  
5 inurnments of human remains that are submitted to the  
6 Cemetery Oversight Database under the Cemetery Care Act or  
7 the Cemetery Oversight Act, whichever is applicable.

8 (dd) Correspondence and records (i) that may not be  
9 disclosed under Section 11-9 of the Illinois Public Aid  
10 Code or (ii) that pertain to appeals under Section 11-8 of  
11 the Illinois Public Aid Code.

12 (ee) The names, addresses, or other personal  
13 information of persons who are minors and are also  
14 participants and registrants in programs of park  
15 districts, forest preserve districts, conservation  
16 districts, recreation agencies, and special recreation  
17 associations.

18 (ff) The names, addresses, or other personal  
19 information of participants and registrants in programs of  
20 park districts, forest preserve districts, conservation  
21 districts, recreation agencies, and special recreation  
22 associations where such programs are targeted primarily to  
23 minors.

24 (gg) Confidential information described in Section  
25 1-100 of the Illinois Independent Tax Tribunal Act of  
26 2012.

1           (hh) The report submitted to the State Board of  
2 Education by the School Security and Standards Task Force  
3 under item (8) of subsection (d) of Section 2-3.160 of the  
4 School Code and any information contained in that report.

5           (ii) Records requested by persons committed to or  
6 detained by the Department of Human Services under the  
7 Sexually Violent Persons Commitment Act or committed to  
8 the Department of Corrections under the Sexually Dangerous  
9 Persons Act if those materials: (i) are available in the  
10 library of the facility where the individual is confined;  
11 (ii) include records from staff members' personnel files,  
12 staff rosters, or other staffing assignment information;  
13 or (iii) are available through an administrative request  
14 to the Department of Human Services or the Department of  
15 Corrections.

16           (jj) Confidential information described in Section  
17 5-535 of the Civil Administrative Code of Illinois.

18           (kk) The public body's credit card numbers, debit card  
19 numbers, bank account numbers, Federal Employer  
20 Identification Number, security code numbers, passwords,  
21 and similar account information, the disclosure of which  
22 could result in identity theft or impression or defrauding  
23 of a governmental entity or a person.

24           (ll) Records concerning the work of the threat  
25 assessment team of a school district, including, but not  
26 limited to, any threat assessment procedure under the

1 School Safety Drill Act and any information contained in  
2 the procedure.

3 (mm) Information prohibited from being disclosed under  
4 subsections (a) and (b) of Section 15 of the Student  
5 Confidential Reporting Act.

6 (nn) Proprietary information submitted to the  
7 Environmental Protection Agency under the Drug Take-Back  
8 Act.

9 (oo) Records described in subsection (f) of Section  
10 3-5-1 of the Unified Code of Corrections.

11 (pp) Any and all information regarding burials,  
12 interments, or entombments of human remains as required to  
13 be reported to the Department of Natural Resources  
14 pursuant either to the Archaeological and Paleontological  
15 Resources Protection Act or the Human Remains Protection  
16 Act.

17 (qq) ~~(pp)~~ Reports described in subsection (e) of  
18 Section 16-15 of the Abortion Care Clinical Training  
19 Program Act.

20 (rr) ~~(pp)~~ Information obtained by a certified local  
21 health department under the Access to Public Health Data  
22 Act.

23 (ss) ~~(pp)~~ For a request directed to a public body that  
24 is also a HIPAA-covered entity, all information that is  
25 protected health information, including demographic  
26 information, that may be contained within or extracted

1 from any record held by the public body in compliance with  
2 State and federal medical privacy laws and regulations,  
3 including, but not limited to, the Health Insurance  
4 Portability and Accountability Act and its regulations, 45  
5 CFR Parts 160 and 164. As used in this paragraph,  
6 "HIPAA-covered entity" has the meaning given to the term  
7 "covered entity" in 45 CFR 160.103 and "protected health  
8 information" has the meaning given to that term in 45 CFR  
9 160.103.

10 (1.5) Any information exempt from disclosure under the  
11 Judicial Privacy Act shall be redacted from public records  
12 prior to disclosure under this Act.

13 (2) A public record that is not in the possession of a  
14 public body but is in the possession of a party with whom the  
15 agency has contracted to perform a governmental function on  
16 behalf of the public body, and that directly relates to the  
17 governmental function and is not otherwise exempt under this  
18 Act, shall be considered a public record of the public body,  
19 for purposes of this Act.

20 (3) This Section does not authorize withholding of  
21 information or limit the availability of records to the  
22 public, except as stated in this Section or otherwise provided  
23 in this Act.

24 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;  
25 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.  
26 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,

1 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;  
2 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.  
3 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; revised  
4 9-7-23.)

5 (5 ILCS 140/7.5)

6 (Text of Section before amendment by P.A. 103-472)

7 Sec. 7.5. Statutory exemptions. To the extent provided for  
8 by the statutes referenced below, the following shall be  
9 exempt from inspection and copying:

10 (a) All information determined to be confidential  
11 under Section 4002 of the Technology Advancement and  
12 Development Act.

13 (b) Library circulation and order records identifying  
14 library users with specific materials under the Library  
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical  
17 records received by the Experimental Organ Transplantation  
18 Procedures Board and any and all documents or other  
19 records prepared by the Experimental Organ Transplantation  
20 Procedures Board or its staff relating to applications it  
21 has received.

22 (d) Information and records held by the Department of  
23 Public Health and its authorized representatives relating  
24 to known or suspected cases of sexually transmissible  
25 disease or any information the disclosure of which is

1 restricted under the Illinois Sexually Transmissible  
2 Disease Control Act.

3 (e) Information the disclosure of which is exempted  
4 under Section 30 of the Radon Industry Licensing Act.

5 (f) Firm performance evaluations under Section 55 of  
6 the Architectural, Engineering, and Land Surveying  
7 Qualifications Based Selection Act.

8 (g) Information the disclosure of which is restricted  
9 and exempted under Section 50 of the Illinois Prepaid  
10 Tuition Act.

11 (h) Information the disclosure of which is exempted  
12 under the State Officials and Employees Ethics Act, and  
13 records of any lawfully created State or local inspector  
14 general's office that would be exempt if created or  
15 obtained by an Executive Inspector General's office under  
16 that Act.

17 (i) Information contained in a local emergency energy  
18 plan submitted to a municipality in accordance with a  
19 local emergency energy plan ordinance that is adopted  
20 under Section 11-21.5-5 of the Illinois Municipal Code.

21 (j) Information and data concerning the distribution  
22 of surcharge moneys collected and remitted by carriers  
23 under the Emergency Telephone System Act.

24 (k) Law enforcement officer identification information  
25 or driver identification information compiled by a law  
26 enforcement agency or the Department of Transportation



1 under Section 11-212 of the Illinois Vehicle Code.

2 (l) Records and information provided to a residential  
3 health care facility resident sexual assault and death  
4 review team or the Executive Council under the Abuse  
5 Prevention Review Team Act.

6 (m) Information provided to the predatory lending  
7 database created pursuant to Article 3 of the Residential  
8 Real Property Disclosure Act, except to the extent  
9 authorized under that Article.

10 (n) Defense budgets and petitions for certification of  
11 compensation and expenses for court appointed trial  
12 counsel as provided under Sections 10 and 15 of the  
13 Capital Crimes Litigation Act or the Capital Crimes  
14 Litigation Act of 2024. This subsection (n) shall apply  
15 until the conclusion of the trial of the case, even if the  
16 prosecution chooses not to pursue the death penalty prior  
17 to trial or sentencing.

18 (o) Information that is prohibited from being  
19 disclosed under Section 4 of the Illinois Health and  
20 Hazardous Substances Registry Act.

21 (p) Security portions of system safety program plans,  
22 investigation reports, surveys, schedules, lists, data, or  
23 information compiled, collected, or prepared by or for the  
24 Department of Transportation under Sections 2705-300 and  
25 2705-616 of the Department of Transportation Law of the  
26 Civil Administrative Code of Illinois, the Regional

1           Transportation Authority under Section 2.11 of the  
2           Regional Transportation Authority Act, or the St. Clair  
3           County Transit District under the Bi-State Transit Safety  
4           Act (repealed).

5           (q) Information prohibited from being disclosed by the  
6           Personnel Record Review Act.

7           (r) Information prohibited from being disclosed by the  
8           Illinois School Student Records Act.

9           (s) Information the disclosure of which is restricted  
10          under Section 5-108 of the Public Utilities Act.

11          (t) (Blank).

12          (u) Records and information provided to an independent  
13          team of experts under the Developmental Disability and  
14          Mental Health Safety Act (also known as Brian's Law).

15          (v) Names and information of people who have applied  
16          for or received Firearm Owner's Identification Cards under  
17          the Firearm Owners Identification Card Act or applied for  
18          or received a concealed carry license under the Firearm  
19          Concealed Carry Act, unless otherwise authorized by the  
20          Firearm Concealed Carry Act; and databases under the  
21          Firearm Concealed Carry Act, records of the Concealed  
22          Carry Licensing Review Board under the Firearm Concealed  
23          Carry Act, and law enforcement agency objections under the  
24          Firearm Concealed Carry Act.

25          (v-5) Records of the Firearm Owner's Identification  
26          Card Review Board that are exempted from disclosure under

1 Section 10 of the Firearm Owners Identification Card Act.

2 (w) Personally identifiable information which is  
3 exempted from disclosure under subsection (g) of Section  
4 19.1 of the Toll Highway Act.

5 (x) Information which is exempted from disclosure  
6 under Section 5-1014.3 of the Counties Code or Section  
7 8-11-21 of the Illinois Municipal Code.

8 (y) Confidential information under the Adult  
9 Protective Services Act and its predecessor enabling  
10 statute, the Elder Abuse and Neglect Act, including  
11 information about the identity and administrative finding  
12 against any caregiver of a verified and substantiated  
13 decision of abuse, neglect, or financial exploitation of  
14 an eligible adult maintained in the Registry established  
15 under Section 7.5 of the Adult Protective Services Act.

16 (z) Records and information provided to a fatality  
17 review team or the Illinois Fatality Review Team Advisory  
18 Council under Section 15 of the Adult Protective Services  
19 Act.

20 (aa) Information which is exempted from disclosure  
21 under Section 2.37 of the Wildlife Code.

22 (bb) Information which is or was prohibited from  
23 disclosure by the Juvenile Court Act of 1987.

24 (cc) Recordings made under the Law Enforcement  
25 Officer-Worn Body Camera Act, except to the extent  
26 authorized under that Act.

1 (dd) Information that is prohibited from being  
2 disclosed under Section 45 of the Condominium and Common  
3 Interest Community Ombudsperson Act.

4 (ee) Information that is exempted from disclosure  
5 under Section 30.1 of the Pharmacy Practice Act.

6 (ff) Information that is exempted from disclosure  
7 under the Revised Uniform Unclaimed Property Act.

8 (gg) Information that is prohibited from being  
9 disclosed under Section 7-603.5 of the Illinois Vehicle  
10 Code.

11 (hh) Records that are exempt from disclosure under  
12 Section 1A-16.7 of the Election Code.

13 (ii) Information which is exempted from disclosure  
14 under Section 2505-800 of the Department of Revenue Law of  
15 the Civil Administrative Code of Illinois.

16 (jj) Information and reports that are required to be  
17 submitted to the Department of Labor by registering day  
18 and temporary labor service agencies but are exempt from  
19 disclosure under subsection (a-1) of Section 45 of the Day  
20 and Temporary Labor Services Act.

21 (kk) Information prohibited from disclosure under the  
22 Seizure and Forfeiture Reporting Act.

23 (ll) Information the disclosure of which is restricted  
24 and exempted under Section 5-30.8 of the Illinois Public  
25 Aid Code.

26 (mm) Records that are exempt from disclosure under

1 Section 4.2 of the Crime Victims Compensation Act.

2 (nn) Information that is exempt from disclosure under  
3 Section 70 of the Higher Education Student Assistance Act.

4 (oo) Communications, notes, records, and reports  
5 arising out of a peer support counseling session  
6 prohibited from disclosure under the First Responders  
7 Suicide Prevention Act.

8 (pp) Names and all identifying information relating to  
9 an employee of an emergency services provider or law  
10 enforcement agency under the First Responders Suicide  
11 Prevention Act.

12 (qq) Information and records held by the Department of  
13 Public Health and its authorized representatives collected  
14 under the Reproductive Health Act.

15 (rr) Information that is exempt from disclosure under  
16 the Cannabis Regulation and Tax Act.

17 (ss) Data reported by an employer to the Department of  
18 Human Rights pursuant to Section 2-108 of the Illinois  
19 Human Rights Act.

20 (tt) Recordings made under the Children's Advocacy  
21 Center Act, except to the extent authorized under that  
22 Act.

23 (uu) Information that is exempt from disclosure under  
24 Section 50 of the Sexual Assault Evidence Submission Act.

25 (vv) Information that is exempt from disclosure under  
26 subsections (f) and (j) of Section 5-36 of the Illinois

1 Public Aid Code.

2 (ww) Information that is exempt from disclosure under  
3 Section 16.8 of the State Treasurer Act.

4 (xx) Information that is exempt from disclosure or  
5 information that shall not be made public under the  
6 Illinois Insurance Code.

7 (yy) Information prohibited from being disclosed under  
8 the Illinois Educational Labor Relations Act.

9 (zz) Information prohibited from being disclosed under  
10 the Illinois Public Labor Relations Act.

11 (aaa) Information prohibited from being disclosed  
12 under Section 1-167 of the Illinois Pension Code.

13 (bbb) (Blank). ~~Information that is prohibited from~~  
14 ~~disclosure by the Illinois Police Training Act and the~~  
15 ~~Illinois State Police Act.~~

16 (ccc) Records exempt from disclosure under Section  
17 2605-304 of the Illinois State Police Law of the Civil  
18 Administrative Code of Illinois.

19 (ddd) Information prohibited from being disclosed  
20 under Section 35 of the Address Confidentiality for  
21 Victims of Domestic Violence, Sexual Assault, Human  
22 Trafficking, or Stalking Act.

23 (eee) Information prohibited from being disclosed  
24 under subsection (b) of Section 75 of the Domestic  
25 Violence Fatality Review Act.

26 (fff) Images from cameras under the Expressway Camera

1 Act. This subsection (fff) is inoperative on and after  
2 July 1, 2025.

3 (ggg) Information prohibited from disclosure under  
4 paragraph (3) of subsection (a) of Section 14 of the Nurse  
5 Agency Licensing Act.

6 (hhh) Information submitted to the Illinois State  
7 Police in an affidavit or application for an assault  
8 weapon endorsement, assault weapon attachment endorsement,  
9 .50 caliber rifle endorsement, or .50 caliber cartridge  
10 endorsement under the Firearm Owners Identification Card  
11 Act.

12 (iii) Data exempt from disclosure under Section 50 of  
13 the School Safety Drill Act.

14 (jjj) ~~(hhh)~~ Information exempt from disclosure under  
15 Section 30 of the Insurance Data Security Law.

16 (kkk) ~~(iii)~~ Confidential business information  
17 prohibited from disclosure under Section 45 of the Paint  
18 Stewardship Act.

19 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;  
20 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.  
21 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;  
22 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.  
23 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,  
24 eff. 1-1-24; 103-508, eff. 8-4-23; revised 9-5-23.)

25 (Text of Section after amendment by P.A. 103-472)

1           Sec. 7.5. Statutory exemptions. To the extent provided for  
2 by the statutes referenced below, the following shall be  
3 exempt from inspection and copying:

4           (a) All information determined to be confidential  
5 under Section 4002 of the Technology Advancement and  
6 Development Act.

7           (b) Library circulation and order records identifying  
8 library users with specific materials under the Library  
9 Records Confidentiality Act.

10           (c) Applications, related documents, and medical  
11 records received by the Experimental Organ Transplantation  
12 Procedures Board and any and all documents or other  
13 records prepared by the Experimental Organ Transplantation  
14 Procedures Board or its staff relating to applications it  
15 has received.

16           (d) Information and records held by the Department of  
17 Public Health and its authorized representatives relating  
18 to known or suspected cases of sexually transmissible  
19 disease or any information the disclosure of which is  
20 restricted under the Illinois Sexually Transmissible  
21 Disease Control Act.

22           (e) Information the disclosure of which is exempted  
23 under Section 30 of the Radon Industry Licensing Act.

24           (f) Firm performance evaluations under Section 55 of  
25 the Architectural, Engineering, and Land Surveying  
26 Qualifications Based Selection Act.



1 (g) Information the disclosure of which is restricted  
2 and exempted under Section 50 of the Illinois Prepaid  
3 Tuition Act.

4 (h) Information the disclosure of which is exempted  
5 under the State Officials and Employees Ethics Act, and  
6 records of any lawfully created State or local inspector  
7 general's office that would be exempt if created or  
8 obtained by an Executive Inspector General's office under  
9 that Act.

10 (i) Information contained in a local emergency energy  
11 plan submitted to a municipality in accordance with a  
12 local emergency energy plan ordinance that is adopted  
13 under Section 11-21.5-5 of the Illinois Municipal Code.

14 (j) Information and data concerning the distribution  
15 of surcharge moneys collected and remitted by carriers  
16 under the Emergency Telephone System Act.

17 (k) Law enforcement officer identification information  
18 or driver identification information compiled by a law  
19 enforcement agency or the Department of Transportation  
20 under Section 11-212 of the Illinois Vehicle Code.

21 (l) Records and information provided to a residential  
22 health care facility resident sexual assault and death  
23 review team or the Executive Council under the Abuse  
24 Prevention Review Team Act.

25 (m) Information provided to the predatory lending  
26 database created pursuant to Article 3 of the Residential

1 Real Property Disclosure Act, except to the extent  
2 authorized under that Article.

3 (n) Defense budgets and petitions for certification of  
4 compensation and expenses for court appointed trial  
5 counsel as provided under Sections 10 and 15 of the  
6 Capital Crimes Litigation Act or the Capital Crimes  
7 Litigation Act of 2024. This subsection (n) shall apply  
8 until the conclusion of the trial of the case, even if the  
9 prosecution chooses not to pursue the death penalty prior  
10 to trial or sentencing.

11 (o) Information that is prohibited from being  
12 disclosed under Section 4 of the Illinois Health and  
13 Hazardous Substances Registry Act.

14 (p) Security portions of system safety program plans,  
15 investigation reports, surveys, schedules, lists, data, or  
16 information compiled, collected, or prepared by or for the  
17 Department of Transportation under Sections 2705-300 and  
18 2705-616 of the Department of Transportation Law of the  
19 Civil Administrative Code of Illinois, the Regional  
20 Transportation Authority under Section 2.11 of the  
21 Regional Transportation Authority Act, or the St. Clair  
22 County Transit District under the Bi-State Transit Safety  
23 Act (repealed).

24 (q) Information prohibited from being disclosed by the  
25 Personnel Record Review Act.

26 (r) Information prohibited from being disclosed by the

1 Illinois School Student Records Act.

2 (s) Information the disclosure of which is restricted  
3 under Section 5-108 of the Public Utilities Act.

4 (t) (Blank).

5 (u) Records and information provided to an independent  
6 team of experts under the Developmental Disability and  
7 Mental Health Safety Act (also known as Brian's Law).

8 (v) Names and information of people who have applied  
9 for or received Firearm Owner's Identification Cards under  
10 the Firearm Owners Identification Card Act or applied for  
11 or received a concealed carry license under the Firearm  
12 Concealed Carry Act, unless otherwise authorized by the  
13 Firearm Concealed Carry Act; and databases under the  
14 Firearm Concealed Carry Act, records of the Concealed  
15 Carry Licensing Review Board under the Firearm Concealed  
16 Carry Act, and law enforcement agency objections under the  
17 Firearm Concealed Carry Act.

18 (v-5) Records of the Firearm Owner's Identification  
19 Card Review Board that are exempted from disclosure under  
20 Section 10 of the Firearm Owners Identification Card Act.

21 (w) Personally identifiable information which is  
22 exempted from disclosure under subsection (g) of Section  
23 19.1 of the Toll Highway Act.

24 (x) Information which is exempted from disclosure  
25 under Section 5-1014.3 of the Counties Code or Section  
26 8-11-21 of the Illinois Municipal Code.

1           (y) Confidential information under the Adult  
2 Protective Services Act and its predecessor enabling  
3 statute, the Elder Abuse and Neglect Act, including  
4 information about the identity and administrative finding  
5 against any caregiver of a verified and substantiated  
6 decision of abuse, neglect, or financial exploitation of  
7 an eligible adult maintained in the Registry established  
8 under Section 7.5 of the Adult Protective Services Act.

9           (z) Records and information provided to a fatality  
10 review team or the Illinois Fatality Review Team Advisory  
11 Council under Section 15 of the Adult Protective Services  
12 Act.

13           (aa) Information which is exempted from disclosure  
14 under Section 2.37 of the Wildlife Code.

15           (bb) Information which is or was prohibited from  
16 disclosure by the Juvenile Court Act of 1987.

17           (cc) Recordings made under the Law Enforcement  
18 Officer-Worn Body Camera Act, except to the extent  
19 authorized under that Act.

20           (dd) Information that is prohibited from being  
21 disclosed under Section 45 of the Condominium and Common  
22 Interest Community Ombudsperson Act.

23           (ee) Information that is exempted from disclosure  
24 under Section 30.1 of the Pharmacy Practice Act.

25           (ff) Information that is exempted from disclosure  
26 under the Revised Uniform Unclaimed Property Act.

1 (gg) Information that is prohibited from being  
2 disclosed under Section 7-603.5 of the Illinois Vehicle  
3 Code.

4 (hh) Records that are exempt from disclosure under  
5 Section 1A-16.7 of the Election Code.

6 (ii) Information which is exempted from disclosure  
7 under Section 2505-800 of the Department of Revenue Law of  
8 the Civil Administrative Code of Illinois.

9 (jj) Information and reports that are required to be  
10 submitted to the Department of Labor by registering day  
11 and temporary labor service agencies but are exempt from  
12 disclosure under subsection (a-1) of Section 45 of the Day  
13 and Temporary Labor Services Act.

14 (kk) Information prohibited from disclosure under the  
15 Seizure and Forfeiture Reporting Act.

16 (ll) Information the disclosure of which is restricted  
17 and exempted under Section 5-30.8 of the Illinois Public  
18 Aid Code.

19 (mm) Records that are exempt from disclosure under  
20 Section 4.2 of the Crime Victims Compensation Act.

21 (nn) Information that is exempt from disclosure under  
22 Section 70 of the Higher Education Student Assistance Act.

23 (oo) Communications, notes, records, and reports  
24 arising out of a peer support counseling session  
25 prohibited from disclosure under the First Responders  
26 Suicide Prevention Act.

1           (pp) Names and all identifying information relating to  
2           an employee of an emergency services provider or law  
3           enforcement agency under the First Responders Suicide  
4           Prevention Act.

5           (qq) Information and records held by the Department of  
6           Public Health and its authorized representatives collected  
7           under the Reproductive Health Act.

8           (rr) Information that is exempt from disclosure under  
9           the Cannabis Regulation and Tax Act.

10          (ss) Data reported by an employer to the Department of  
11          Human Rights pursuant to Section 2-108 of the Illinois  
12          Human Rights Act.

13          (tt) Recordings made under the Children's Advocacy  
14          Center Act, except to the extent authorized under that  
15          Act.

16          (uu) Information that is exempt from disclosure under  
17          Section 50 of the Sexual Assault Evidence Submission Act.

18          (vv) Information that is exempt from disclosure under  
19          subsections (f) and (j) of Section 5-36 of the Illinois  
20          Public Aid Code.

21          (wv) Information that is exempt from disclosure under  
22          Section 16.8 of the State Treasurer Act.

23          (xx) Information that is exempt from disclosure or  
24          information that shall not be made public under the  
25          Illinois Insurance Code.

26          (yy) Information prohibited from being disclosed under

1 the Illinois Educational Labor Relations Act.

2 (zz) Information prohibited from being disclosed under  
3 the Illinois Public Labor Relations Act.

4 (aaa) Information prohibited from being disclosed  
5 under Section 1-167 of the Illinois Pension Code.

6 (bbb) (Blank). ~~Information that is prohibited from  
7 disclosure by the Illinois Police Training Act and the  
8 Illinois State Police Act.~~

9 (ccc) Records exempt from disclosure under Section  
10 2605-304 of the Illinois State Police Law of the Civil  
11 Administrative Code of Illinois.

12 (ddd) Information prohibited from being disclosed  
13 under Section 35 of the Address Confidentiality for  
14 Victims of Domestic Violence, Sexual Assault, Human  
15 Trafficking, or Stalking Act.

16 (eee) Information prohibited from being disclosed  
17 under subsection (b) of Section 75 of the Domestic  
18 Violence Fatality Review Act.

19 (fff) Images from cameras under the Expressway Camera  
20 Act. This subsection (fff) is inoperative on and after  
21 July 1, 2025.

22 (ggg) Information prohibited from disclosure under  
23 paragraph (3) of subsection (a) of Section 14 of the Nurse  
24 Agency Licensing Act.

25 (hhh) Information submitted to the Illinois State  
26 Police in an affidavit or application for an assault

1           weapon endorsement, assault weapon attachment endorsement,  
2           .50 caliber rifle endorsement, or .50 caliber cartridge  
3           endorsement under the Firearm Owners Identification Card  
4           Act.

5           (iii) Data exempt from disclosure under Section 50 of  
6           the School Safety Drill Act.

7           (jjj) ~~(hhh)~~ Information exempt from disclosure under  
8           Section 30 of the Insurance Data Security Law.

9           (kkk) ~~(iii)~~ Confidential business information  
10          prohibited from disclosure under Section 45 of the Paint  
11          Stewardship Act.

12          (lll) ~~(iii)~~ Data exempt from disclosure under Section  
13          2-3.196 of the School Code.

14          (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;  
15          102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.  
16          8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;  
17          102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.  
18          6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,  
19          eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;  
20          revised 9-5-23.)

21          Section 375. The State Employee Indemnification Act is  
22          amended by changing Section 1 as follows:

23                 (5 ILCS 350/1) (from Ch. 127, par. 1301)

24                 Sec. 1. Definitions. For the purpose of this Act:



1           (a) The term "State" means the State of Illinois, the  
2           General Assembly, the court, or any State office, department,  
3           division, bureau, board, commission, or committee, the  
4           governing boards of the public institutions of higher  
5           education created by the State, the Illinois National Guard,  
6           the Illinois State Guard, the Comprehensive Health Insurance  
7           Board, any poison control center designated under the Poison  
8           Control System Act that receives State funding, or any other  
9           agency or instrumentality of the State. It does not mean any  
10          local public entity as that term is defined in Section 1-206 of  
11          the Local Governmental and Governmental Employees Tort  
12          Immunity Act or a pension fund.

13          (b) The term "employee" means: any present or former  
14          elected or appointed officer, trustee or employee of the  
15          State, or of a pension fund; any present or former  
16          commissioner or employee of the Executive Ethics Commission or  
17          of the Legislative Ethics Commission; any present or former  
18          Executive, Legislative, or Auditor General's Inspector  
19          General; any present or former employee of an Office of an  
20          Executive, Legislative, or Auditor General's Inspector  
21          General; any present or former member of the Illinois National  
22          Guard while on active duty; any present or former member of the  
23          Illinois State Guard while on State active duty; individuals  
24          or organizations who contract with the Department of  
25          Corrections, the Department of Juvenile Justice, the  
26          Comprehensive Health Insurance Board, or the Department of

1 Veterans' Affairs to provide services; individuals or  
2 organizations who contract with the Department of Human  
3 Services (as successor to the Department of Mental Health and  
4 Developmental Disabilities) to provide services including but  
5 not limited to treatment and other services for sexually  
6 violent persons; individuals or organizations who contract  
7 with the Department of Military Affairs for youth programs;  
8 individuals or organizations who contract to perform carnival  
9 and amusement ride safety inspections for the Department of  
10 Labor; individuals who contract with the Office of the State's  
11 Attorneys Appellate Prosecutor to provide legal services, but  
12 only when performing duties within the scope of the Office's  
13 prosecutorial activities; individual representatives of or  
14 designated organizations authorized to represent the Office of  
15 State Long-Term Ombudsman for the Department on Aging;  
16 individual representatives of or organizations designated by  
17 the Department on Aging in the performance of their duties as  
18 adult protective services agencies or regional administrative  
19 agencies under the Adult Protective Services Act; individuals  
20 or organizations appointed as members of a review team or the  
21 Advisory Council under the Adult Protective Services Act;  
22 individuals or organizations who perform volunteer services  
23 for the State where such volunteer relationship is reduced to  
24 writing; individuals who serve on any public entity (whether  
25 created by law or administrative action) described in  
26 paragraph (a) of this Section; individuals or not for profit

1 organizations who, either as volunteers, where such volunteer  
2 relationship is reduced to writing, or pursuant to contract,  
3 furnish professional advice or consultation to any agency or  
4 instrumentality of the State; individuals who serve as foster  
5 parents for the Department of Children and Family Services  
6 when caring for youth in care as defined in Section 4d of the  
7 Children and Family Services Act; individuals who serve as  
8 members of an independent team of experts under the  
9 Developmental Disability and Mental Health Safety Act (also  
10 known as Brian's Law); and individuals who serve as  
11 arbitrators pursuant to Part 10A of Article II of the Code of  
12 Civil Procedure and the rules of the Supreme Court  
13 implementing Part 10A, each as now or hereafter amended; ~~the~~  
14 ~~members of the Certification Review Panel under the Illinois~~  
15 ~~Police Training Act;~~ the term "employee" does not mean an  
16 independent contractor except as provided in this Section. The  
17 term includes an individual appointed as an inspector by the  
18 Director of the Illinois State Police when performing duties  
19 within the scope of the activities of a Metropolitan  
20 Enforcement Group or a law enforcement organization  
21 established under the Intergovernmental Cooperation Act. An  
22 individual who renders professional advice and consultation to  
23 the State through an organization which qualifies as an  
24 "employee" under the Act is also an employee. The term  
25 includes the estate or personal representative of an employee.

26 (c) The term "pension fund" means a retirement system or

1 pension fund created under the Illinois Pension Code.  
2 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 1-1-22;  
3 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

4 Section 380. The Personnel Code is amended by changing  
5 Section 4c as follows:

6 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

7 Sec. 4c. General exemptions. The following positions in  
8 State service shall be exempt from jurisdictions A, B, and C,  
9 unless the jurisdictions shall be extended as provided in this  
10 Act:

11 (1) All officers elected by the people.

12 (2) All positions under the Lieutenant Governor,  
13 Secretary of State, State Treasurer, State Comptroller,  
14 State Board of Education, Clerk of the Supreme Court,  
15 Attorney General, and State Board of Elections.

16 (3) Judges, and officers and employees of the courts,  
17 and notaries public.

18 (4) All officers and employees of the Illinois General  
19 Assembly, all employees of legislative commissions, all  
20 officers and employees of the Illinois Legislative  
21 Reference Bureau and the Legislative Printing Unit.

22 (5) All positions in the Illinois National Guard and  
23 Illinois State Guard, paid from federal funds or positions  
24 in the State Military Service filled by enlistment and

1           paid from State funds.

2           (6) All employees of the Governor at the executive  
3           mansion and on his immediate personal staff.

4           (7) Directors of Departments, the Adjutant General,  
5           the Assistant Adjutant General, the Director of the  
6           Illinois Emergency Management Agency, members of boards  
7           and commissions, and all other positions appointed by the  
8           Governor by and with the consent of the Senate.

9           (8) The presidents, other principal administrative  
10          officers, and teaching, research and extension faculties  
11          of Chicago State University, Eastern Illinois University,  
12          Governors State University, Illinois State University,  
13          Northeastern Illinois University, Northern Illinois  
14          University, Western Illinois University, the Illinois  
15          Community College Board, Southern Illinois University,  
16          Illinois Board of Higher Education, University of  
17          Illinois, State Universities Civil Service System,  
18          University Retirement System of Illinois, and the  
19          administrative officers and scientific and technical staff  
20          of the Illinois State Museum.

21          (9) All other employees except the presidents, other  
22          principal administrative officers, and teaching, research  
23          and extension faculties of the universities under the  
24          jurisdiction of the Board of Regents and the colleges and  
25          universities under the jurisdiction of the Board of  
26          Governors of State Colleges and Universities, Illinois

1 Community College Board, Southern Illinois University,  
2 Illinois Board of Higher Education, Board of Governors of  
3 State Colleges and Universities, the Board of Regents,  
4 University of Illinois, State Universities Civil Service  
5 System, University Retirement System of Illinois, so long  
6 as these are subject to the provisions of the State  
7 Universities Civil Service Act.

8 (10) The Illinois State Police so long as they are  
9 subject to the merit provisions of the Illinois State  
10 Police Act. ~~Employees of the Illinois State Police Merit~~  
11 ~~Board are subject to the provisions of this Code.~~

12 (11) (Blank).

13 (12) The technical and engineering staffs of the  
14 Department of Transportation, the Division of Nuclear  
15 Safety at the Illinois Emergency Management Agency, the  
16 Pollution Control Board, and the Illinois Commerce  
17 Commission, and the technical and engineering staff  
18 providing architectural and engineering services in the  
19 Department of Central Management Services.

20 (13) All employees of the Illinois State Toll Highway  
21 Authority.

22 (14) The Secretary of the Illinois Workers'  
23 Compensation Commission.

24 (15) All persons who are appointed or employed by the  
25 Director of Insurance under authority of Section 202 of  
26 the Illinois Insurance Code to assist the Director of

1 Insurance in discharging his responsibilities relating to  
2 the rehabilitation, liquidation, conservation, and  
3 dissolution of companies that are subject to the  
4 jurisdiction of the Illinois Insurance Code.

5 (16) All employees of the St. Louis Metropolitan Area  
6 Airport Authority.

7 (17) All investment officers employed by the Illinois  
8 State Board of Investment.

9 (18) Employees of the Illinois Young Adult  
10 Conservation Corps program, administered by the Illinois  
11 Department of Natural Resources, authorized grantee under  
12 Title VIII of the Comprehensive Employment and Training  
13 Act of 1973, 29 U.S.C. 993.

14 (19) Seasonal employees of the Department of  
15 Agriculture for the operation of the Illinois State Fair  
16 and the DuQuoin State Fair, no one person receiving more  
17 than 29 days of such employment in any calendar year.

18 (20) All "temporary" employees hired under the  
19 Department of Natural Resources' Illinois Conservation  
20 Service, a youth employment program that hires young  
21 people to work in State parks for a period of one year or  
22 less.

23 (21) All hearing officers of the Human Rights  
24 Commission.

25 (22) All employees of the Illinois Mathematics and  
26 Science Academy.

1           (23) All employees of the Kankakee River Valley Area  
2           Airport Authority.

3           (24) The commissioners and employees of the Executive  
4           Ethics Commission.

5           (25) The Executive Inspectors General, including  
6           special Executive Inspectors General, and employees of  
7           each Office of an Executive Inspector General.

8           (26) The commissioners and employees of the  
9           Legislative Ethics Commission.

10          (27) The Legislative Inspector General, including  
11          special Legislative Inspectors General, and employees of  
12          the Office of the Legislative Inspector General.

13          (28) The Auditor General's Inspector General and  
14          employees of the Office of the Auditor General's Inspector  
15          General.

16          (29) All employees of the Illinois Power Agency.

17          (30) Employees having demonstrable, defined advanced  
18          skills in accounting, financial reporting, or technical  
19          expertise who are employed within executive branch  
20          agencies and whose duties are directly related to the  
21          submission to the Office of the Comptroller of financial  
22          information for the publication of the annual  
23          comprehensive financial report.

24          (31) All employees of the Illinois Sentencing Policy  
25          Advisory Council.

26          (Source: P.A. 102-291, eff. 8-6-21; 102-538, eff. 8-20-21;



1 102-783, eff. 5-13-22; 102-813, eff. 5-13-22; 103-108, eff.  
2 6-27-23.)

3 Section 385. The Department of State Police Law of the  
4 Civil Administrative Code of Illinois is amended by changing  
5 Section 2605-50 as follows:

6 (20 ILCS 2605/2605-50) (was 20 ILCS 2605/55a-6)

7 Sec. 2605-50. Division of Internal Investigation. The  
8 Division of Internal Investigation shall have jurisdiction and  
9 initiate internal Illinois State Police investigations and, at  
10 the direction of the Governor, investigate complaints and  
11 initiate investigations of official misconduct by State  
12 officers and all State employees. ~~Notwithstanding any other~~  
13 ~~provisions of law, the Division shall serve as the~~  
14 ~~investigative body for the Illinois State Police for purposes~~  
15 ~~of compliance with the provisions of Sections 12.6 and 12.7 of~~  
16 ~~the Illinois State Police Act.~~

17 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;  
18 102-813, eff. 5-13-22.)

19 Section 390. The State Police Act is amended by changing  
20 Sections 3, 6, 8, and 9 as follows:

21 (20 ILCS 2610/3) (from Ch. 121, par. 307.3)

22 Sec. 3. The Governor shall appoint, by and with the advice

1 and consent of the Senate, an Illinois State Police Merit  
2 Board, hereinafter called the Board, consisting of 5 ~~7~~ members  
3 to hold office from the third Monday in March of the year of  
4 their respective appointments for a term of 6 years and until  
5 their successors are appointed and qualified for a like term.

6 ~~The Governor shall appoint new board members within 30 days~~  
7 ~~for the vacancies created under Public Act 101-652. Board~~  
8 ~~members shall be appointed to four year terms. No member shall~~  
9 ~~be appointed to more than 2 terms. In making the appointments,~~  
10 ~~the Governor shall make a good faith effort to appoint members~~  
11 ~~reflecting the geographic, ethnic, and cultural diversity of~~  
12 ~~this State. In making the appointments, the Governor should~~  
13 ~~also consider appointing: persons with professional~~  
14 ~~backgrounds, possessing legal, management, personnel, or labor~~  
15 ~~experience; at least one member with at least 10 years of~~  
16 ~~experience as a licensed physician or clinical psychologist~~  
17 ~~with expertise in mental health; and at least one member~~  
18 ~~affiliated with an organization committed to social and~~  
19 ~~economic rights and to eliminating discrimination. No more~~  
20 ~~than 3 ~~4~~ members of the Board shall be affiliated with the same~~  
21 ~~political party. If the Senate is not in session at the time~~  
22 ~~initial appointments are made pursuant to this Section, the~~  
23 ~~Governor shall make temporary appointments as in the case of a~~  
24 ~~vacancy. In order to avoid actual conflicts of interest, or~~  
25 ~~the appearance of conflicts of interest, no board member shall~~  
26 ~~be a retired or former employee of the Illinois State Police.~~

1 ~~When a Board member may have an actual, perceived, or~~  
2 ~~potential conflict of interest that could prevent the Board~~  
3 ~~member from making a fair and impartial decision on a~~  
4 ~~complaint or formal complaint against an Illinois State Police~~  
5 ~~officer, the Board member shall recuse himself or herself; or,~~  
6 ~~if the Board member fails to recuse himself or herself, then~~  
7 ~~the Board may, by a simple majority, vote to recuse the Board~~  
8 ~~member.~~

9 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;  
10 102-813, eff. 5-13-22.)

11 (20 ILCS 2610/6) (from Ch. 121, par. 307.6)

12 Sec. 6. The Board is authorized to employ such clerical  
13 and technical staff assistants, not to exceed fifteen, as may  
14 be necessary to enable the Board to transact its business and,  
15 if the rate of compensation is not otherwise fixed by law, to  
16 fix their compensation. ~~In order to avoid actual conflicts of~~  
17 ~~interest, or the appearance of conflicts of interest, no~~  
18 ~~employee, contractor, clerical or technical staff shall be a~~  
19 ~~retired or former employee of the Illinois State Police. All~~  
20 ~~employees shall be subject to the Personnel Code.~~

21 (Source: P.A. 101-652, eff. 1-1-22.)

22 (20 ILCS 2610/8) (from Ch. 121, par. 307.8)

23 Sec. 8. Board jurisdiction.

24 ~~(a)~~ The Board shall exercise jurisdiction over the

1 certification for appointment and promotion, and over the  
2 discipline, removal, demotion, and suspension of Illinois  
3 State Police officers. ~~The Board and the Illinois State Police~~  
4 ~~should also ensure Illinois State Police cadets and officers~~  
5 ~~represent the utmost integrity and professionalism and~~  
6 ~~represent the geographic, ethnic, and cultural diversity of~~  
7 ~~this State. The Board shall also exercise jurisdiction to~~  
8 ~~certify and terminate Illinois State Police officers in~~  
9 ~~compliance with certification standards consistent with~~  
10 ~~Sections 9, 11.5, and 12.6 of this Act.~~ Pursuant to recognized  
11 merit principles of public employment, the Board shall  
12 formulate, adopt, and put into effect rules, regulations, and  
13 procedures for its operation and the transaction of its  
14 business. The Board shall establish a classification of ranks  
15 of persons subject to its jurisdiction and shall set standards  
16 and qualifications for each rank. Each Illinois State Police  
17 officer appointed by the Director shall be classified as a  
18 State Police officer as follows: trooper, sergeant, master  
19 sergeant, lieutenant, captain, major, or Special Agent.

20 ~~(b) The Board shall publish all standards and~~  
21 ~~qualifications for each rank, including Cadet, on its website.~~  
22 ~~This shall include, but not be limited to, all physical~~  
23 ~~fitness, medical, visual, and hearing standards. The Illinois~~  
24 ~~State Police shall cooperate with the Board by providing any~~  
25 ~~necessary information to complete this requirement.~~

26 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;

1 102-813, eff. 5-13-22.)

2 (20 ILCS 2610/9) (from Ch. 121, par. 307.9)

3 Sec. 9. Appointment; qualifications.

4 (a) Except as otherwise provided in this Section, the  
5 appointment of Illinois State Police officers shall be made  
6 from those applicants who have been certified by the Board as  
7 being qualified for appointment. All persons so appointed  
8 shall, at the time of their appointment, be not less than 21  
9 years of age, or 20 years of age and have successfully  
10 completed an associate's degree or 60 credit hours at an  
11 accredited college or university. Any person appointed  
12 subsequent to successful completion of an associate's degree  
13 or 60 credit hours at an accredited college or university  
14 shall not have power of arrest, nor shall he or she be  
15 permitted to carry firearms, until he or she reaches 21 years  
16 of age. In addition, all persons so certified for appointment  
17 shall be of sound mind and body, be of good moral character, be  
18 citizens of the United States, have no criminal records,  
19 possess such prerequisites of training, education, and  
20 experience as the Board may from time to time prescribe so long  
21 as persons who have an associate's degree or 60 credit hours at  
22 an accredited college or university are not disqualified, and  
23 shall be required to pass successfully such mental and  
24 physical tests and examinations as may be prescribed by the  
25 Board. A person who meets one of the following requirements is

1 deemed to have met the collegiate educational requirements:

2 (i) has been honorably discharged and who has been  
3 awarded a Southwest Asia Service Medal, Kuwait Liberation  
4 Medal (Saudi Arabia), Kuwait Liberation Medal (Kuwait),  
5 Kosovo Campaign Medal, Korean Defense Service Medal,  
6 Afghanistan Campaign Medal, Iraq Campaign Medal, Global  
7 War on Terrorism Service Medal, Global War on Terrorism  
8 Expeditionary Medal, or Inherent Resolve Campaign Medal by  
9 the United States Armed Forces;

10 (ii) is an active member of the Illinois National  
11 Guard or a reserve component of the United States Armed  
12 Forces and who has been awarded a Southwest Asia Service  
13 Medal, Kuwait Liberation Medal (Saudi Arabia), Kuwait  
14 Liberation Medal (Kuwait), Kosovo Campaign Medal, Korean  
15 Defense Service Medal, Afghanistan Campaign Medal, Iraq  
16 Campaign Medal, Global War on Terrorism Service Medal,  
17 Global War on Terrorism Expeditionary Medal, or Inherent  
18 Resolve Campaign Medal as a result of honorable service  
19 during deployment on active duty;

20 (iii) has been honorably discharged who served in a  
21 combat mission by proof of hostile fire pay or imminent  
22 danger pay during deployment on active duty;

23 (iv) has at least 3 years of full active and  
24 continuous United States Armed Forces duty, which shall  
25 also include a period of active duty with the State of  
26 Illinois under Title 10 or Title 32 of the United States

1 Code pursuant to an order of the President or the Governor  
2 of the State of Illinois, and received an honorable  
3 discharge before hiring; or

4 (v) has successfully completed basic law enforcement  
5 training, has at least 3 years of continuous, full-time  
6 service as a peace officer with the same police  
7 department, and is currently serving as a peace officer  
8 when applying.

9 Preference shall be given in such appointments to persons  
10 who have honorably served in the United States Armed Forces.  
11 All appointees shall serve a probationary period of 12 months  
12 from the date of appointment and during that period may be  
13 discharged at the will of the Director. However, the Director  
14 may in his or her sole discretion extend the probationary  
15 period of an officer up to an additional 6 months when to do so  
16 is deemed in the best interest of the Illinois State Police.  
17 Nothing in this subsection (a) limits the Board's ability to  
18 prescribe education prerequisites or requirements to certify  
19 Illinois State Police officers for promotion as provided in  
20 Section 10 of this Act.

21 (b) Notwithstanding the other provisions of this Act,  
22 after July 1, 1977 and before July 1, 1980, the Director of  
23 State Police may appoint and promote not more than 20 persons  
24 having special qualifications as special agents as he or she  
25 deems necessary to carry out the Department's objectives. Any  
26 such appointment or promotion shall be ratified by the Board.

1 (c) During the 90 days following March 31, 1995 (the  
2 effective date of Public Act 89-9), the Director of State  
3 Police may appoint up to 25 persons as State Police officers.  
4 These appointments shall be made in accordance with the  
5 requirements of this subsection (c) and any additional  
6 criteria that may be established by the Director, but are not  
7 subject to any other requirements of this Act. The Director  
8 may specify the initial rank for each person appointed under  
9 this subsection.

10 All appointments under this subsection (c) shall be made  
11 from personnel certified by the Board. A person certified by  
12 the Board and appointed by the Director under this subsection  
13 must have been employed by the Illinois Commerce Commission on  
14 November 30, 1994 in a job title subject to the Personnel Code  
15 and in a position for which the person was eligible to earn  
16 "eligible creditable service" as a "noncovered employee", as  
17 those terms are defined in Article 14 of the Illinois Pension  
18 Code.

19 Persons appointed under this subsection (c) shall  
20 thereafter be subject to the same requirements and procedures  
21 as other State police officers. A person appointed under this  
22 subsection must serve a probationary period of 12 months from  
23 the date of appointment, during which he or she may be  
24 discharged at the will of the Director.

25 This subsection (c) does not affect or limit the  
26 Director's authority to appoint other State Police officers



1 under subsection (a) of this Section.

2 ~~(d) During the 180 days following January 1, 2022 (the~~  
3 ~~effective date of Public Act 101-652), the Director of the~~  
4 ~~Illinois State Police may appoint current Illinois State~~  
5 ~~Police employees serving in law enforcement officer positions~~  
6 ~~previously within Central Management Services as State Police~~  
7 ~~officers. These appointments shall be made in accordance with~~  
8 ~~the requirements of this subsection (d) and any institutional~~  
9 ~~criteria that may be established by the Director, but are not~~  
10 ~~subject to any other requirements of this Act. All~~  
11 ~~appointments under this subsection (d) shall be made from~~  
12 ~~personnel certified by the Board. A person certified by the~~  
13 ~~Board and appointed by the Director under this subsection must~~  
14 ~~have been employed by a State agency, board, or commission on~~  
15 ~~January 1, 2021 in a job title subject to the Personnel Code~~  
16 ~~and in a position for which the person was eligible to earn~~  
17 ~~"eligible creditable service" as a "noncovered employee", as~~  
18 ~~those terms are defined in Article 14 of the Illinois Pension~~  
19 ~~Code. Persons appointed under this subsection (d) shall~~  
20 ~~thereafter be subject to the same requirements, and subject to~~  
21 ~~the same contractual benefits and obligations, as other State~~  
22 ~~police officers. This subsection (d) does not affect or limit~~  
23 ~~the Director's authority to appoint other State Police~~  
24 ~~officers under subsection (a) of this Section.~~

25 ~~(e) The Merit Board shall review Illinois State Police~~  
26 ~~Cadet applicants. The Illinois State Police may provide~~

1 ~~background check and investigation material to the Board for~~  
2 ~~its review pursuant to this Section. The Board shall approve~~  
3 ~~and ensure that no cadet applicant is certified unless the~~  
4 ~~applicant is a person of good character and has not been~~  
5 ~~convicted of, or entered a plea of guilty to, a felony offense,~~  
6 ~~any of the misdemeanors specified in this Section or if~~  
7 ~~committed in any other state would be an offense similar to~~  
8 ~~Section 11 1.50, 11 6, 11 6.5, 11 6.6, 11 9.1, 11 9.1B, 11 14,~~  
9 ~~11 14.1, 11 30, 12 2, 12 3.2, 12 3.4, 12 3.5, 16 1, 17 1,~~  
10 ~~17 2, 26.5 1, 26.5 2, 26.5 3, 28 3, 29 1, any misdemeanor in~~  
11 ~~violation of any Section of Part E of Title III of the Criminal~~  
12 ~~Code of 1961 or the Criminal Code of 2012, 32 4a, or 32 7 of~~  
13 ~~the Criminal Code of 1961 or the Criminal Code of 2012, or~~  
14 ~~subsection (a) of Section 17 32 of the Criminal Code of 1961 or~~  
15 ~~the Criminal Code of 2012, to Section 5 or 5.2 of the Cannabis~~  
16 ~~Control Act, or any felony or misdemeanor in violation of~~  
17 ~~federal law or the law of any state that is the equivalent of~~  
18 ~~any of the offenses specified therein. The Officer~~  
19 ~~Professional Conduct Database, provided for in Section 9.2 of~~  
20 ~~the Illinois Police Training Act, shall be searched as part of~~  
21 ~~this process. For purposes of this Section, "convicted of, or~~  
22 ~~entered a plea of guilty" regardless of whether the~~  
23 ~~adjudication of guilt or sentence is withheld or not entered~~  
24 ~~thereon. This includes sentences of supervision, conditional~~  
25 ~~discharge, or first offender probation, or any similar~~  
26 ~~disposition provided for by law.~~

1       ~~(f) The Board shall by rule establish an application fee~~  
2 ~~waiver program for any person who meets one or more of the~~  
3 ~~following criteria:~~

4           ~~(1) his or her available personal income is 200% or~~  
5 ~~less of the current poverty level; or~~

6           ~~(2) he or she is, in the discretion of the Board,~~  
7 ~~unable to proceed in an action with payment of application~~  
8 ~~fee and payment of that fee would result in substantial~~  
9 ~~hardship to the person or the person's family.~~

10       (Source: P.A. 102-538, eff. 8-20-21; 102-694, eff. 1-7-22;  
11 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-312, eff.  
12 1-1-24.)

13       (20 ILCS 2610/6.5 rep.)

14       (20 ILCS 2610/11.5 rep.)

15       (20 ILCS 2610/11.6 rep.)

16       (20 ILCS 2610/12.6 rep.)

17       (20 ILCS 2610/12.7 rep.)

18       (20 ILCS 2610/40.1 rep.)

19       (20 ILCS 2610/46 rep.)

20       Section 395. The State Police Act is amended by repealing  
21 Sections 6.5, 11.5, 11.6, 12.6, 12.7, 40.1, and 46.

22       Section 400. The Illinois Police Training Act is amended  
23 by changing Sections 2, 3, 6, 6.1, 7, 7.5, 8, 8.1, 8.2, 9, 10,  
24 10.1, 10.2, 10.3, 10.11, 10.18, 10.19, and 10.20 and by adding

1 Section 10.5-1 as follows:

2 (50 ILCS 705/2) (from Ch. 85, par. 502)

3 Sec. 2. Definitions. As used in this Act, unless the  
4 context otherwise requires:

5 "Board" means the Illinois Law Enforcement Training  
6 Standards Board.

7 "Local governmental agency" means any local governmental  
8 unit or municipal corporation in this State. It does not  
9 include the State of Illinois or any office, officer,  
10 department, division, bureau, board, commission, or agency of  
11 the State, except that it does include a State-controlled  
12 university, college or public community college.

13 "Police training school" means any school located within  
14 the State of Illinois whether privately or publicly owned  
15 which offers a course in police or county corrections training  
16 and has been approved by the Board.

17 "Probationary police officer" means a recruit law  
18 enforcement officer required to successfully complete initial  
19 minimum basic training requirements at a police training  
20 school to be eligible for permanent full-time employment as a  
21 local law enforcement officer.

22 "Probationary part-time police officer" means a recruit  
23 part-time law enforcement officer required to successfully  
24 complete initial minimum part-time training requirements to be  
25 eligible for employment on a part-time basis as a local law

1 enforcement officer.

2 "Permanent police officer" means a law enforcement officer  
3 who has completed his or her probationary period and is  
4 permanently employed on a full-time basis as a local law  
5 enforcement officer by a participating local governmental unit  
6 or as a security officer or campus policeman permanently  
7 employed by a participating State-controlled university,  
8 college, or public community college.

9 "Part-time police officer" means a law enforcement officer  
10 who has completed his or her probationary period and is  
11 employed on a part-time basis as a law enforcement officer by a  
12 participating unit of local government or as a campus  
13 policeman by a participating State-controlled university,  
14 college, or public community college.

15 "Law enforcement officer" means (i) any police officer of  
16 a local governmental agency who is primarily responsible for  
17 prevention or detection of crime and the enforcement of the  
18 criminal code, traffic, or highway laws of this State or any  
19 political subdivision of this State or (ii) any member of a  
20 police force appointed and maintained as provided in Section 2  
21 of the Railroad Police Act.

22 "Recruit" means any full-time or part-time law enforcement  
23 officer or full-time county corrections officer who is  
24 enrolled in an approved training course.

25 "Probationary county corrections officer" means a recruit  
26 county corrections officer required to successfully complete

1 initial minimum basic training requirements at a police  
2 training school to be eligible for permanent employment on a  
3 full-time basis as a county corrections officer.

4 "Permanent county corrections officer" means a county  
5 corrections officer who has completed his probationary period  
6 and is permanently employed on a full-time basis as a county  
7 corrections officer by a participating local governmental  
8 unit.

9 "County corrections officer" means any sworn officer of  
10 the sheriff who is primarily responsible for the control and  
11 custody of offenders, detainees or inmates.

12 "Probationary court security officer" means a recruit  
13 court security officer required to successfully complete  
14 initial minimum basic training requirements at a designated  
15 training school to be eligible for employment as a court  
16 security officer.

17 "Permanent court security officer" means a court security  
18 officer who has completed his or her probationary period and  
19 is employed as a court security officer by a participating  
20 local governmental unit.

21 "Court security officer" has the meaning ascribed to it in  
22 Section 3-6012.1 of the Counties Code.

23 ~~"Board" means the Illinois Law Enforcement Training~~  
24 ~~Standards Board.~~

25 ~~"Full-time law enforcement officer" means a law~~  
26 ~~enforcement officer who has completed the officer's~~

1 ~~probationary period and is employed on a full-time basis as a~~  
2 ~~law enforcement officer by a local government agency, State~~  
3 ~~government agency, or as a campus police officer by a~~  
4 ~~university, college, or community college.~~

5 ~~"Law Enforcement agency" means any entity with statutory~~  
6 ~~police powers and the ability to employ individuals authorized~~  
7 ~~to make arrests. It does not include the Illinois State Police~~  
8 ~~as defined in the State Police Act. A law enforcement agency~~  
9 ~~may include any university, college, or community college.~~

10 ~~"Local law enforcement agency" means any law enforcement~~  
11 ~~unit of government or municipal corporation in this State. It~~  
12 ~~does not include the State of Illinois or any office, officer,~~  
13 ~~department, division, bureau, board, commission, or agency of~~  
14 ~~the State, except that it does include a State-controlled~~  
15 ~~university, college or public community college.~~

16 ~~"State law enforcement agency" means any law enforcement~~  
17 ~~agency of this State. This includes any office, officer,~~  
18 ~~department, division, bureau, board, commission, or agency of~~  
19 ~~the State. It does not include the Illinois State Police as~~  
20 ~~defined in the State Police Act.~~

21 ~~"Panel" means the Certification Review Panel.~~

22 ~~"Basic training school" means any school located within~~  
23 ~~the State of Illinois whether privately or publicly owned~~  
24 ~~which offers a course in basic law enforcement or county~~  
25 ~~corrections training and has been approved by the Board.~~

26 ~~"Probationary police officer" means a recruit law~~

1 ~~enforcement officer required to successfully complete initial~~  
2 ~~minimum basic training requirements at a basic training school~~  
3 ~~to be eligible for permanent full-time employment as a local~~  
4 ~~law enforcement officer.~~

5 ~~"Probationary part time police officer" means a recruit~~  
6 ~~part time law enforcement officer required to successfully~~  
7 ~~complete initial minimum part time training requirements to be~~  
8 ~~eligible for employment on a part time basis as a local law~~  
9 ~~enforcement officer.~~

10 ~~"Permanent law enforcement officer" means a law~~  
11 ~~enforcement officer who has completed the officer's~~  
12 ~~probationary period and is permanently employed on a full-time~~  
13 ~~basis as a local law enforcement officer, as a security~~  
14 ~~officer, or campus police officer permanently employed by a~~  
15 ~~law enforcement agency.~~

16 ~~"Part time law enforcement officer" means a law~~  
17 ~~enforcement officer who has completed the officer's~~  
18 ~~probationary period and is employed on a part time basis as a~~  
19 ~~law enforcement officer or as a campus police officer by a law~~  
20 ~~enforcement agency.~~

21 ~~"Law enforcement officer" means (i) any police officer of~~  
22 ~~a law enforcement agency who is primarily responsible for~~  
23 ~~prevention or detection of crime and the enforcement of the~~  
24 ~~criminal code, traffic, or highway laws of this State or any~~  
25 ~~political subdivision of this State or (ii) any member of a~~  
26 ~~police force appointed and maintained as provided in Section 2~~



1 ~~of the Railroad Police Act.~~

2 ~~"Recruit" means any full-time or part-time law enforcement~~  
3 ~~officer or full-time county corrections officer who is~~  
4 ~~enrolled in an approved training course.~~

5 ~~"Review Committee" means the committee at the Board for~~  
6 ~~certification disciplinary cases in which the Panel, a law~~  
7 ~~enforcement officer, or a law enforcement agency may file for~~  
8 ~~reconsideration of a decertification decision made by the~~  
9 ~~Board.~~

10 ~~"Probationary county corrections officer" means a recruit~~  
11 ~~county corrections officer required to successfully complete~~  
12 ~~initial minimum basic training requirements at a basic~~  
13 ~~training school to be eligible for permanent employment on a~~  
14 ~~full-time basis as a county corrections officer.~~

15 ~~"Permanent county corrections officer" means a county~~  
16 ~~corrections officer who has completed the officer's~~  
17 ~~probationary period and is permanently employed on a full-time~~  
18 ~~basis as a county corrections officer by a participating law~~  
19 ~~enforcement agency.~~

20 ~~"County corrections officer" means any sworn officer of~~  
21 ~~the sheriff who is primarily responsible for the control and~~  
22 ~~eustody of offenders, detainees or inmates.~~

23 ~~"Probationary court security officer" means a recruit~~  
24 ~~court security officer required to successfully complete~~  
25 ~~initial minimum basic training requirements at a designated~~  
26 ~~training school to be eligible for employment as a court~~

1 ~~security officer.~~

2 ~~"Permanent court security officer" means a court security~~  
3 ~~officer who has completed the officer's probationary period~~  
4 ~~and is employed as a court security officer by a participating~~  
5 ~~law enforcement agency.~~

6 ~~"Court security officer" has the meaning ascribed to it in~~  
7 ~~Section 3-6012.1 of the Counties Code.~~

8 (Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22.)

9 (50 ILCS 705/3) (from Ch. 85, par. 503)

10 Sec. 3. Board; composition; appointments; tenure;  
11 vacancies.

12 (a) The Board shall be composed of 18 members selected as  
13 follows: The Attorney General of the State of Illinois, the  
14 Director of the Illinois State Police, the Director of  
15 Corrections, the Superintendent of the Chicago Police  
16 Department, the Sheriff of Cook County, the Clerk of the  
17 Circuit Court of Cook County, ~~who shall serve as ex officio~~  
18 ~~members,~~ and the following to be appointed by the Governor: 2  
19 mayors or village presidents of Illinois municipalities, 2  
20 Illinois county sheriffs from counties other than Cook County,  
21 2 managers of Illinois municipalities, 2 chiefs of municipal  
22 police departments in Illinois having no Superintendent of the  
23 Police Department on the Board, 2 citizens of Illinois who  
24 shall be members of an organized enforcement officers'  
25 association, one active member of a statewide association

1 representing sheriffs, and one active member of a statewide  
2 association representing municipal police chiefs. The  
3 appointments of the Governor shall be made on the first Monday  
4 of August in 1965 with 3 of the appointments to be for a period  
5 of one year, 3 for 2 years, and 3 for 3 years. Their successors  
6 shall be appointed in like manner for terms to expire the first  
7 Monday of August each 3 years thereafter. All members shall  
8 serve until their respective successors are appointed and  
9 qualify. Vacancies shall be filled by the Governor for the  
10 unexpired terms. ~~Any ex officio member may appoint a designee~~  
11 ~~to the Board who shall have the same powers and immunities~~  
12 ~~otherwise conferred to the member of the Board, including the~~  
13 ~~power to vote and be counted toward quorum, so long as the~~  
14 ~~member is not in attendance.~~

15 (a-5) Within the Board is created a Review Committee. The  
16 Review Committee shall review disciplinary cases in which the  
17 Panel, the law enforcement officer, or the law enforcement  
18 agency file for reconsideration of a decertification decision  
19 made by the Board. The Review Committee shall be composed of 9  
20 annually rotating members from the Board appointed by the  
21 Board Chairman. One member of the Review Committee shall be  
22 designated by the Board Chairman as the Chair. The Review  
23 Committee shall sit in 3 member panels composed of one member  
24 representing law enforcement management, one member  
25 representing members of law enforcement, and one member who is  
26 not a current or former member of law enforcement.

1       ~~(b) When a Board member may have an actual, perceived, or~~  
2 ~~potential conflict of interest or appearance of bias that~~  
3 ~~could prevent the Board member from making a fair and~~  
4 ~~impartial decision regarding decertification:~~

5           ~~(1) The Board member shall recuse himself or herself.~~

6           ~~(2) If the Board member fails to recuse himself or~~  
7 ~~herself, then the Board may, by a simple majority of the~~  
8 ~~remaining members, vote to recuse the Board member. Board~~  
9 ~~members who are found to have voted on a matter in which~~  
10 ~~they should have recused themselves may be removed from~~  
11 ~~the Board by the Governor.~~

12       ~~A conflict of interest or appearance of bias may include,~~  
13 ~~but is not limited to, matters where one of the following is a~~  
14 ~~party to a decision on a decertification or formal complaint:~~  
15 ~~someone with whom the member has an employment relationship;~~  
16 ~~any of the following relatives: spouse, parents, children,~~  
17 ~~adopted children, legal wards, stepchildren, step parents,~~  
18 ~~step siblings, half siblings, siblings, parents in law,~~  
19 ~~siblings in law, children in law, aunts, uncles, nieces, and~~  
20 ~~nephews; a friend; or a member of a professional organization,~~  
21 ~~association, or a union in which the member now actively~~  
22 ~~serves.~~

23       ~~(c) A vacancy in members does not prevent a quorum of the~~  
24 ~~remaining sitting members from exercising all rights and~~  
25 ~~performing all duties of the Board.~~

26       ~~(d) An individual serving on the Board shall not also~~

1 ~~serve on the Panel.~~

2 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;  
3 102-694, eff. 1-7-22.)

4 (50 ILCS 705/6) (from Ch. 85, par. 506)

5 Sec. 6. Powers and duties of the Board; selection and  
6 certification of schools. The Board shall select and certify  
7 schools within the State of Illinois for the purpose of  
8 providing basic training for probationary police officers,  
9 probationary county corrections officers, and court security  
10 officers and of providing advanced or in-service training for  
11 permanent police officers or permanent county corrections  
12 officers, which schools may be either publicly or privately  
13 owned and operated. In addition, the Board has the following  
14 power and duties:

15 a. To require local governmental units to furnish such  
16 reports and information as the Board deems necessary to  
17 fully implement this Act.

18 b. To establish appropriate mandatory minimum  
19 standards relating to the training of probationary local  
20 police officers or probationary county corrections  
21 officers, and in-service training of permanent law  
22 enforcement officers.

23 c. To provide appropriate certification to those  
24 probationary officers who successfully complete the  
25 prescribed minimum standard basic training course.

1           d. To review and approve annual training curriculum  
2           for county sheriffs.

3           e. To review and approve applicants to ensure that no  
4           applicant is admitted to a certified academy unless the  
5           applicant is a person of good character and has not been  
6           convicted of, or entered a plea of guilty to, a felony  
7           offense, any of the misdemeanors in Sections 11-1.50,  
8           11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1,  
9           17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7  
10           of the Criminal Code of 1961 or the Criminal Code of 2012,  
11           subdivision (a) (1) or (a) (2) (C) of Section 11-14.3 of the  
12           Criminal Code of 1961 or the Criminal Code of 2012, or  
13           subsection (a) of Section 17-32 of the Criminal Code of  
14           1961 or the Criminal Code of 2012, or Section 5 or 5.2 of  
15           the Cannabis Control Act, or a crime involving moral  
16           turpitude under the laws of this State or any other state  
17           which if committed in this State would be punishable as a  
18           felony or a crime of moral turpitude. The Board may  
19           appoint investigators who shall enforce the duties  
20           conferred upon the Board by this Act.

21           For purposes of this paragraph e, a person is  
22           considered to have been convicted of, found guilty of, or  
23           entered a plea of guilty to, plea of nolo contendere to  
24           regardless of whether the adjudication of guilt or  
25           sentence is withheld or not entered thereon. This includes  
26           sentences of supervision, conditional discharge, or first

1 offender probation, or any similar disposition provided  
2 for by law.

3 ~~The Board shall select and certify schools within the State of~~  
4 ~~Illinois for the purpose of providing basic training for~~  
5 ~~probationary law enforcement officers, probationary county~~  
6 ~~corrections officers, and court security officers and of~~  
7 ~~providing advanced or in service training for permanent law~~  
8 ~~enforcement officers or permanent county corrections officers,~~  
9 ~~which schools may be either publicly or privately owned and~~  
10 ~~operated. In addition, the Board has the following power and~~  
11 ~~duties:~~

12 ~~a. To require law enforcement agencies to furnish such~~  
13 ~~reports and information as the Board deems necessary to~~  
14 ~~fully implement this Act.~~

15 ~~b. To establish appropriate mandatory minimum~~  
16 ~~standards relating to the training of probationary local~~  
17 ~~law enforcement officers or probationary county~~  
18 ~~corrections officers, and in service training of permanent~~  
19 ~~law enforcement officers.~~

20 ~~c. To provide appropriate certification to those~~  
21 ~~probationary officers who successfully complete the~~  
22 ~~prescribed minimum standard basic training course.~~

23 ~~d. To review and approve annual training curriculum~~  
24 ~~for county sheriffs.~~

25 ~~e. To review and approve applicants to ensure that no~~  
26 ~~applicant is admitted to a certified academy unless the~~

1 ~~applicant is a person of good character and has not been~~  
2 ~~convicted of, found guilty of, entered a plea of guilty~~  
3 ~~to, or entered a plea of nolo contendere to a felony~~  
4 ~~offense, any of the misdemeanors in Sections 11-1.50,~~  
5 ~~11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14, 11-14.1,~~  
6 ~~11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1, 17-2,~~  
7 ~~26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in~~  
8 ~~violation of any Section of Part E of Title III of the~~  
9 ~~Criminal Code of 1961 or the Criminal Code of 2012, or~~  
10 ~~subsection (a) of Section 17-32 of the Criminal Code of~~  
11 ~~1961 or the Criminal Code of 2012, or Section 5 or 5.2 of~~  
12 ~~the Cannabis Control Act, or a crime involving moral~~  
13 ~~turpitude under the laws of this State or any other state~~  
14 ~~which if committed in this State would be punishable as a~~  
15 ~~felony or a crime of moral turpitude, or any felony or~~  
16 ~~misdemeanor in violation of federal law or the law of any~~  
17 ~~state that is the equivalent of any of the offenses~~  
18 ~~specified therein. The Board may appoint investigators who~~  
19 ~~shall enforce the duties conferred upon the Board by this~~  
20 ~~Act.~~

21 ~~For purposes of this paragraph e, a person is~~  
22 ~~considered to have been convicted of, found guilty of, or~~  
23 ~~entered a plea of guilty to, plea of nolo contendere to~~  
24 ~~regardless of whether the adjudication of guilt or~~  
25 ~~sentence is withheld or not entered thereon. This includes~~  
26 ~~sentences of supervision, conditional discharge, or first~~



1 ~~offender probation, or any similar disposition provided~~  
2 ~~for by law.~~

3 ~~f. To establish statewide standards for minimum~~  
4 ~~standards regarding regular mental health screenings for~~  
5 ~~probationary and permanent police officers, ensuring that~~  
6 ~~counseling sessions and screenings remain confidential.~~

7 ~~g. To review and ensure all law enforcement officers~~  
8 ~~remain in compliance with this Act, and any administrative~~  
9 ~~rules adopted under this Act.~~

10 ~~h. To suspend any certificate for a definite period,~~  
11 ~~limit or restrict any certificate, or revoke any~~  
12 ~~certificate.~~

13 ~~i. The Board and the Panel shall have power to secure~~  
14 ~~by its subpoena and bring before it any person or entity in~~  
15 ~~this State and to take testimony either orally or by~~  
16 ~~deposition or both with the same fees and mileage and in~~  
17 ~~the same manner as prescribed by law in judicial~~  
18 ~~proceedings in civil cases in circuit courts of this~~  
19 ~~State. The Board and the Panel shall also have the power to~~  
20 ~~subpoena the production of documents, papers, files,~~  
21 ~~books, documents, and records, whether in physical or~~  
22 ~~electronic form, in support of the charges and for~~  
23 ~~defense, and in connection with a hearing or~~  
24 ~~investigation.~~

25 ~~j. The Executive Director, the administrative law~~  
26 ~~judge designated by the Executive Director, and each~~

1 ~~member of the Board and the Panel shall have the power to~~  
2 ~~administer oaths to witnesses at any hearing that the~~  
3 ~~Board is authorized to conduct under this Act and any~~  
4 ~~other oaths required or authorized to be administered by~~  
5 ~~the Board under this Act.~~

6 ~~k. In case of the neglect or refusal of any person to~~  
7 ~~obey a subpoena issued by the Board and the Panel, any~~  
8 ~~circuit court, upon application of the Board and the~~  
9 ~~Panel, through the Illinois Attorney General, may order~~  
10 ~~such person to appear before the Board and the Panel give~~  
11 ~~testimony or produce evidence, and any failure to obey~~  
12 ~~such order is punishable by the court as a contempt~~  
13 ~~thereof. This order may be served by personal delivery, by~~  
14 ~~email, or by mail to the address of record or email address~~  
15 ~~of record.~~

16 ~~l. The Board shall have the power to administer state~~  
17 ~~certification examinations. Any and all records related to~~  
18 ~~these examinations, including, but not limited to, test~~  
19 ~~questions, test formats, digital files, answer responses,~~  
20 ~~answer keys, and scoring information shall be exempt from~~  
21 ~~disclosure.~~

22 ~~m. To make grants, subject to appropriation, to units~~  
23 ~~of local government and public institutions of higher~~  
24 ~~education for the purposes of hiring and retaining law~~  
25 ~~enforcement officers.~~

26 ~~n. To make grants, subject to appropriation, to local~~

1 ~~law enforcement agencies for costs associated with the~~  
2 ~~expansion and support of National Integrated Ballistic~~  
3 ~~Information Network (NIBIN) and other ballistic technology~~  
4 ~~equipment for ballistic testing.~~

5 (Source: P.A. 102-687, eff. 12-17-21; 102-694, eff. 1-7-22;  
6 102-1115, eff. 1-9-23; 103-8, eff. 6-7-23.)

7 (50 ILCS 705/6.1)

8 Sec. 6.1. Decertification ~~Automatic decertification~~ of  
9 full-time and part-time police ~~law enforcement~~ officers.

10 (a) The Board must review police officer conduct and  
11 records to ensure that no police officer is certified or  
12 provided a valid waiver if that police officer has been  
13 convicted of, or entered a plea of guilty to, a felony offense  
14 under the laws of this State or any other state which if  
15 committed in this State would be punishable as a felony. The  
16 Board must also ensure that no or officer is certified or  
17 provided a valid waiver if that police officer has been  
18 convicted of, or entered a plea of guilty to, any misdemeanor  
19 specified in this Section or if committed in any other state  
20 would be an offense similar to Section 11-1.50, 11-6, 11-9.1,  
21 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3,  
22 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of  
23 1961 or the Criminal Code of 2012, to subdivision (a)(1) or  
24 (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961 or  
25 the Criminal Code of 2012, or subsection (a) of Section 17-32

1 of the Criminal Code of 1961 or the Criminal Code of 2012, or  
2 to Section 5 or 5.2 of the Cannabis Control Act. The Board must  
3 appoint investigators to enforce the duties conferred upon the  
4 Board by this Act.

5 (b) It is the responsibility of the sheriff or the chief  
6 executive officer of every local law enforcement agency or  
7 department within this State to report to the Board any  
8 arrest, conviction, or plea of guilty of any officer for an  
9 offense identified in this Section.

10 (c) It is the duty and responsibility of every full-time  
11 and part-time police officer in this State to report to the  
12 Board within 30 days, and the officer's sheriff or chief  
13 executive officer, of his or her arrest, conviction, or plea  
14 of guilty for an offense identified in this Section. Any  
15 full-time or part-time police officer who knowingly makes,  
16 submits, causes to be submitted, or files a false or  
17 untruthful report to the Board must have his or her  
18 certificate or waiver immediately decertified or revoked.

19 (d) Any person, or a local or State agency, or the Board is  
20 immune from liability for submitting, disclosing, or releasing  
21 information of arrests, convictions, or pleas of guilty in  
22 this Section as long as the information is submitted,  
23 disclosed, or released in good faith and without malice. The  
24 Board has qualified immunity for the release of the  
25 information.

26 (e) Any full-time or part-time police officer with a

1 certificate or waiver issued by the Board who is convicted of,  
2 or entered a plea of guilty to, any offense described in this  
3 Section immediately becomes decertified or no longer has a  
4 valid waiver. The decertification and invalidity of waivers  
5 occurs as a matter of law. Failure of a convicted person to  
6 report to the Board his or her conviction as described in this  
7 Section or any continued law enforcement practice after  
8 receiving a conviction is a Class 4 felony.

9 (f) The Board's investigators are peace officers and have  
10 all the powers possessed by policemen in cities and by  
11 sheriffs, and these investigators may exercise those powers  
12 anywhere in the State. An investigator shall not have peace  
13 officer status or exercise police powers unless he or she  
14 successfully completes the basic police training course  
15 mandated and approved by the Board or the Board waives the  
16 training requirement by reason of the investigator's prior law  
17 enforcement experience, training, or both. The Board shall not  
18 wave the training requirement unless the investigator has had  
19 a minimum of 5 years experience as a sworn officer of a local,  
20 State, or federal law enforcement agency.

21 (g) The Board must request and receive information and  
22 assistance from any federal, state, or local governmental  
23 agency as part of the authorized criminal background  
24 investigation. The Illinois State Police must process, retain,  
25 and additionally provide and disseminate information to the  
26 Board concerning criminal charges, arrests, convictions, and

1 their disposition, that have been filed against a basic  
2 academy applicant, law enforcement applicant, or law  
3 enforcement officer whose fingerprint identification cards are  
4 on file or maintained by the Illinois State Police. The  
5 Federal Bureau of Investigation must provide the Board any  
6 criminal history record information contained in its files  
7 pertaining to law enforcement officers or any applicant to a  
8 Board certified basic law enforcement academy as described in  
9 this Act based on fingerprint identification. The Board must  
10 make payment of fees to the Illinois State Police for each  
11 fingerprint card submission in conformance with the  
12 requirements of paragraph 22 of Section 55a of the Civil  
13 Administrative Code of Illinois.

14 A police officer who has been certified or granted a valid  
15 waiver shall also be decertified or have his or her waiver  
16 revoked upon a determination by the Illinois Labor Relations  
17 Board State Panel that he or she, while under oath, has  
18 knowingly and willfully made false statements as to a material  
19 fact going to an element of the offense of murder. If an appeal  
20 is filed, the determination shall be stayed.

21 (1) In the case of an acquittal on a charge of murder,  
22 a verified complaint may be filed:

23 (A) by the defendant; or

24 (B) by a police officer with personal knowledge of  
25 perjured testimony.

26 The complaint must allege that a police officer, while

1 under oath, knowingly and willfully made false statements  
2 as to a material fact going to an element of the offense of  
3 murder. The verified complaint must be filed with the  
4 Executive Director of the Illinois Law Enforcement  
5 Training Standards Board within 2 years of the judgment of  
6 acquittal.

7 (2) Within 30 days, the Executive Director of the  
8 Illinois Law Enforcement Training Standards Board shall  
9 review the verified complaint and determine whether the  
10 verified complaint is frivolous and without merit, or  
11 whether further investigation is warranted. The Illinois  
12 Law Enforcement Training Standards Board shall notify the  
13 officer and the Executive Director of the Illinois Labor  
14 Relations Board State Panel of the filing of the complaint  
15 and any action taken thereon. If the Executive Director of  
16 the Illinois Law Enforcement Training Standards Board  
17 determines that the verified complaint is frivolous and  
18 without merit, it shall be dismissed. The Executive  
19 Director of the Illinois Law Enforcement Training  
20 Standards Board has sole discretion to make this  
21 determination and this decision is not subject to appeal.

22 If the Executive Director of the Illinois Law Enforcement  
23 Training Standards Board determines that the verified  
24 complaint warrants further investigation, he or she shall  
25 refer the matter to a task force of investigators created for  
26 this purpose. This task force shall consist of 8 sworn police

1 officers: 2 from the Illinois State Police, 2 from the City of  
2 Chicago Police Department, 2 from county police departments,  
3 and 2 from municipal police departments. These investigators  
4 shall have a minimum of 5 years of experience in conducting  
5 criminal investigations. The investigators shall be appointed  
6 by the Executive Director of the Illinois Law Enforcement  
7 Training Standards Board. Any officer or officers acting in  
8 this capacity pursuant to this statutory provision will have  
9 statewide police authority while acting in this investigative  
10 capacity. Their salaries and expenses for the time spent  
11 conducting investigations under this paragraph shall be  
12 reimbursed by the Illinois Law Enforcement Training Standards  
13 Board.

14 Once the Executive Director of the Illinois Law  
15 Enforcement Training Standards Board has determined that an  
16 investigation is warranted, the verified complaint shall be  
17 assigned to an investigator or investigators. The investigator  
18 or investigators shall conduct an investigation of the  
19 verified complaint and shall write a report of his or her  
20 findings. This report shall be submitted to the Executive  
21 Director of the Illinois Labor Relations Board State Panel.

22 Within 30 days, the Executive Director of the Illinois  
23 Labor Relations Board State Panel shall review the  
24 investigative report and determine whether sufficient evidence  
25 exists to conduct an evidentiary hearing on the verified  
26 complaint. If the Executive Director of the Illinois Labor



1 Relations Board State Panel determines upon his or her review  
2 of the investigatory report that a hearing should not be  
3 conducted, the complaint shall be dismissed. This decision is  
4 in the Executive Director's sole discretion, and this  
5 dismissal may not be appealed.

6 If the Executive Director of the Illinois Labor Relations  
7 Board State Panel determines that there is sufficient evidence  
8 to warrant a hearing, a hearing shall be ordered on the  
9 verified complaint, to be conducted by an administrative law  
10 judge employed by the Illinois Labor Relations Board State  
11 Panel. The Executive Director of the Illinois Labor Relations  
12 Board State Panel shall inform the Executive Director of the  
13 Illinois Law Enforcement Training Standards Board and the  
14 person who filed the complaint of either the dismissal of the  
15 complaint or the issuance of the complaint for hearing. The  
16 Executive Director shall assign the complaint to the  
17 administrative law judge within 30 days of the decision  
18 granting a hearing.

19 In the case of a finding of guilt on the offense of murder,  
20 if a new trial is granted on direct appeal, or a state  
21 post-conviction evidentiary hearing is ordered, based on a  
22 claim that a police officer, under oath, knowingly and  
23 willfully made false statements as to a material fact going to  
24 an element of the offense of murder, the Illinois Labor  
25 Relations Board State Panel shall hold a hearing to determine  
26 whether the officer should be decertified if an interested

1 party requests such a hearing within 2 years of the court's  
2 decision. The complaint shall be assigned to an administrative  
3 law judge within 30 days so that a hearing can be scheduled.

4 At the hearing, the accused officer shall be afforded the  
5 opportunity to:

6 (1) Be represented by counsel of his or her own  
7 choosing;

8 (2) Be heard in his or her own defense;

9 (3) Produce evidence in his or her defense;

10 (4) Request that the Illinois Labor Relations Board  
11 State Panel compel the attendance of witnesses and  
12 production of related documents including but not limited  
13 to court documents and records.

14 Once a case has been set for hearing, the verified  
15 complaint shall be referred to the Department of Professional  
16 Regulation. That office shall prosecute the verified complaint  
17 at the hearing before the administrative law judge. The  
18 Department of Professional Regulation shall have the  
19 opportunity to produce evidence to support the verified  
20 complaint and to request the Illinois Labor Relations Board  
21 State Panel to compel the attendance of witnesses and the  
22 production of related documents, including, but not limited  
23 to, court documents and records. The Illinois Labor Relations  
24 Board State Panel shall have the power to issue subpoenas  
25 requiring the attendance of and testimony of witnesses and the  
26 production of related documents including, but not limited to,

1 court documents and records and shall have the power to  
2 administer oaths.

3 The administrative law judge shall have the responsibility  
4 of receiving into evidence relevant testimony and documents,  
5 including court records, to support or disprove the  
6 allegations made by the person filing the verified complaint  
7 and, at the close of the case, hear arguments. If the  
8 administrative law judge finds that there is not clear and  
9 convincing evidence to support the verified complaint that the  
10 police officer has, while under oath, knowingly and willfully  
11 made false statements as to a material fact going to an element  
12 of the offense of murder, the administrative law judge shall  
13 make a written recommendation of dismissal to the Illinois  
14 Labor Relations Board State Panel. If the administrative law  
15 judge finds that there is clear and convincing evidence that  
16 the police officer has, while under oath, knowingly and  
17 willfully made false statements as to a material fact that  
18 goes to an element of the offense of murder, the  
19 administrative law judge shall make a written recommendation  
20 so concluding to the Illinois Labor Relations Board State  
21 Panel. The hearings shall be transcribed. The Executive  
22 Director of the Illinois Law Enforcement Training Standards  
23 Board shall be informed of the administrative law judge's  
24 recommended findings and decision and the Illinois Labor  
25 Relations Board State Panel's subsequent review of the  
26 recommendation.

1       An officer named in any complaint filed pursuant to this  
2 Act shall be indemnified for his or her reasonable attorney's  
3 fees and costs by his or her employer. These fees shall be paid  
4 in a regular and timely manner. The State, upon application by  
5 the public employer, shall reimburse the public employer for  
6 the accused officer's reasonable attorney's fees and costs. At  
7 no time and under no circumstances will the accused officer be  
8 required to pay his or her own reasonable attorney's fees or  
9 costs.

10       The accused officer shall not be placed on unpaid status  
11 because of the filing or processing of the verified complaint  
12 until there is a final non-appealable order sustaining his or  
13 her guilt and his or her certification is revoked. Nothing in  
14 this Act, however, restricts the public employer from pursuing  
15 discipline against the officer in the normal course and under  
16 procedures then in place.

17       The Illinois Labor Relations Board State Panel shall  
18 review the administrative law judge's recommended decision and  
19 order and determine by a majority vote whether or not there was  
20 clear and convincing evidence that the accused officer, while  
21 under oath, knowingly and willfully made false statements as  
22 to a material fact going to the offense of murder. Within 30  
23 days of service of the administrative law judge's recommended  
24 decision and order, the parties may file exceptions to the  
25 recommended decision and order and briefs in support of their  
26 exceptions with the Illinois Labor Relations Board State

1 Panel. The parties may file responses to the exceptions and  
2 briefs in support of the responses no later than 15 days after  
3 the service of the exceptions. If exceptions are filed by any  
4 of the parties, the Illinois Labor Relations Board State Panel  
5 shall review the matter and make a finding to uphold, vacate,  
6 or modify the recommended decision and order. If the Illinois  
7 Labor Relations Board State Panel concludes that there is  
8 clear and convincing evidence that the accused officer, while  
9 under oath, knowingly and willfully made false statements as  
10 to a material fact going to an element of the offense murder,  
11 the Illinois Labor Relations Board State Panel shall inform  
12 the Illinois Law Enforcement Training Standards Board and the  
13 Illinois Law Enforcement Training Standards Board shall revoke  
14 the accused officer's certification. If the accused officer  
15 appeals that determination to the Appellate Court, as provided  
16 by this Act, he or she may petition the Appellate Court to stay  
17 the revocation of his or her certification pending the court's  
18 review of the matter.

19 None of the Illinois Labor Relations Board State Panel's  
20 findings or determinations shall set any precedent in any of  
21 its decisions decided pursuant to the Illinois Public Labor  
22 Relations Act by the Illinois Labor Relations Board State  
23 Panel or the courts.

24 A party aggrieved by the final order of the Illinois Labor  
25 Relations Board State Panel may apply for and obtain judicial  
26 review of an order of the Illinois Labor Relations Board State

1 Panel, in accordance with the provisions of the Administrative  
2 Review Law, except that such judicial review shall be afforded  
3 directly in the Appellate Court for the district in which the  
4 accused officer resides. Any direct appeal to the Appellate  
5 Court shall be filed within 35 days from the date that a copy  
6 of the decision sought to be reviewed was served upon the party  
7 affected by the decision.

8 Interested parties. Only interested parties to the  
9 criminal prosecution in which the police officer allegedly,  
10 while under oath, knowingly and willfully made false  
11 statements as to a material fact going to an element of the  
12 offense of murder may file a verified complaint pursuant to  
13 this Section. For purposes of this Section, "interested  
14 parties" shall be limited to the defendant and any police  
15 officer who has personal knowledge that the police officer who  
16 is the subject of the complaint has, while under oath,  
17 knowingly and willfully made false statements as to a material  
18 fact going to an element of the offense of murder.

19 Semi-annual reports. The Executive Director of the  
20 Illinois Labor Relations Board shall submit semi-annual  
21 reports to the Governor, President, and Minority Leader of the  
22 Senate, and to the Speaker and Minority Leader of the House of  
23 Representatives beginning on June 30, 2004, indicating:

24 (1) the number of verified complaints received since  
25 the date of the last report;

26 (2) the number of investigations initiated since the

1 date of the last report;

2 (3) the number of investigations concluded since the  
3 date of the last report;

4 (4) the number of investigations pending as of the  
5 reporting date;

6 (5) the number of hearings held since the date of the  
7 last report; and

8 (6) the number of officers decertified since the date  
9 of the last report.

10 ~~(a) The Board must review law enforcement officer conduct~~  
11 ~~and records to ensure that no law enforcement officer is~~  
12 ~~certified or provided a valid waiver if that law enforcement~~  
13 ~~officer has been convicted of, found guilty of, entered a plea~~  
14 ~~of guilty to, or entered a plea of nolo contendere to, a felony~~  
15 ~~offense under the laws of this State or any other state which~~  
16 ~~if committed in this State would be punishable as a felony. The~~  
17 ~~Board must also ensure that no law enforcement officer is~~  
18 ~~certified or provided a valid waiver if that law enforcement~~  
19 ~~officer has been convicted of, found guilty of, or entered a~~  
20 ~~plea of guilty to, on or after January 1, 2022 (the effective~~  
21 ~~date of Public Act 101-652) of any misdemeanor specified in~~  
22 ~~this Section or if committed in any other state would be an~~  
23 ~~offense similar to Section 11-1.50, 11-6, 11-6.5, 11-6.6,~~  
24 ~~11-9.1, 11-9.1B, 11-14, 11-14.1, 11-30, 12-2, 12-3.2, 12-3.4,~~  
25 ~~12-3.5, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1,~~  
26 ~~any misdemeanor in violation of any Section of Part E of Title~~

1 ~~III of the Criminal Code of 1961 or the Criminal Code of 2012,~~  
2 ~~or subsection (a) of Section 17-32 of the Criminal Code of 1961~~  
3 ~~or the Criminal Code of 2012, or to Section 5 or 5.2 of the~~  
4 ~~Cannabis Control Act, or any felony or misdemeanor in~~  
5 ~~violation of federal law or the law of any state that is the~~  
6 ~~equivalent of any of the offenses specified therein. The Board~~  
7 ~~must appoint investigators to enforce the duties conferred~~  
8 ~~upon the Board by this Act.~~

9 ~~(a) For purposes of this Section, a person is "convicted~~  
10 ~~of, or entered a plea of guilty to, plea of nolo contendere to,~~  
11 ~~found guilty of" regardless of whether the adjudication of~~  
12 ~~guilt or sentence is withheld or not entered thereon. This~~  
13 ~~includes sentences of supervision, conditional discharge, or~~  
14 ~~first offender probation, or any similar disposition provided~~  
15 ~~for by law.~~

16 ~~(b) It is the responsibility of the sheriff or the chief~~  
17 ~~executive officer of every law enforcement agency or~~  
18 ~~department within this State to report to the Board any~~  
19 ~~arrest, conviction, finding of guilt, plea of guilty, or plea~~  
20 ~~of nolo contendere to, of any officer for an offense~~  
21 ~~identified in this Section, regardless of whether the~~  
22 ~~adjudication of guilt or sentence is withheld or not entered~~  
23 ~~thereon, this includes sentences of supervision, conditional~~  
24 ~~discharge, or first offender probation.~~

25 ~~(c) It is the duty and responsibility of every full-time~~  
26 ~~and part time law enforcement officer in this State to report~~



1 ~~to the Board within 14 days, and the officer's sheriff or chief~~  
2 ~~executive officer, of the officer's arrest, conviction, found~~  
3 ~~guilty of, or plea of guilty for an offense identified in this~~  
4 ~~Section. Any full-time or part-time law enforcement officer~~  
5 ~~who knowingly makes, submits, causes to be submitted, or files~~  
6 ~~a false or untruthful report to the Board must have the~~  
7 ~~officer's certificate or waiver immediately decertified or~~  
8 ~~revoked.~~

9 ~~(d) Any person, or a local or State agency, or the Board is~~  
10 ~~immune from liability for submitting, disclosing, or releasing~~  
11 ~~information of arrests, convictions, or pleas of guilty in~~  
12 ~~this Section as long as the information is submitted,~~  
13 ~~disclosed, or released in good faith and without malice. The~~  
14 ~~Board has qualified immunity for the release of the~~  
15 ~~information.~~

16 ~~(e) Any full-time or part-time law enforcement officer~~  
17 ~~with a certificate or waiver issued by the Board who is~~  
18 ~~convicted of, found guilty of, or entered a plea of guilty to,~~  
19 ~~or entered a plea of nolo contendere to any offense described~~  
20 ~~in this Section immediately becomes decertified or no longer~~  
21 ~~has a valid waiver. The decertification and invalidity of~~  
22 ~~waivers occurs as a matter of law. Failure of a convicted~~  
23 ~~person to report to the Board the officer's conviction as~~  
24 ~~described in this Section or any continued law enforcement~~  
25 ~~practice after receiving a conviction is a Class 4 felony.~~

26 ~~For purposes of this Section, a person is considered to~~

1 ~~have been "convicted of, found guilty of, or entered a plea of~~  
2 ~~guilty to, plea of nolo contendere to" regardless of whether~~  
3 ~~the adjudication of guilt or sentence is withheld or not~~  
4 ~~entered thereon, including sentences of supervision,~~  
5 ~~conditional discharge, first offender probation, or any~~  
6 ~~similar disposition as provided for by law.~~

7 ~~(f) The Board's investigators shall be law enforcement~~  
8 ~~officers as defined in Section 2 of this Act. The Board shall~~  
9 ~~not waive the training requirement unless the investigator has~~  
10 ~~had a minimum of 5 years experience as a sworn officer of a~~  
11 ~~local, State, or federal law enforcement agency. An~~  
12 ~~investigator shall not have been terminated for good cause,~~  
13 ~~decertified, had his or her law enforcement license or~~  
14 ~~certificate revoked in this or any other jurisdiction, or been~~  
15 ~~convicted of any of the conduct listed in subsection (a). Any~~  
16 ~~complaint filed against the Board's investigators shall be~~  
17 ~~investigated by the Illinois State Police.~~

18 ~~(g) The Board must request and receive information and~~  
19 ~~assistance from any federal, state, local, or private~~  
20 ~~enforcement agency as part of the authorized criminal~~  
21 ~~background investigation. The Illinois State Police must~~  
22 ~~process, retain, and additionally provide and disseminate~~  
23 ~~information to the Board concerning criminal charges, arrests,~~  
24 ~~convictions, and their disposition, that have been filed~~  
25 ~~against a basic academy applicant, law enforcement applicant,~~  
26 ~~or law enforcement officer whose fingerprint identification~~

1 ~~eards are on file or maintained by the Illinois State Police.~~  
2 ~~The Federal Bureau of Investigation must provide the Board any~~  
3 ~~criminal history record information contained in its files~~  
4 ~~pertaining to law enforcement officers or any applicant to a~~  
5 ~~Board certified basic law enforcement academy as described in~~  
6 ~~this Act based on fingerprint identification. The Board must~~  
7 ~~make payment of fees to the Illinois State Police for each~~  
8 ~~fingerprint card submission in conformance with the~~  
9 ~~requirements of paragraph 22 of Section 55a of the Civil~~  
10 ~~Administrative Code of Illinois.~~

11 ~~(g-5) Notwithstanding any provision of law to the~~  
12 ~~contrary, the changes to this Section made by this amendatory~~  
13 ~~Act of the 102nd General Assembly and Public Act 101-652 shall~~  
14 ~~apply prospectively only from July 1, 2022.~~

15 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;  
16 102-538, eff. 8-20-21; 102-694, eff. 1-7-22.)

17 (50 ILCS 705/7)

18 Sec. 7. Rules and standards for schools. The Board shall  
19 adopt rules and minimum standards for such schools which shall  
20 include, but not be limited to, the following:

21 a. The curriculum for probationary police law  
22 ~~enforcement~~ officers which shall be offered by all  
23 certified schools shall include, but not be limited to,  
24 courses of procedural justice, arrest and use and control  
25 tactics, search and seizure, including temporary

1 questioning, civil rights, human rights, human relations,  
2 cultural competency, including implicit bias and racial  
3 and ethnic sensitivity, criminal law, law of criminal  
4 procedure, constitutional and proper use of law  
5 enforcement authority, crisis intervention training,  
6 vehicle and traffic law including uniform and  
7 non-discriminatory enforcement of the Illinois Vehicle  
8 Code, traffic control and crash investigation, techniques  
9 of obtaining physical evidence, court testimonies,  
10 statements, reports, firearms training, training in the  
11 use of electronic control devices, including the  
12 psychological and physiological effects of the use of  
13 those devices on humans, first-aid (including  
14 cardiopulmonary resuscitation), training in the  
15 administration of opioid antagonists as defined in  
16 paragraph (1) of subsection (e) of Section 5-23 of the  
17 Substance Use Disorder Act, handling of juvenile  
18 offenders, recognition of mental conditions and crises,  
19 including, but not limited to, the disease of addiction,  
20 which require immediate assistance and response and  
21 methods to safeguard and provide assistance to a person in  
22 need of mental treatment, recognition of abuse, neglect,  
23 financial exploitation, and self-neglect of adults with  
24 disabilities and older adults, as defined in Section 2 of  
25 the Adult Protective Services Act, crimes against the  
26 elderly, law of evidence, the hazards of high-speed police

1 vehicle chases with an emphasis on alternatives to the  
2 high-speed chase, and physical training. The curriculum  
3 shall include specific training in techniques for  
4 immediate response to and investigation of cases of  
5 domestic violence and of sexual assault of adults and  
6 children, including cultural perceptions and common myths  
7 of sexual assault and sexual abuse as well as interview  
8 techniques that are age sensitive and are trauma informed,  
9 victim centered, and victim sensitive. The curriculum  
10 shall include training in techniques designed to promote  
11 effective communication at the initial contact with crime  
12 victims and ways to comprehensively explain to victims and  
13 witnesses their rights under the Rights of Crime Victims  
14 and Witnesses Act and the Crime Victims Compensation Act.  
15 The curriculum shall also include training in effective  
16 recognition of and responses to stress, trauma, and  
17 post-traumatic stress experienced by police law  
18 ~~enforcement~~ officers that is consistent with Section 25 of  
19 the Illinois Mental Health First Aid Training Act in a  
20 peer setting, including recognizing signs and symptoms of  
21 work-related cumulative stress, issues that may lead to  
22 suicide, and solutions for intervention with peer support  
23 resources. The curriculum shall include a block of  
24 instruction addressing the mandatory reporting  
25 requirements under the Abused and Neglected Child  
26 Reporting Act. The curriculum shall also include a block

1 of instruction aimed at identifying and interacting with  
2 persons with autism and other developmental or physical  
3 disabilities, reducing barriers to reporting crimes  
4 against persons with autism, and addressing the unique  
5 challenges presented by cases involving victims or  
6 witnesses with autism and other developmental  
7 disabilities. The curriculum shall include training in the  
8 detection and investigation of all forms of human  
9 trafficking. The curriculum shall also include instruction  
10 in trauma-informed responses designed to ensure the  
11 physical safety and well-being of a child of an arrested  
12 parent or immediate family member; this instruction must  
13 include, but is not limited to: (1) understanding the  
14 trauma experienced by the child while maintaining the  
15 integrity of the arrest and safety of officers, suspects,  
16 and other involved individuals; (2) de-escalation tactics  
17 that would include the use of force when reasonably  
18 necessary; and (3) inquiring whether a child will require  
19 supervision and care. ~~The curriculum for probationary law~~  
20 ~~enforcement officers shall include: (1) at least 12 hours~~  
21 ~~of hands on, scenario-based role playing; (2) at least 6~~  
22 ~~hours of instruction on use of force techniques, including~~  
23 ~~the use of de-escalation techniques to prevent or reduce~~  
24 ~~the need for force whenever safe and feasible; (3)~~  
25 ~~specific training on officer safety techniques, including~~  
26 ~~cover, concealment, and time; and (4) at least 6 hours of~~

1 ~~training focused on high risk traffic stops.~~ The  
2 curriculum for permanent police ~~law enforcement~~ officers  
3 shall include, but not be limited to: (1) refresher and  
4 in-service training in any of the courses listed above in  
5 this subparagraph, (2) advanced courses in any of the  
6 subjects listed above in this subparagraph, (3) training  
7 for supervisory personnel, and (4) specialized training in  
8 subjects and fields to be selected by the board. The  
9 training in the use of electronic control devices shall be  
10 conducted for probationary police ~~law enforcement~~  
11 officers, including University police officers. The  
12 curriculum shall also include training on the use of a  
13 firearms restraining order by providing instruction on the  
14 process used to file a firearms restraining order and how  
15 to identify situations in which a firearms restraining  
16 order is appropriate.

17 b. Minimum courses of study, attendance requirements  
18 and equipment requirements.

19 c. Minimum requirements for instructors.

20 d. Minimum basic training requirements, which a  
21 probationary police ~~law enforcement officer~~ must  
22 satisfactorily complete before being eligible for  
23 permanent employment as a local police ~~law enforcement~~  
24 officer for a participating local governmental ~~or State~~  
25 ~~governmental~~ agency. Those requirements shall include  
26 training in first aid (including cardiopulmonary

1 resuscitation).

2 e. Minimum basic training requirements, which a  
3 probationary county corrections officer must  
4 satisfactorily complete before being eligible for  
5 permanent employment as a county corrections officer for a  
6 participating local governmental agency.

7 f. Minimum basic training requirements which a  
8 probationary court security officer must satisfactorily  
9 complete before being eligible for permanent employment as  
10 a court security officer for a participating local  
11 governmental agency. The Board shall establish those  
12 training requirements which it considers appropriate for  
13 court security officers and shall certify schools to  
14 conduct that training.

15 A person hired to serve as a court security officer  
16 must obtain from the Board a certificate (i) attesting to  
17 the officer's successful completion of the training  
18 course; (ii) attesting to the officer's satisfactory  
19 completion of a training program of similar content and  
20 number of hours that has been found acceptable by the  
21 Board under the provisions of this Act; or (iii) attesting  
22 to the Board's determination that the training course is  
23 unnecessary because of the person's extensive prior law  
24 enforcement experience.

25 Individuals who currently serve as court security  
26 officers shall be deemed qualified to continue to serve in



1 that capacity so long as they are certified as provided by  
2 this Act within 24 months of June 1, 1997 (the effective  
3 date of Public Act 89-685). Failure to be so certified,  
4 absent a waiver from the Board, shall cause the officer to  
5 forfeit his or her position.

6 All individuals hired as court security officers on or  
7 after June 1, 1997 (the effective date of Public Act  
8 89-685) shall be certified within 12 months of the date of  
9 their hire, unless a waiver has been obtained by the  
10 Board, or they shall forfeit their positions.

11 The Sheriff's Merit Commission, if one exists, or the  
12 Sheriff's Office if there is no Sheriff's Merit  
13 Commission, shall maintain a list of all individuals who  
14 have filed applications to become court security officers  
15 and who meet the eligibility requirements established  
16 under this Act. Either the Sheriff's Merit Commission, or  
17 the Sheriff's Office if no Sheriff's Merit Commission  
18 exists, shall establish a schedule of reasonable intervals  
19 for verification of the applicants' qualifications under  
20 this Act and as established by the Board.

21 g. Minimum in-service training requirements, which a  
22 police law enforcement officer must satisfactorily  
23 complete every 3 years. Those requirements shall include  
24 constitutional and proper use of law enforcement  
25 authority, procedural justice, civil rights, human rights,  
26 mental health awareness and response, officer wellness,

1 reporting child abuse and neglect, and cultural  
2 competency, ~~including implicit bias and racial and ethnic~~  
3 ~~sensitivity~~. These trainings shall consist of at least 30  
4 hours of training every 3 years.

5 h. Minimum in-service training requirements, which a  
6 police law enforcement officer must satisfactorily  
7 complete at least annually. Those requirements shall  
8 include law updates, and use of force training which shall  
9 include scenario based training, or similar training  
10 approved by the Board ~~emergency medical response training~~  
11 ~~and certification, crisis intervention training, and~~  
12 ~~officer wellness and mental health.~~

13 ~~i. Minimum in-service training requirements as set~~  
14 ~~forth in Section 10.6.~~

15 Notwithstanding any provision of law to the contrary, the  
16 changes made to this Section by Public Act 101-652, Public Act  
17 102-28, and Public Act 102-694 take effect July 1, 2022.

18 (Source: P.A. 102-28, eff. 6-25-21; 102-345, eff. 6-1-22;  
19 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-982, eff.  
20 7-1-23; 103-154, eff. 6-30-23.)

21 (50 ILCS 705/7.5)

22 Sec. 7.5. Police Law enforcement pursuit guidelines. The  
23 Board shall annually review police pursuit procedures and make  
24 available suggested police law enforcement pursuit guidelines  
25 for law enforcement agencies. This Section does not alter the

1 effect of previously existing law, including the immunities  
2 established under the Local Governmental and Governmental  
3 Employees Tort Immunity Act.

4 (Source: P.A. 101-652, eff. 1-1-22.)

5 (50 ILCS 705/8) (from Ch. 85, par. 508)

6 Sec. 8. Participation required. All home rule local  
7 governmental units shall comply with Sections ~~6.37~~ 8.17 and  
8 8.2 and any other mandatory provisions of this Act. This Act is  
9 a limitation on home rule powers under subsection (i) of  
10 Section 6 of Article VII of the Illinois Constitution.

11 (Source: P.A. 101-652, eff. 1-1-22.)

12 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

13 Sec. 8.1. Full-time police ~~law enforcement~~ and county  
14 corrections officers.

15 (a) After January 1, 1976, no person shall receive a  
16 permanent appointment as a law enforcement officer as defined  
17 in this Act nor shall any person receive, after the effective  
18 date of this amendatory Act of 1984, a permanent appointment  
19 as a county corrections officer unless that person has been  
20 awarded, within 6 months of his or her initial full-time  
21 employment, a certificate attesting to his or her successful  
22 completion of the Minimum Standards Basic Law Enforcement and  
23 County Correctional Training Course as prescribed by the  
24 Board; or has been awarded a certificate attesting to his or

1 her satisfactory completion of a training program of similar  
2 content and number of hours and which course has been found  
3 acceptable by the Board under the provisions of this Act; or by  
4 reason of extensive prior law enforcement or county  
5 corrections experience the basic training requirement is  
6 determined by the Board to be illogical and unreasonable.

7 If such training is required and not completed within the  
8 applicable 6 months, then the officer must forfeit his or her  
9 position, or the employing agency must obtain a waiver from  
10 the Board extending the period for compliance. Such waiver  
11 shall be issued only for good and justifiable reasons, and in  
12 no case shall extend more than 90 days beyond the initial 6  
13 months. Any hiring agency that fails to train a law  
14 enforcement officer within this period shall be prohibited  
15 from employing this individual in a law enforcement capacity  
16 for one year from the date training was to be completed. If an  
17 agency again fails to train the individual a second time, the  
18 agency shall be permanently barred from employing this  
19 individual in a law enforcement capacity.

20 (b) No provision of this Section shall be construed to  
21 mean that a law enforcement officer employed by a local  
22 governmental agency at the time of the effective date of this  
23 amendatory Act, either as a probationary police officer or as  
24 a permanent police officer, shall require certification under  
25 the provisions of this Section. No provision of this Section  
26 shall be construed to mean that a county corrections officer

1 employed by a local governmental agency at the time of the  
2 effective date of this amendatory Act of 1984, either as a  
3 probationary county corrections or as a permanent county  
4 corrections officer, shall require certification under the  
5 provisions of this Section. No provision of this Section shall  
6 be construed to apply to certification of elected county  
7 sheriffs.

8 (c) This Section does not apply to part-time police  
9 officers or probationary part-time police officers.

10 ~~(a) No person shall receive a permanent appointment as a~~  
11 ~~law enforcement officer or a permanent appointment as a county~~  
12 ~~corrections officer unless that person has been awarded,~~  
13 ~~within 6 months of the officer's initial full-time employment,~~  
14 ~~a certificate attesting to the officer's successful completion~~  
15 ~~of the Minimum Standards Basic Law Enforcement or County~~  
16 ~~Correctional Training Course as prescribed by the Board; or~~  
17 ~~has been awarded a certificate attesting to the officer's~~  
18 ~~satisfactory completion of a training program of similar~~  
19 ~~content and number of hours and which course has been found~~  
20 ~~acceptable by the Board under the provisions of this Act; or a~~  
21 ~~training waiver by reason of prior law enforcement or county~~  
22 ~~corrections experience, obtained in Illinois, in any other~~  
23 ~~state, or with an agency of the federal government, the basic~~  
24 ~~training requirement is determined by the Board to be~~  
25 ~~illogical and unreasonable. Agencies seeking a reciprocity~~  
26 ~~waiver for training completed outside of Illinois must conduct~~

1 ~~a thorough background check and provide verification of the~~  
2 ~~officer's prior training. After review and satisfaction of all~~  
3 ~~requested conditions, the officer shall be awarded an~~  
4 ~~equivalency certificate satisfying the requirements of this~~  
5 ~~Section. Within 60 days after the effective date of this~~  
6 ~~amendatory Act of the 103rd General Assembly, the Board shall~~  
7 ~~adopt uniform rules providing for a waiver process for a~~  
8 ~~person previously employed and qualified as a law enforcement~~  
9 ~~or county corrections officer under federal law or the laws of~~  
10 ~~any other state, or who has completed a basic law enforcement~~  
11 ~~officer or correctional officer academy who would be qualified~~  
12 ~~to be employed as a law enforcement officer or correctional~~  
13 ~~officer by the federal government or any other state. These~~  
14 ~~rules shall address the process for evaluating prior training~~  
15 ~~credit, a description and list of the courses typically~~  
16 ~~required for reciprocity candidates to complete prior to~~  
17 ~~taking the exam, and a procedure for employers seeking a~~  
18 ~~pre activation determination for a reciprocity training~~  
19 ~~waiver. The rules shall provide that any eligible person~~  
20 ~~previously trained as a law enforcement or county corrections~~  
21 ~~officer under federal law or the laws of any other state shall~~  
22 ~~successfully complete the following prior to the approval of a~~  
23 ~~waiver:~~

24 ~~(1) a training program or set of coursework approved~~  
25 ~~by the Board on the laws of this State relevant to the~~  
26 ~~duties and training requirements of law enforcement and~~

1 ~~county correctional officers;~~

2 ~~(2) firearms training; and~~

3 ~~(3) successful passage of the equivalency~~  
4 ~~certification examination.~~

5 ~~If such training is required and not completed within the~~  
6 ~~applicable 6 months, then the officer must forfeit the~~  
7 ~~officer's position, or the employing agency must obtain a~~  
8 ~~waiver from the Board extending the period for compliance.~~  
9 ~~Such waiver shall be issued only for good and justifiable~~  
10 ~~reasons, and in no case shall extend more than 90 days beyond~~  
11 ~~the initial 6 months. Any hiring agency that fails to train a~~  
12 ~~law enforcement officer within this period shall be prohibited~~  
13 ~~from employing this individual in a law enforcement capacity~~  
14 ~~for one year from the date training was to be completed. If an~~  
15 ~~agency again fails to train the individual a second time, the~~  
16 ~~agency shall be permanently barred from employing this~~  
17 ~~individual in a law enforcement capacity.~~

18 ~~An individual who is not certified by the Board or whose~~  
19 ~~certified status is inactive shall not function as a law~~  
20 ~~enforcement officer, be assigned the duties of a law~~  
21 ~~enforcement officer by an employing agency, or be authorized~~  
22 ~~to carry firearms under the authority of the employer, except~~  
23 ~~as otherwise authorized to carry a firearm under State or~~  
24 ~~federal law. Sheriffs who are elected as of January 1, 2022~~  
25 ~~(the effective date of Public Act 101-652) are exempt from the~~  
26 ~~requirement of certified status. Failure to be certified in~~

1 ~~accordance with this Act shall cause the officer to forfeit~~  
2 ~~the officer's position.~~

3 ~~An employing agency may not grant a person status as a law~~  
4 ~~enforcement officer unless the person has been granted an~~  
5 ~~active law enforcement officer certification by the Board.~~

6 ~~(b) Inactive status. A person who has an inactive law~~  
7 ~~enforcement officer certification has no law enforcement~~  
8 ~~authority.~~

9 ~~(1) A law enforcement officer's certification becomes~~  
10 ~~inactive upon termination, resignation, retirement, or~~  
11 ~~separation from the officer's employing law enforcement~~  
12 ~~agency for any reason. The Board shall re-activate a~~  
13 ~~certification upon written application from the law~~  
14 ~~enforcement officer's law enforcement agency that shows~~  
15 ~~the law enforcement officer: (i) has accepted a full-time~~  
16 ~~law enforcement position with that law enforcement agency,~~  
17 ~~(ii) is not the subject of a decertification proceeding,~~  
18 ~~and (iii) meets all other criteria for re-activation~~  
19 ~~required by the Board. The Board may also establish~~  
20 ~~special training requirements to be completed as a~~  
21 ~~condition for re-activation.~~

22 ~~The Board shall review a notice for reactivation from~~  
23 ~~a law enforcement agency and provide a response within 30~~  
24 ~~days. The Board may extend this review. A law enforcement~~  
25 ~~officer shall be allowed to be employed as a full-time law~~  
26 ~~enforcement officer while the law enforcement officer~~



1       ~~reactivation waiver is under review.~~

2           ~~A law enforcement officer who is refused reactivation~~  
3       ~~or an employing agency of a law enforcement officer who is~~  
4       ~~refused reactivation under this Section may request a~~  
5       ~~hearing in accordance with the hearing procedures as~~  
6       ~~outlined in subsection (h) of Section 6.3 of this Act.~~

7           ~~The Board may refuse to re activate the certification~~  
8       ~~of a law enforcement officer who was involuntarily~~  
9       ~~terminated for good cause by an employing agency for~~  
10       ~~conduct subject to decertification under this Act or~~  
11       ~~resigned or retired after receiving notice of a law~~  
12       ~~enforcement agency's investigation.~~

13           ~~(2) A law enforcement agency may place an officer who~~  
14       ~~is currently certified on inactive status by sending a~~  
15       ~~written request to the Board. A law enforcement officer~~  
16       ~~whose certificate has been placed on inactive status shall~~  
17       ~~not function as a law enforcement officer until the~~  
18       ~~officer has completed any requirements for reactivating~~  
19       ~~the certificate as required by the Board. A request for~~  
20       ~~inactive status in this subsection shall be in writing,~~  
21       ~~accompanied by verifying documentation, and shall be~~  
22       ~~submitted to the Board with a copy to the chief~~  
23       ~~administrator of the law enforcement officer's current or~~  
24       ~~new employing agency.~~

25           ~~(3) Certification that has become inactive under~~  
26       ~~paragraph (2) of this subsection (b) shall be reactivated~~

1 ~~by written notice from the law enforcement officer's~~  
2 ~~agency upon a showing that the law enforcement officer:~~  
3 ~~(i) is employed in a full-time law enforcement position~~  
4 ~~with the same law enforcement agency, (ii) is not the~~  
5 ~~subject of a decertification proceeding, and (iii) meets~~  
6 ~~all other criteria for re activation required by the~~  
7 ~~Board.~~

8 ~~(4) Notwithstanding paragraph (3) of this subsection~~  
9 ~~(b), a law enforcement officer whose certification has~~  
10 ~~become inactive under paragraph (2) may have the officer's~~  
11 ~~employing agency submit a request for a waiver of training~~  
12 ~~requirements to the Board in writing and accompanied by~~  
13 ~~any verifying documentation. A grant of a waiver is within~~  
14 ~~the discretion of the Board. Within 7 days of receiving a~~  
15 ~~request for a waiver under this Section, the Board shall~~  
16 ~~notify the law enforcement officer and the chief~~  
17 ~~administrator of the law enforcement officer's employing~~  
18 ~~agency, whether the request has been granted, denied, or~~  
19 ~~if the Board will take additional time for information. A~~  
20 ~~law enforcement agency whose request for a waiver under~~  
21 ~~this subsection is denied is entitled to request a review~~  
22 ~~of the denial by the Board. The law enforcement agency~~  
23 ~~must request a review within 20 days of the waiver being~~  
24 ~~denied. The burden of proof shall be on the law~~  
25 ~~enforcement agency to show why the law enforcement officer~~  
26 ~~is entitled to a waiver of the legislatively required~~

1 ~~training and eligibility requirements.~~

2 ~~(c) No provision of this Section shall be construed to~~  
3 ~~mean that a county corrections officer employed by a~~  
4 ~~governmental agency at the time of the effective date of this~~  
5 ~~amendatory Act, either as a probationary county corrections~~  
6 ~~officer or as a permanent county corrections officer, shall~~  
7 ~~require certification under the provisions of this Section. No~~  
8 ~~provision of this Section shall be construed to apply to~~  
9 ~~certification of elected county sheriffs.~~

10 ~~(d) Within 14 days, a law enforcement officer shall report~~  
11 ~~to the Board: (1) any name change; (2) any change in~~  
12 ~~employment; or (3) the filing of any criminal indictment or~~  
13 ~~charges against the officer alleging that the officer~~  
14 ~~committed any offense as enumerated in Section 6.1 of this~~  
15 ~~Act.~~

16 ~~(e) All law enforcement officers must report the~~  
17 ~~completion of the training requirements required in this Act~~  
18 ~~in compliance with Section 8.4 of this Act.~~

19 ~~(e 1) Each employing law enforcement agency shall allow~~  
20 ~~and provide an opportunity for a law enforcement officer to~~  
21 ~~complete the mandated requirements in this Act. All mandated~~  
22 ~~training shall be provided at no cost to the employees.~~  
23 ~~Employees shall be paid for all time spent attending mandated~~  
24 ~~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) This Section does not apply to part time law~~  
9 ~~enforcement officers or probationary part time law enforcement~~  
10 ~~officers.~~

11 ~~(g) Notwithstanding any provision of law to the contrary,~~  
12 ~~the changes made to this Section by Public Act 101-652, Public~~  
13 ~~Act 102-28, and Public Act 102-694 take effect July 1, 2022.~~

14 (Source: P.A. 102-28, eff. 6-25-21; 102-694, eff. 1-7-22;  
15 103-154, eff. 6-30-23; 103-389, eff. 1-1-24.)

16 (50 ILCS 705/8.2)

17 Sec. 8.2. Part-time police ~~law enforcement~~ officers.

18 (a) A person hired to serve as a part-time police officer  
19 must obtain from the Board a certificate (i) attesting to his  
20 or her successful completion of the part-time police training  
21 course; (ii) attesting to his or her satisfactory completion  
22 of a training program of similar content and number of hours  
23 that has been found acceptable by the Board under the  
24 provisions of this Act; or (iii) attesting to the Board's  
25 determination that the part-time police training course is

1 unnecessary because of the person's extensive prior law  
2 enforcement experience. A person hired on or after March 14,  
3 2002 (the effective date of Public Act 92-533) must obtain  
4 this certificate within 18 months after the initial date of  
5 hire as a probationary part-time police officer in the State  
6 of Illinois. The probationary part-time police officer must be  
7 enrolled and accepted into a Board-approved course within 6  
8 months after active employment by any department in the State.  
9 A person hired on or after January 1, 1996 and before March 14,  
10 2002 (the effective date of Public Act 92-533) must obtain  
11 this certificate within 18 months after the date of hire. A  
12 person hired before January 1, 1996 must obtain this  
13 certificate within 24 months after January 1, 1996 (the  
14 effective date of Public Act 89-170).

15 The employing agency may seek a waiver from the Board  
16 extending the period for compliance. A waiver shall be issued  
17 only for good and justifiable reasons, and the probationary  
18 part-time police officer may not practice as a part-time  
19 police officer during the waiver period. If training is  
20 required and not completed within the applicable time period,  
21 as extended by any waiver that may be granted, then the officer  
22 must forfeit his or her position.

23 (b) (Blank).

24 (c) The part-time police training course referred to in  
25 this Section shall be of similar content and the same number of  
26 hours as the courses for full-time officers and shall be

1 provided by Mobile Team In-Service Training Units under the  
2 Intergovernmental Law Enforcement Officer's In-Service  
3 Training Act or by another approved program or facility in a  
4 manner prescribed by the Board.

5 (d) For the purposes of this Section, the Board shall  
6 adopt rules defining what constitutes employment on a  
7 part-time basis.

8 ~~(a) A person hired to serve as a part time law enforcement~~  
9 ~~officer must obtain from the Board a certificate (i) attesting~~  
10 ~~to the officer's successful completion of the part time police~~  
11 ~~training course; (ii) attesting to the officer's satisfactory~~  
12 ~~completion of a training program of similar content and number~~  
13 ~~of hours that has been found acceptable by the Board under the~~  
14 ~~provisions of this Act; or (iii) a training waiver attesting~~  
15 ~~to the Board's determination that the part time police~~  
16 ~~training course is unnecessary because of the person's prior~~  
17 ~~law enforcement experience obtained in Illinois, in any other~~  
18 ~~state, or with an agency of the federal government. A person~~  
19 ~~hired on or after the effective date of this amendatory Act of~~  
20 ~~the 92nd General Assembly must obtain this certificate within~~  
21 ~~18 months after the initial date of hire as a probationary~~  
22 ~~part time law enforcement officer in the State of Illinois.~~  
23 ~~The probationary part time law enforcement officer must be~~  
24 ~~enrolled and accepted into a Board approved course within 6~~  
25 ~~months after active employment by any department in the State.~~  
26 ~~A person hired on or after January 1, 1996 and before the~~

1 ~~effective date of this amendatory Act of the 92nd General~~  
2 ~~Assembly must obtain this certificate within 18 months after~~  
3 ~~the date of hire. A person hired before January 1, 1996 must~~  
4 ~~obtain this certificate within 24 months after the effective~~  
5 ~~date of this amendatory Act of 1995. Agencies seeking a~~  
6 ~~reciprocity waiver for training completed outside of Illinois~~  
7 ~~must conduct a thorough background check and provide~~  
8 ~~verification of the officer's prior training. After review and~~  
9 ~~satisfaction of all requested conditions, the officer shall be~~  
10 ~~awarded an equivalency certificate satisfying the requirements~~  
11 ~~of this Section. Within 60 days after the effective date of~~  
12 ~~this amendatory Act of the 103rd General Assembly, the Board~~  
13 ~~shall adopt uniform rules providing for a waiver process for a~~  
14 ~~person previously employed and qualified as a law enforcement~~  
15 ~~or county corrections officer under federal law or the laws of~~  
16 ~~any other state, or who has completed a basic law enforcement~~  
17 ~~officer or correctional officer academy who would be qualified~~  
18 ~~to be employed as a law enforcement officer or correctional~~  
19 ~~officer by the federal government or any other state. These~~  
20 ~~rules shall address the process for evaluating prior training~~  
21 ~~credit, a description and list of the courses typically~~  
22 ~~required for reciprocity candidates to complete prior to~~  
23 ~~taking the exam, and a procedure for employers seeking a~~  
24 ~~pre-activation determination for a reciprocity training~~  
25 ~~waiver. The rules shall provide that any eligible person~~  
26 ~~previously trained as a law enforcement or county corrections~~

1 ~~officer under federal law or the laws of any other state shall~~  
2 ~~successfully complete the following prior to the approval of a~~  
3 ~~waiver:~~

4 ~~(1) a training program or set of coursework approved~~  
5 ~~by the Board on the laws of this State relevant to the~~  
6 ~~duties and training requirements of law enforcement and~~  
7 ~~county correctional officers;~~

8 ~~(2) firearms training; and~~

9 ~~(3) successful passage of the equivalency~~  
10 ~~certification examination.~~

11 ~~The employing agency may seek an extension waiver from the~~  
12 ~~Board extending the period for compliance. An extension waiver~~  
13 ~~shall be issued only for good and justifiable reasons, and the~~  
14 ~~probationary part-time law enforcement officer may not~~  
15 ~~practice as a part-time law enforcement officer during the~~  
16 ~~extension waiver period. If training is required and not~~  
17 ~~completed within the applicable time period, as extended by~~  
18 ~~any waiver that may be granted, then the officer must forfeit~~  
19 ~~the officer's position.~~

20 ~~An individual who is not certified by the Board or whose~~  
21 ~~certified status is inactive shall not function as a law~~  
22 ~~enforcement officer, be assigned the duties of a law~~  
23 ~~enforcement officer by an agency, or be authorized to carry~~  
24 ~~firearms under the authority of the employer, except that~~  
25 ~~sheriffs who are elected are exempt from the requirement of~~  
26 ~~certified status. Failure to be in accordance with this Act~~



1 ~~shall cause the officer to forfeit the officer's position.~~

2 ~~(a-5) A part-time probationary law enforcement officer~~  
3 ~~shall be allowed to complete six months of a part-time police~~  
4 ~~training course and function as a law enforcement officer as~~  
5 ~~permitted by this subsection with a waiver from the Board,~~  
6 ~~provided the part-time law enforcement officer is still~~  
7 ~~enrolled in the training course. If the part-time probationary~~  
8 ~~law enforcement officer withdraws from the course for any~~  
9 ~~reason or does not complete the course within the applicable~~  
10 ~~time period, as extended by any waiver that may be granted,~~  
11 ~~then the officer must forfeit the officer's position. A~~  
12 ~~probationary law enforcement officer must function under the~~  
13 ~~following rules:~~

14 ~~(1) A law enforcement agency may not grant a person~~  
15 ~~status as a law enforcement officer unless the person has~~  
16 ~~been granted an active law enforcement officer~~  
17 ~~certification by the Board.~~

18 ~~(2) A part-time probationary law enforcement officer~~  
19 ~~shall not be used as a permanent replacement for a~~  
20 ~~full-time law enforcement.~~

21 ~~(3) A part-time probationary law enforcement officer~~  
22 ~~shall be directly supervised at all times by a Board~~  
23 ~~certified law enforcement officer. Direct supervision~~  
24 ~~requires oversight and control with the supervisor having~~  
25 ~~final decision-making authority as to the actions of the~~  
26 ~~recruit during duty hours.~~

1       ~~(b) Inactive status. A person who has an inactive law~~  
2 ~~enforcement officer certification has no law enforcement~~  
3 ~~authority.~~

4           ~~(1) A law enforcement officer's certification becomes~~  
5 ~~inactive upon termination, resignation, retirement, or~~  
6 ~~separation from the employing agency for any reason. The~~  
7 ~~Board shall re activate a certification upon written~~  
8 ~~application from the law enforcement officer's employing~~  
9 ~~agency that shows the law enforcement officer: (i) has~~  
10 ~~accepted a part time law enforcement position with that a~~  
11 ~~law enforcement agency, (ii) is not the subject of a~~  
12 ~~decertification proceeding, and (iii) meets all other~~  
13 ~~criteria for re-activation required by the Board.~~

14           ~~The Board may refuse to re activate the certification~~  
15 ~~of a law enforcement officer who was involuntarily~~  
16 ~~terminated for good cause by the officer's employing~~  
17 ~~agency for conduct subject to decertification under this~~  
18 ~~Act or resigned or retired after receiving notice of a law~~  
19 ~~enforcement agency's investigation.~~

20           ~~(2) A law enforcement agency may place an officer who~~  
21 ~~is currently certified on inactive status by sending a~~  
22 ~~written request to the Board. A law enforcement officer~~  
23 ~~whose certificate has been placed on inactive status shall~~  
24 ~~not function as a law enforcement officer until the~~  
25 ~~officer has completed any requirements for reactivating~~  
26 ~~the certificate as required by the Board. A request for~~

1 ~~inactive status in this subsection shall be in writing,~~  
2 ~~accompanied by verifying documentation, and shall be~~  
3 ~~submitted to the Board by the law enforcement officer's~~  
4 ~~employing agency.~~

5 ~~(3) Certification that has become inactive under~~  
6 ~~paragraph (2) of this subsection (b), shall be reactivated~~  
7 ~~by written notice from the law enforcement officer's law~~  
8 ~~enforcement agency upon a showing that the law enforcement~~  
9 ~~officer is: (i) employed in a part time law enforcement~~  
10 ~~position with the same law enforcement agency, (ii) not~~  
11 ~~the subject of a decertification proceeding, and (iii)~~  
12 ~~meets all other criteria for re-activation required by the~~  
13 ~~Board. The Board may also establish special training~~  
14 ~~requirements to be completed as a condition for~~  
15 ~~re-activation.~~

16 ~~The Board shall review a notice for reactivation from~~  
17 ~~a law enforcement agency and provide a response within 30~~  
18 ~~days. The Board may extend this review. A law enforcement~~  
19 ~~officer shall be allowed to be employed as a part time law~~  
20 ~~enforcement officer while the law enforcement officer~~  
21 ~~reactivation waiver is under review.~~

22 ~~A law enforcement officer who is refused reactivation~~  
23 ~~or an employing agency of a law enforcement officer who is~~  
24 ~~refused reactivation under this Section may request a~~  
25 ~~hearing in accordance with the hearing procedures as~~  
26 ~~outlined in subsection (h) of Section 6.3 of this Act.~~

1           ~~(4) Notwithstanding paragraph (3) of this Section, a~~  
2           ~~law enforcement officer whose certification has become~~  
3           ~~inactive under paragraph (2) may have the officer's~~  
4           ~~employing agency submit a request for a waiver of training~~  
5           ~~requirements to the Board in writing and accompanied by~~  
6           ~~any verifying documentation. A grant of a waiver is within~~  
7           ~~the discretion of the Board. Within 7 days of receiving a~~  
8           ~~request for a waiver under this section, the Board shall~~  
9           ~~notify the law enforcement officer and the chief~~  
10           ~~administrator of the law enforcement officer's employing~~  
11           ~~agency, whether the request has been granted, denied, or~~  
12           ~~if the Board will take additional time for information. A~~  
13           ~~law enforcement agency or law enforcement officer, whose~~  
14           ~~request for a waiver under this subsection is denied, is~~  
15           ~~entitled to request a review of the denial by the Board.~~  
16           ~~The law enforcement agency must request a review within 20~~  
17           ~~days after the waiver being denied. The burden of proof~~  
18           ~~shall be on the law enforcement agency to show why the law~~  
19           ~~enforcement officer is entitled to a waiver of the~~  
20           ~~legislatively required training and eligibility~~  
21           ~~requirements.~~

22           ~~(c) The part time police training course referred to in~~  
23           ~~this Section shall be of similar content and the same number of~~  
24           ~~hours as the courses for full time officers and shall be~~  
25           ~~provided by Mobile Team In-Service Training Units under the~~  
26           ~~Intergovernmental Law Enforcement Officer's In Service~~

1 ~~Training Act or by another approved program or facility in a~~  
2 ~~manner prescribed by the Board.~~

3 ~~(d) Within 14 days, a law enforcement officer shall report~~  
4 ~~to the Board: (1) any name change; (2) any change in~~  
5 ~~employment; or (3) the filing of any criminal indictment or~~  
6 ~~charges against the officer alleging that the officer~~  
7 ~~committed any offense as enumerated in Section 6.1 of this~~  
8 ~~Act.~~

9 ~~(e) All law enforcement officers must report the~~  
10 ~~completion of the training requirements required in this Act~~  
11 ~~in compliance with Section 8.4 of this Act.~~

12 ~~(e-1) Each employing agency shall allow and provide an~~  
13 ~~opportunity for a law enforcement officer to complete the~~  
14 ~~requirements in this Act. All mandated training shall be~~  
15 ~~provided for at no cost to the employees. Employees shall be~~  
16 ~~paid for all time spent attending mandated training.~~

17 ~~(e-2) Each agency, academy, or training provider shall~~  
18 ~~maintain proof of a law enforcement officer's completion of~~  
19 ~~legislatively required training in a format designated by the~~  
20 ~~Board. The report of training shall be submitted to the Board~~  
21 ~~within 30 days following completion of the training. A copy of~~  
22 ~~the report shall be submitted to the law enforcement officer.~~  
23 ~~Upon receipt of a properly completed report of training, the~~  
24 ~~Board will make the appropriate entry into the training~~  
25 ~~records of the law enforcement officer.~~

26 ~~(f) For the purposes of this Section, the Board shall~~

1 ~~adopt rules defining what constitutes employment on a~~  
2 ~~part-time basis.~~

3 ~~(g) Notwithstanding any provision of law to the contrary,~~  
4 ~~the changes made to this Section by this amendatory Act of the~~  
5 ~~102nd General Assembly and Public Act 101-652 take effect July~~  
6 ~~1, 2022.~~

7 (Source: P.A. 102-694, eff. 1-7-22; 103-389, eff. 1-1-24.)

8 (50 ILCS 705/9) (from Ch. 85, par. 509)

9 Sec. 9. A special fund is hereby established in the State  
10 Treasury to be known as the Traffic and Criminal Conviction  
11 Surcharge Fund. Moneys in this Fund shall be expended as  
12 follows:

13 (1) a portion of the total amount deposited in the  
14 Fund may be used, as appropriated by the General Assembly,  
15 for the ordinary and contingent expenses of the Illinois  
16 Law Enforcement Training Standards Board;

17 (2) a portion of the total amount deposited in the  
18 Fund shall be appropriated for the reimbursement of local  
19 governmental agencies participating in training programs  
20 certified by the Board, in an amount equaling 1/2 of the  
21 total sum paid by such agencies during the State's  
22 previous fiscal year for mandated training for  
23 probationary police ~~law enforcement~~ officers or  
24 probationary county corrections officers and for optional  
25 advanced and specialized law enforcement or county

1 corrections training; these reimbursements may include the  
2 costs for tuition at training schools, the salaries of  
3 trainees while in schools, and the necessary travel and  
4 room and board expenses for each trainee; if the  
5 appropriations under this paragraph (2) are not sufficient  
6 to fully reimburse the participating local governmental  
7 agencies, the available funds shall be apportioned among  
8 such agencies, with priority first given to repayment of  
9 the costs of mandatory training given to law enforcement  
10 officer or county corrections officer recruits, then to  
11 repayment of costs of advanced or specialized training for  
12 permanent police ~~law enforcement~~ officers or permanent  
13 county corrections officers;

14 (3) a portion of the total amount deposited in the  
15 Fund may be used to fund the Intergovernmental Law  
16 Enforcement Officer's In-Service Training Act, veto  
17 overridden October 29, 1981, as now or hereafter amended,  
18 at a rate and method to be determined by the board;

19 (4) a portion of the Fund also may be used by the  
20 Illinois State Police for expenses incurred in the  
21 training of employees from any State, county, or municipal  
22 agency whose function includes enforcement of criminal or  
23 traffic law;

24 (5) a portion of the Fund may be used by the Board to  
25 fund grant-in-aid programs and services for the training  
26 of employees from any county or municipal agency whose

1 functions include corrections or the enforcement of  
2 criminal or traffic law;

3 (6) for fiscal years 2013 through 2017 only, a portion  
4 of the Fund also may be used by the Department of State  
5 Police to finance any of its lawful purposes or functions;

6 (7) a portion of the Fund may be used by the Board,  
7 subject to appropriation, to administer grants to local  
8 law enforcement agencies for the purpose of purchasing  
9 bulletproof vests under the Law Enforcement Officer  
10 Bulletproof Vest Act; and

11 (8) a portion of the Fund may be used by the Board to  
12 create a law enforcement grant program available for units  
13 of local government to fund crime prevention programs,  
14 training, and interdiction efforts, including enforcement  
15 and prevention efforts, relating to the illegal cannabis  
16 market and driving under the influence of cannabis.

17 All payments from the Traffic and Criminal Conviction  
18 Surcharge Fund shall be made each year from moneys  
19 appropriated for the purposes specified in this Section. No  
20 more than 50% of any appropriation under this Act shall be  
21 spent in any city having a population of more than 500,000. The  
22 State Comptroller and the State Treasurer shall from time to  
23 time, at the direction of the Governor, transfer from the  
24 Traffic and Criminal Conviction Surcharge Fund to the General  
25 Revenue Fund in the State Treasury such amounts as the  
26 Governor determines are in excess of the amounts required to



1 meet the obligations of the Traffic and Criminal Conviction  
2 Surcharge Fund.

3 (Source: P.A. 101-27, eff. 6-25-19; 101-652, eff. 1-1-22;  
4 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

5 (50 ILCS 705/10) (from Ch. 85, par. 510)

6 Sec. 10. The Board may make, amend and rescind such rules  
7 and regulations as may be necessary to carry out the  
8 provisions of this Act, including those relating to the annual  
9 certification of retired law enforcement officers qualified  
10 under federal law to carry a concealed weapon. A copy of all  
11 rules and regulations and amendments or rescissions thereof  
12 shall be filed with the Secretary of State within a reasonable  
13 time after their adoption. The schools certified by the Board  
14 and participating in the training program may dismiss from the  
15 school any trainee prior to the officer's completion of the  
16 course, if in the opinion of the person in charge of the  
17 training school, the trainee is unable or unwilling to  
18 satisfactorily complete the prescribed course of training.

19 ~~The Board shall adopt emergency rules to administer this~~  
20 ~~Act in accordance with Section 5-45 of the Illinois~~  
21 ~~Administrative Procedure Act. For the purposes of the Illinois~~  
22 ~~Administrative Procedure Act, the General Assembly finds that~~  
23 ~~the adoption of rules to implement this Act is deemed an~~  
24 ~~emergency and necessary to the public interest, safety, and~~  
25 ~~welfare.~~

1 (Source: P.A. 101-652, eff. 1-1-22.)

2 (50 ILCS 705/10.1) (from Ch. 85, par. 510.1)

3 Sec. 10.1. Additional training programs. The Board shall  
4 initiate, administer, and conduct training programs for  
5 permanent police ~~law enforcement~~ officers and permanent county  
6 corrections officers in addition to the basic recruit training  
7 program. The Board may initiate, administer, and conduct  
8 training programs for part-time police ~~law enforcement~~  
9 officers in addition to the basic part-time police ~~law~~  
10 ~~enforcement~~ training course. The training for permanent and  
11 part-time police ~~law enforcement~~ officers and permanent county  
12 corrections officers may be given in any schools selected by  
13 the Board. Such training may include all or any part of the  
14 subjects enumerated in Sections 7 and 7.4 of this Act.

15 The corporate authorities of all participating local  
16 governmental agencies may elect to participate in the advanced  
17 training for permanent and part-time police ~~law enforcement~~  
18 officers and permanent county corrections officers but  
19 nonparticipation in this program shall not in any way affect  
20 the mandatory responsibility of governmental units to  
21 participate in the basic recruit training programs for  
22 probationary full-time and part-time police ~~law enforcement~~  
23 and permanent county corrections officers. The failure of any  
24 permanent or part-time police ~~law enforcement~~ officer or  
25 permanent county corrections officer to successfully complete

1 any course authorized under this Section shall not affect the  
2 officer's status as a member of the police department or  
3 county sheriff's office of any local governmental agency.

4 The Board may initiate, administer, and conduct training  
5 programs for clerks of circuit courts. Those training  
6 programs, at the Board's discretion, may be the same or  
7 variations of training programs for law enforcement officers.

8 The Board shall initiate, administer, and conduct a  
9 training program regarding the set up and operation of  
10 portable scales for all municipal and county police officers,  
11 technicians, and employees who set up and operate portable  
12 scales. This training program must include classroom and field  
13 training.

14 (Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22.)

15 (50 ILCS 705/10.2)

16 Sec. 10.2. Criminal background investigations.

17 (a) On and after March 14, 2002 (the effective date of  
18 Public Act 92-533), an applicant for employment as a peace  
19 officer, or for annual certification as a retired law  
20 enforcement officer qualified under federal law to carry a  
21 concealed weapon, shall authorize an investigation to  
22 determine if the applicant has been convicted of, or entered a  
23 plea of guilty to, any criminal offense that disqualifies the  
24 person as a peace officer.

25 (b) No law enforcement agency may knowingly employ a

1 person, or certify a retired law enforcement officer qualified  
2 under federal law to carry a concealed weapon, unless (i) a  
3 criminal background investigation of that person has been  
4 completed and (ii) that investigation reveals no convictions  
5 ~~of~~ or pleas of guilty ~~to~~ of offenses specified in subsection  
6 (a) of Section 6.1 of this Act.

7 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;  
8 102-558, eff. 8-20-21; 102-694, eff. 1-7-22.)

9 (50 ILCS 705/10.3)

10 Sec. 10.3. Training of police ~~law enforcement~~ officers to  
11 conduct electronic interrogations.

12 (a) From appropriations made to it for that purpose, the  
13 Board shall initiate, administer, and conduct training  
14 programs for permanent police ~~law enforcement~~ officers,  
15 part-time police ~~law enforcement~~ officers, and recruits on the  
16 methods and technical aspects of conducting electronic  
17 recordings of interrogations.

18 (b) Subject to appropriation, the Board shall develop  
19 technical guidelines for the mandated recording of custodial  
20 interrogations in all homicide investigations by law  
21 enforcement agencies. These guidelines shall be developed in  
22 conjunction with law enforcement agencies and technology  
23 accreditation groups to provide guidance for law enforcement  
24 agencies in implementing the mandated recording of custodial  
25 interrogations in all homicide investigations.

1 (Source: P.A. 101-652, eff. 1-1-22.)

2 (50 ILCS 705/10.5-1 new)

3 Sec. 10.5-1. Conservators of the Peace training course.

4 The Board shall initiate, administer, and conduct a training  
5 course for conservators of the peace. The training course may  
6 include all or any part of the subjects enumerated in Section  
7 7. The Board shall issue a certificate to those persons  
8 successfully completing the course. For the purposes of this  
9 Section, "conservators of the peace" means those persons  
10 designated under Section 3.1-15-25 of the Illinois Municipal  
11 Code and Section 4-7 of the Park District Code.

12 (50 ILCS 705/10.11)

13 Sec. 10.11. Training; death and homicide investigation.

14 The Illinois Law Enforcement Training Standards Board shall  
15 conduct or approve a training program in death and homicide  
16 investigation for the training of law enforcement officers of  
17 local law enforcement agencies. Only law enforcement officers  
18 who successfully complete the training program may be assigned  
19 as lead investigators in death and homicide investigations.  
20 Satisfactory completion of the training program shall be  
21 evidenced by a certificate issued to the law enforcement  
22 officer by the Illinois Law Enforcement Training Standards  
23 Board.

24 The Illinois Law Enforcement Training Standards Board

1 shall develop a process for waiver applications sent by a  
2 local law enforcement ~~governmental~~ agency administrator for  
3 those officers whose prior training and experience as homicide  
4 investigators may qualify them for a waiver. The Board may  
5 issue a waiver at its discretion, based solely on the prior  
6 training and experience of an officer as a homicide  
7 investigator. This Section does not affect or impede the  
8 powers of the office of the coroner to investigate all deaths  
9 as provided in Division 3-3 of the Counties Code and the  
10 Coroner Training Board Act.

11 (Source: P.A. 101-652, eff. 1-1-22; 102-558, eff. 8-20-21;  
12 102-694, eff. 1-7-22.)

13 (50 ILCS 705/10.18)

14 Sec. 10.18. Training; administration of opioid  
15 antagonists. The Board shall conduct or approve an in-service  
16 training program for police ~~law enforcement~~ officers in the  
17 administration of opioid antagonists as defined in paragraph  
18 (1) of subsection (e) of Section 5-23 of the Substance Use  
19 Disorder Act that is in accordance with that Section. As used  
20 in this Section, the term "police ~~law enforcement~~ officers"  
21 includes full-time or part-time probationary police ~~law~~  
22 ~~enforcement~~ officers, permanent or part-time police ~~law~~  
23 ~~enforcement~~ officers, recruits, permanent or probationary  
24 county corrections officers, permanent or probationary county  
25 security officers, and court security officers. The term does

1 not include auxiliary police officers as defined in Section  
2 3.1-30-20 of the Illinois Municipal Code.

3 (Source: P.A. 101-652, eff. 1-1-22; 102-813, eff. 5-13-22.)

4 (50 ILCS 705/10.19)

5 Sec. 10.19. Training; administration of epinephrine.

6 (a) This Section, along with Section 40 of the Illinois  
7 State Police Act, may be referred to as the Annie LeGere Law.

8 (b) For purposes of this Section, "epinephrine  
9 auto-injector" means a single-use device used for the  
10 automatic injection of a pre-measured dose of epinephrine into  
11 the human body prescribed in the name of a local law  
12 enforcement agency.

13 (c) The Board shall conduct or approve an optional  
14 advanced training program for police ~~law enforcement~~ officers  
15 to recognize and respond to anaphylaxis, including the  
16 administration of an epinephrine auto-injector. The training  
17 must include, but is not limited to:

18 (1) how to recognize symptoms of an allergic reaction;

19 (2) how to respond to an emergency involving an  
20 allergic reaction;

21 (3) how to administer an epinephrine auto-injector;

22 (4) how to respond to an individual with a known  
23 allergy as well as an individual with a previously unknown  
24 allergy;

25 (5) a test demonstrating competency of the knowledge

1 required to recognize anaphylaxis and administer an  
2 epinephrine auto-injector; and

3 (6) other criteria as determined in rules adopted by  
4 the Board.

5 (d) A local law enforcement agency may authorize a police  
6 ~~law enforcement~~ officer who has completed an optional advanced  
7 training program under subsection (c) to carry, administer, or  
8 assist with the administration of epinephrine auto-injectors  
9 provided by the local law enforcement agency whenever the  
10 officer is performing official duties.

11 (e) A local law enforcement agency that authorizes its  
12 officers to carry and administer epinephrine auto-injectors  
13 under subsection (d) must establish a policy to control the  
14 acquisition, storage, transportation, administration, and  
15 disposal of epinephrine auto-injectors and to provide  
16 continued training in the administration of epinephrine  
17 auto-injectors.

18 (f) A physician, physician assistant with prescriptive  
19 authority, or advanced practice registered nurse with  
20 prescriptive authority may provide a standing protocol or  
21 prescription for epinephrine auto-injectors in the name of a  
22 local law enforcement agency to be maintained for use when  
23 necessary.

24 (g) When a police ~~law enforcement~~ officer administers an  
25 epinephrine auto-injector in good faith, the police ~~law~~  
26 ~~enforcement~~ officer and local law enforcement agency, and its



1 employees and agents, including a physician, physician  
2 assistant with prescriptive authority, or advanced practice  
3 registered nurse with prescriptive authority who provides a  
4 standing order or prescription for an epinephrine  
5 auto-injector, incur no civil or professional liability,  
6 except for willful and wanton conduct, or as a result of any  
7 injury or death arising from the use of an epinephrine  
8 auto-injector.

9 (Source: P.A. 102-538, eff. 8-20-21; 102-694, eff. 1-7-22;  
10 103-154, eff. 6-30-23.)

11 (50 ILCS 705/10.20)

12 Sec. 10.20. Disposal of medications. The Board shall  
13 develop rules and minimum standards for local law enforcement  
14 agencies that authorize police ~~law enforcement~~ officers to  
15 dispose of unused medications under Section 18 of the Safe  
16 Pharmaceutical Disposal Act.

17 (Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22.)

18 (50 ILCS 705/3.1 rep.)

19 (50 ILCS 705/6.3 rep.)

20 (50 ILCS 705/6.6 rep.)

21 (50 ILCS 705/6.7 rep.)

22 (50 ILCS 705/8.3 rep.)

23 (50 ILCS 705/8.4 rep.)

24 (50 ILCS 705/9.2 rep.)

1 (50 ILCS 705/13 rep.)

2 Section 405. The Illinois Police Training Act is amended  
3 by repealing Sections 3.1, 6.3, 6.6, 6.7, 8.3, 8.4, 9.2, and  
4 13.

5 Section 410. The Counties Code is amended by changing  
6 Section 3-6001.5 as follows:

7 (55 ILCS 5/3-6001.5)

8 Sec. 3-6001.5. Sheriff qualifications. A person is not  
9 eligible to be elected or appointed to the office of sheriff,  
10 unless that person meets all of the following requirements:

11 (1) Is a United States citizen.

12 (2) Has been a resident of the county for at least one  
13 year.

14 (3) Is not a convicted felon.

15 ~~(4) Has a certificate attesting to his or her~~  
16 ~~successful completion of the Minimum Standards Basic Law~~  
17 ~~Enforcement Officers Training Course as prescribed by the~~  
18 ~~Illinois Law Enforcement Training Standards Board or a~~  
19 ~~substantially similar training program of another state or~~  
20 ~~the federal government. This paragraph does not apply to a~~  
21 ~~sheriff currently serving on the effective date of this~~  
22 ~~amendatory Act of the 101st General Assembly.~~

23 (Source: P.A. 101-652, eff. 1-1-22.)

1           Section 995. No acceleration or delay. Where this Act  
2 makes changes in a statute that is represented in this Act by  
3 text that is not yet or no longer in effect (for example, a  
4 Section represented by multiple versions), the use of that  
5 text does not accelerate or delay the taking effect of (i) the  
6 changes made by this Act or (ii) provisions derived from any  
7 other Public Act.

8           Section 999. Effective date. This Act takes effect upon  
9 becoming law.

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4	730 ILCS 205/Act rep.	
5	730 ILCS 210/Act rep.	
6	5 ILCS 70/1.43 rep.	
7	5 ILCS 100/5-45.35 rep.	
8	5 ILCS 140/2.15	
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10	5 ILCS 315/14	from Ch. 48, par. 1614
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19	15 ILCS 205/10 rep.	
20	20 ILCS 2605/2605-302	was 20 ILCS 2605/55a in part
21	20 ILCS 2610/14	from Ch. 121, par. 307.14
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23	20 ILCS 3930/7.7 rep.	
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1	50 ILCS 105/4.1 rep.	
2	50 ILCS 205/3b	
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